

TOWN OF SUPERIOR
RESOLUTION NO. R-27
SERIES 2016

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR APPROVING A FINAL DEVELOPMENT PLAN AND SPECIAL USE PERMIT FOR SUPERIOR RETAIL, LOTS 1 AND 2, BLOCK 1, SUPERIOR TOWN CENTER IN CASE # FDP-16-1, AND ALSO APPROVING THE ASSOCIATED DEVELOPMENT IMPROVEMENT AGREEMENT

WHEREAS, the Town is the owner of the real property more particularly described as Lots 1 and 2, Block 1, Superior Town Center Filing No. 1B (the "Property");

WHEREAS, the Town is under contract to convey Lot 1, Block 1, Superior Town Center Filing No. 1B to CenterPointe Development Company ("Applicant");

WHEREAS, Applicant has filed an application for a Final Development Plan ("FDP") to develop the Property with a multi-tenant commercial retail and restaurant building and parking lot (the "FDP Application");

WHEREAS, Applicant has also filed an application for a special use permit ("SUP") for a "drive-thru" lane (the "SUP Application");

WHEREAS, on March 15, 2016, the Planning Commission held a properly-noticed public hearing on the FDP Application and the SUP Application and thereafter recommended approval of the FDP Application and the SUP Application, subject to certain conditions;

WHEREAS, Section 16-10-40 of the Superior Municipal Code (the "Code") requires a public hearing and a decision by the Board of Trustees on the FDP Application;

WHEREAS, Section 16-16-40 of the Code requires a public hearing and a decision by the Board of Trustees on the SUP Application;

WHEREAS, the specific approval criteria for an FDP are set forth in Section 16-10-40 of the Code;

WHEREAS, the specific approval criteria for an SUP are set forth in Section 16-16-40(d) of the Code;

WHEREAS, on April 11, 2016, the Board of Trustees held a properly-noticed public hearing on the FDP Application and the SUP 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 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 FDP Application meets all of the criteria set forth in Section 16-10-40 of the Code and is consistent with the Town of Superior Comprehensive Plan.

Section 2. The Board of Trustees hereby finds and determines that the SUP Application meets all of the criteria set forth in Section 16-16-40(d) of the Code.

Section 3. The Board of Trustees hereby approves the FDP Application subject to the following conditions:

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

B. Applicant shall maintain north-south access between Marshall Road and Superior Plaza Way throughout construction;

C. Applicant shall provide landscaping or other screening in the area near the western patio to minimize traffic noise from McCaslin Boulevard, and Applicant shall maintain such landscaping or other screening; and

D. Applicant shall supply and maintain tables and chairs on the western patio.

Section 4. The Board of Trustees hereby approves the SUP Application and issues an SUP for the "drive-thru" lane.

Section 5. The FDP shall not be signed by the Town or recorded prior to satisfaction of the above-referenced conditions.

Section 6. The Development Improvement Agreement between the Town and Applicant is hereby approved in

substantially the same form as attached hereto, subject to final approval by the Town Attorney.

ADOPTED this 11th day of April, 2016.



Clint Folsom, Mayor

ATTEST



Phyllis L. Hardin, Town Clerk-Treasurer

