

TOWN OF SUPERIOR  
RESOLUTION NO. R-20  
SERIES 2017

A RESOLUTION OF BOARD OF TRUSTEES OF THE TOWN OF  
SUPERIOR APPROVING AN AMENDMENT TO SUPERIOR TOWN  
CENTER FINAL DEVELOPMENT PLAN 1, PHASE 1, FOR PAVING  
AND LANDSCAPING

WHEREAS, RC Superior, LLC, and the Town (collectively, the Applicants") own and are jointly improving certain property within the Superior Town Center (the "Property");

WHEREAS, Applicants have filed an application for an amendment to the Superior Town Center Final Development Plan 1, Phase 1, seeking to update parking, sidewalk paving and landscaping details for three blocks of Main Street, a portion of Superior Drive, and Tracts C and D in the Superior Town Center (the "Application");

WHEREAS, Section 16-10-50 of the Superior Municipal Code (the "Code") requires substantive amendments to a final development plan ("FDP"), such as the Application, to be treated as a new FDP, which, pursuant to Section 16-10-40 of the Code, requires a public hearing and recommendation from the Planning Commission and then a public hearing before the Board of Trustees;

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

WHEREAS, on February 21, 2017, the Planning Commission held a properly-noticed public hearing on the Application;

WHEREAS, the Planning Commission recommended that the Board of Trustees approve the Application, with conditions; and

WHEREAS, on March 13, 2017, 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 finds and determines that 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 2.** The Board of Trustees hereby approves 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. There shall be no reduction in the boundaries of FDP 1, Phase 1. As such, Applicants shall correct all plan sheets to show the exact boundaries shown on the original FDP.

C. Applicants shall remove all notes on plan sheets that refer to completion dates. This includes, without limitation, the Notes on sheets L1.3 and L2.3, which refer to a completion date of December 31, 2018.

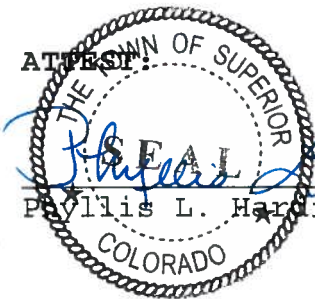
D. Applicants shall remove the last two sentences of the Note on plan sheets L2.0, L2.1 and L2.2.

E. Applicants shall file a comprehensive Superior Town Center FDP 1, Phase 1, including all of the amendments approved herein, as well as the above-stated conditions. To achieve this condition, within 40 days of approval of this Resolution, Applicants shall file with the Town all updated plan sheets for review, comment, and correction. Thereafter, all corrections shall be made and final copies of the FDP filed with the Town within the 60-day timeframe set forth above.

**Section 3.** Pursuant to Section 10.2 of the Superior Town Center Development Agreement dated March 11, 2013 (the "Agreement"), in order to obtain an extension of vested rights, RC Superior, LLC must complete all of the Public Improvements for the First Phase of Development (defined in the Agreement) on or before March 11, 2018. The Board of Trustees finds and determines that this Application only includes a portion of those referenced Public Improvements. As such, the approval of this Application will not constitute approval of "the Public Improvements for the First Phase of Development" under the Agreement. Further, nothing in this Resolution shall affect RC Superior, LLC's obligation to fully comply with Section 10.2 of the Agreement as a condition precedent to obtaining any extension of any vested rights.

ADOPTED this 13<sup>th</sup> day of March, 2017.

Clint Folsom  
Clint Folsom, Mayor

ATTEST:  
The seal is circular with a rope-like border. Inside the border, the words "THE TOWN OF SUPERIOR" are written along the top arc and "COLORADO" along the bottom arc. In the center, the word "SEAL" is written. A signature in blue ink is written across the seal.  
Phyllis L. Hardin  
Phyllis L. Hardin, Town Clerk