

TOWN OF SUPERIOR
RESOLUTION NO. R-38
SERIES 2016

A RESOLUTION OF BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR APPROVING THE PRELIMINARY AND FINAL PLATS AND FINAL DEVELOPMENT PLANS FOR LOT 1, BLOCK 13, SUPERIOR TOWN CENTER, AND A PORTION OF LOT 1, BLOCK 25, SUPERIOR TOWN CENTER, AND APPROVING VESTED RIGHTS THEREFOR

WHEREAS, RC Superior, LLC ("Applicant"), is the owner of certain property located in the Town of Superior (the "Property");

WHEREAS, Applicant has filed an application for preliminary and final plats and final development plans ("FDPs") to allow development of 117 residential lots and to create outlots for access and a superlot for additional future development the "Application");

WHEREAS, Section 16-8-50 of the Superior Municipal Code (the "Code") requires a public hearing and recommendation by the Planning Commission regarding a preliminary plat and a final plat;

WHEREAS, Section 16-10-40 of the Code also requires a public hearing and recommendation by the Planning Commission regarding approval of an FDP;

WHEREAS, the specific approval criteria for a preliminary plat and a final plat are set forth in Section 16-8-50 of the Code;

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

WHEREAS, on June 7, 2016, the Planning Commission held a properly-noticed public hearing on the Application;

WHEREAS, the Planning Commission recommended that the Board of Trustees approve the FDPs and the preliminary and final plats, with conditions; and

WHEREAS, on June 20, 2016, the Board of Trustees held a properly-noticed public hearing on the Application.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF SUPERIOR, COLORADO, as follows:

Section 1. The Board of Trustees hereby approves the preliminary and final plats for Block 1, Lot 13 as contained in the Application, subject to the condition that Applicant shall, within 60 days of approval of this Resolution, make minor technical and redline corrections to plans as identified by Town Staff.

Section 2. The Board of Trustees hereby finds and determines that the FDP for Block 1, Lot 13 as contained in the 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. The parking requirements for Block 1, Lot 13 are met in the aggregate. This finding applies solely to this specific FDP and is based upon the unique circumstances of this Application. On-street parking spaces shall not count towards Applicant's parking requirements.

Section 3. The Board of Trustees hereby approves the FDP for Block 1, Lot 13 as contained in the Application, subject to the following conditions, all of which shall be fully satisfied within 60 days of approval of this Resolution:

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

B. Applicant shall provide notes on all site and elevation plan sheets for Davidson Communities that requires a 6' minimum separation between residences as measured from siding to siding (not foundation wall to foundation wall) to ensure that windows and doors can be installed.

C. Applicant shall add a note to all lighting plan sheets that clarifies that builders may select from the 3 approved front porch lighting fixtures, but each builder may only employ only one of the 3.

D. Applicant shall add a note to all lighting plan sheets requiring that all garage-mounted wall lights used to illuminate internal drive aisles to be lighted from dusk until dawn, and requiring that the associated metropolitan district be responsible for enforcement.

E. For both the side and rear elevations of the Davidson Communities products, a minimum of 2 colors shall

be employed for each elevation, as well as a base wall (at a minimum of 4' in height) of stone or brick.

Section 4. The Board of Trustees hereby approves the preliminary and final plats for a portion of Block 1, Lot 25 as contained in the Application, subject to the following conditions, both of which shall be fully satisfied within 60 days of approval of this Resolution:

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

B. Applicant shall add a note to the plan sheets to clarify that development along the west side of Lane A is restricted to rear-loaded residential products that are accessed via Outlot G.

Section 5. The Board of Trustees hereby finds and determines that the FDP for a portion of Block 1, Lot 25 as contained in the 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 6. The Board of Trustees hereby approves the FDP for a portion of Block 1, Lot 25 as contained in the Application, subject to the following conditions, all of which shall be fully satisfied within 60 days of approval of this Resolution:

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

B. Applicant shall add a note to all lighting plan sheets that clarifies that the builder may select from the 3 approved front porch lighting fixtures, but may only employ only one of the 3.

C. Applicant shall add a note to all lighting plan sheets requiring that all garage-mounted wall lights used to illuminate internal drive aisles be lighted from dusk until dawn, and requiring that the associated metropolitan district be responsible for enforcement.

Section 7. Vested Rights. The final plats and FDPs approved in this Ordinance shall be subject to the vested rights provisions contained in the Development Agreement between the Town, the Superior Urban Renewal Authority, Superior Metropolitan District No. 1 and RC Superior, LLC dated March 11,

2013, and the approval of the Application shall not be deemed to extend the term of such vested rights.

ADOPTED this 20th day of June, 2016.

Clint Folsom
Clint Folsom, Mayor

ATTEST
THE TOWN OF SUPERIOR
SEAL
Phyllis L. Hardin
Phyllis L. Hardin, Town Clerk
COLORADO