

TOWN OF SUPERIOR  
ORDINANCE NO. O-4  
SERIES 2016

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR APPROVING AN AMENDMENT TO THE ROCK CREEK RANCH PLANNED DEVELOPMENT TO REZONE LOT 1, BLOCK 1, ROCK CREEK RANCH FILING 17C FROM REGIONAL ACTIVITY CENTER (RAC) TO RESIDENTIAL (R-2A)

WHEREAS, Rock Creek Holdings, LLC, is the owner of Lot 1, Block 1, Rock Creek Ranch Filing No. 17C (the "Property");

WHEREAS, Rock Creek Holdings, LLC and Rock Creek Development (collectively, the "Applicant") have filed an application (the "Application") to amend the Rock Creek Ranch Planned Development to rezone the Property from Regional Activity Center (RAC) to Residential (R-2A);

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

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(b) of the Superior Municipal Code (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 regarding approval of a rezoning and a planned development;

WHEREAS, on September 20, 2016, the Planning Commission held a properly-noticed public hearing and recommended approval of the Application, with conditions;

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

WHEREAS, on September 26, 2016, 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 ORDAINED 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 the requirements for rezoning set forth in Sections 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 as contained in the Application, subject to the condition that Applicant shall, within 60 days of approval of this Ordinance, make minor technical and redline corrections to plans as identified by Town Staff.

Section 3. The Board of Trustees hereby finds and determines that the Application satisfies the criteria for a new planned development as set forth in Section 16-10-30(b) of the Code in that the planned development is in the best interest of the Town; meets the intent of applicable Town ordinances, the Town of Superior Comprehensive Plan, and all other polices; and does not place an extraordinary financial burden on the Town.

Section 4. The Board of Trustees hereby approves planned development as contained in the Application, subject to the condition that Applicant shall, within 60 days of approval of this Ordinance, make minor technical and redline corrections to plans as identified by Town Staff.


Section 5. 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 6. 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 26<sup>th</sup> day  
of September, 2016.

  
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Clint Folsom, Mayor

ATTEST

The seal is circular with a double-line border. The outer ring contains the text "THE TOWN OF SUPERIOR" at the top and "COLORADO" at the bottom, separated by two stars. The inner circle contains the text "TOWN CLERK-TREASURER" around the perimeter.

  
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Phyllis L. Hardin Town Clerk-Treasurer