Bond Case Briefs

Municipal Finance Law Since 1971

ZONING & PLANNING - KANSAS

Austin Properties, LLC v. City of Shawnee

Supreme Court of Kansas - March 7, 2025 - P.3d - 2025 WL 731911

Developer filed petition for judicial review of city council's denial of its application for "rezoning" to develop mixed residential planned unit development, contending that city council's decision was unreasonable and was invalid for violation of zoning-procedure statutes, and that city violated due process by unlawfully expanding statutory right to protest.

The District Court granted city's motion for summary judgment. Developer appealed, and the Court of Appeals affirmed. The Supreme Court granted developer's petition for review.

The Supreme Court held that:

- Municipal provision and statute were both applicable to developer's claim that city failed to follow the necessary procedures;
- A valid protest petition simply increases the percentage of approval votes needed to approve the protested zoning amendment change; this is true at both the initial consideration and any subsequent consideration after an application has been remanded to the planning commission and resubmitted;
- City, after failing to gain a supermajority's approval of planned unit development application which was subject to protest petition, was required either to vote on denial or return the application to the planning commission with an explanation of why the application was not approved or denied; and
- Municipal code did not conflict with state law in subjecting planned unit development applications to protest petitions and a supermajority requirement for approval.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com