

**Town of Superior
Resolution Number R-57**

**A Resolution of the Town Council of the Town of Superior
Adopting Findings of Fact Related to the Denial of the
Application for Approval of a Planned Development Plan Amendment
for Superior Marketplace and Ratifying the Denial**

Whereas, on February 24, 2026, G3 Architecture, Inc. (the "Applicant") filed an application for approval of a Sixth Planned Development Plan Amendment (the "Application") for the real property generally described as Superior Marketplace and more particularly described in the Application (the "Property");

Whereas, on May 19, 2026, the Planning Commission conducted a properly noticed public hearing on the Application and recommended the Town Council approve the Application;

Whereas, on June 8, 2026, the Town Council conducted a properly noticed public hearing on the Application and voted to deny the Application for failing to meet the applicable approval criteria in Title 16 of the Superior Municipal Code; and

Whereas, the Town Council now desires to make findings of fact for the decision based on the Town Council's deliberations on the record.

Now, therefore, be it resolved by the Town Council of the Town of Superior, Colorado, as follows:

Section 1. Findings of Fact. Having reviewed the Application and considered the recommendations of the Planning Commission and Town staff, and having heard comments from Applicant and the public, the Town Council hereby finds and determines as follows:

a. Section 16-10-30(f)(2) of the Superior Municipal Code (the "Code") states that an amendment to a Planned Development Plan (a "PD Plan") is treated as a new plan, and the specific review criteria are set forth in Section 16-10-30(b) of the Code;

b. Section 16-10-10 of the Code states that the purpose of PD zoning is as follows:

1. The Planned Development (PD), by allowing greater flexibility, is intended to be able to accommodate imaginative ideas in development and site design and to

promote a greater facility for open space, more functional use of land and placement of structures in appropriate relationships to each other, to open space and to common facilities.

2. A PD is permitted when it is in the best interests of the Town and will promote good design, enhancement of environmental amenities and increased efficiency of public services.

c. Section 16-10-20 of the Code requires that the Town Council find all of the following criteria satisfied to approve a PD Plan:

1. Design and construction of the PD shall include adequate, safe and convenient arrangements for pedestrian circulation, roadways, driveways, off-street parking and loading space. All developments shall provide for pedestrian access from adjacent developments, open space areas and trails through the developments to border streets or open spaces and trails.

2. The applicant shall clearly demonstrate the positive benefits to the Town of the PD district classification versus a traditional single district zone classification.

3. The plans for the proposed PD shall indicate the particular portions of the project that the applicant intends to develop under various use categories. Densities, acreage and permitted uses shall be detailed for all development areas within the PD. A summary chart indicating development standards applicable to the entire PD or separate areas within the PD shall be required.

4. The total parking requirements of the PD may exceed the sum of the parking that would be required for each separate use pursuant to Article XXIV. However, the total parking requirements may be reduced if the applicant demonstrates to the Town by using standard parking reduction ratios that the total number of spaces is not needed within the PD.

5. Planned open spaces within the PD, including those spaces being used as public or private recreation sites, shall be protected by adequate covenants running with the land, or by conveyances or dedications.

6. Open space percentages within separate land use areas of a PD may vary from the percentages provided in this Chapter, but the total amount of open area shall equal the total overall amount required for residential and nonresidential PDs.

7. Traffic circulation shall be determined by review of each PD. The PD shall have an adequate internal street circulation system. Public streets shall serve all PD planning areas. Streets in a PD district may be designed to a standard that is different than the Town's adopted street standards, particularly in regard to width and traffic calming. Private roads may be permitted if they meet minimum construction standards and can be used by police and fire department vehicles for emergency purposes and each structure or use in the pd provides off- street loading spaces, loading berths, service courts or accesses.

8. Placement of parking in attached, under-structure, underground or in structures is encouraged and shall be considered in allowing height and density increases over the limits of the basic zone districts.

9. The minimum area for a PD shall be two (2) acres.

d. Section 16-10-30(b) of the Code states that in approving any rezoning to PD, the Town Council shall find that:

1. The application is complete;
2. The project is in the best interest of the Town;
3. The project does not place an extraordinary financial burden on the Town; and
4. The intent of applicable Town ordinances, comprehensive plan and all other policies is met.

e. The Application fails to satisfy the following approval criteria:

1. The Application is not in the best interest of the Town pursuant to Sections 16-10-10(b) and 16-10-30(b) (2) of the Code for the following reasons:

- A. The proposed uses are not appropriate, given the approved uses of the adjacent areas. Specifically,

the automobile-centric proposed uses in the Application are inconsistent with the public transit- and pedestrian-oriented focus of the area, including the siting of a bus rapid transit station and the transit-oriented development compatible with non-vehicular mobility.

B. The proposed uses are already being adequately provided by other businesses in the area.

C. The proposed uses of car wash and electric vehicle charging station would create a potentially dangerous situation for the residents of the Town and visitors to the Superior Marketplace.

2. The Application did not comply with Section 16-10-20(1) of the Code, because it did not include adequate, safe and convenient arrangements for pedestrian circulation.

3. The Application did not comply with the intent of the Town's Comprehensive Plan, as required by Section 16-10-30(b)(4) of the Code, because the proposed uses were inconsistent with the community's vision for the area as an accessible and pedestrian-friendly development, including without limitation the stated opportunity of providing "[s]trong and established pedestrian infrastructure" to "support non-vehicular mobility" and a desire for dense development and more pedestrian connections.

Section 2. Decision. Based on the foregoing Findings of Fact, the Town Council hereby ratifies its decision to deny the Application.

Adopted this 22nd day of June, 2026.

Mark Lacis, Mayor

Attest:

Shannon Dujardin, Town Clerk