

## MINUTES

### RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, August 14, 2023  
7:30 pm

Courthouse Plaza East  
Commission Meeting Room  
115 North 4<sup>th</sup> Street

Members Present: John Wienck, Chair  
Joe Gelroth, Vice-Chair  
Diane Hoobler  
Nathan Larson  
Rita Cassida

Members Absent: None

Staff Present: Amanda Webb – Director, Bob Isaac – Planner

Others Present: Tim Fairbanks, Blaine Burris, Marion Brandenburg, Robert Brandenburg, Dale Blasi, Roxann Blasi, Troy Coberly, Paul Frisbie, Annette Frisbie, Rick Cox, Jen Cox, Beth Turtle

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#### **OPEN PUBLIC COMMENTS**

None

#### **CONSENT AGENDA**

The minutes of the July 10, 2023 meeting were presented. Diane Hoobler moved to approve the minutes, and Joe Gelroth seconded. Carried 5-0.

The Report of Fees for the month of July (\$3,000.00) were presented. Nathan Larson moved to approve, and Joe Gelroth seconded. Carried 5-0.

Diane Hoobler moved to adjourn the joint meeting of the Riley County Planning Board/Board of Zoning Appeals and, due to the lack of agenda items for the Board of Zoning Appeals, moved to reconvene as the Riley County Planning Board. Joe Gelroth seconded. Carried 5-0.

#### **RILEY COUNTY PLANNING BOARD**

##### **Cox – Replat**

Chairman Wienck opened the public hearing at the request of the Rick and Jennifer Cox, petitioners, and Ricky L. Cox, owner, to replat Lot 4 of Terra Heights Addition No 2 and an unplatted vacated portion of the south right-of-way of Tuttle Cove Road, into two lots, located in Grant Township, Section 14, Township 9 South, Range 7 East, in Riley County, Kansas.

Bob Isaac presented the request. He explained the applicants wish to build an additional house. Mr. Isaac stated the Board of Commissioners of Riley County recently vacated a portion of the south right-of-way of Tuttle Cove Road that abutted the north property line of Lot 4. He

explained that, typically, the newly vacated right-of-way would revert back to the property that abuts it, but in this case, the right-of-way was established prior to the original plat for the purposes of a state highway bypass (K-13); thus, the right-of-way was never dedicated as part of the plat. He explained the newly vacated portion of right-of-way stands as an independent tract under the ownership of the applicants. Mr. Isaac explained that the newly vacated right-of-way and Lot 4 of Terra Heights Addition No. 2 would need to be combined prior to the subdividing of the lot (via replat).

Staff recommended that the Planning Board approve the Final Plat of Terra Heights Addition No. 6, as it was determined that it met the minimum requirements of the Riley County Land Development Regulations and the Sanitary Code.

Diane Hoobler asked if they are wanting to build a house.

Mr. Isaac affirmed.

Nathan Larson if the new lot will be flat or a hill side.

Bob Isaac replied it is a hill side and will require a lot of earth work to be done.

Chairman Wienck opened the public hearing and asked if the applicants wanted to speak.

Rick Cox stated he and his wife Jennifer have resided in Hesston, Kansas for the last twenty years. He said both are graduates of Kansas State University and have three sons attending. Mr. Cox said the new house would be their personal house.

Diane Hoobler verified that the property owner would have a residence on each lot and would one be rented.

Mr. Cox stated the current residence is an Airbnb (short-term rental).

Chairman Wienck verified access to the newly created lot will be off Thompson Road.

Mr. Cox affirmed.

Chairman Wienck asked if there were any proponents within a 1000' feet.

Tim Fairbanks stated he lives at 5405 Terra Heights Drive and that he and his wife closed on the property June 1, 2023. He stated he didn't know he was moving next to a hotel but a residential property in the country.

Chairman Wienck asked Mr. Fairbanks if he was for or against the request.

Mr. Fairbanks stated he was against the request.

Chairman Wienck asked again for any proponents. There were none.

Chairman Wienck asked if there any opponents within 1000' feet.

Mr. Fairbanks stated he just moved in 10 days ago. He said that weekend he stood in his driveway looking at seven cars along the Cox's driveway and in the yard. He asked what is to stop the Cox's from building another Airbnb on the other lot. He said this is not what he expected. He said he feels like the Airbnb will bring down his property value and be a nuisance.

