

TOWN OF SUPERIOR  
RESOLUTION NO. R-36  
SERIES 2016

A RESOLUTION OF BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR APPROVING THE FINAL MINOR SUBDIVISION PLAT AND FINAL DEVELOPMENT PLAN FOR THE SUPERIOR MEDICAL BUILDING AND PARKING GARAGE, LOT 1, BLOCK 12, SUPERIOR TOWN CENTER

WHEREAS, Superior Medical Investors, LLC ("Applicant"), is the owner of certain property located in the Town of Superior (the "Property");

WHEREAS, Applicant has filed an application for a final subdivision plat and final development plan ("FDP") for the construction of a medical office building and parking garage on Lot 1, Block 12 of the Superior Town Center (the "Application");

WHEREAS, Section 16-8-40 of the Superior Municipal Code (the "Code") requires a public hearing and recommendation by the Planning Commission regarding a final minor subdivision plat;

WHEREAS, Section 16-10-40 of the Code also requires a public hearing and recommendation by the Planning Commission regarding an FDP;

WHEREAS, the specific approval criteria for a final minor subdivision plat are set forth in Section 16-8-40 of the Code;

WHEREAS, the specific approval criteria for an FDP are set forth in Section 16-10-40(b) of the Code; and

WHEREAS, on May 17, 2016, the Planning Commission held a properly-noticed public hearing on the Application;

WHEREAS, Section 16-10-40 of the Superior Municipal Code (the "Code") requires a public hearing and a decision by the Board of Trustees on the FDP;

WHEREAS, the specific approval criteria for an FDP are set forth in Section 16-10-40 of the Code;

WHEREAS, on June 6, 2016, the Board of Trustees held a properly-noticed public hearing on the Application; and

WHEREAS, the Board of Trustees, upon reviewing the recommendation of the Planning Commission, hearing the

statements of staff and the public, and giving due consideration to the matter, finds and determines as provided below.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF SUPERIOR, COLORADO, as follows:

Section 1. The Board of Trustees hereby approves the final minor subdivision plat as contained in the Application, subject to the following conditions:

A. Applicant shall make minor technical and redline corrections to plans as identified by Town Staff.

B. Applicant shall update the plat to identify the additional utilities and easements identified in Town Staff's report, and provide the necessary separate easement requests for concurrent review by the Town Board with the Application.

Section 2. The Board of Trustees hereby finds and determines that the FDP as contained in the Application meets all of the criteria set forth in Section 16-10-40 of the Code and is consistent with the Town of Superior Comprehensive Plan.

Section 3. The Board of Trustees hereby approves the FDP as contained in the Application, subject to the following conditions, all of which (other than subsections F and G) shall be fully satisfied within 60 days of approval of this Resolution:

A. Applicant shall make minor technical and redline corrections to plans as identified by Town Staff.

B. Applicant shall obtain all required off-site utility easements and submit fully-executed copies of such easements to the Town.

C. Applicant shall demonstrate that all applicable construction and fire and emergency access conditions identified in the referral provided by Rocky Mountain Fire District on May 12, 2016 have been addressed to the Fire District's satisfaction.

D. Applicant shall execute an Encroachment License Agreement with the Town governing the encroachment of the parking structure into the Town's utility easement, in a form approved by the Town Attorney.

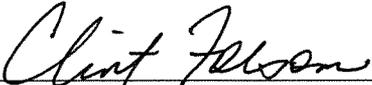
E. Applicant shall work with Town Staff to minimize the light escaping from the top deck of the parking structure.

F. Notwithstanding the sign illumination restrictions in the Design Guidelines Supplement, the three signs on the east and north faces of the parking structure facing U.S. Highway 36 may remain illuminated indefinitely, as determined by Applicant or its successor-in-interest.

G. If in the future the parking structure or a portion thereof is converted to public use, and Applicant or any successor owner of the parking structure requests that any costs related to the parking structure be considered "Eligible Costs" under the Cost Sharing Agreement dated October 18, 2013, the request must be presented to the Town Board for approval. The request shall be presented to the Town Board only after the certification of the independent third party engineer contemplated by Exhibit C to the Cost Sharing Agreement.

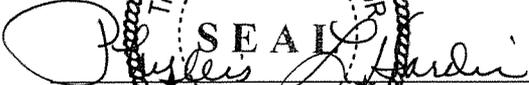
Section 4. Vested Rights. The Final Plat and FDP approved in this Ordinance shall be subject to the vested rights provisions contained in the Development Agreement between the Town, the Superior Urban Renewal Authority, Superior Metropolitan District No. 1 and RC Superior, LLC dated March 11, 2013, and the approval of the Application shall not be deemed to extend the term of such vested rights. Pursuant to the Development Agreement, Applicant is a "Successor Developer", and the period of vested rights began to run on August 20, 2013.

ADOPTED this 6<sup>th</sup> day of June, 2016.

  
\_\_\_\_\_  
Clint Folsom, Mayor

ATTEST

The seal is circular with a double-line border. The outer ring contains the text "THE TOWN OF SUPERIOR" at the top and "COLORADO" at the bottom. In the center, the word "SEAL" is printed in large, bold, capital letters.

  
\_\_\_\_\_  
Phyllis L. Hardin, Town Clerk