

**INFORMATION FOR MEETING
OF THE BOARD OF TRUSTEES**

AGENDA ITEM NAME: Public Hearing and Consideration of PD Amendment No. 15 - Rezoning

MEETING DATE: February 9, 1998

PRESENTED BY: Bruce Williams

PRESENTED FOR: Board Action Board Discussion
 Information Only Other

SUMMARY:

Land Rover is asking for Board approval to re-zone a portion of a parcel of property in Rock Creek Ranch from Community Activity Center (CAC) to Regional Activity Center (RAC). They need to rezone and replat this parcel in order to place a Land Rover dealership on the site.

The site is located in the SW quadrant of the intersection of Coalton Road and Rock Creek Circle. This property is bounded on the west and south by property designate for use as multi-family development.

Town staff has been working diligently with the developers on a site plan for this property and they have met or attempted to meet all of the staff requests. The site plan for this development will come before the Board as the next agenda item if the rezoning request is granted.

The question before the Board concerning the rezoning of this property is whether or not the Board is willing to allow placement of a regional type use on a parcel designated for community oriented uses. I have attached the Rock Creek Final Develop Plan (RCRFDP) zoning descriptions for the CAC and RAC zoning designations for your review.

A review of these zoning classifications shows general rather than specific use categories, and neither speaks of an auto dealership. While the Town's zoning definitions include uses by right, the RCRFDP only gives examples of uses that could be expected on CAC and RAC properties. Clearly though, to both Town staff and the applicant, what is proposed is a regional use.

Staff is aware that this particular use would be of low traffic impact to the area and that there is a commitment by Land Rover to play an aggressive role in serving the community through a lecture series, plantings on site that could be utilized by teachers to show students certain types of plants and so on. Land Rover has committed to these services in writing.

Staff is also aware that there is a limited amount of CAC zoned property, approximately 44 acres, in Rock Creek on which to place services of a community nature. There is also a limited amount, approximately 60 to 70 acres, of developable RAC property in Rock Creek. This particular site, due to its proximity to the 96th Street interchange in Broomfield, is situated at what will become a major, if not the major, traffic corridor into and out of Rock Creek Ranch.

RECOMMENDED ACTION:

Consideration of the request to rezone a portion of property designated as Community Activity Center (CAC) to Regional Activity Center (RAC)

TOWN OF SUPERIOR

RESOLUTION NO. 98-R-13

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR
ADOPTING FINDINGS AND REZONING PROPERTY FROM CAC TO RAC
WITHIN THE ROCK CREEK RANCH PUD

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO:

The Board of Trustees, pursuant to the Superior Municipal Code, the Rock Creek Ranch Final Development Plan (the "FDP") and Colorado law, and based upon the evidence presented at the public hearing of February 9, 1998, makes the following findings of fact and conclusions.

FINDINGS OF FACT

1. The applicant submitted a request to rezone a 1.789 acre parcel described as Replat of Lot 1, Block 1, Rock Creek Ranch Filing No. 24, Superior from Community Activity Center ("CAC") to Regional Activity Center ("RAC").
2. The application includes an offer by the property owner for the zoning to revert to CAC if at any time in the future, there is not built and operated on the site a Land Rover Centre meeting the terms and conditions contained in the Development Agreement attached hereto.
3. The terms and conditions of the Development Agreement are an essential part of the determination of the Town that the proposed use mitigates the impact on neighboring uses and make the proposed rezoning, as limited by the Development Agreement, appropriate.
4. The rezoning request has been approved by the Master Developer as provided by the FDP in compliance with the Annexation Agreement for Rock Creek to the Town.
5. Notice of the hearing was published and posted as required by the applicable law.
6. The rezoning is necessary to provide for a use of land that was not anticipated at the time of the adoption of the FDP, and the rezoning is consistent with the policies and goals of the Comprehensive Plan and the FDP.
7. All persons present at the public hearing were given an opportunity to present evidence on the proposed rezoning.

CONCLUSIONS

Based upon the findings of fact set forth above, the Board of Trustees concludes as follows:

A. The rezoning from CAC to RAC is granted subject to the terms and conditions of the Development Agreement.

B. The Development Agreement between the Town and _____ dated February 9, 1998, attached hereto is hereby approved.

ADOPTED this _____ day of February, 1998.

Ted T. Asti, Mayor

ATTEST:

Phyllis L. Hardin, Town Clerk/Treasurer



Community Planning & Development

MEMORANDUM

To: Town of Superior Board of Trustees

From: Frederick G. Fox
Foxfire Planning and Community Development

Date: February 4, 1998

Re: Staff Report - Land Rover (Centennial Ventures) PD Amendment #15 - Rezoning,
Case No. RCR-PDA-97-2 for Board of Trustees Hearing Scheduled February 9, 1998

This staff report presents planning issues related to the proposed rezoning of 1.789 acres from CAC (Community Activity Center) to RAC (Regional Activity Center), located at the southwest corner of Coalton Road and Rock Creek Circle.

Review Process

This application is for rezoning of a 1.789 acre parcel located south and west of the intersection of Coalton Road and Rock Creek Circle. Staff and the applicant have agreed that rezoning from CAC to RAC would be appropriate since the applicant contemplates a specific use for the parcel - an auto dealership - which is considered a regional commercial use.

An application for rezoning is considered as an amendment to the zoning ordinance and requires public hearings before the Planning Commission and Town Board. Amendments to the zoning ordinance can only be adopted if one or more of the following conditions exist:

1. That the land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the Town's Comprehensive Plan.
2. That the area for which rezoning is requested has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area.
3. That the proposed rezoning is necessary in order to provide land for a type of land use which was not anticipated at the time of adoption of the Town's Comprehensive Plan or a particularly approved Planned Development Plan, and that such rezoning will be consistent with the policies and goals of the Comprehensive Plan and PD Plan.

4. The rezoning is not a "spot zone" as defined by Colorado law.

In this case, condition #3 may be applicable. The Comprehensive Plan designates commercial uses for the property and the Rock Creek FDP shows the existing zoning to be CAC or Community Activity Center. Regarding the use proposed, although regional in nature, the physical impacts of the use are being mitigated through the site plan. Zoning impacts are being mitigated through a zoning reverter clause and a development agreement.

Also being considered at this time are applications for a Sub Area Plan, a Replat of Block 1, Lot 1 Rock Creek Filing No. 24, and a Final Plat Site Plan for a portion of the 3.18 acre Block 1 of Filing 24 at the southwest corner of Coalton Road and Rock Creek Circle which includes the 1.789 acre parcel being considered for rezoning. Approval of this rezoning request would be necessary prior to the Sub Area Plan, Replat and Final Plat Site Plan to be considered by the Board of Trustees.

Project Description

The overall project involves 3.18 acres proposed to be divided in two parcels. The western-most parcel, containing 1.789 acres is proposed for a Land Rover dealership subject to the rezoning application being considered. The eastern parcel of 1.39 acres would remain zoned CAC and would be developed at a later date with some allowed commercial use.

The developer is proposing architectural details of the Land Rover building consistent (with an exception) with the Rock Creek design requirements and landscaping that meets or exceeds the requirements. Staff feels that the architectural and landscape design proposed is compatible with the Simmons commercial development proposed across Coalton Road to the north. Also, the Land Rover developer has agreed to "entry" signage at the southwest corner of Coalton Road and Rock Creek Circle consistent with such signage to be erected at the northwest and northeast corners. The Land Rover developer has agreed to install perimeter landscaping on the corner 1.39 acre parcel at the time of the dealership's construction. The corner signs are to be developed by Richmond American Homes. These will be similar to other Rock Creek entry signs/walls and will not contain any corporate logos or signs.

Rezoning Issues

In reviewing the full Land Rover application package, staff determined and the applicant agreed that the proposed auto dealership use was regional in nature and not permitted under the current CAC zoning for the site. It should be noted here that the Rock Creek FDP for this area does not anticipate allowing Special or Conditional Uses; therefore, the determination was made that a zoning change to RAC would be necessary to allow this use on this lot.

