

**NORTHWEST CONSOLIDATED ZONING BOARD**  
County Administration Building  
111 S. Cherry Street  
Olathe, Kansas 66061

**MINUTES**  
**MONDAY, OCTOBER 20, 2008**  
**7:00 P.M.**

**CALL TO ORDER**

A regular meeting of the Northwest Consolidated Zoning Board, Johnson County, Kansas, was convened at 7:00 p.m. on Monday, October 20, 2008, and was called to order by Chairman Mike Fowks, with the following members present and participating; to-wit: James Neese, Jennie Crowder and Calvin Hayden. Also in attendance was Pamela Hayhow, Johnson County Planning Department; serving as secretary to the zoning board, Sherry Cross.

**AGENDA ITEMS**

The Chairman: Are there any additions, deletions or revisions to the agenda?

[None]

*Motion* by Ms. Crowder, *seconded* by Mr. Hayden, to approve the agenda for the October 20, 2008, meeting.

*Motion carries unanimously.*

The Chairman: Any disclosures of conflicts of interest?

[None]

The Chairman: Disclosures of external contacts?

[None]

**APPROVAL OF MINUTES**

The Chairman: Has everyone had a chance to review the minutes from the August 18th meeting? Does anybody have any revisions? I had one. On the Call to Order and a few pages back, where I asked Bill Klassen a question, his name is misspelled on the front. (*Note: Bill Kiesling should be Bill Klassen.*)

~~*Motion* by Ms. Crowder, *seconded* by Mr. Hayden, to approve the minutes of the August 18, 2008, meeting, as amended.~~

*Motion carries unanimously.*

## **BOARD REPORTS**

The Chairman: Board of County Commissioners' actions or Planning Commission activities?

Ms. Hayhow: The last time this board met was in August, to hear a conditional use permit renewal for a tower, I believe it was on Kill Creek Road. That went to the Board of County Commissioners on September 18th and was approved 6-0. I believe that's the only activity that has occurred.

## **BUSINESS BEFORE THE BOARD**

The Chairman: *(Outlined process for speaking, etc.)*

**Application No. NW-CU-2874 (LE) – Conditional Use Permit Renewal – 8410 Edgerton Road** Greg Oberhelman, applicant/landowner, is requesting Conditional Use Permit Renewal for an existing dog training and boarding kennel, located at 8410 Edgerton Road, in Section 25, Township 12, Range 21, zoned RUR, Rural District.

Ms. Hayhow: The property owner, Greg Oberhelman, is requesting renewal of a conditional use permit, to continue the operation of a kennel for dog training and boarding purposes. The kennel has operated from this site for approximately 20 years. The original conditional use permit was granted in 1987 and was renewed twice, the first time for a five-year period, and the latest was in 1998 for a ten-year term. There are four employees who work full time at the kennel. I have pictures here. I don't know if the commission was able to get out and look at the site improvements, but these are pictures of the site and what's going on. The kennel is licensed by the state for a capacity of 60 dogs and is currently operating within the limit of 30 dogs that was stated on the previous conditional use permit. The request before you tonight involves a request that the number of dogs permitted within the kennel be raised to a maximum of 45, as the operation previously involved animal field trials, outdoor lighting, and breeding. Those functions are no longer a part of this operation, so the applicant would like to increase the number of dogs to 45. The existing facilities are capable of accommodating an increase in the number of dogs, with slight modifications, additional inside runs. There may also be some changes to the septic system in order to accommodate the additional dogs.

The dog training consists of five or six classes each week scheduled at different times during the day. Normal hours of operation are from 7:00 a.m. to 5:30 p.m. on the weekdays, and briefly from 7:00 to noon on Saturday. Training is limited to obedience and behavior modification and is offered onsite through private lessons or conducted offsite at veterinary clinics. Occasionally training is offered in the evening within the indoor training arena.

