



Town of Johnstown

TOWN COUNCIL REGULAR MEETING

450 S. Parish, Johnstown, CO

Monday, February 07, 2022 at 7:00 PM

MISSION STATEMENT: Enhancing the quality of life of our residents, businesses, and visitors through community focused leadership.

AGENDA

CALL TO ORDER

Pledge of Allegiance

ROLL CALL

AGENDA APPROVAL

SPECIAL PRESENTATIONS

1. Business of the Month - Presented by Sarah Crosthwaite, Economic Development Manager
2. Climate Change Lobby - Pauline Migliore

PUBLIC COMMENT

Members of the audience are invited to speak at the Council meeting. Public Comment is reserved for citizen comments on items not contained on the printed agenda. Citizen comments are limited to three (3) minutes per speaker. When several people wish to speak on the same position on a given item, they are requested to select a spokesperson to state that position.

CONSENT AGENDA

The Consent Agenda is a group of routine matters to be acted on with a single motion and vote. Council or staff may request an item be removed from the Consent Agenda and placed on the Regular Agenda for discussion.

3. Minutes - January 3, 2022
4. List of Bills - January 2022
5. December 2021 Financial Statements
6. Second Reading - Ordinance No. 2022-220 Amending Subsection 16-302(d) Concerning Planned Unit Development Mixed Use Districts
7. Second Reading - Ordinance No. 2022-221 Amending Arcicle XII of Chapter 17 of the Johnstown Municipal Code Concerning Impact Fees, Specifically Section 17-224 Transportation Facilities Development Fee, Section 17-225 Parks and Recreation Facilities Development Fee, Section 17-226, Public Facilities Development Fee, Section 17-227, Library and Cultural Facilities Development Fee, and Section 17-228, Police Facilities Development Fee
8. Second Reading Ordinance 2022-222- An Ordinance Adding Article XV to Chapter 17 of the Johnstown Municipal Code to Establish a Special Fee to be Paid by the Owners of Property within Close Proximity to the Reconstructed Interchange at the Intersection of Interstate 25 and State Highway 402
9. Resolution 2022-02 Amending the Town of Johnstown Fee Schedule

- [10.](#) Resolution 2022-03 - Authorizing the Town Manager to Execute All Documents To Effectuate the Sale of the Real Property, Located at Lot 2 of Replat of Block 2, Town of Johnstown, County of Weld, State of Colorado, Known By Street Address As 16 North Parish Avenue, To Grows, LLC

- [11.](#) Johnstown Reservoir Dam Repair Project

TOWN MANAGER REPORT

- [12.](#) Town Manager's Report

TOWN ATTORNEY REPORT

PUBLIC HEARING

- [13.](#) Ordinance 2022-223 Approving Rezoning of the Property known as East Ledge Rock Center to PUD-MU, consisting of approximately 155 acres.
- [14.](#) Ordinance 2022-224 Approving P.U.D. Outline Development Plan for Ledge Rock Center, consisting of approximately 221 acres.
- [15.](#) Ledge Rock Center P.U.D. Design Handbook
- [16.](#) Ordinance 2022-225: An Ordinance Authorizing The Conveyance Of Real Property Located At Lot 2, Oxy Land Subdivision, In The Northwest ¼, Section 11, Township 4 North, Range 68 West Of The 6th P.M., Town Of Johnstown, County Of Weld, State Of Colorado, Consisting Of Approximately 33.22 Acres, To Ledge Rock Center, LLC

NEW BUSINESS

- [17.](#) Authorization to Develop an MOU with Allo Communications for Regional Broadband
- [18.](#) Request for Acceptance of the Dedication of 2.5 Shares Capital Stock in the Consolidated Hillsborough Ditch Company in Exchange for Water Credits in the Platte Land and Water, LLC Water Bank held by the Town of Johnstown
- [19.](#) Downtown Johnstown Parklet Program - Update
- [20.](#) Discussion: Letford Elementary School Site

COUNCIL REPORTS AND COMMENTS

MAYOR'S COMMENTS

EXECUTIVE SESSION

21. An Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) Economic Incentive

INFORMATIONAL ITEMS

- [22.](#) Informational Items

ADJOURN

AMERICANS WITH DISABILITIES ACT NOTICE

The Community That Cares

www.TownofJohnstown.com

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141

In accordance with the Americans with Disabilities Act, persons who need accommodation in order to attend or participate in this meeting should contact Town Hall at (970) 587-4664 within 48 hours prior to the meeting in order to request such assistance.

