



BOARD OF COUNTY COMMISSIONERS STAFF REPORT

BOCC Hearing Date: August 12, 2026

Application: **TPLO2GO SUR-2025-0002**
Special Use by Review (SUR) permit for the establishment of a small surgery center that specializes in canines and felines, at 37631 County Road 21 Elizabeth, CO.

Applicants: Jenny Van Deventer and Dustin Devine

Subject Property: 37361 County Road 21 Elizabeth, CO 80107.

Project Summary

The applicants are requesting approval of an SUR to construct and operate a small-scale veterinarian surgery center, at 37361 County Road 21. The surgery center is proposed to be open no more than five days a week, with patients strictly being canine and/or feline. With no more than seven patients per day, and designated dropoff/pickup times, minimal traffic is to be expected.

No outdoor kennels are proposed, and a small, fenced area will be created for patients using the restroom. No patient will be unattended while outside of the surgery center and will be leashed at all times. Patient waste will be removed from the premises daily, and disposed of in a separate trashcan, which will be removed biweekly by the current trash provided, or a similar company.

The surgery center does not provide overnight services, so all felines/canines receiving care will be able to go home at the end of each workday. No boarding of felines/canines is offered, nor do breeding endeavors occur. TPLO2GO does not offer standard wellness visits, vaccinations, or other general veterinarian care. The business focuses on Tibial Plateau Leveling Osteotomy (TPLO) surgery.

Per conversations with Elbert County Public Works, a commercial driveway will be installed to Elbert County Standards and Specifications to access the surgery center. The driveway to the surgery center will be gated; with the gate being open during business hours and closed at all other times.

Background & Existing Conditions

The subject property is 40-acres, and zoned Agriculture (A), with an existing residence and barn on the property, that are to remain. Currently, a family member of the applicants, who is a retired small animal veterinarian, resides on the property. The applicants reside in Franktown but plan to continue maintaining the subject property. The business, TPLO2GO, was founded in 2021, and offers affordable specialized surgical services. Currently, TPLO2GO operates in Englewood, CO. However, with the residents residing in Franktown, they are looking to bring the business closer to home.

There is an existing well on the property that serves the current residence. The well will not be utilized by

the proposed surgery center. The applicants have received approval from the Colorado Division of Water Resources (DWR) for a replacement well on the property, Case #25CW3604. Due to minimal water demand from the surgery center, the applicants are proposing a water holding tank, up to 2,500 gallons, to be installed on the property, contingent on SUR approval. If the applicants decide to install a new well, proof that the existing well is capped and abandoned will need to be provided to DWR. However, the applicants are proposing to contract a legal watering hauling company to fill the proposed water tank, contingent on SUR approval. After conversations with DWR, the current well does not meet commercial well standards. As a result, a new well will have to be installed in order to serve both the residence and business efficiently. However, at this time the applicants would like to keep the existing well and utilize a water holding tank for the surgery center.

There is an existing OWTS on the property but will not be utilized by the proposed surgery center. The applicants will apply for an additional septic through Elbert County Public Health (ECPH), contingent on SUR approval. ECPH will review, approve, and issue appropriate permits for the new OWTS at that time.

Site Characteristics

Site Description: Subject property is currently zoned Agriculture (A), with no land features presenting concerning topographical conditions or hazards. There is an existing residence and barn on the property.

Floodplain: No floodplain on property.

Wetlands: No wetlands on property.

Access: County Road 21.

Timeline of Project

- Pre-Application Meeting – May 14, 2025
- Community Meeting – June 16, 2025
- Application Submittal – January 1, 2026
- 1st Referral Period – January 13 through February 3, 2026
- 2nd Referral Period – May 26 through June 9, 2026
- Mailed notice sent to surrounding property owners within 2640' radius – July 22, 2026
- Public notice sign posted at subject property – July 20, 2026
- Newspaper notification published in Elbert County News – July 16, 2026
- Planning Commission Public Hearing – August 4, 2026
 - Voted 8-0 to recommend approval to the Board of County Commissioners
- Scheduled Board of County Commissioners Public Hearing – August 12, 2026

Public Notification

The applicants followed the public notification procedure as outlined in County Regulations, Article II.E., which included newspaper notice to the Elbert County News, mailed notification to surrounding property owners within a 2640' radius, and a notification poster posted at the subject property, which was completed within 14 days of the Planning Commission Public Hearing.