This approach is consistent with the intent of the Comprehensive Plan which separates Regional uses from Community and Neighborhood uses based on intensity and impact. However, the Comprehensive Plan does not specify auto sales uses either in Regional Retail

or Community Business Area descriptions. Staff analysis concludes that an auto dealership is consistent with the intent of the RAC zoning designation and with the Regional Business Area commercial uses described in the Comprehensive Plan.

As indicated in the Project Description above, the developer intends to provide architectural detail and landscaping that would help mitigate any adverse physical impact of this regional use on surrounding properties. Property directly east of this parcel is zoned CAC; property directly west is zoned a mix of R-2A/CAC; property north across Coalton Road is zoned CAC; and the property to the south is zoned R-2A. All adjacent properties are, at this time, vacant. Staff feels that a relatively low-impact regional use such as the proposed Land Rover dealership could be compatible with the uses allowed in the surrounding zones if architectural design and landscape buffering serve to mitigate the impact.

Because the proposed rezoning is, in effect, to allow a specific use, this rezoning could be viewed as "spot" zoning. Two factors address this concern. First, neither the Rock Creek FDP nor the Comprehensive Plan are clear on where a regional use of this type belongs. At the same time, neither intend to prohibit this use. Second, the applicant is willing to condition this rezoning by including a reverter clause which would return the zoning to CAC if:

- A. The Land Rover project is not completed as proposed/approved.
- B. At some time in the future the specific use (Land Rover) is discontinued.

These factors mitigate the risk of "spot" zoning this parcel since they lessen the potential for negative impacts on the Town from other uses that would otherwise be allowed in the RAC zone.

The applicant describes the proposed Land Rover dealership as a "destination" and "concept" dealership and as a relatively "low impact" regional use. Compared with other types of auto dealerships, Land Rover indicates that it is not necessary for them to be located on a major arterial, its site needs are smaller, the number of vehicles displayed are fewer and the customer traffic generated is less.

Should the Land Rover use be discontinued and the site re-used for office use, Planning Commission was curious as to whether there would be adequate parking. The attached memorandum shows that there would be adequate parking for such a use.

Conclusions and Recommendations

Staff analysis concludes that although the proposed use is regional in nature and needs to be in the RAC zoning category, the impact of the use will not be typical of a regional use. The proposed Land Rover use is not likely to generate traffic at the same level as other regional uses. Architectural design, landscaping and lighting, the Land Rover Development Agreement plus the private Covenants, Controls and Restrictions (CC&Rs) will mitigate the physical impacts of the use on surrounding properties. The inclusion of a "reverter" clause will serve to protect the Town from higher impact regional users on this lot in the future.

As indicated earlier, this type of low intensity regional use was not clearly anticipated either in the Comprehensive Plan land use designations or in the Rock Creek FDP for this site.

Finally, the proposed rezoning is consistent with the policies and goals of the Comprehensive Plan, as follows:

Goal A. Land Use, Objective 1.) Establish compatible and efficient relationships between land uses. (p. VII-1)

Goal A. Land Use, Policy GLU-3 Land use, site planning, and urban design criteria shall be employed to promote pleasant, functional, and understandable interrelationships between land uses, and to buffer incompatible land uses from each other. (p. VII-2)

Planning Commission discussed the PD Amendment on January 6, 1998 and spent a considerable amount of time discussing the appropriateness of this use at this particular location. The major issue was whether or not a regional type use would benefit or serve the surrounding neighborhood or at least not detrimentally impact the surrounding neighborhood. It was felt that physical impacts were being represented as being mitigated but the use would not have a substantial benefit to the surrounding neighborhood. In other words, the physical impact mitigation measures rendered the use somewhat benign. In the end, Planning Commission voted 6-yes and 1-no in favor of the PD amendment (rezoning) request with the following conditions:

1. That architectural design as approved in the Final Plat Site Plan will be compatible with Rock Creek design requirements and serve to mitigate impacts on adjacent properties.
2. That landscaping approved as part of the Final Plat Site Plan will meet or exceed landscaping requirements and serve to buffer and mitigate impacts on adjacent properties.
3. That the "reverter" clause agreed upon by the applicant and the Town will be included in the rezoning amendment in its entirety.
4. That a time deadline for start of construction and a grace period should the Land Rover dealership cease operations be defined in the reverter clause language.
5. Prepare a parking analysis for the site.

Staff is able to support this rezoning (Case No. RCR-PDA-97-2 Land Rover PD Amendment #15 - Rezoning) of this site given the proposed use, which amends the Town's zoning ordinance to rezone the subject 1.789 acre parcel from CAC to RAC in the Rock Creek PD.

FGF/cg
c: Town Staff
Applicant

TOWN OF SUPERIOR

RESOLUTION NO. 98-R- 14

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR APPROVING THE SUB AREA PLAN NO. 19, AND REPLAT OF LOT 1, BLOCK 1, FILING 24 AND FINAL PLAT SITE PLAN NO. 25 FOR LAND ROVER FOR FILING NO. 24, ROCK CREEK

WHEREAS, Fred Simmons (the "Developer") is the owner of and has submitted an application for approval of a Sub Area Plan No. 19, Replat of Lot 1, Block 1, Filing 25 and Final Plat Site Plan for Land Rover in Filing No. 24 of Rock Creek; and

WHEREAS, on January 6 and 20, 1998, the Town of Superior Planning Commission considered the Sub Area Plan, Replat and Final Plat Site Plan for Land Rover subject to conditions; and

WHEREAS, the Board of Trustees, upon hearing the statements of staff, the Developer, and giving consideration to the recommendations of the Planning Commission, wishes to approve plans with the conditions as stated below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, THAT:

Section 1. The Sub Area Plan No. 19 and the Final Site Plan for Land Rover in Filing No. 24 of Rock Creek Ranch are approved with the following conditions:

A. Any minor technical corrections to the Sub Area Plan, Replat or Final Plat Site Plan be done prior to recording any approved plan.

B. *Staff will do agreement regarding operational items*

Section 2. A Subdivision Improvement Agreement among the Town, Superior Metropolitan Districts No. 1 and 3, and the Developer and the Covenants for the property to be approved by the Town prior to recording the approved plans.

Section 3. Vested property rights for the property are approved as provided in the Final Plat Site Plan upon recording of the Plan.

ADOPTED this 9th day of February, 1998.

ATTEST:

Ted T. Asti, Mayor

Phyllis L. Hardin, Town Clerk

February 9, 1998

Dear Superior Mayor and Town Council,

Although I am unable to attend tonight's meeting, I want to make you aware of my concerns about zoning changes. It is my understanding that you are considering rezoning property at (or near) the SW corner of Rock Creek Parkway and Coalton Road from community use to regional in order to accommodate a Land Rover dealership. Although I was surprised to read that this was being considered as a site for a car dealership, I was shocked to read that the Planning Commission was receptive to the idea. My specific concerns are outlined below.

When people buy homes in Rock Creek, they must rely on the comprehensive plan to understand the conceptual vision for the community and on the zoning for specific properties when they select sites for their homes. You must be aware that any zoning changes affect property owners. You have a responsibility to the homeowners in Rock Creek to maintain their property values while balancing the needs of the entire community. Unless you have compelling reasons to change zoning, it should not be done. This site is zoned to provide for community needs. I have yet to see any reasonable or compelling rationale for changing to a regional commercial zone.

I understand that potential sites for commercial development in Superior are limited. It seems that the goal of commercial development should be to maximize tax revenues while balancing community needs. This proposal accomplishes neither! Since sales tax revenues from auto sales go to the buyer's city of residence, Superior would see very little benefit. I don't believe that anyone would argue that a car dealership in the middle of a residential area meets the needs of the community. There is no justification for changing the zoning on this property. If approved, we will end up with a business that does not serve community needs, increases traffic in the neighborhood, and yields minimal sales tax revenue for Superior.

I urge you to maintain the trust of your neighbors who bought property with the expectation that zoning and the comprehensive plan would be maintained in order to insure a livable residential neighborhood. Without that trust, future homebuyers would be well advised to consider alternatives to Rock Creek.

Finally, I would like this and all potential zoning changes to receive far more public discussion and consideration.

