

January 25, 2023  
**REVISED May 2023**

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

RE: 9910 Tomahawk Trail  
Project Summary - Special Use Variance  
AL-22-19

**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).

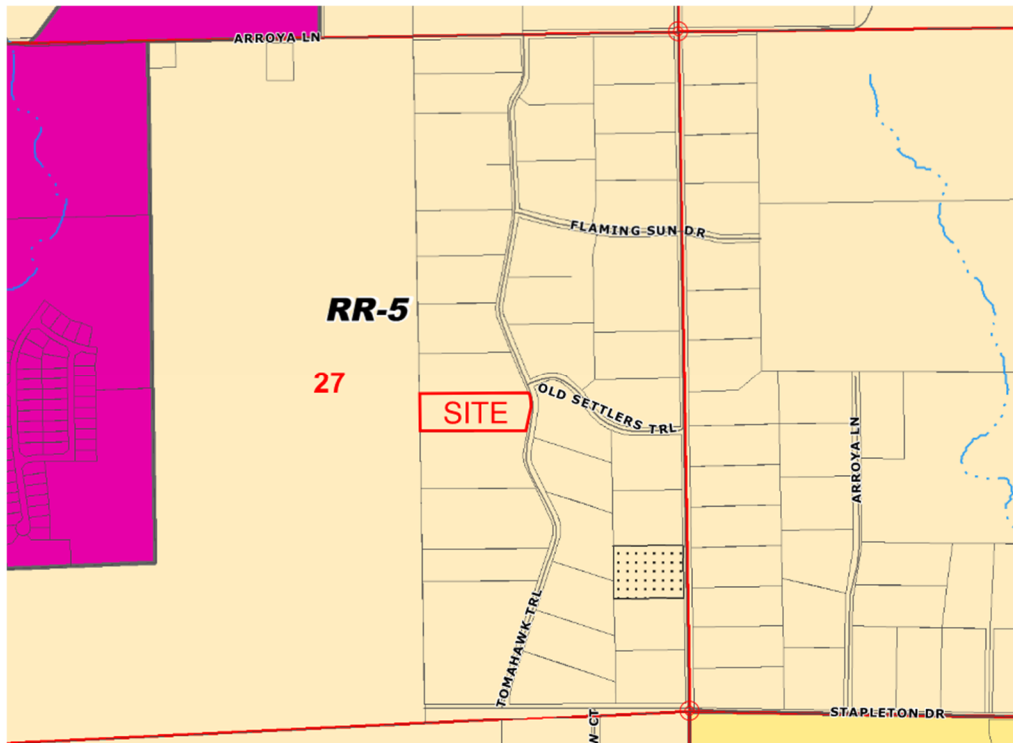


The ~5ac site currently is zoned Residential Rural (RR-5) with an existing 3,931sf single family home, detached garage and barn located on the site.

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.



The proposal for the Special use Variance is to allow for the addition of 16 exterior dog runs on the existing barn/shed 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.



**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. No more than 16 dogs will be on the property at one time and most runs are not utilized year around. 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 a 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.

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.



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 fencing provided to date that is along the adjacent property boundary is largely screened 6' privacy fencing with the owners looking to extend this along the length of the southerly boundary to mitigate noise alongside additional landscape buffering provided in the future by way of evergreen tree plantings. Pet waste is picked up daily and properly disposed of to mitigate smell. In addition the noted improvements do not or adversely affect the current drainage patterns or stormwater runoff as no additional impervious areas or grading efforts are being proposed with the improvements.

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. This request is not to be utilized as an extension of their current business and is for personal pets only.

**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 than 1 acre-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 (~0.26 acre-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. Per initial EA 22-150 it was determined in addition that a Traffic Impact Study meeting ECM criteria B.1.2.D was not necessary.

***The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, IRESPONSE: Added 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.

**Project Contact(s):**

**Applicant: Colton and Heather Johnson**

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Sincerely,  
**GALLOWAY**