Community Meeting & Public Comment

At the community meeting held on June 16, 2025, there were five residents in attendance, in addition to the applicants and county staff. The topics discussed at the meeting included: further development, allowance of business with property owners living in Franktown, and details of the business operations.

The applicants explained to the attendees that no subdividing is being proposed, dog boarding, or the development of multiple lots. Since the community meeting in 2025, two public comments have been received.

Planning Commission

The SUR application was heard by the Planning Commission at their regular meeting on August 4, 2026. Two neighboring residents spoke against the proposal during the public comment portion of the hearing, citing mostly traffic concerns and considering the use a commercial business. The Planning Commission voted unanimously, 8-0, to recommend approval to the Elbert County Board of County Commissioners as presented.

Referral Process

This project was sent out for referral two times in 2026, January to February, and again in May to June 2026. Below is a list of the referral agencies who reviewed and responded to the project:

- Elizabeth Fire Protection District
- Colorado Division of Water Resources
- Elbert County Assessor's Office
- Elbert County Building Department
- Elbert County Community & Development Services
- Elbert County Public Health
- Elizabeth School District

Considerations for Decision

The following could be taken into consideration for a decision on TPLO2GO SUR-2025-0002:

- Veterinary clinic or hospital, such as the proposed surgery center, is allowed within the Agriculture zoning district (A) with an SUR.
- No outstanding objections from any referral agency.
- Surgeries are limited to canines and felines only.
- Minimal water usage, traffic, and other impacts are expected with the proposal.
- Unanimous recommendation for approval by the Planning Commission

Findings & Review Criteria

The following criteria, Article III.E.5 of the Elbert County Zoning Regulations, shall be considered by the Planning Commission and the Board of County Commissioners in reviewing all Special Use by Review applications, and by the CDS Director in reviewing Special Use by Review applications:

- (a) The use is in harmony and compatible with the surrounding area and neighborhood;**

During the referral process, no concerns were presented regarding neighboring properties or existing infrastructure to be affected. One public comment has been received on this proposal since the community meeting.

(b) The use will not have an undue burden on available infrastructure;

The Division of Water Resources reviewed the application, and the applicants have gone through water court to receive approval of an augmentation plan and additional well on the property. While the applicants have approval for the installation of an additional well, the applicants will utilize a legal water hauling company to fill the proposed water tank.

(c) The use will not unduly increase traffic congestion or burden the existing road system;

Elbert County Public Works reviewed the application and determined that a traffic letter was not required due to minimal traffic concerns being presented. Furthermore, no improvements to the existing road system, County Road 21, will be required of the applicant. However, the applicants will be required to install a commercial driveway from County Road 21 to the proposed surgery center. The driveway will be inspected and approved by EC Public Works. There are no outstanding objections or concerns from EC Public Works.

(d) The use will not cause significant air, odor, water, noise, or light pollution;

Services are entirely within the surgery center, aside from letting patients outside to use the restroom. Patient waste will be disposed of properly and in a sanitary manner. There were no concerns noted by Elbert County Public Health about waste disposal.

(e) All sanitation requirements will be met;

The proposed surgery center will not use the existing OWTS. The applicants, contingent on SUR approval, will apply for an additional OWTS permit through Elbert County Public Health (ECPH) Department. ECPH has reviewed the application and there are no outstanding objections or concerns.

(f) The use will be adequately landscaped, buffered, and screened;

The proposed surgery center is setback approximately 370' from County Road 21. While there is no landscaping or perimeter fencing proposed, the proposed building is located at a distance greater than the required setbacks.

(g) The use will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Elbert County; and

This proposed surgery center will allow Elbert County Residents access to orthopedic services for their feline and canine companions, without having to travel to a neighboring jurisdiction. The application was reviewed by various agencies and departments. There were no concerns presented nor are there any outstanding objections by any referral agencies.

(h) Supplemental Standards are met for specific uses, as applicable.

No supplemental standards applicable.

Potential Conditions of Approval

Should the Planning Commission decide to recommend approval for TPLO2GO SUR-2025-0002, the following conditions of approval may be appropriate.

1. Signs shall be removed within one (1) week of the conclusion of all notified meetings, public hearings or decisions. Signs not removed within one (1) week may be removed by Elbert County. Applicant subject to sign removal fee;
2. The SUR shall not become effective until all fees are paid, conditions of approval are met, and the SUR Exhibit is recorded; and
3. Recordation of all appropriate documentation to occur within 180 days of Board of County Commissioners' approval;