

January 25, 2023

Ashlyn Mathy  
 El Paso County Planning & Community Development  
 2880 International Circle  
 Colorado Springs, CO 80910

Please add PCD File # AL-22-19

RE: 9910 Tomahawk Trail  
 Project Summary - Special Use Variance

**General Information:**

<b>EXISTING ZONE</b>	RR-5
<b>PROPOSED ZONE</b>	N/A
<b>LEGAL</b>	Lot 9, Block 1 Indian Wells, Filing 1
<b>PROJECT ADDRESS</b>	9910 Tomahawk Trail
<b>SITE AREA</b>	5.36ac
<b>BUILDING AREA</b>	3,931sf

**Project Discussion:**

The proposal for the Special Use Variance on the existing residential 5.36 ac is located at 9910 Tomahawk Trail and west of the Old Settlers Trail and Raygor intersection in the Indian Hills subdivision. (Parcel # 2231-022-05-028).

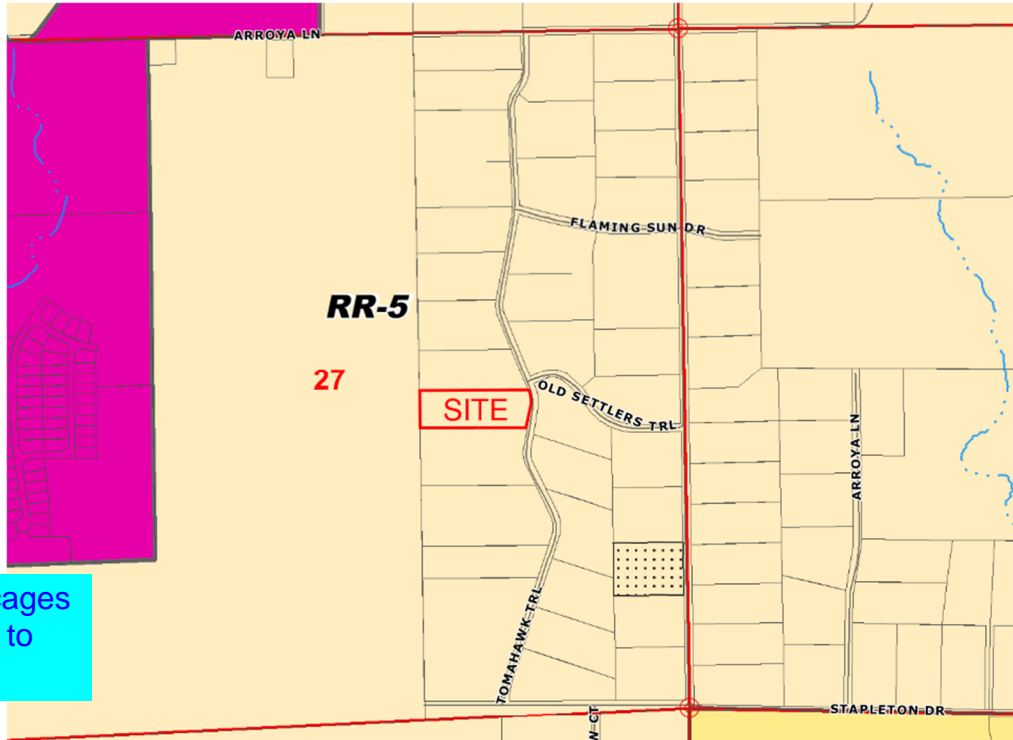


The ~5ac site currently is zoned Residential Rural (RR-5) with an existing 3,931sf single family home, detached garage and barn located on the site.

The noted site is surrounded by similar RR-5 uses designations. Currently the lots to the west and south are vacant with the adjacent residential uses to the north and east. No revisions to the zone



designation are being requested with this application. All applicable use and applicable dimensional standards are being met with the existing home and barn structures.



8 of the kennel cages are not attached to the barn

The proposal for the Special use Variance is to allow for the addition of 16 exterior dog runs on the existing barn structure. These runs provide 5'X10' exterior fenced runs for the owners dogs. The noted runs include a gated enclosure and exterior screen wall and cover. The keeping of 4 or more domestic cats or dogs requires an application for an accessory use in the RR-5 zone district. This application seeks the keeping of more than (4) domestic pets and will fall into a Major Kennel use application. The El Paso County Land Development Code describes a Major Kennel as follows:

**Kennel, Major** — Any place or premises used in whole or in part for the purpose of keeping, training, boarding, breeding or sale of domesticated dogs or cats in which 9 or more dogs or cats exist, and all of which exceed 4 months in age, to include animal pounds, animal daycare facilities, and shelters. Establishments where animals are offered for sale as the primary use, such as pet stores, are not classified as kennels.

The application for a Major Kennel in the RR-5 Zone district is considered a Special Use request. The Major Kennel use standards require a minimum 200' setback from all property boundaries. This requirement for the setback in certain instances, where appropriate actions can be taken to mitigate potential impacts, can look to setback reductions through approvals by the PCD Director.

Due the size of the property, a 200' requirement in this instance will not be able to be achieved adding the variance request component to the noted application. The applicant is requesting a reduction in the setback with proper measures to mitigate any potential impacts:

Please discuss the efforts made to mitigate smell, noise, or visual impacts from the kennel being so close



**Project Justification:**

The proposal for the Special Use application seeks the approval for a major kennel with a variance to the setback requirements. The request for the kennel is for personal family pets and is not for commercial purposes nor will that be the intent for the property or owners. The proposed application seeks the approval for 16 kennels/outdoor runs on the noted property. These kennels provide interior doors to allow the dogs to be let out temporarily in a secured area. The application seeks to address improvements made on the site prior to recent applications and in an effort to appropriately address recent Code Enforcement letter. The applicant has made efforts to mitigate the proposed improvements impacts to adjacent properties but understands the potential for additional improvements.

