

**TOWN OF SUPERIOR
RESOLUTION NO. R-70
SERIES 2019**

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR APPROVING: A FINAL PLAT AND ASSOCIATED SUBDIVISION IMPROVEMENT AGREEMENT FOR BLOCKS 2 & 4-11, TRACTS A & B AND PARCELS C-G & K, SUPERIOR TOWN CENTER; A FINAL DEVELOPMENT PLAN FOR BLOCKS 4, 6, 7, 9, 10 & 11 AND PARCEL K DOWNTOWN PLAZA AND PROMENADE, SUPERIOR TOWN CENTER; AND A FINAL DEVELOPMENT PLAN FOR SEGMENTS OF CREEK VIEW WAY, MARSHALL ROAD, OLD RAIL WAY AND GATEWAY DRIVE, AND THE DETENTION POND WITHIN TRACT C1, PLANNING AREA 2, SUPERIOR TOWN CENTER (CASE NOS. FP-2019-03, FP-2019-04, FP-2019-05)

WHEREAS, Morgan Holdings, LLC and RC Superior (collectively, "Applicants") would like to develop certain property legally described as Blocks 2 & 4-11, Tracts A & B and Parcels C-G & K, Superior Town Center (the "Property");

WHEREAS, Applicants have filed an application (the "Application") for approval of a final plat (the "Final Plat") to subdivide the Property; for approval of a final development plan to develop segments of Creek View Way, Marshall Road, Old Rail Way and Gateway Drive and the detention pond within Tract C1, Planning Area 2, Superior Town Center; and for approval of a final development plan to develop Blocks 4, 6, 7, 9, 10 & 11, and Parcel K, Downtown Plaza and Promenade, Superior Town Center (the two final development plans, collectively referred to as the "FDPs");

WHEREAS, separately, Applicants filed an application for approval of a Fifth Amendment to the Planned Unit Development Plan for Superior Town Center ("PDA #5");

WHEREAS, Sections 16-8-50 and 16-10-40 of the Superior Municipal Code (the "Code") require a public hearing and recommendation by the Planning Commission on the Final Plat and FDPs;

WHEREAS, the specific approval criteria for the Final Plat are set forth in Section 16-8-50 of the Code;

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

WHEREAS, Sections 16-8-50 and 16-10-40 of the Code require a public hearing by the Planning Commission and Board of Trustees on the Final Plat and FDPs;

WHEREAS, on October 29, 2019, November 5, 2019 and November 19, 2019, the Planning Commission held properly-noticed public hearings on the Application and recommended approval with conditions; 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 meets all of the applicable 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 Application, subject to the following conditions:

A. Within 60 days of the date of this Resolution, Applicants shall make minor technical and redline corrections to the Final Plat and the FDPs as identified by Town staff, and to resolve any inconsistencies between the Final Plat and the FDPs;

B. Prior to recordation of the Final Plat or FDPs, Applicants shall update the Final Plat and FDPs to include a sidewalk of 10.5' in width within the Creek View Way right-of-way in Tract B;

C. The complete and final PD Plan, including PDA #5, shall be recorded prior to the recording of the Final Plat or the FDPs, and the Final Plat shall be recorded prior to the recording of either of the FDPs;

D. Pedestrian access in the Property shall not be restricted by gates, signage, fences or other means;

F. Prior to recordation of the Final Plat or FDPs, Applicants shall update the FDPs to limit residential wall signage to one sign on the northern façade of building 6-05 and one sign on the northern façade of Building 7-07, with both

signs limited to 35 square feet in size and no internal illumination, but with down-lit gooseneck sign lights;

G. Prior to recordation of the Final Plat or FDPs, Applicants shall edit the FDP to clarify that all future retail tenant signs will comply with signage requirements outlined in the Design Guidelines and require individual sign permits once users are identified;

H. Prior to recordation of the Final Plat or FDPs, Applicants shall update the northern building elevation of Building 6-01 to include columns of gray stucco as well as 1-2' projecting balconies;

I. Prior to recordation of the Final Plat or FDPs, Applicants shall update the western building elevation of Building 6-01 to include a gray stone base and to increase the depths of the banding above the first and fourth floors; and

J. On or before June 30, 2022, Applicant shall include at least 6 electric vehicle charging stations on the Property, together with conduit sufficient to add additional charging stations in the future.

Section 3. The Subdivision Improvement Agreement between the Town and RC Superior, LLC is hereby approved in substantially the form attached hereto, subject to final approval by the Town Attorney. Upon such approval, the Mayor is authorized to execute the Subdivision Improvement Agreement on behalf of the Town.

ADOPTED this 9th day of December, 2019.

Clint Folsom

Clint Folsom, Mayor

ATTEST

Phyllis L. Hardin
Phyllis L. Hardin Town Clerk

