EL PASO COUNTY
COLORADO

Meggan Herington, AICP, Executive Director
El Paso County Planning & Community Development
O: 719-520-6300
MegganHerington@elpasoco.com
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Board of County Commissioners
Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

June 26, 2023

RE: Major Kennel Special Use: 9910 Tomahawk Trail

File: AL-22-019
Parcel(s): 5227002009

This is to inform you that the above referenced request for approval of a special use application for a major kennel located at 9910 Tomahawk Trail was **approved** by the Planning and Community Development Director on 6/26/2023. It is the determination and finding of the Planning and Community Development Department (PCD) Director that the application meets the review criteria for approval of a Special Use included in Section 5.3.2 of the El Paso County Land Development Code (2022).

This approval is subject to the following conditions and notations:

CONDITIONS OF APPROVAL

1. Approval is limited to the major kennel, as discussed and depicted in the applicant's letter of intent and site plan drawings.
2. The landscaping as depicted on the site plan drawing will be required due to the kennel related structures being less than 200 feet away from the south property line.
3. Approval is limited to only 16 dogs on the property at one time.
4. Within sixty (60) days of special use approval, the applicant shall receive approval of a commercial site development plan. The deadline for receipt of approval of the site development plan may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval.

NOTATIONS

1. Special use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification, or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.

2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or special use conditions/standards are being violated, preceded by notice and public hearing.

Meggan Herington, AICP, Executive Director
El Paso County Planning & Community Development
O: 719-520-6300
MegganHerington@elpasoco.com
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Board of County Commissioners
Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

3. If the special use is discontinued or abandoned for two (2) years or longer, the special use shall be deemed abandoned and of no further force and effect.

All administrative decisions, such as this one, may be appealed to the Board of County Commissioners within 30 days of the date of the decision. Should you have any questions, please contact me at (719)520-6300.

Sincerely,

Meggan Herington, AICP, Executive Director
El Paso County Planning and Community Development Department
File: AL-22-019

Conditions of Approval:

2.The landscaping as depicted on the site plan drawing will be required due to the kennel related structures being less than 200 feet away from the south property line.
3.Approval is limited to only 16 dogs on the property at one time.
4.Within sixty (60) days of special use approval, the applicant shall receive approval of a commercial site development plan. The deadline for receipt of approval of the site development plan may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval.

SITE PLAN

SPECIAL USE - 9910 TOMAHAWK TRAIL

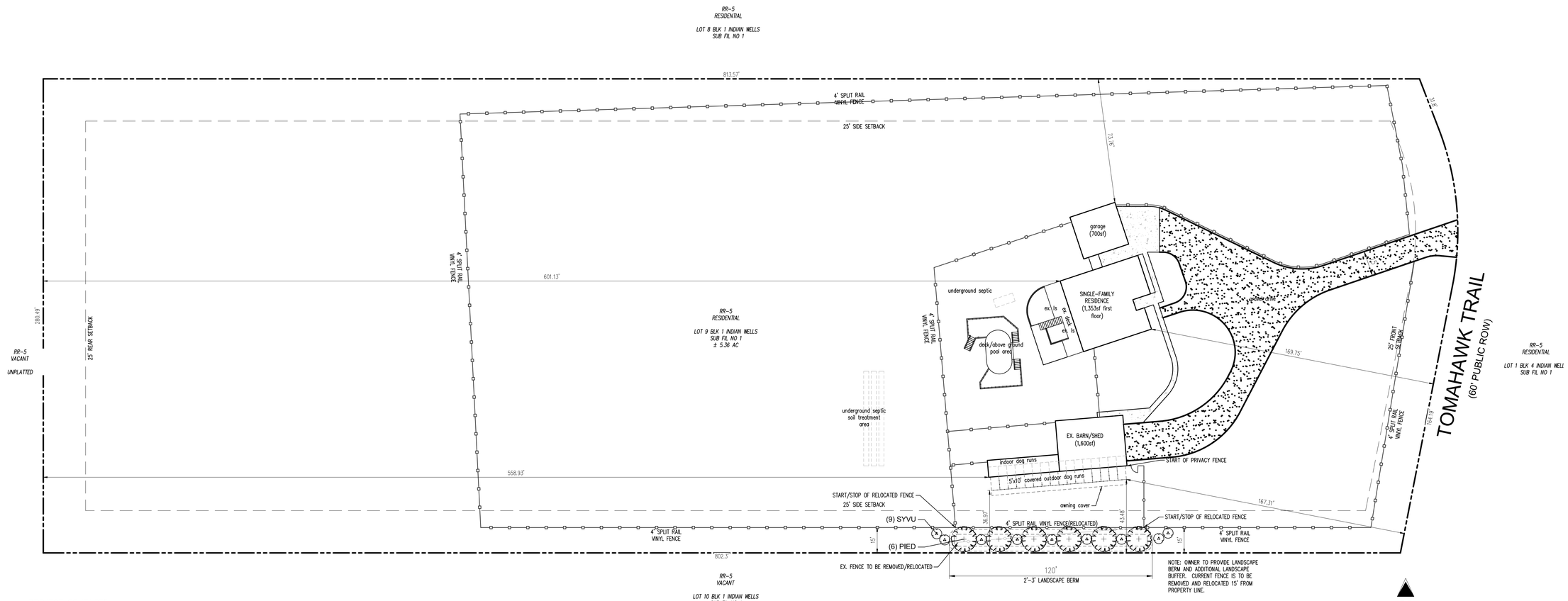
LOT 9, BLOCK 1 INDIAN WELLS - FILING 1

VICINITY MAP

LEGAL DESCRIPTION

LOT 9, BLOCK 1 INDIAN WELLS FILING 1
PARCEL CONTAINS 233,482 SQUARE FEET ± (5.36 ACRES).