Sincerely,



Peggy Danielson
1508 S. Proctor Ct.
Superior, CO 80027

499-3476

February 9, 1998

Dear Superior Board Members,

I want to express my concern about the zoning change you are considering at the SW corner of Rock Creek & Coakton Road. I was upset to hear that this site is needing to be rezoned so that a car lot could be built there.

We bought a home on Eldorado drive that backs up to the creek. We had to pay a larger lot premium for this lot. We made our decision based on what the zoning and plan for Superior was at that time. This zoning change will affect the property values within our neighborhood. We trust and depend on you to make your decisions to benefit all of Rock Creek. I cannot see how having a car agency in the middle of our neighborhood will benefit Rock Creek. It will cause an increase in noise and traffic through and around our neighborhood. Please consider the children that ride their bikes and walk to and from school. An increase in traffic will not make the neighborhood very safe for them.

Since we are looking for business to maximize our tax revenues it seems ridiculous that you are considering a car dealership. Tax revenues from auto sales do not go into the town it is bought from but to the customer's town of residence. The town of Superior would not benefit financially by allowing the car agency to build here.

Please consider the people of this neighborhood as you make your decision tonight.

Sincerely,

Valerie Bigman
1502 Eldorado Dr.
Superior



ITEM NO.

6

**INFORMATION FOR MEETING
OF THE BOARD OF TRUSTEES**

AGENDA ITEM NAME: Public Hearing and Consideration of Rock Creek Ranch Sub-Area Plan No. 19A in a Portion of Block 1, Filing #24, a Replat for Block 1 in Filing No. 24, and Final Plat Site Plan No. 25 in Filing No. 24 for Centennial Ventures IV (Land Rover)

MEETING DATE: February 9, 1998

PRESENTED BY: Bruce Williams

PRESENTED FOR: Board Action Board Discussion
 Information Only Other

SUMMARY:

The Sub-Area Plan, Replat and final Plat Site Plan for the proposed Land Rover site has received a great amount of attention from Town staff. Land Rover has worked very well with staff to meet all our requests as well as the requests of the Planning & Zoning Commission.

Rather than rewrite the Board memo from the previous agenda item of rezoning, I would ask Board members to review that document. Land Rover is anxious to become a part of the Superior community and has committed, in writing, to hold a public lecture series (at least 10 per year), to grow their landscaping in such a manner that it could be of benefit to school children studying plant life and to make their facility available for community use if needed.

I believe that, should the rezoning request be granted, this type of use would be of very low traffic impact. The structure Land Rover would build is attractive and acceptable to staff as meeting the requirements of the Rock Creek FDP. Fred's staff report is attached for your review.

RECOMMENDED ACTION:

Approval of Rock Creek Ranch Sub-Area Plan No. 19a in a portion of Block 1, Filing 24, a Replat for Block 1 in Filing 24, and Final Plat Site Plan No. 25 in Filing 24 for Centennial Ventures IV.

TOWN OF SUPERIOR

RESOLUTION NO. 98-R-14

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF
SUPERIOR APPROVING THE SUB AREA PLAN NO. 19 AND
FINAL SITE PLAN FOR LAND ROVER FOR FILING NO. 24, ROCK CREEK

WHEREAS, Fred Simmons (the "Developer") is the owner of and has submitted an application for approval of a Sub Area Plan No. 19 and Final Site Plan for Land Rover in Filing No. 24 of Rock Creek; and

WHEREAS, on January 6 and 20, 1998, the Town of Superior Planning Commission considered the Sub Area Plan and Final Site Plan for Land Rover subject to conditions; and

WHEREAS, the Board of Trustees, upon hearing the statements of staff, the Developer, and giving consideration to the recommendations of the Planning Commission, wishes to approve plans with the conditions as stated below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, THAT:

Section 1. The Sub Area Plan No. 19 and the Final Site Plan for Land Rover in Filing No. 24 of Rock Creek Ranch are approved with the following conditions:

A.

B.

Section 2. A Subdivision Improvement Agreement among the Town, Superior Metropolitan Districts No. 1 and 3, and the Developer and the Covenants for the property to be approved by the Town prior to recording the approved plans.

Section 2. Vested property rights for the property are approved as provided in the Final Site Plan upon recording of the Plan.

ADOPTED this 9th day of February, 1998.

ATTEST:

Ted T. Asti, Mayor

Phyllis L. Hardin, Town Clerk

DEVELOPMENT AND ZONING AGREEMENT
FOR
CENTENNIAL VENTURE IV - LAND ROVER

THIS AGREEMENT made as of this _____ day of February, 1998 by and between the TOWN OF SUPERIOR, COLORADO, a Colorado municipal corporation ("Town"); CENTENNIAL VENTURE IV and LOFTUS DEVELOPMENT, LLC ("Developer"); and RARE AIR MOUNTAIN PLANE AND EXPEDITIONS, INC., a Colorado corporation, d/b/a Land Rover Boulder, Superior, Colorado.

R E C I T A L S

A. Developer is the owner of those certain parcels of real property located in the Town of Superior, known as Lot 1, Centennial Venture IV Subdivision, Rock Creek Ranch Filing No. 24, Town of Superior, Colorado (the "Property").

B. Developer desires to construct a Land Rover dealership on the Property which is a use allowed under the Regional Activity Center ("RAC") zoning category of the Rock Creek Ranch Final Development Plan (the "FDP"); however the Property is currently zoned Commercial Activity Center ("CAC"). In consideration of the Town approving the rezoning to RAC to allow the Land Rover use on the Property, the Developer has offered to make several improvements to the Property that mitigate the impacts of the use on the adjoining properties.

C. The approvals of the rezoning and site plan for the Property by the Town are made in reliance upon the representations and commitments of the Developer contained in this Agreement.

D. Developer acknowledges that the terms and exactions set forth herein are reasonably attributable to the special impacts which will be generated by the proposed uses of the Property, and that the terms and conditions set forth in this Agreement are necessary, reasonable and appropriate.

A G R E E M E N T

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the sufficiency of which are mutually acknowledged, the parties hereto agree as follows:

1. Purpose. The purpose of this Agreement is to set forth the terms and conditions upon the rezoning development of the Property. All conditions contained herein are in addition to any

and all requirements of the Town of Superior Land Use Code, any and all applicable state statutes, and any other ordinances of the Town of Superior and are not intended to supersede any requirements contained therein.

2. Rezoning of the Property May Revert. The Developer hereby understands and agrees that the rezoning from CAC to RAC is approved by the Town based upon numerous representations and commitments of the Developer that mitigate the impacts of the typically regional car dealership use so that the use is largely consistent with the goals and intent of a community activity. Should the Land Rover Centre not be built and a Certificate of Occupancy is issued as provided in the [name all site plan sheets] (the "Land Rover Centre") within one year of this Agreement, or should the Land Rover Centre be operated in a manner inconsistent with the terms and conditions of such plans or this Agreement, or should the Land Rover Centre cease to operate on the Property for a period of one month or longer, the zoning on the site shall revert to CAC as then defined in the FDP.

3. Conditions of Agreement. This Agreement is subject to the following conditions and requirements:

A. A series of educational opportunities related to back-country recreation/cultural activities as described as part of the site plan approval process to differentiate the Land Rover Use from a car dealership shall be provided on an approximately monthly basis, no less than 10 per year.

B. For the north one-third of the Property, not more than 15 used vehicles for sale and no vehicles to be repaired, shall be parked.

C. No vehicle parts or disassembled vehicles shall be stored outside of the building on the Property.

D. There shall be no signs in the windows or on the vehicles displayed for sale other than the signs required by state and federal law to be displayed.

E. The Covenants, Conditions, and Restrictions governing the Property dated November 20, 1997 and the applicable Land Rover North America Site Standards, Policies and Procedures governing a Land Rover Centre shall be fully enforced.

F. Any license plate holder with the Land Rover name exhibited on vehicles to be sold shall include the words "a Superior location" or "Superior, Colorado".

G. All correspondence or advertisement printed with "Land Rover Boulder" shall include "A Superior Location" or "Superior, Colorado" immediately thereafter wherever possible.

