

TOWN OF SUPERIOR
ORDINANCE NO. O-4
SERIES 2018

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR APPROVING AN AMENDMENT TO THE PLANNED DEVELOPMENT/ZONE DISTRICT PLAN FOR SUPERIOR TOWN CENTER (PLANNED DEVELOPMENT AMENDMENT #4)

WHEREAS, in August 2013, the Board of Trustees approved a first Planned Development/Zone District Plan Amendment for the Superior Town Center (now Downtown Superior);

WHEREAS, in May 2014, the Board of Trustees approved a second Planned Development/Zone District Plan Amendment for the Superior Town Center (now Downtown Superior);

WHEREAS, in April 2016, the Board of Trustees approved a third Planned Development/Zone District Plan Amendment for the Superior Town Center (now Downtown Superior);

WHEREAS, Game Creek Holdings, LLC and the Town wish to develop a portion of the real property generally described as Tract A, Superior Town Center Filing 1B Replat (the "Property");

WHEREAS, the Town, RC Superior, LLC and Game Creek Holdings, LLC have filed an application to amend the Planned Development/Zone District Plan to allow for an electric vehicle sales and service station on a portion of the Property, which, upon replat, will be known as Lot 4, Block 1, Tract A, Superior Town Center Filing 1B, Replat No. 3 (the "Application");

WHEREAS, § 16-10-30 of the Superior Municipal Code (the "Code") requires a public hearing and decision by the Board of Trustees on the Application;

WHEREAS, the specific criteria for consideration of the proposed Amendment to the Planned Development Plan/Zone District Plan are set forth in Article X of Chapter 16 of the Code;

WHEREAS, on April 9, 2018, following proper public notice, the Board of Trustees held a public hearing on the Application; and

WHEREAS, the Board of Trustees, upon hearing the statements of staff and the public, and giving due consideration to the Application, 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 that Applicant's proposed amendment to the Planned Development/Zone District Plan for the Superior Town Center, with the conditions provided 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 amendment to the Planned Development/Zone District Plan, subject to the following conditions, all of which shall be fully satisfied within 60 days of approval of this Ordinance:

A. Applicant shall make minor technical and redline corrections to plans as identified by Town Staff.

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.

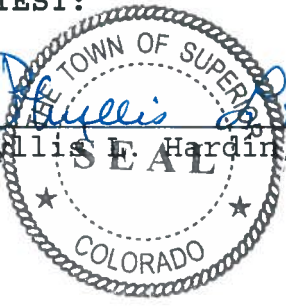
Section 4. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

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

Clint Folsom
Clint Folsom, Mayor

ATTEST:

Phyllis E. Hardin
Phyllis E. 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 features the word "SEAL" in a stylized font.