SITE DATA TABLE		
ZONE DISTRICT: RR-5 – RURAL RESIDENTIAL		
ITEM	AREA (SQ. FT)	% OF GROSS SITE
GROSS SITE AREA	233,482	100 %
• BUILDING FOOTPRINT	3,653	1.6 % IMPERVIOUS
BUILDING SETBACKS	REQUIRED	PROPOSED
FRONT	25'	125.99'
SIDE	25'	119.44'
REAR	25'	80.40'



PROJECT CONTACTS

PROPERTY OWNER DEVELOPER

COLTON AND HEATHER JOHNSON
9910 TOMAHAWK TRAIL
COLORADO SPRINGS, CO 80908

LANDSCAPE ARCHITECT

GALLOWAY & COMPANY, INC.
1155 KELLY JOHNSON BLVD, STE 305
COLORADO SPRINGS, CO 80920
TEL: (719) 900-7220
CONTACT: JON ROMERO, ASLA, PLA

PLANT SCHEDULE

EVERGREEN TREES	CODE	QTY	COMMON NAME	BOTANICAL NAME	CONT.	CAL / SIZE	HT. X SPD.
	PIED	6	PINYON PINE	PINUS EDULIS	B&B	6` HT	25`X15`

DECIDUOUS SHRUBS	CODE	QTY	COMMON NAME	BOTANICAL NAME	CONT.	HT. X SPD.	WATER USE
	SYVU	9	COMMON LILAC	SYRINGA VULGARIS	#5 CONT.	6`X6`	LOW

Galloway
5500 Greenwood Plaza Blvd., Suite 200
Greenwood Village, CO 80111
303.770.8884
GallowayUS.com

PRELIMINARY
NOT FOR BIDDING
NOT FOR CONSTRUCTION

COPYRIGHT
THESE PLANS ARE AN INSTRUMENT OF SERVICE AND ARE THE PROPERTY OF GALLOWAY, AND MAY NOT BE DUPLICATED, DISCLOSED, OR REPRODUCED WITHOUT THE WRITTEN CONSENT OF GALLOWAY. COPYRIGHTS AND INFRINGEMENTS WILL BE ENFORCED AND PROSECUTED.

SPECIAL USE SITE PLAN
LOT 9, INDIAN WELLS FIL 1

9910 TOMAHAWK TRAIL
COLORADO SPRINGS, CO 80908

#	Date	Issue / Description	Init.

Project No:	UTS1.20
Drawn By:	JR
Checked By:	JR
Date:	6.8.23

SITE PLAN
COUNTY FILE NO.: AL2219

SP1

Galloway
1155 Kelly Johnson Blvd., Suite 305
Colorado Springs, CO 80920
719.900.7220 • GallowayUS.com

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:

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

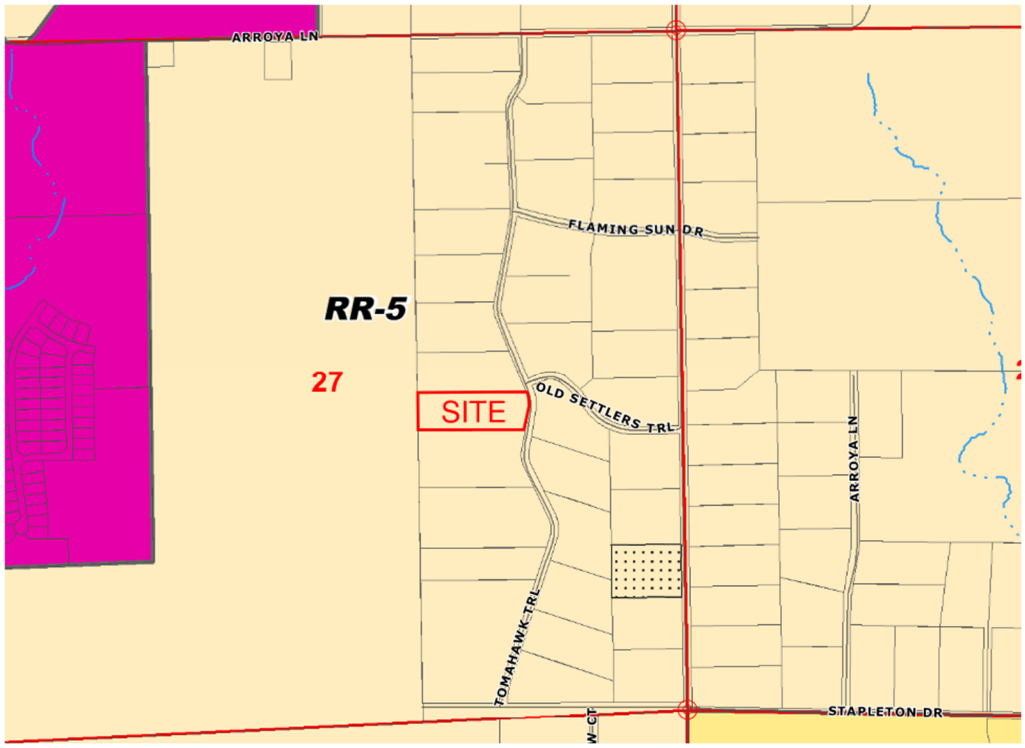
Project Discussion:

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 residencens 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 is picked up daily and properly disposed of to mitigate smell. In addition the noted improvements do impact the or adversely affect the current drainage patterns or stormwater runoff as no additional impervious areas or grading efforts area 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 there 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 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. 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 ight, 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**
Address: 9910 Tomahawk Trail
Colorado Springs, CO 80908
Email: 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

Sincerely,
GALLOWAY