H. All other documents or agreements between the parties.

4. Fees. The Developer agrees to pay to the Town all fees and costs of the Town reasonably incurred in enforcing this Agreement.

5. Breach by Developer; Town's Remedies. Should Developer become aware of any actual or anticipated breach of any of the terms and conditions of this Agreement by such Developer, it shall notify the Town Board of Trustees of such actual or anticipated breach immediately, and the Town may take such action as permitted or authorized by law, the Land Rover Use Terms, this Agreement or the Ordinances of the Town, as the Town deems necessary to protect the public health, safety and welfare; to protect lot buyers and builders; and to protect the citizens of the Town from hardship and undue risk. These remedies include, but are not limited to:

A. The refusal to issue any building permit or certificate of occupancy to the Developer for any lot(s) platted on the Property;

B. The issuance of a stop work order for any construction related to or impacted by the breach;

C. The reverter of the zoning to CAC and closure of any use of the Property inconsistent therewith as provided herein.

D. Any other remedy available at law or equity, including but not limited to, specific performance.

Unless necessary to protect the immediate health, safety and welfare or to protect the Town's interest with regard to security given for the completion of the public improvements, the Town shall provide Developer thirty (30) days written notice of its intent to take any action under this paragraph, during which thirty-day period Developer may cure the breach described in the notice and prevent further action by the Town; provided, however, if such breach cannot be reasonably cured within such thirty-day period, then the Town agrees to reasonably extend such thirty-day period so

long as Developer has commenced such cure within such thirty-day period and is diligently pursuing the same to completion.

6. Modifications. This Agreement shall not be amended except by subsequent written agreement of the parties.

7. Integration. It is expressly understood that the Town cannot be legally bound by the representations of any of its officers or agents or their designees except in accordance with the Town's ordinances and the laws of the State of Colorado.

8. Binding Effect. This Agreement shall run with the land and shall be binding upon and inure to the benefit of the Property, the parties hereto and their respective heirs, successors and assigns as the case may be.

9. Invalid Provision. If any provisions of this Agreement shall be determined to be void by any court of competent jurisdiction, then such determination shall not affect any other provision hereof, all of the other provisions shall remain in full force and effect. It is the intention of the parties hereto that if any provision of this Agreement is capable of two constructions, one of which would render the provision void, and the other of which render the provision valid, then the provision shall have the meaning which renders it valid.

10. Governing Law. The laws of the State of Colorado shall govern the validity, performance and enforcement of this Agreement. Should either party institute legal suit or action for enforcement of any obligation contained herein, it is agreed that venue of such suit or action shall be in Boulder County, Colorado.

11. Attorney Fees. Should this Agreement become the subject of litigation to resolve a claim of default of performance, the prevailing party shall be entitled to recover its reasonable attorney fees, expenses and court costs.

12. Notice. All notice required under this Agreement shall be in writing and shall be hand-delivered or sent by registered or certified mail, return receipt requested, postage prepaid, to the addresses of the parties herein set forth. All notices so given shall be considered effective seventy-two (72) hours after deposit in the United States mail with the proper address set forth below. Notice may also be given by telefax transmission, and shall be deemed received on the date of such transmission. Either party by notice so given may change the address to which future notices shall be sent.

Notice to Town:

Town Manager
Town of Superior
124 E. Coal Creek Drive
Superior, Colorado 80027
Fax No. (303) 499-3677

With copy to:

Kathleen E. Haddock, Esq.
Dietze & Davis, P.C.
2060 Broadway, Suite 400
Boulder, Colorado 80302
Fax No. (303) 440-9036

Notice to Developer:

With copy to:

13. Assignment or Assignments. There shall be no transfer or assignment of any of the rights or obligations of a Developer under this Agreement without the prior written approval of the Town and the Districts, which approval shall not be unreasonably withheld if the transferee has qualifications and net worth acceptable to the Town and the Districts in their sole discretion and which transferee has assumed the obligations of the Developer under this Agreement in writing to the satisfaction of the Town and the Districts.

14. Recording or Agreement. This Agreement shall be recorded in the real estate records of Boulder County and shall be a covenant running with the Property in order to put prospective purchasers or other interested parties on notice as to the terms and provisions hereof.

15. Title and Authority. Developer expressly warrants and represents to the Town and the Districts that as of the date hereof it is the record owner of the property constituting the Property. All the parties represent and warrant, together with the undersigned individual(s), that the undersigned individual(s) have full power and authority to enter into this Agreement. Each party understands that the other parties are relying on such representations and warranties in entering into this Agreement.

16. Force Majeure. Whenever Developer is required to complete construction, repair or replacement of Public Improvements by an agreed deadline, such Developer shall be entitled to an extension of time equal to a delay in completing the foregoing, due

to unforeseeable causes beyond the control and without the fault or negligence of such Developer, including but not restricted to, acts of God, weather, fires and strikes.

WHEREFORE, the parties hereto have executed this Agreement on the day and year first above written.

TOWN OF SUPERIOR, COLORADO

Attest:

By: _____
Phyllis L. Hardin
Town Clerk

By: _____
Ted Asti, Mayor

DEVELOPER
CENTENNIAL VENTURE IV

Attest:

By: _____
Its: _____

By: _____
Its: _____

OPERATOR
RARE AIR MOUNTAIN AND PLANE
EXPEDITIONS, INC., a Colorado
corporation dba Land Rover
Boulder, Superior, Colorado

By: _____
Dan Ripley, President



Community Planning & Development

To: Town of Superior Board of Trustees

From: Superior Development Review Team

Frederick G. Fox, Town Planner
Foxfire Community Planning and Development
Dave Mallory, PE
RG Consulting Engineers
Ray Moe,
Balloffet and Associates
Kathy Haddock, Attorney
Dietz and Davis, PC

Date: February 5, 1998

Re: Staff Report - Rock Creek Sub Area Plan (SAP) No. 19, Rock Creek Final Plat-Replat of Block 1, Lot 1, Filing 24 and Rock Creek Final Plat Site Plan No. 25 (Land Rover site);
Case Nos. RCR-SAP-97-4, RCR-FP-97-2 & RCR-FPSP-97-1
For Town Board Hearing Scheduled February 9, 1998

This staff report presents planning comments and concerns regarding these applications. Other comments and referral responses are attached. Those agencies that had no comment are not attached. This report present comments and application descriptions regarding the above three applications and does not distinguish between the three applications.

General Project Description

The applicant, Centennial Ventures (for Land Rover of North America), is requesting that a portion of the subject property, located southwest of the intersection of Rock Creek Parkway and Coalton Road be developed as a concept vehicle dealership on Lot 1 plus a community shopping center use on Lot 2 utilizing the site and design parameters identified in the Sub Area Plan. Lot 1 has been recommended to be rezoned to RAC to allow the specific concept dealership (Land Rover) use and Lot 2 to be developed with uses as allowed under the Community Activity Center (CAC) zoning designation of the Rock Creek PD. Properties across Coalton Road to the north of this site are currently zoned CAC (community related commercial) and have Sub Area Plan approval. The northeast corner of Rock Creek Parkway and Coalton Road is currently zoned R-2B (Simpson multi-family residential), and the southeast corner is not in the Town. This 3.18 acre parcel is bordered

on the west by vacant R-2A/CAC zoned land, on the north by vacant CAC zoned land, on the east by vacant land not in the Town, and the south by R-2A zoned vacant property.

Potential uses on Lot 2 would be consistent with the CAC zoning description as outlined in the Rock Creek Final Development Plan, such as personal services, community retail and/or restaurants. The development of these uses is to be controlled by the Specific Design Guidelines listed on the Sub Area Plan. The developer's future intent is to prepare a Final Plat Site Plan for Lot 2 as development is phased to completion. The above referenced application also includes a Replat of Block 1, Lot 1 into two lots and a Final Plat Site Plan (FPSP) for Lot 1, the Land Rover dealership. Vehicle access is provided from two known points to Block 1 with a third access to be identified during the site plan review for Lot 2.

Staff and the applicant have spent a considerable amount of time working on the design scheme for both lots' development so that there is a coordinated approach for each of the development parcels. This is the first commercial parcel to be considered for an FPSP in the Rock Creek PD.