Dale Blasi stated he and his wife Roxann have lived at 5312 Terra Heights Drive since 2015 and said it's a long-established residential neighborhood. Mr. Blasi said he echoes Mr. Fairbank's sentiments on the volume of traffic. He said coming into Terra Heights, houses 1, 2, 4 and 6, there are four families with children ages high school to toddlers. He mentions that because of the volume of traffic on the weekends. He said that, in the last three months, he has contacted the police department regarding one particular speeder with a Missouri (license) plate. He said he subsequently contacted Mrs. Cox with his concerns about the people who want to be there to have a good time don't know the neighborhood. He asked what's to say the new residence won't be turned into an Airbnb.

Joe Gelroth asked Mr. Blasi to go to the map and show what he is referencing as houses 1, 2, 4 and 6.

Chairman Wienck asked about the slope of Terra Heights Drive.

Robert L. Brandenburg said he and his wife, Marian live at 5247 Terra Heights Drive. He said his driveway is where the hill drops off steeply. He stated he stands in opposition of the replatting request for the following reasons:

- Increased traffic: the road is maintained by the residences not the county.
- Airbnb not being managed.
- Extra burden on water and sewer.

Paul Frisbie, 5313 Terra Heights Drive, said he hopes the Cox's build a house for themselves, and they will welcome them to the neighborhood. He asked what the right-of-way was used for. He asked if there has been a feasibility study done on the sewer or water for additional hookups. He said he is against the request.

Bob Isaac stated the 1000' notification is for public hearings, which is required by law for rezonings. He said what you see here is a courtesy as this request is a replat. He said as far as the Terra Heights sewer and rural water capacities; it was determined and confirmed that both have capacity for future housing.

Mr. Isaac stated he understands the neighbors are very passionate about the short-term rental but that is not why we are here tonight. He explained that the short-term rental is licensed through Planning and Development and is a permitted use in the residential zoning district. Mr. Isaac reminded the board that they are reviewing a request to replat, whether or not it meets the subdivision regulations or not.

Joe Gelroth mentioned the abandoned right-of-way.

Mr. Isaac explained the applicants contacted the county engineer about vacating the right-of-way.

Robert L. Brandenburg asked if the survey done on the sewer was for normal residential use or significantly higher use. He said there were 10 vehicles parked at the one home.

Bob Isaac stated there are improvement districts and even on-site systems that go from a normal single-family residence to Airbnb's. He explained that the size of an onsite wastewater system is designed based on the number of bedrooms.

Chairman Wienck replied we are not here tonight to discuss the Airbnb but for a replat for an additional house.

Mr. Isaac stated he would like to touch on the topic of additional traffic. He agreed that the Airbnb may generate traffic, but Terra Heights Drive is a public right-of-way and people have a right to drive on it, whether they are from the neighborhood or not.

Chairman Wienck said it should be noted that there are a lot of unhappy neighbors concerning this Airbnb.

Diane Hoobler said there is an Airbnb near her and that there needs to be notification to property owners within the area.

Mr. Isaac replied notification to property owners is already being done by Planning and Development.

Marian Brandenburg, 5247 Terra Heights Drive stated she is strongly opposed to the request to replat.

Dennis Winter, 5221 Terra Heights Drive asked why don't the Cox's exit their new property from Thompson Drive and we would all be fine.

Chairman Wienck replied, the new lot will be accessed from Thompson Road.

Diane Hoobler said he wants the Airbnb to exit onto Thompson Road.

Mr. Winter said if they would agree to exit on Thompson Road, it would eliminate all the additional traffic on Terra Heights.

Mr. Isaac stated per the subdivision regulations, each lot must abut and directly access a public road. He said once the lots are split, they will be unable to share a driveway. He said Lot 1 will access Thompson Road and Lot 2 will access Terra Heights Drive.

Joe Gelroth moved to close the public hearing. Diane Hoobler seconded. Carried 5-0.

Diane Hoobler moved to approve the request to replat Lot 4 of Terra Heights Addition No 2 and an unplatted vacated portion of the south right-of-way of Tuttle Cove Road, into two lots, to be known as Terra Heights Addition No. 6, for reasons stated in the staff report.

Joe Gelroth seconded. Carried 5-0.

Mr. Isaac announced that the Board of County Commissioners would hear the request on August 24, 2023, at 10:20 am, in the County Commission Chambers.

### **Riley County Land Development Regulations discussion of amendments**

Amanda Webb said discussion this evening is auto repair and auto service. She stated we do not have proposed language in the regulations but are looking for input and direction to put

together draft language. She said that Auto Service is currently allowed in C-2 zoning district but auto repair is not.

Discussion was held amongst the board members and staff.

Joe Gelroth moved to adjourned. Nathan Larson seconded. Carried 5-0.

Meeting adjourned at 8:59 p.m.