

TOWN OF SUPERIOR
ORDINANCE NO. O-6
SERIES 2018

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR APPROVING AN AMENDMENT TO THE ROCK CREEK RANCH PLANNED DEVELOPMENT TO REZONE PORTIONS OF TRACTS E, H, I AND K, ROCK CREEK RANCH FILING NO. 12 FROM REGIONAL ACTIVITY CENTER (RAC) TO RESIDENTIAL (R-1B) (CASE # RZN-2018-01)

WHEREAS, Superior Rock Creek, LLC ("Applicant") has filed an application to rezone portions of tracts E, H, I and K, Rock Creek Ranch Filing No. 12 (the "Property");

WHEREAS, Applicant seeks to amend the Rock Creek Ranch Planned Development by rezoning the Property from Regional Activity Center (RAC) to Residential (R-1B);

WHEREAS, an amendment to a planned development is treated as a new plan, and the criteria for approval of a new planned development are set forth in Section 16-10-30 of the Superior Municipal Code (the "Code");

WHEREAS, the specific requirements for rezoning are set forth in Sections 16-7-10 through 16-7-40 of the Code;

WHEREAS, Sections 16-7-30(a) and 16-10-30(c) of the Code require a public hearing and recommendation by the Planning Commission for rezoning and planned development amendments;

WHEREAS, on July 3, 2018, the Planning Commission held a properly-noticed public hearing on the Application and recommended that the Board of Trustees approve the Application;

WHEREAS, Sections 16-7-30(a) and 16-10-30(c) of the Code require a public hearing by the Board of Trustees prior to approval of a rezoning or a planned development amendment;

WHEREAS, on July 23, 2018, August 13, 2018 and August 27, 2018, 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, 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 Application satisfies Section 16-7-30 of the Code, in that the proposed rezoning furthers the goals and policies of the Comprehensive Plan and other approved plans and does not necessitate a Comprehensive Plan amendment.

Section 2. The Board of Trustees hereby approves the rezoning and the amendment to the Rock Creek Ranch Planned Development as contained 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 27th day of August, 2018.

Clint Folsom, Mayor

ATTEST:

Phyllis L. Hardin, Town Clerk

The seal is circular with a double-line border. The outer ring contains the text 'TOWN OF SUPERIOR' at the top and 'COLORADO' at the bottom, separated by two stars. The inner circle contains the word 'SEAL' in the center.