Access

Vehicle access to the site is from a full turn movement from Rock Creek Circle west into Lot 2 site, a right-in/right-out turn movement from Coalton Road south into the site, and a drive access across Lot 2 west to Lot 1. A second access from Rock Creek Circle to Lot 2 may be required when development plans for this lot are known. These access points provide a considerable amount of flexibility for patrons to get to the development. The main entry to the Land Rover Site is off of Coalton Road. An access easement across Lot 2 for the Land Rover site is necessary to provide a second access. A temporary access plan for Lot 1 to Coalton Road needs to be prepared and submitted for approval to the Superior Metropolitan District (SMD).

Pedestrian access is accomplished adjacent to the vehicle access ways and also from additional pedestrian access ways. Two of these are from the north along Coalton Road and are separated from the vehicle access ways. The third pedestrian access point is between Lots 1 and 2 and from the perimeter sidewalk on Rock Creek Circle. All internal pedestrian access ways are to be a minimum of 5 feet wide.

Land Use

a. Proposed Uses: The applicant is currently proposing the Land Rover dealership on Lot 1 as the first development with additional retail in the form of personal services establishments or other Community Activity Center (CAC) uses on Lot 2. All uses finally proposed will need to conform to the intent of the CAC zoning for Lot 2 and for the approved restricted RAC zoning for Lot 1. Uses will be finalized at the Final Plat Site Plan (FPSP) review stage for Lot 2. Land Rover of North America is proposing what they call a "concept dealership" which is essentially a destination retail use. They do not feel that they need to be on a major arterial street or that numerous vehicles be displayed outside the showroom that are directly visible from the street. The Land Rover product line targets specific market segments throughout the region and the dealership does not require a high

visibility location nor extensive vehicle storage areas. There are only two such dealerships in the metro area and this one would be the third.

b. **Parking, Loading and Lighting:** Parking areas are sized properly for the Land Rover site. Parking for Lot 2 will be finalized at the FPSP stage utilizing Institute of Transportation Engineers (ITE) standards as necessary for any particular use. Lot 1 lighting is proposed to be of a low intensity and designed to be muted and cast a minimum of light off-site. An extensive lighting plan is included in the Land Rover proposal and is acceptable to staff.

c. **Open Space:** The minimum open space requirement for nonresidential use in Rock Creek is 20%. The Land Rover site has 31%. There will be two types of landscaped areas: fully landscaped and irrigated areas adjacent to buildings, rights-of-way and parking area islands and buffers and a narrow native open area on the south edge of the site adjacent to the north facing slope. ROW edge landscape requirements are detailed in the notes on the plan and conform to requirements for Rock Creek. Internal landscape details have been identified on the Land Rover FPSP and conform and exceed Rock Creek requirements. The landscape plan is quite extensive and features plant "bioms" that are native to Colorado. The "Test Track" area is a unique feature and is heavily landscaped.

Site Design and Architecture

The layout of the site utilizes the parcel in a way which provides good accessibility and land use. Pedestrian elements link Lots 1 and 2. The ROW to parking buffers are 30 feet wide on Coalton Road and 15 feet wide on Rock Creek Circle providing ample landscaping area to distinctively identify this development.

The specific design guidelines for Lot 2 conform to the Rules of Compatibility for the Rock Creek PD. Staff feels that the design intent as identified in these guidelines and the illustrative graphics in the Land Rover FPSP provide a quality architectural image for the site. The timbered interior of the showroom portion of the building is unique to vehicle dealerships. Staff is very concerned that a roof element has not been introduced for the rear two-thirds of the building. The Rock Creek sandstone theme has been utilized in combination with masonry walls and the scale of the development fits a community activity center intent. The maximum height of Lot 2 is pegged at 45 feet. Land Rover's maximum height is approximately 33 feet. Staff will require that these height limits include all roof-top appurtenances. In addition staff would like a statement in the SAP that encourages restaurant developers to include an outdoor seating area on a sun exposed side of this type of use. Minimum building setbacks from the property line and from parking areas have been identified on the Plans.

Utilities and Drainage

Utilities are currently in place to serve the site from external locations. The general routing of sewer, water and drainage are shown. A temporary drainage plan is being developed for the interim period before the south half of Coalton road is constructed.

Referral Responses

1. The Boulder County Sheriff is concerned about vandalism on the site. Motion detectors and lighting will be provided on the site.

Referral responses and technical memorandums are attached.

Conclusions and Recommendations

The proposal meets Land Use Objective A. 1.) in the Comprehensive Plan to "Establish compatible and efficient relationships between land uses.

The proposal meets the Rules of Compatibility of the Rock Creek PD with the exception of the building roof line detail.

Planning Commission discussed this proposal at length at two meetings and voted to recommend approval to the Town Board with the conditions listed below. The vote was 5-for, 1-against and 1-abstain. Planning Commission issues brought up in the first discussion were resolved at their second discussion at the January 20, 1998 meeting. These issues pertained to the name of the dealership, used and repair vehicle storage, language of the zoning reverter clause and not allowing advertising signs in the windows of vehicles or on the antennas of vehicles for sale. Planning Commission conditions of approval were the following:

1. Correct any staff red lined prints prior to the Town Board Hearing on the application.
2. Make sure language is changed in the SAP not allowing advertising signs in vehicle windows or on vehicle antennas (signs, banners, balloons, flags, etc.).

Staff recommends the approval of Case Nos. RCR-SAP-97-4: Rock Creek Sub Area Plan No. 19, RCR-FP-97-2: Rock Creek Final Plat-replat of Block 1, Lot 1 of Filing 24 and RCR-FPSP-97-1: Rock Creek Final Plat Site Plan No. 25 regarding site layout and architectural design for Lot 1 (Land Rover) and design guidelines for Lot 2 with the following conditions:

1. Any corrections to the redlined prints returned to the applicant subsequent to the Board Hearing are to be made prior to recording any approved documents.
2. Any other conditions desired by the Board of Trustees.

FGF/cg

Attachments

cc: Town Staff

Applicant

Superior Metropolitan District

superior\ndrvrpl.pcr



Community Planning & Development

MEMORANDUM

To: Fred Fox, Principle Planner
Foxfire Community Planning

From: Mark Franzen, Senior Planner
Foxfire Community Planning

Date: January 13, 1998

Re: Proposed Land Rover site reuse parking availability

At the Superior Planning Commission public hearing on 1/5/98 regarding the proposed Land Rover facility at Coalton Road and Rock Creek Circle, the potential for reuse of the site was discussed relative to the proposed parking on the site. Staff was directed to research parking requirements for other potential uses should the site be redeveloped in the future.

As proposed, the 10,000 square foot Land Rover building would have 104 parking spaces on the site. The Land Rover building has the potential for internal expansion to up to 17,500 square feet of useable space due to the 18' high service space in the rear 3/4 of the proposed structure.

The table below describes parking required under the CAC zoning currently in place on the site that would be applicable for reuse for three potential categories of reuse. The table also indicates the average parking occupancy rates for similar uses at peak days according to the Institute of Transportation Engineers.

Table with 4 columns: If CAC use was:, 10,000 sq.ft., 17,500 sq.ft., Proposed. Rows include Commercial @1/200, General Office @1/300, and Medical Office @1/200.

Table with 4 columns: ITE Standard Rates per 1,000 sq.ft., 10,000 sq.ft., 17,500 sq.ft., Proposed. Rows include Shopping Center (Sat,), General Office (weekday), and Medical Office (weekday).

The parking provided is in excess of the parking requirement standards.

SUPERIOR

METROPOLITAN DISTRICT NO. 3

MEMORANDUM

January 15, 1998

TO: Fred Simmons FAX NO.: 303-449-2750
Ed Jennings " 303-751-0525
John D. Feinberg " 303-499-3666
Jim Jones " 303-694-1617
Mike Galuzzi " 303-480-9766

FROM: Roger J. McCoy

SUBJ.: Land Rover site

Reference my January 9 memorandum, the comments on ongoing maintenance, under item no. 9, apply also to the Rock Creek Circle frontage, as well as the Coalton Rd. frontage.

copy - Fred Fox at Fax No. 303-341-0375
Board of Directors, Superior Metropolitan District No. 3

RJM/ms

141 Union Boulevard, Suite 150
Lakewood, Colorado 80228-1437
Tel. (303) 987-0835 • Fax: (303) 987-2032



EMK CONSULTANTS, INC.