The Community That Cares

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P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141

February 7, 2022

Addressed to: Mayor Lebsack; Council members Young, Berg, Mellon, Molinar, Tallent, Stevens; Town Manager LeCerf; Director Meyer,

As citizens and constituents of the Town of Johnstown and Weld County, we come to you to respectfully request the establishment of a Sustainability Advisory Board to the Johnstown Town Council.

As you already know, Johnstown is currently growing at a rate of 6.70% annually and its population increased by 75.81% since the most recent census, which recorded a population of 9,887 in 2010. Our population base hosts citizens under the age of 18 years as the largest age group. Families with young children are attracted to Johnstown because it is small, friendly, available amenities, proximity to resources.

Weld County's population grew by 76,186 residents which is more than 30% in a decade according to data released by the U.S. Census Bureau.

Population growth leads to increased need for goods, services, schools, employment. Our Town is planning for these via the Comprehensive Plan, which provides direction to Town Staff and Council on the future of Johnstown. The thoughtful planning in the Comprehensive Plan, and resulting deliberate action, will enable Johnstown to become a sustainable community.

Sustainability will be imperative as Johnstown develops its Transportation Master Plan, Downtown Johnstown Improvement Master Plan, Landscape Standards and Specifications and the Parks, Trails, Recreation and Open Space Master Plan.

Sustainability, broadly defined as meeting the needs of the present generation without compromising the ability of future generations to meet their own needs, is comprised of three pillars:

1. The economy
2. Society
3. The environment

A sustainable society is founded on equitable access to the vital resources we all need to thrive:

- health care
- nutrition: access to affordable, healthy, whole foods
- clean water and air
- a sense of safety and community
- access to affordable housing
- education
- energy
- economic opportunities
- employment

Sustainability Advisory Boards, Groups, and Services are currently in place and evolving within Colorado. A few examples are:

- The Colorado Department of Local Affairs Sustainability Planning
- City of Longmont Sustainability Plan
- Sustainability Services and Futures Committee, City of Fort Collins
- City and County of Denver, Climate Action, Sustainability & Resiliency

Some Colorado businesses focusing on sustainability:

February 7, 2022

Addressed to: Mayor Lebsack; Council members Young, Berg, Mellon, Molinar, Tallent, Stevens; Town Manager LeCerf; Director Meyer,

- ✱ Wunder Capital: online investment and solar project management
- ✱ Simple Energy – consumer rebates for purchases of cleaner products and services which average 6.7% savings in energy costs and over 10% during peak months
- ✱ Sunrun – the nation’s largest residential solar, storage and energy services company
- ✱ Agribotix – software platform providing cloud-based data and analysis for precision agriculture providing University research and education about responsible drone use
- ✱ PlaceMatters-think tank focused on civic engagement and public process
- ✱ Open Tech Collaborative – hardware co-op campaigning for the open source economy
- ✱ Coolerado – produces air conditioning units for light commercial and residential use which expends 90% less energy than traditional systems

Embracing and implementing sustainability in tandem with the Comprehensive Plan, and guidance from Town Council, Town Staff, and community members, is a sustainable way of getting its valuable work done.

A decision to create and appoint a Sustainability Advisory Board for the Town of Johnstown, we believe, is the way for the Town to

- ❖ save valuable resources and money in the long run
- ❖ become more efficient in delivering services to our citizens and businesses
- ❖ truly create a vibrant Town that is environmentally healthy, economically prosperous, and socially equitable
- ❖ demonstrate the Town is taking the lead in reducing the effects of climate change

Sustainability is critical because of the realization that governing a city or leading a business in the same way that we have in the past is not sustainable. Expenses are increasing. Valuable resources and available workers are becoming scarce. Our **Town** must become more efficient and aware of how we can continue to provide services and products sustainably.

Opportunities Moving Forward identified in the Comprehensive Plan are achievable when engaged citizens with diverse talents, experiences and knowledge help guide our Town’s policies and practices to create a more sustainable community.

Sustainability vision and plans will benefit our Town citizens as they will be part of an engaged community that promotes environmental stewardship, economic vitality, and social equity to create a sustainable and thriving future for all and for generations to come.

