

**TOWN OF SUPERIOR
ORDINANCE NO. O-16
SERIES 2019**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
SUPERIOR APPROVING A FIFTH AMENDMENT TO THE PLANNED
DEVELOPMENT PLAN FOR SUPERIOR TOWN CENTER (CASE NO.
PDA-2019-01)**

WHEREAS, RC Superior, LLC ("Applicant") owns certain property located in the Town of Superior that is generally described as Superior Town Center (the "Property");

WHEREAS, Applicant has filed an application (the "Application") for a fifth amendment to the Planned Development Plan for the Property ("PDA #5");

WHEREAS, in October 2012, the Board of Trustees approved an original PD Plan for the Property;

WHEREAS, in August 2013, the Board of Trustees approved the first PD Plan Amendment for the Property;

WHEREAS, in May 2014, the Board of Trustees approved the second PD Plan Amendment for the Property;

WHEREAS, in April 2016, the Board of Trustees approved the third PD Plan Amendment for the Property;

WHEREAS, in April 2018, the Board of Trustees approved the fourth PD Plan Amendment for the Property;

WHEREAS, pursuant to Section 16-10-30(c)(5) of the Superior Municipal Code (the "Code"), an amendment to a PD Plan is treated as a new plan, and the specific review criteria are set forth in Section 16-10-30(b) of the Code;

WHEREAS, on November 19, 2019, the Planning Commission held a properly-noticed public hearing on the Application and recommended approval with conditions;

WHEREAS, Section 16-10-30 of the Code requires a public hearing and decision by the Board of Trustees 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.

12/10/2019

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 that the Application, subject to the conditions set forth in Section 2 hereof, meets all of the criteria set forth in the Code and is consistent with the Town of Superior Comprehensive Plan.

Section 2. The Board of Trustees hereby approves the Fifth Amendment to the Planned Development Plan for the Superior Town Center, subject to the following conditions:

A. Within 60 days of the date of this Ordinance, Applicant shall make minor technical and redline corrections to plans as identified by Town staff;

B. Within 60 days of the date of this Ordinance, Applicant shall submit a complete and final PD Plan, including PDA #5;

C. The complete and final PD Plan, including PDA #5, shall be recorded before any associated plats or Final Development Plans for the Property;

D. At least thirty feet (30') of frontage measured from the corner of each intersection on Main Street in Block 5 shall be limited to commercial uses; and

E. The "work" portion of any live-work space shall be open to the public an average of at least 50% of normal business hours each year.

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.

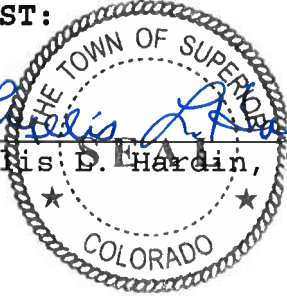
INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 9th day
of December, 2019.

Clint Folsom

Clint Folsom, Mayor

ATTEST:

Phyllis D. Hardin
Phyllis D. Hardin, Town Clerk

The seal of the Town of Superior, Colorado, 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 stars. The center of the seal is partially obscured by the signature of Phyllis D. Hardin.