

**TOWN OF SUPERIOR
PLANNING COMMISSION
RESOLUTION NO. PC-10
SERIES 2018**

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF SUPERIOR RECOMMENDING APPROVAL OF AN AMENDMENT TO THE ROCK CREEK RANCH PLANNED DEVELOPMENT TO REZONE LOT 1, BLOCK 1, CENTENNIAL VENTURE IV - REPLAT A FROM REGIONAL ACTIVITY CENTER (RAC) ZONING TO COMMUNITY ACTIVITY CENTER (CAC) ZONING (CASE # RZN-2018-02)

WHEREAS, pursuant to Resolution No. 98-R-13, the Town of Superior (the "Town") granted an application by Rare Air Mountain Plane and Expeditions, Inc. d/b/a Land Rover Boulder ("Land Rover") to rezone Lot 1, Block 1, Rock Creek Ranch Filing No. 24 (now Lot 1, Block 1, Centennial Venture IV-Replat A) (the "Property") from Community Activity Center (CAC) to Regional Activity Center (RAC);

WHEREAS, rezoning of the Property included and was subject to a Use Agreement between the Town and Land Rover (the "Development Agreement");

WHEREAS, as stated and acknowledged by the parties in the Development Agreement, the rezoning approval was "based upon numerous representations and commitments of Land Rover that mitigate the impacts of the typical regional car dealership use so that the use is largely consistent with the goals and intent of a community activity within Rock Creek";

WHEREAS, the Development Agreement further states "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";

WHEREAS, in July 2018, Land Rover ceased to operate its car dealership on the Property;

WHEREAS, pursuant to Code § 16-7-10, the Town has filed an application (the "Application") to rezone the Property;

WHEREAS, the Town seeks to amend the Rock Creek Ranch Planned Development by rezoning the Property from Regional Activity Center (RAC) back to Community Activity Center (CAC);

WHEREAS, an amendment to a planned development is treated as a new plan, and the criteria for approval of a new planned development are set forth in Section 16-10-30 of the Code;

WHEREAS, the specific requirements for rezoning are set forth in Sections 16-7-10 through 16-7-40 of the Code;

WHEREAS, Sections 16-7-30(a) and 16-10-30(c) of the Code require a public hearing and recommendation by the Planning Commission regarding approval of a rezoning and a planned development, respectively; and

WHEREAS, on November 20, 2018, the Planning Commission held a properly-noticed public hearing on the Application.

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

Section 1. The Planning Commission hereby recommends that the Board of Trustees approve the Application to amend the Rock Creek Ranch Planned Development to rezone Lot 1, Block 1, Centennial Venture IV - Replat A from Regional Activity Center (RAC) to Community Activity Center (CAC), subject to the following conditions:

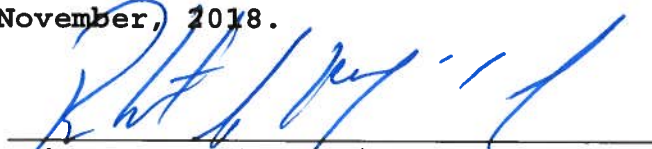
A. Town staff and the Board of Trustees shall engage and discuss with the owner the potential for a new development agreement, amendment to the current development agreement or applicable application concerning operation of the current business located on the Property.

Section 2. This Resolution is hereby adopted by a majority of those Planning Commissioners present to hear the matter according to the following numbers of votes:


_____ 6 "yes" votes

_____ 1 "no" votes

ADOPTED this 20th day of November, 2018.



Robert McCool, Chairperson

ATTEST


Phyllis L. Hardin, Town Clerk-Treasurer

