



RESOLUTION NO. 22-268

**EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF
COLORADO**

**APPROVAL OF Kettle Creek Estates
(REZONING) (P-22-004)**

WHEREAS; A request by Powroy Family Living Trust and J+M Investments, LLC for approval of a map amendment (rezoning) from RR-5 (Residential Rural) to RR-2.5 (Residential Rural). The 15.86-acre property is located at the southeast corner of the intersection of Otero Avenue and Old Ranch Road, approximately one-half of a mile east of Voyager Parkway and within Section 28, Township 12 South, Range 66 West of the 6th P.M. (Parcel Nos. 62280-05-030; 62280-05-033) (Commissioner District No. 1)

WHEREAS, a public hearing was held by the El Paso County Planning Commission on July 21, 2022, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application; and

WHEREAS, a public hearing was held by this Board on August 2, 2022; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Board of County Commissioners.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. The proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.

5. The proposed land use will be compatible with existing and permitted land uses in the area.
6. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner, which would interfere with the present or future extraction of such deposit by an extractor.
7. For the above-stated and other reasons, the proposed Amendment to the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.
8. Changing conditions clearly require amendment to the Zoning Resolutions.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves A request by Powroy Family Living Trust and J+M Investments, LLC for approval of a map amendment (rezoning) from RR-5 (Residential Rural) to RR-2.5 (Residential Rural). The 15.86-acre property is located at the southeast corner of the intersection of Otero Avenue and Old Ranch Road, approximately one-half of a mile east of Voyager Parkway and within Section 28, Township 12 South, Range 66 West of the 6th P.M. (Parcel Nos.62280-05-030; 62280-05-033) (Commissioner District No. 1)

BE IT FURTHER RESOLVED the following conditions and notations shall be placed upon this approval:

CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RM-30 (Residential Multi-Dwelling) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATIONS

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 2nd day of August, 2022 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By:



By:

Chair

Stan T. VanderWeil

EXHIBIT A

PARCEL A:

**LOT 7, BLOCK E, SPRING CREST AMENDED FILING, TOGETHER WITH THE
ADJACENT 20 FEET OF VACATED OTERO AVENUE, COUNTY OF EL PASO,
STATE OF COLORADO**

PARCEL B:

**A NON-EXCLUSIVE EASEMENT RIGHT OF INGRESS AND EGRESS AS
GRANTED IN QUIT CLAIM DEED RECORDED SEPTEMBER 8, 2003 UNDER
RECEPTION NO. 203209403, COUNTY OF EL PASO, STATE OF COLORADO**

EXHIBIT B

**LOT 8, EXCEPT THAT PORTION LYING NORTHERLY OF A TRACT OF LAND
CONVEYED BY DEED**

**RECORDED APRIL 25, 1969 IN BOOK 2288 AT PAGE 416, IN BLOCK E, IN
AMENDED FILING OF SPRING CREST, TOGETHER WITH THE EAST 20
FEET OF VACATED OTERO AVENUE ADJACENT, VACATED BY
RESOLUTION RECORDED FEBRUARY 15, 1972 IN BOOK 2467 AT PAGE
843, COUNTY OF EL PASO, STATE OF COLORADO.**

Total acreage: 10.86 acres

El Paso County Parcel Information

PARCEL	NAME
6228005033	J + M INVESTMENTS LLC
6228005030	POWROY FAMILY LIVING TRUST

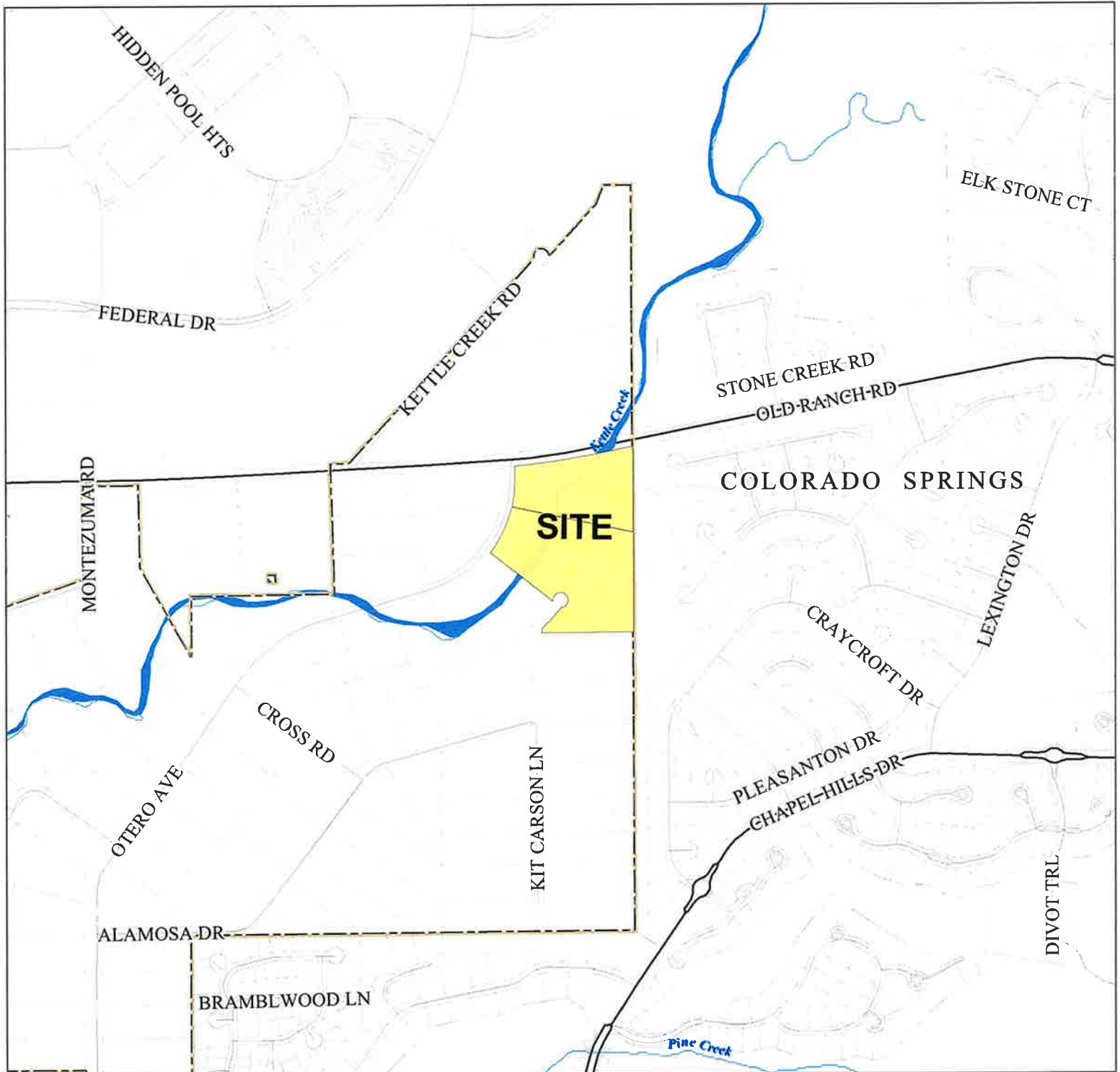
File Name: P-22-004

Zone Map No.: --

ADDRESS	CITY	STATE
5655 BRIDLESPUR RIDGE PL	COLORADO SPRINGS	CO
2295 OLD RANCH RD	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80918	
80908	4509

Date: July 6, 2022



Please report any parcel discrepancies to:
El Paso County Assessor
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
(719) 520-6600



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