- ✓ Potential savings from lower utility bills
- ✓ greater sense of community
- ✓ volunteering & connecting with neighbors and local businesses
- ✓ improved health and quality of life from cleaner air
- ✓ affordable and energy-efficient housing
- ✓ active transportation options
- ✓ regionally produced healthy and affordable food
- ✓ well being knowing the Town is having a positive effect on the community
- ✓ help create a bright future.

We respectfully request the Town Council authorize and implement a Sustainability Advisory

February 7, 2022

Addressed to: Mayor Lebsack; Council members Young, Berg, Mellon, Molinar, Tallent, Stevens; Town Manager LeCerf; Director Meyer,

Board.

The Advisory Board's vision will be committed to the environmental health, social equality, and prosperous economy for the Town. The Advisory Board would help the Town provide an efficient and consistent level of public services and amenities resulting in a resilient, vibrant and connected Town and successfully accomplish Goal S2 of the Comprehensive Plan, "[e]nsure town planning efforts and investments are sustainable and contribute to the community's quality of life"

In its capacity, the Advisory Board would identify topics related to sustainability to advise the Town Council and Staff on plans, policies, and actions related to those topics.

Topics could include:

- ❖ Air, water quality
- ❖ Pollution prevention
- ❖ Energy efficiency and renewable energy
- ❖ Green building, waste disposal and recycling

As such, the Advisory Board would stay true to the Mission of the Town of Johnstown: "Enhancing the quality of life of our residents, businesses and visitors through community-focused leadership." It would preserve the town's Vision of "[c]onnecting community with opportunity." And espouse the Town's Values denoted by the acronym CARES:

Communication
Accountability
Respect
Excellence
Stewardship

The Sustainability Advisory Board would be organized as other Boards currently serving the **Town**

- ⇒ Seven volunteer citizens of Johnstown appointed by Town Council
- ⇒ Term limited to provide opportunities to serve for citizens
- ⇒ Identify a staff member to serve as liaison between the Town Council and the Board
- ⇒ Initial meetings between the Board, liaison, staff and City Council to determine goals and projects for the upcoming year

The Sustainability Advisory Board will commit to work with Town Council and Staff to assist in decision making processes to manage our beautiful natural environment and ensure that policies and practices provide for a sustainable and growing community, now and for generations to come, as described in our Guiding Principle:

"Johnstown celebrates our small-town heritage built from strong agricultural roots. We promote dynamic approaches to innovation and new trends while maintaining our quality of life. Johnstown is a resilient, vibrant, and connected community that offers diverse and inclusive opportunities for generations of residents to live, work, and play."

Respectfully Submitted,

Sustainability Board Proposal

February 7, 2022

Item #2.

Addressed to: Mayor Lebsack; Council members Young, Berg, Mellon, Molinar, Tallent, Stevens; Town
Manager LeCerf; Director Meyer,
Pauline Migliore, MBA, Johnstown, Colorado
Dan **Edwards, Johnstown, Coloardo**



Town of Johnstown

TOWN COUNCIL REGULAR MEETING

450 S. Parish, Johnstown, CO

Monday, January 03, 2022 at 7:00 PM

MINUTES

CALL TO ORDER

Mayor Lebsack called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

ROLL CALL

PRESENT

Mayor Gary Lebsack
 Councilmember Damien Berg
 Councilmember Troy Mellon
 Councilmember Jesse Molinar
 Councilmember Bill Stevens
 Councilmember Amy Tallent
 Councilmember Chad Young

Staff Present: Matt LeCerf, Town Manager, Avi Rocklin Town Attorney, Mitzi, McCoy, Finance Director, Kim Meyer, Planning Director, Sarah Crosthwaite Economic Development Manager, Troy White, Public Works Director, Ellen Hilbig, Utilities Director, Brian Phillips, Chief of Police.

AGENDA APPROVAL

Motion made by Councilmember Mellon, seconded by Councilmember Tallent to approve the agenda. Motion carried with a unanimous vote.

SPECIAL PRESENTATIONS

Business of the Month - Clean EatZ was honored as Business of the Month for January.

CONSENT AGENDA

Motion made by Councilmember Berg, seconded by Councilmember Young to approve the Consent Agenda. Motion carried with a unanimous vote.

