

**TOWN OF SUPERIOR
ORDINANCE NO. O-12
SERIES 2020**

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR APPROVING A PLANNED DEVELOPMENT TO REZONE ROGERS FARM SUBDIVISION FROM MEDIUM DENSITY RESIDENTIAL (R-M) AND AGRICULTURAL, URBAN RESERVE (A-UR) TO PLANNED DEVELOPMENT(CASE NO. RZN-2020-02)

WHEREAS, Boulder Creek Neighborhoods (the "Applicant") owns certain property located in the Town of Superior, generally described as the Rogers Farm Subdivision (the "Property");

WHEREAS, the Applicant filed an application (the "Application") for approval of a Planned Development to rezone the Property from Medium Density Residential (R-M) and Agricultural, Urban Reserve (A-UR) to Planned Development(the "PD");

WHEREAS, separately, the Applicant filed applications for a final subdivision plat (the "Final Plat") and final development plan (the "FDP") for the Property;

WHEREAS, the specific review criteria for a planned development are set forth in Section 16-10-30(b) 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 16-10-30(c) and 16-7-30(a) of the Code requires a public hearing and recommendation by the Planning Commission and final decision by the Board of Trustees regarding a PD Plan rezoning request;

WHEREAS, on June 22, 2020 and July 6, 2020, the Planning Commission held properly-noticed public hearings on the Application and approved the Application, subject to conditions;

WHEREAS, on July 13, 2020 and August 24, 2020, the Board of Trustees held a properly-noticed public hearing 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.

NOW, THEREFORE, BE IT ORDAINED 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 the requirements for rezoning set forth in Sections 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 rezoning as contained in the Application, subject to the following conditions:

A. The Applicant shall, within 60 days of approval of this Ordinance, make minor technical and redline corrections to plans as identified by Town Staff;

B. The PD shall be adopted and become effective before execution of the Final Plat and FDP;

C. The PD shall include single-family detached dwelling units only; and

D. The Applicant shall contribute up to \$20,000 toward the Town's actual cost of installing pedestrian-oriented traffic calming measures, such as a rapid flashing beacon, at the McCaslin Boulevard roundabout.

Section 3. The Board of Trustees hereby rezones the Property from Medium Density Residential (R-M) and Agricultural (A-UR) to Planned Development.

Section 4. 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 5. 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 24th day
of August, 2020.

Clint Folsom

Clint Folsom, Mayor

ATTEST

Phyllis L. Hardin
Phyllis L. Hardin, Town Clerk