Animal training and boarding facilities are allowed uses in the rural district, provided a conditional use permit is approved by the County. This one has been in operation with the stated stipulations for approximately 20 years. Staff reviewed the application with regard to the regulations, the *Rural Comprehensive Plan*, and Golden Criteria. In particular, whether the use would be consistent with the zoning and uses of nearby properties. The kennel use remains consistent with the zoning and uses of nearby properties. There hasn't been a lot of development in the area. It's compatible with the character of the neighborhood. The kennel, especially without field trials and the use of outdoor lights, will continue to be compatible with the character of the neighborhood. An increase in the number of dogs boarded under the same limitations as the previously-approved conditional use permit, less the provisions for field trials, no exterior lights, and no breeding, should actually decrease the potential detrimental effect to nearby properties.

Staff reviewed the application in regards to Article 23, the conditions required for a conditional use permit issuance. There are seven criteria listed on page five. In particular, there are no structural or topographical alterations requested at this time. The applicant with the previous conditional use permit requested a future 960 square-foot expansion. He doesn't have any immediate plans for this addition, but would like to keep that open for future development. It would be subject to whatever flood plain and building code regulations are in effect at the time of that application.

With that, staff recommends approval of the renewal to allow continued operation of the kennel, subject to the conditions listed on page 6 and page 7, and for the reasons stated.

The Chairman: Thank you. Does the board have any questions for staff? I have one question about the letter to the city. Did the applicant see that and read that letter, from the city of De Soto?

Ms. Hayhow: I provided the letter to the applicant. I also responded to the letter. I just gave you the letter from them, but I didn't supply you with the response back. But we did respond to the city of De Soto, and after providing input, they were okay with the request.

The Chairman: Great. Would the applicant like to add anything?

*Greg Oberhelman, applicant, appeared before the zoning board and made the following comments:*

Mr. Oberhelman: Part of the reason for the increase in dogs is the demand. It seems like in pet owners' homes throughout the county, that they have two dogs, not one. It's real tough to do business when we've had clients for eight to 10 years, and now, it's just something that's been going on for quite awhile. They go out and adopt the dog for one reason, I think, seeing how many dogs are out there, the Humane Society and what-have-you. That's probably the main reason. And I've seen a lot of people in the last six or seven years – I don't recommend it, but they get two puppies at the same time, out of the same litter. So, that creates a little problem there when, you know, you have clients that have two dogs, and that increases the demand for the kenneling part.

Other than that, the classes are taught at night off-property. Private lessons, when we do that business at night after hours, it's only because they're out-of-town clients, and we try to do what we can to get it wrapped up. Even open up on Sunday afternoon so they can get back to wherever they live. That's usually not too far – Oklahoma, Omaha, we have some clients come from. We have one client that came out there through a referral. They were coming to the city anyway, but she lives in Mexico, but I don't know whether to include that as a referral. Most of our clientele is Johnson County up to the state line. That's the only reason why we're there after hours. There haven't been any dog shows out there since 1999. That part of the business went west.

That's about the size of it. Kind of living the American Dream out there. I worked for General Motors for 16 years and left there to go full time in the business in 1990. I had two little kids, two and four, and that's kind of scary, but it's all worked out. We take a lot of pride in what we do, and we're glad to be in Johnson County.

The Chairman: Does the board have any questions for the applicant?

Ms. Crowder: Have you seen all the recommendations? Do you agree with those?

Mr. Oberhelman: Yes. I don't know...

The Chairman: They're almost identical to the stipulations you had on the original.

Mr. Oberhelman: I'm kind of shooting from the hip tonight because I wasn't prepared. What would happen if, say I needed a fifth employee, maybe a part-time person? Would the limitations be pretty strict? Would I have to come in front of the board for that, to be legitimate? You know, if I needed another employee during the summer months?

Ms. Crowder: Would they be at work at the same time as the other four?

Mr. Oberhelman: Well, yeah, they wouldn't be there from the night. Everything would be done during business hours, which are, by the way, staff gets in there, except for winter hours, at 7:00, but actually the hours for the business are 7:30 to 5:30. That fifth person would be there during business hours; it wouldn't be after hours.