How many dogs will be on the property? Is there intent to get more?

The noted 5+ac property is approximately 280' wide which does not reasonably allow for the kennel setback requirements associated with the side yards and more specific southern vacant lot. The noted kennel improvements are on the south face of the existing barn structure and located approximately 37' from the south property boundary at the closet point and outside of the established RR5 zone district building setbacks. In addition, the proposed kennel improvements along the southerly boundary are adjacent to a vacant residential parcel. The closest residential structure is approximately 400'+ to the east with other adjacent residences 420'+ or more in distance.





Please discuss the efforts made to mitigate smell, noise, or visual impacts from the kennel being so close

Please clarify this to the "Under the Sun Dog Training & Daycare" facility on 6050 Vincent to show and explain distinction from actual business

Currently setbacks from the north, west and east can be reasonably accommodated with the current kennel location. Understanding the request for the reduced setback and potential future impacts to improvements on the southerly lot and the adjacent properties as a whole, the owners have taken steps to not only mitigate the visual appearance of the site but also utilize bark collars for their pets and limit the outside yard time for the dogs to ensure the noise is mitigated throughout the day. All outdoor spaces on the property are fenced and gated in addition to the kennel space requested

The owners Colton and Heather Johnson are local dog training and dog behavior experts who own a doggie daycare and training facility in Colorado Springs that provides dynamic care and training facilities for the Pikes Peak Region and beyond. They are uniquely attune to the behaviors and impacts of care facilities and look to ensure that their personal family pets and the location of the noted improvements limit the impacts to neighbors.

**Special Use Approval Criteria Justification (LDC Section 5.3.2c):**

***The special use is generally consistent with the applicable Master Plan;***

The noted site is located within the Large-Lot Residential placetype and the application is seen as in keeping with Master Plan.

***The special use will be in harmony with the character of the neighborhood, and will generally be compatible with the existing and allowable land uses in the surrounding area;***

The special use application is seen in harmony with the neighborhood and large-lot residential rural type properties in the area. The noted application considers impacts to adjacent properties and has provided additional measures to reduce such.

***The impact of the special use does not overburden or exceed the capacity of public facilities and services, or, in the alternative, the special use application demonstrates that it will provide adequate public facilities in a timely and efficient manner;***

No impacts to the public facilities will be seen. The noted property is on well and septic and the current facilities and water allowances with the well are sufficient for the noted use. The current well permit notes that no more then 1acre-foot per year of water be drawn from the well. The intended use will not adversely impact the current water supply based on presumptive uses for a single residential property (~0.26acre-ft/yr) and the current application for a kennel(~0.07 acre-ft/yr)

***The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access;***

The noted application is for a personal kennel. The application does not seek a commercial use application and will not add additional traffic to the residential property.

***The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;***

The proposed application complies with all local,state and federal laws and regulations.

***The special use will not otherwise be detrimental to the public health, safety and welfare of the present or future residents of El Paso County; and/or***

The request for the special use is not detrimental to the public health, safety and welfare of El Paso County residents and is an allowed special use in the zone district.

***The special use conforms or will conform to all other applicable County rules, regulations or ordinances.***

The application conforms with all applicable County rules and regulations for the noted request.

Please address EA 22-150 comments that no Traffic Impact Study is required by meeting all the ECM Section B.1.2.D criteria. (per below)

In the Letter of Intent please provide a statement addressing drainage impacts from the proposed use. Please confirm that the proposed used will not adversely affect adjacent properties or existing storm water runoff patterns.

**Project Contact(s):**

**Applicant: Colton and Heather Johnson**

Address: 9910 Tomahawk Trail  
Colorado Springs, CO 80908

Email: [colton@utsdog.com](mailto:colton@utsdog.com)

**Consultant: Jon Romero, ASLA, PLA**

Company: Galloway & Company, Inc.  
Address: 1155 Kelly Johnson Blvd, STE 305  
Colorado Springs, CO 80920

Phone: 719.308.2532

Email: [JonRomero@GallowayUS.com](mailto:JonRomero@GallowayUS.com)

Sincerely,  
**GALLOWAY**

•There is no Driveway Access Permit on file for existing driveway. A Driveway Access Permit is required for all access points onto a county or private road. Please apply for a driveway access permit through EDARP, <https://epcdevplanreview.com/> . Under "Getting Started" click on "Initiate a minor application", select Access Permit, and enter a valid email address. A verification code will be sent to the email provided. The verification code will be needed to access the application online.

D. **No TIS Required.** No TIS is required if all of the criteria below are satisfied:

- Vehicular Traffic: (1) Daily vehicle trip-end generation is less than 100 or the peak hour trip generation is less than 10; (2) there are no additional proposed minor or major roadway intersections on major collectors, arterials, or State Highways; (3) the increase in the number of vehicular trips does not exceed the existing trip generation by more than 10 peak hour trips or 100 daily trip ends; (4) the change in the type of traffic to be generated (i.e., the addition of truck traffic) does not adversely affect the traffic currently planned for and accommodated within, and adjacent to, the property; (5) acceptable LOS on the adjacent public roadways, accesses, and intersections will be maintained; (6)no roadway or intersection in the immediate vicinity has a history of safety or accident problems; and (7) there is no change of land use with access to a State Highway.
- Pedestrian Traffic: Paved pedestrian facilities exist or will be constructed on, or adjacent to, the site; or, the proposed use will not generate any new pedestrian traffic.
- Bicycle Traffic: Paved bicycle lanes or paths exist or will be constructed on, or adjacent to, the site; or, the proposed use will not generate any new bicycle traffic.