ENGINEERING & SURVEYING

January 16, 1998

Mr. Roger McCoy
Superior Metropolitan District No. 2
c/o Special District Management Services, Inc.
141 Union Boulevard, Suite 150
Lakewood, CO 80228

Re: Land Rover

Dear Roger:

On January 15, 1998 we received revised plans for the referenced project. Other than very minor items, relayed verbally to Ed Jennings, our previous comments have been satisfactorily addressed.

We are in the process of revising the Coalton Road plan in this area in accordance with your memorandum of January 9, 1998.

Sincerely,
EMK Consultants, Inc.

James D. Jones, P.E.
Project Manager

cc: Fred Fox
Mike Galuzzi MWE
Roger Berg RG
John Feinberg FAX 769-3972
Ed Jennings FAX 751-0525

JOJLANDROVER.LTR



rg consulting engineers, inc.

denver • grand junction

January 14, 1998

Mr. Frederick G. Fox, A.I.C.P.
Town of Superior Consulting Planner
Foxfire Community Planning & Development
13743 E. Mississippi Ave., Suite 102
Aurora, CO 80012

RE: **Land Rover**
Final Plat / Site Plan, 2nd Submittal
Applicant: Loftus Development, LLC
Engineer: Ed Jennings, PE & PLS
RGCE Job No. 30002

Dear Mr. Fox:

We received a submittal on December 18, 1997 for the above named project consisting of the following items:

1. **Final Plat**
2. **Site Plan with grading, drainage, and utilities (dated 12/15/97)**
3. **Narrative**
4. **Final Drainage Study (dated 12/15/97)**

The foregoing items were reviewed for engineering issues using applicable sections of current Town and Superior Metropolitan District codes and criteria. All previous comments have been addressed and we have no additional concerns related to grading and drainage.

This review is for general conformance with the Town of Superior Criteria and does not relieve the applicant of complying with any specific regulation or field modification as may be required by a representative of the Town.

Sincerely,

RG CONSULTING ENGINEERS, INC.

David L. Mallory For

David L. Mallory, P.E.
Civil Engineering Manager

Mr. Fox
January 14, 1998
Page 2

cc: Bruce Williams, Town Manager
Jim Loftus, Loftus Development, LLC
John Feinberg, The Collaborative, Inc.
Ed Jennings, PE & PLS
James D. Jones, EMK Consultants, Inc.
Rob Anderson, McLaughlin Water Engineers



McLaughlin Water Engineers, Ltd.

2420 Alcott Street, Denver, Colorado 80211 (303) 458-55
Facsimile (303) 480-97
mwe@mwewater.co

January 20, 1998

Mr. Roger McCoy
Superior Metropolitan District N^o 1
141 Union Boulevard, Suite 150
Lakewood, Colorado 80228

RONALD C. MCLAUGH
LDO M. E.
HALFORD E. BRICKS
WILLIAM R. KEND
RALPH L. TOR
TERRENCE P. KENY
RICHARD E. MCLAUGH
RONALD J. MCLAUGH
GERALD L. LA

GENE A. BIER
MICHAEL E. BIER
JOHN M. PFLA
MICHAEL R. GALL
SCOTT E. LEHN
BRIAN S. KOLST
C. DEAN GEND
EDWARD D. B.
BRIAN E. CNEVAL
DANIEL F. BLAI

LEANDER L. UR
DANIEL M. PETRAMA
RONALD D. LUCE

RE: Review of Final Drainage, Grading, and Utility Plan for Land Rover Sales and Service Facility, revised January 16, 1998 (Revised)

Dear Roger:

We have reviewed the Final Drainage, Grading, and Utility Plan for Land Rover Sales and Service Facility (revised January 19, 1998) by Ed Jennings PE & PLS, which we received on January 20, 1998. We also received a letter (dated January 16, 1998) responding to the previous review comments and miscellaneous hydraulic calculations.

Drainage Review Comments

The above letter and calculations were submitted to McLaughlin Water Engineers as a response to MWE's previous review comments (dated January 5, 1998).

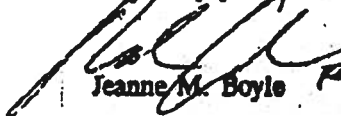
All of our drainage review comments dated January 5, 1998 have been satisfactorily addressed in the revised plans and analysis.

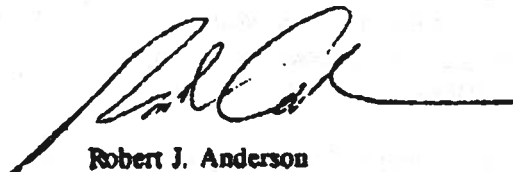
Utility Review Comments

Our utility comments of the January 5, 1998 letter still need to be addressed. These comments can be incorporated into the construction drawing submittal.

Please do not hesitate to call us if you have any questions.

Very truly yours,


Jeanne M. Boyle


Robert J. Anderson

cc: Fred Fox, Foxfire Community Planning and Development
John Feinberg, The Collaborative
Ed Jennings

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g

MEMORANDUM

January 9, 1998

TO: Fred Simmons FAX NO.: 303-449-2750
 Ed Jennings " 303-751-0525
 John D. Feinberg " 303-759-3972
 Jim Jones " 303-694-1617
 Mike Galuzzi " 303-480-9766

FROM: Roger J. McCoy *RJM*

SUBJ.: Land Rover site

This morning, the individuals listed above met to resolve several issues relating to the development of the Land Rover site. The issues relate to drainage and access, and responsibility for costs. The following points summarize the resolution we arrived at.

1. Coalton Road improvements fronting the property (completion of the south median curb, the south flow line curb and gutter, the sidewalk and pavement) are not scheduled to be constructed until traffic volumes warrant.
2. Certain of these improvements are necessary to accommodate the development of the Land Rover site. They include the following: curb and gutter on the Coalton frontage and sidewalk on the Coalton frontage, which have been generally understood for some time. In addition, we determined in our meeting this morning it will be necessary for the District to construct a drainage culvert, approximately 24" in diameter and 150' long, under the curb returns in the street right-of-way at the entrance to the site off Coalton Road, and a portion of the pavement between the curb returns. This portion of pavement will be permanent, in that it will stay in place when the rest of the Coalton improvements are constructed by the District. The top 1-1/2" of asphalt will be deferred until the remainder of Coalton improvements are constructed.
3. The Rover developer will be responsible for construction of a drainage swale, including any stabilization measures that are appropriate, on the downstream (east) end of the culvert under the curb returns.
4. Ed Jennings will design the culvert placement under the curb returns, and give it to Jim Jones. Jim Jones will give Ed Jennings the pavement specifications that need to be used for the permanent section of asphalt improvements discussed in no. 2, above.
5. Jim will modify the design of the curb returns for the adjusted elevations needed to accommodate the culvert.

141 (Main Boulevard, Suite 150)
 Lakewood, Colorado 80226-1556
 Tel. (303) 987-0833 • Fax: (303) 987-2032

6. All improvements in the Coalton right-of-way which are temporary, i.e., which will be disposed of when the full Coalton section is built, will be the responsibility of the developer. These improvements include, but may not be limited to, a temporary driveway access to the existing north two lanes of Coalton Road, including a break in the median curbs and temporary curb returns.

7. The temporary culvert under the temporary driveway, which has been stipulated in the past, will not be necessary. The drainage flow which would have been served by the temporary culvert will be diverted to the permanent 24" culvert (see no. 2, above), until the remaining Coalton improvements are constructed.

8. The District will contract for construction of the curb, gutter, sidewalk, and drainage culvert, and coordinate the timing of construction with the developer. The developer will contract for asphalt work, and separate out the permanent portion of the asphalt. The District will review the price for the permanent section of asphalt, and, in advance of paying for it, will need to approve the price and method of payment.

