

**TOWN OF SUPERIOR  
ORDINANCE NO. O-7  
SERIES 2023**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF  
SUPERIOR DENYING AMENDMENT #6 TO THE PLANNED DEVELOPMENT  
FOR DOWNTOWN SUPERIOR, BLOCKS 6, 9, & 10, CASE NO. PDA-  
2023-01**

**WHEREAS**, Carmel Partners ("Applicant") is the owner of property located in the Town of Superior that is generally described as Downtown Superior and more particularly described in **Exhibit A** (the "Property");

**WHEREAS**, the Property is located within the Downtown Superior Planned Development (the "PD");

**WHEREAS**, Applicant has filed an application for approval for Amendment #6 to the PD to update the zoning allowances for Blocks 6, 9, and 10, update Typology L to allow for either Live-Work Units or Residential Lofts as well as rezone the ground-floor use allowance to require commercial uses (the "Application");

**WHEREAS**, Applicant has also filed an application for a Final Development Plan Amendment for the Property;

**WHEREAS**, Section 16-10-30(c)(3) of the Superior Municipal Code (the "Code") requires a public hearing before the Planning Commission and recommendation by the Planning Commission to the Board of Trustees regarding an amendment to a PD Plan;

**WHEREAS**, on April 4, 2023, the Planning Commission held a properly-noticed public hearing on the Application and recommended approval of the Application;

**WHEREAS**, Section 16-10-30(c)(4) of the Code also requires a public hearing by the Board of Trustees prior to approval of an amendment;

**WHEREAS**, on April 24, 2023 and May 8, 2023, 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 to approve the Application, hearing statements of staff and the public, and giving due consideration to the matter, finds and determines as provided below.

NOW BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:

**Section 1.** The Board of Trustees hereby makes the following findings and determinations denying the Application, finding that the Application does not satisfy the criteria for a PD amendment as set forth in Section 16-10-30 of the Code:

A. The Board finds that the proposed PD amendments are not in the best interest of the Town and the intent of the Comprehensive Plan has not been met.

B. Specifically, the Board finds that the proposed PD amendments do not further the goals, policies, and intent of the Comprehensive Plan, which provides that the Town Center and Downtown Superior will be developed as a pedestrian-oriented district offering a variety of specialty shopping, office, entertainment, residential, and community-oriented uses and act as a hub of social and business activities.

C. The Board finds that the proposed PD amendments are not in the best interest of the Town by not activating the downtown corridor and creating vibrant mixed-use center in the Town.

**Section 2.** The Board of Trustees hereby denies Amendment #6 to the Planned Development for Downtown Superior, Blocks 6, 9, & 10, as set forth in the Application.

**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.

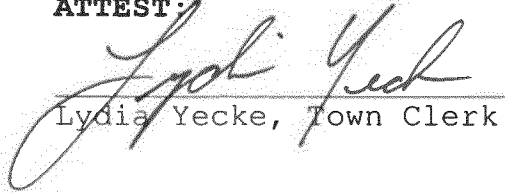
**Section 4.** Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 22<sup>nd</sup> day of May, 2023.



Mark Lacis, Mayor

ATTEST:



Lydia Yecke, Town Clerk



**EXHIBIT A**  
**Legal Description**