The Chairman: But it would be at the same time as the other four employees....?

Mr. Oberhelman: Yes and no.

The Chairman: It says no more than four employees, not including the applicant, shall work on the site at the kennel at the same time.

Mr. Oberhelman: Oh, that doesn't include me? Then we're okay.

Ms. Hayhow: The number of four employees came up during discussion with how many employees that you have now and how many you would need for the additional dogs. That's where we came up with the number four.

The Chairman: Four plus the applicant.

Ms. Hayhow: I've written it as four not including the applicant, if you wanted to add one to allow a little flexibility that would be fine, I wouldn't recommend that it be open-ended, but if you wanted to shift to five, if that meets your expected future ....

Mr. Oberhelman: Well, I was trying to hire new people here in the last month, and I was beginning to wonder if I was going to wind up with just two or three part-time people instead of full-time, just the way it was going. I needed to get somebody in there for the cleaning part of the business and what-have-you, the sanitation part. I did find a good full-time person to do that. I really prefer full-time people anyhow. I just thought I'd ask that.

When I started this business, sanitation and safety were right up front. I mean, that's how I learned old-school, and that's always up front. So, even when they're outside in those play areas I've got designated out there – I'm looking off of, right now, nine actually – they're regularly cleaned. I mean, he goes through a thorough sanitation in the morning, everything from the sidewalks, the walls, the chain link – everything is sanitized. It used to be, in the first 10 or 12 years, it's changed a lot since 9/11, but I used to be inspected regularly, like once or twice a year. They'd come in and inspect everything. But I think their directing their attention in other areas now. But even areas outside are scooped daily. That's all I have.

Ms. Hayhow: The Environmental Department has touched base with staff on this application and will be getting in touch with Mr. Oberhelman about potentially needing to upgrade his holding tank situation.

The Chairman: Any other questions or discussions? We'll open the public hearing; I don't see anyone from the public here, so we'll close the public hearing and go ahead and discuss the application between board members. Any discussion or questions?

Ms. Crowder: No.

Mr. Hayden: My question is, we have a man here who has had a good, clean history with no violations, is there a reason you have to do this every ten years? I mean, he's got 20 years of history and we know he's complied with all the regulations. Is there any way this could be extended? It seems to me that every ten years, when you operate in compliance, it seems a little bit much.

Mr. Neese: Well, compliance isn't the issue. Compliance is what's going to happen in the area in the next ten years. Calvin, do you have a clue?

Mr. Hayden: No.

Mr. Neese: That's why the ten years is going to keep things running, like it does now. The environment doesn't change out there, he comes back in at ten years, it takes two hours to get through this process.

The Chairman: Good enough argument for me.

Mr. Oberhelman: So when you say "environment changes," you're saying that...? Could you detail that for me?

Ms. Crowder: Subdivisions.

Mr. Hayden: It could be subdivisions, city could annex out that way, there could be new homes built in the area, a park could develop. And those are factors that none of us have any control over.

Mr. Neese: Twenty years is a long time.

Mr. Hayden: It really is.

The Chairman: Is there any other discussion? Is there a motion?

Ms. Crowder: I'll make a motion, that we recommend approval of the application as stipulated by the recommendations of the staff.

Mr. Neese: Second.

***Motion approved unanimously.***

Ms. Hayhow: This goes before the Board of County Commissioners on November 20th, at 9:30 in the morning.

**OTHER BUSINESS**

[none]

**BUSINESS FROM THE FLOOR**

[none]

**OLD BUSINESS**

[none]

**NEW BUSINESS**

[none]

**ADJOURNMENT**

Thereupon, with no further business to come before the Northwest Consolidated Zoning Board, the Chairman at 7:22 p.m. declared the meeting to be *Adjourned*.



Mike Fowks, *Chairman*

**ATTEST:**

  
Secretary to the Board