9. Ongoing maintenance responsibilities for snow removal on the Coalton frontage sidewalk is the responsibility of the property owner. If a section of sidewalk falls into disrepair from normal wear and tear, the District will be responsible for fixing it. The property owner will be responsible for installation and maintenance of all landscaping behind the curb. The District will maintain any landscaping on a future median in Coalton Road.

We'll review these points with the District Board when it meets next Wednesday, and if there is any additional clarification resulting from that review, we'll communicate it to you.

copy - Fred Fox at Fax No. 303-341-0375
Board of Directors, Superior Metropolitan District No. 3

RJM/ms

what about rock rough circle?

*so could be
in ROW &/or
part. land
LR does all*

NARRATIVE

The entire concept of a Land Rover Centre is different than any other car sales and service facility with which we are all familiar. The purpose of this narrative, along with the supporting plans, is to allow the reviewer to understand how it is different and why it is a positive community asset.

Superior as a community is in the midst of change. It evolved from a small coal mining town to a bedroom community. Government has been largely supported during this evolution by development fees. Now, the community recognizes that it must switch from development fee-based revenues to sales tax based revenues in order to not increase property taxes. To effectuate such change, Superior has developed a large redevelopment area at the north end of town and has actively sought its development as a regional shopping center.

The majority of the remaining commercial ground is located in Rock Creek, the PD for which allows for up to 15,000,000 square feet of commercial uses. The development of the Land Rover Centre is located on ground designated in the PD for commercial development, and is located at the southwest corner of a commercial use cluster at the corner of Coalton Road and Rock Creek Circle Parkway.

The concept of a Land Rover Centre is quite different. By comparison a Land Rover Centre is:

- Located within a community and not on a high volume traffic highway.
- A destination for selective Land Rover buyers and not a stop for masses of auto shoppers.
- Designed to have a low level of lighting and not look like a baseball diamond with a night game in progress.
- Designed to blend into the landscape and be heavily landscaped and not be a glaring box in a sea of asphalt.
- Designed to have a low level of lighting and not look like a baseball diamond with a night game in progress.
- Operated to inform the buyer with non-car sales background staff and not be a place where the guest is subjected to high pressure car salespeople.
- Operated to be an integral part of the community within which it has selected to be located and not a take-what-I-can yet non-participant on the community fringe.

We would like to take this opportunity to expand upon these concepts in this narrative and reference the reviewer to the drawings which illustrate the underlying principles and tenets of a Land Rover Centre.

Zoning Change; from CAC to RAC on a part of the overall site

Town government staff and planning consultants have strongly recommended that a portion of the overall site on which the Land Rover Centre will be located be changed from Community Activity Center to Regional Activity Center.

The definitions for these zones are quite general. The Land Rover Centre is neither regional in scale of site nor building: respectively 1.789 acres and less than 10,000 square feet of building. Yet, quite clearly the customers for cars and service will be drawn from Northern Colorado - the defined zone in the franchise agreement. So, it can be considered that the land use is regional. Superior will benefit by imported sales tax revenue dollars while having a small community scaled facility tucked in to the hillside at Rock Creek Circle and Coalton Road intersection.

The RAC designation is only being sought for the Land Rover Centre. The second lot (lot two) situated on the corner will remain CAC. The RAC designation will allow Land Rover to comply with staff and planning consultants recommendation for the most appropriate zoning categorization.

Should the Land Rover Centre not be built, or be built and move, or go out of business, we have volunteered that the site will revert to CAC zoning. This assures you that the only auto centre will be the high quality Land Rover Centre.

Why isn't it Land Rover Superior?

The franchise agreements of Land Rover North America identify zones for customer bases. Thus, the franchise is named for the largest population base within the zone, the 250,000 plus population of Boulder County. The name Land Rover Boulder would be the same were it located in North Broomfield, west Erie, Lafayette, Louisville, Ward, Nederland.... The name is not intended to reflect upon Superior in any disrespectful manner. Land Rover North American has selected and approved the Superior site for Land Rover Boulder. They like Superior. Land Rover Boulder likes Superior. We hope Superior appreciates Land Rover as a member of its community.

Did you know that Land Rover Denver East is located in Aurora? And did you know that Land Rover Denver South is located in Highlands Ranch?

Currently, we are trademarking the term "A Superior Location" so that we may use it in all our advertising.

Land Rover as Community Partner

We want to be an active, supporting, and integral member of the Superior Community. While the sales tax revenues are certainly one measure of support, we believe we can work together in other ways. For example, on Sundays we are closed, but our facility could be made available for events in which a hard surfaced parking lot could be an asset - from bike safety lessons for kids to a benefit auction. We are definitely open to suggestions. Also, we want to point out that a significant portion of our landscape plan is devoted to various Colorado biomes.

In sum, we welcome how we can become a better community partner.

We have funded Perry Conway's Aerie Nature Series to do talks to the school kids using our biomes. We were approached through Perry and the PTO and have agreed to fund his exquisite program for as long as we are here. We are very pleased to support the school and the education of the children. We are also pleased that our biomes concept have worked out so well.

Backcountry Evening Talks

Throughout the year, we will be bringing in notable outdoorsmen and women to conduct educational forums on how to best enjoy and protect our wilderness. These evening sessions will be available to our customers and to the public. We invite your attendance. See if these are of interest to you.

Our preliminary lineup, beginning with our opening in the fall of 1998 features:

- The Bucking Brown Trout Company, featuring John Beggs on flyfishing and the proper equipment for Rocky Mountain streams.
- Perry Conway, noted wildlife photographer, author, and educator, will conduct his programs at least twice each year for the Superior Elementary School on our grounds, and will give evening talks on nature photography.
- Neptune Mountaineering, featuring Gary Neptune, the Boulder based and nationally acclaimed rock and ice climbing expert, will conduct seminars on this exciting sport.
- Sam Arnold, owner of "The Fort" and author of many cookbooks featuring southwest and buffalo cuisine will speak and demonstrate some of his favorite recipes.
- Clive Cussler, best selling novelist, will conduct a book signing. A Colorado resident, his adventurous writing style includes his and our passion for fine vehicles.
- John Fielder, considered by many the preeminent wilderness photographer in North America, will talk about his life, his devotion to the environment and potentially conduct some multi-day photographic expeditions into the Rocky Mountain splendor.
- Dave Felkley, author and journalist, will conduct seminars on one of the areas most attractive sports, snowshoeing.

Other topics will support our belief that life is too short not to be in the backcountry, discovering new places and enjoying new skills.

Landscape Plan Concept

The Centre is abutted on two sides with a three to one sloped embankment of a total height above the site of 40 feet. Therefore, to begin with, the Land Rover Centre is really "tucked-in." The east side is open to the corner lot. So, we've planted over 50 trees, mostly evergreens to provide a visual barrier. Not that we think our building is unattractive, but we do realize that everybody has different tastes.

The north portion of the site has a landscaped buffer zone along Coalton Road which greatly exceeds the standard. It is from 30 to 45 plus feet in depth and is planted with mature trees, groupings of native shrubs, irrigated turf, and accented by softly shaped berms and a meandering watercourse.

The west side of the site has a variety of biomes. From North to South, these are:

- Cottonwood grove representative of the banks of watercourses of the plans
- Bottom lands with red twig dogwood and native groundcovers and wildflowers
- Sub-Alpine with firs and spruces
- Transitional zone with pines
- Southern montane with gambel's oak and sumac
- And, Pinon/Juniper complex with sage and yucca

Interweaving between many of these biomes is the capabilities demonstration course. It is designed to show the capabilities of these highly versatile line of Land Rover vehicles. The course is designed to be negotiated at walking speed and has boulders, steep side grades, a climbing hill, and a variety of surfaces from railroad ties to native blue granite.

Around the building and in the parking lots are flowering crab ornamental trees and cotoneaster ground covers. These plantings are intended to soften the appearance of the architecture and the hard surfaces and provide color in each season - important objectives for the overall site as well.

