

**TOWN OF SUPERIOR
ORDINANCE NO. 0-9
SERIES 2018**

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR APPROVING 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 the Superior Municipal Code (the "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 and Board of Trustees regarding approval of a rezoning and a planned development, respectively;

WHEREAS, on November 20, 2018, the Planning Commission held a properly-noticed public hearing on the Application and recommended approval of the Application, with a condition; 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 BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:

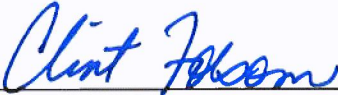
Section 1. The Board of Trustees hereby finds and determines that the Application satisfies Section 16-7-30 of the Code, in that the proposed rezoning furthers the goals and policies of the Comprehensive Plan and other approved plans and does not necessitate a Comprehensive Plan amendment.

Section 2. The Board of Trustees hereby approves 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), with such rezoning to take effect on the effective date of this Ordinance.

Section 3. **Severability.** If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or part or parts be declared unconstitutional or invalid.

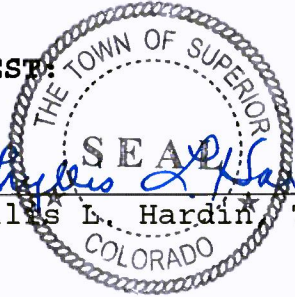
Section 4. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.


INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 10th day of December, 2018.



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, separated by two small stars. In the center of the seal, the word "SEAL" is printed in a bold, serif font.



Phyllis L. Hardin, Town Clerk-Treasurer