Land Rover Centres are well known for their extensive landscaping. This Centre substantially exceeds the number and size of plant materials required by the already intensive requirements of Superior and Rock Creek. We look forward to the changes that appear as the plants further mature; see the Landscape Plan for what we wish to create.

Lighting

The Superior Centre will not have high levels of lighting on high poles with tremendous light spillage. It will have accent lighting of landscaping and a few select cars, and background lighting sufficient for night time security. We have detailed in our attached Lighting Plan, the principles, objectives, and methods by which we will achieve this special effect. Here is what we have listed:

DESIGN PHILOSOPHY

Commensurate with our clientele and site specifics, the illumination will focus on the landscape plantings and a few select cars, thus keeping light levels low and contrasting dramatically with the stereo-typical high-level lighting of typical car dealerships.

PARTICULARS

- Parking lot illumination will be minimal and landscape materials will be highlighted.
- Visible illumination equipment will stylistically support the architecture and "garden center" feeling of the Centre. Most accent lighting will be hidden.

- The clientele will view the site from the northwest, north, and northeast sides which will be accented by light. The southeast, south, and west sides will be minimally lit at the site interior, with border plant massing and land form buffering.

OPEN EVENING HOURS

- The building will seem to 'glow' from the inside out with uplighted ceilings and highlighted vehicles and display walls. The entry canopy is also uplighted for a welcoming greeting upon entering.
- Evergreen trees are washed with light using ground-mounted low wattage illumination. The deciduous trees are uplighted with ground mounted low wattage accent lights. The lighted landscape acts as a screen between the neighborhood and the building.
- The vehicles on the circular displays at the building entrance and northeast corner are highlighted with two small, low wattage lights mounted on the ground and "hidden" behind rock formations.
- The parking and exterior service areas are lighted with building-mounted low wattage area lights with cut-off optics and behind the curbs at car part exterior boundaries with shielded fixtures mounted on 8' to 10' high wood poles (height depends on adjacent ground slope). The landscape lighting around the perimeter of the parking areas will add to the feeling of brightness in the parking area without adding to the light levels.
- The Land Rover sign, high up on the green "obelisk-wall," is self-illuminated. The high wall itself is not lighted.

CLOSED EVENING HOURS

- The landscape lighting plays the dominant role in the site lighting during the Centre's closed evening hours. The building interior and exterior lighting is reduced to light levels required for security.
- During closed hours, the building interior uplighting and most of the accent lighting is turned off, except for selected accent lights directed on vehicles inside, to display them as "jewels on black velvet." Also, the entry canopy uplighting is turned off.
- On the Coalton Street side, additional ground-mounted accent lighting is provided for highlighting a vehicle, parked on the demonstration course after the closing of the course. The vehicle, peeking through the trees, will create additional interest and drama on the site when viewed from the northwest. The vehicle in the rock articulation circle at the northeast corner will be similarly lit.

Architecture

The massing of this building is simple and straight-forward, a front section with sloped metal roof, wood lap siding, and red Lyons sandstone base; and a flat roofed, more utilitarian, rear service portion with masonry.

The Land Rover Centre design has been built in more than 50 communities across the country. It has been carefully developed to not scream car dealership; rather it is to whisper "garden center." It seems a bit confusing at first reading. But, one must remember that Land Rover North America wanted this building to appropriately fit

into the fabric of selected communities across the USA, and that their customers were looking for the Land Rover Centre as a destination.

The showroom is entered off the canopied porte-cochere or through the ADA accessible ramp and double entry doors. Once inside, the mood is indicative of a lodge - open large wood trusses, wood siding and cabinetry. The maximum number of vehicles on the showroom floor is three. After all, you need room for the customer lounge, and the videos of local customer off-road tours (required to be held by each dealer 4 times per year), Land Rover Gear, and "vehicle Kit displays".

In sum, the architecture is not meant to shout car dealership, it is meant to blend into the landscape with its green and tan exterior, and blend into the fabric of the community.

Use

While we have discussed the image of a typical dealership and how a Land Rover Centre is so different, it is also important to know how it is operated. Here is a comparison of a typical dealership and Superior's Land Rover Centre.

TYPICAL DEALERSHIP

Total lot average, bright 1,000 watt lights on 35' tall poles on all night

Shoe polish or glaring pastel signs painted on windshields and showroom glass - "A Real Creampuff!!!"

Asphalt area maximized to display maximum number of automobiles, absolutely minimum landscaping

Loud public address system to summon employees to phone calls or inside appointments

Many vehicles down for service or waiting for parts - some missing body parts and with wires or brake lines leaking fluids

Vehicle test drives are frequent, high performance, and in local streets. Many drives stress high speeds and maximum braking performance.

SUPERIOR LAND ROVER

Some 100 watt lights on 10' poles, soft lighting of landscaping, only security lights on during non-business hours

Absolutely no advertising on vehicles or building. We are a quiet destination.

Maximum landscaping (30 plus %) to create a landscaped environment with biomes

Vibrating pagers to silently summon employees

No vehicles left outside in disheveled condition - ALL parts are Federal Expressed overnight thus eliminating down time for those waiting for parts not in stock

Land Rover products are built for off-road or obstacle negotiation first. Thus, the performance is demonstrated onsite while negotiating a highly landscaped capabilities course as it slowly wanders

through many indigenous biomes. Any highway test drives will occur far to the south on State Highway 128.

The typical auto dealership customer becomes a sales and service problem - emphasis on high volume of sales leaves little time for personal interaction. Salespersons tend to hang out at the front door waiting to pounce on each customer as they approach the lot.

Our purpose is to develop a long term relationship with our clients. The vehicle is to help the client discover an enhanced outdoor experience. We are dedicated to educating the client about the vehicle, its proper use, and characteristics of the environment which will be experienced. This is accomplished through training sessions on the capabilities course, raising awareness through gift memberships in the Colorado Mountain Club, maintaining connection through the Land Rover Club meetings, patron picnics, and company guided expeditions into the Rockies.

Tend to operate in isolation from the surrounding community and without any desire for involvement.

Will provide meeting place for community use including showroom, conference room, and picnic area. Will conduct educational tours of the Colorado biomes on site in conjunction with hands-on presentations of wildlife by nationally recognized expert, Perry Conway of Aerie Nature Series.

To insure that the operational characteristics follow our affirmations, we have committed to making them covenants which run with Lot One.

Security

We have reviewed the plans with Lieutenant Phil West of the Boulder County Sheriff's Department. Together we have worked out some features to deter vandalism and car theft. He praised the small number of entries to the site. And, he also felt Land Rover products are not very desirable to car thieves.

1. Lt. West was pleased that all of the cars come equipped with anti-theft systems which will be armed each night.
2. The site will have minimal night time lighting when closed but supplementary lighting will get kicked on by motion detectors.
3. All employees are well known to us and background checks have been completed. In many cases, we not only know them but we know their family.

4. The building will be alarmed and will be equipped with dialers through dispatch and to Dan's home in Superior.
5. All keys to all vehicles will be locked in the safe upon closing.

Summary

To accommodate the Land Rover Centre, the zoning on a 1.789 acre lot will be changed from CAC to RAC, and the remaining subdivided corner lot will continue as CAC. The Landscape Plan will create an extensively and diversely vegetated site representing multiple native Colorado biomes and providing for seasonal color and interest. The lighting is low level and low wattage with the landscape accented by ground level uplighting. Auto lighting is quite minimal, sufficient for safety and security during hours when the facility is closed.

The building is tucked in to the 40' high hillside and fully buffered on three sides. The building is further designed to blend into the local fabric of the community, be a positive visual attribute and good compatible neighbor. Altogether, the Land Rover Centre is, we believe and hope you also agree, an entirely different concept in motorcar sales and service than any other. As you have seen - regional in scope and community in scale.

Attached please find:

Final Plat

Final Plat Site Plan

- Site Plan and Landscape Plan
- Grading/Drainage/Utilities Plan
- Capabilities Demonstration Course
- Lighting
- Signage and Site Furniture
- Building Elevations with building signage locations
- Building Floor Plan

PD Amendment

Sub Area Plan Amendment

Various Support Documents

- Traffic Impact Analysis
- Drainage Report
- Title Commitment