- Minutes - December 13, 2021
- Second Reading - Ordinance 2021-218 An Ordinance Submitting to the Registered Electors of the Town of Johnstown at the General Municipal Election to be held on April 5, 2022, a Charter Amendment to Require that the Proponents of Initiative and Referendum Petitions be Represented by Three Registered Electors of the Town of Johnstown
- Second Reading Ordinance 2021-219 - An Ordinance Approving the Loan Agreement Between the Town of Johnstown and the Housing Authority of the Town of Johnstown
- Resolution 2022-01 Designating the Public Place for Posting Notices Pursuant to C.R.S. Section 24-6-402(2)(c)

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PUBLIC HEARING

1. Consider Transfer of Ownership for Veteran Brothers Brewing Company- Mayor Lebsack opened the Public Hearing at 7:09 and heard from staff. This is a request to Transfer Ownership for the liquor license from Veteran Brothers Brewing to Wing Shack Enterprises, Inc. Having public comment, the hearing closed at 7:12 p.m. Motion made by Councilmember Berg, seconded by Councilmember Stevens to approve the application for the Transfer of Ownership for the Brew Pub License from Veteran Brothers Brewing Company to Wing Shack Enterprises, Inc. Motion carried with a unanimous vote.
2. First Reading of Ordinance 2022-220 Amending Subsection 16-302(d) Concerning Planned Unit Development Mixed Use Districts - Mayor Lebsack opened the Public Hearing at 7:14 p.m. and heard from staff. This ordinance would update the PUD-MU - Planned Unit Development Mixed Use Zoning District in the municipal code to permit single family homes as a permitted use within this zone. Having no public comment, the hearing closed at 7:15 p.m. Motion made by Councilmember Young, seconded by Councilmember Molinar to approve Ordinance 2022-220 Amending Subsection 16-302(d) Concerning Planned Unit Development Mixed Use Districts. Motion carried with a unanimous vote.
3. First Reading of Ordinance 2022-221 Amending Article XII Of Chapter 17 Of The Johnstown Municipal Code Concerning Impact Fees, Specifically Section 17-224, Transportation Facilities Development Fee, Section 17-225, Parks And Recreation Facilities Development Fee, Section 17-226, Public Facilities Development Fee, Section 17-227, Library And Cultural Facilities Development Fee, And Section 17-228, Police Facilities Development Fee - Mayor Lebsack opened the public hearing at 7:16 p.m. and heard from staff. Ordinance 2022-221 amends the current impact fees collected from residential and non-residential development for transportation, public facility, parks & recreation, police, and library & cultural impacts. Having no public comment, the hearing closed at 7:20 p.m. Motion made by Councilmember Mellon, seconded by Councilmember Young to approve Ordinance 2022-221 Amending Article XII of Chapter 17 of the Johnstown Municipal Code Concerning Impact Fees, upon first reading. Motion carried with a unanimous vote.
4. First Reading of Ordinance 2022-222 An Ordinance Adding Article XV to Chapter 17 of the Johnstown Municipal Code to Establish a Special Fee to Be Paid by The Owners of Property Within Close Proximity to The Reconstructed Interchange at The Intersection of Interstate 25 And State Highway 402 – This ordinance allows the Town to impose a special fee upon the owners of properties in close proximity to the interchange because such properties will benefit from the reconstruction of the interchange and the development of these properties will generate additional vehicular traffic at the interchange. Having no public comment, the hearing closed at 7:26 p.m. Motion made by Councilmember Berg, seconded by Councilmember Mellon to approve Ordinance 2022-222 An Ordinance Adding Article XV to Chapter 17 of the Johnstown Municipal Code to Establish a Special Fee to be paid by the owners of property within close proximity to the reconstructed interchange at Interchange 25 and State Highway 402 upon first reading. Motion carried with a unanimous vote.

NEW BUSINESS

1. Development and Reimbursement Agreement, Ledge Rock Center Commercial, Johnstown, Colorado (containing a form of Escrow Agreement as Exhibit E) This agreement sets forth the terms and conditions relating to the development, design and maintenance of the project. In order to move the

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January 3, 2022

process forward the Developer and the District have requested the Town Council consider the Agreement at this preliminary stage in order that they have a better understanding of their rights and obligations moving forward. Motion made by Councilmember Mellon, seconded by Councilmember Molinar to approve the Development and Reimbursement Agreement, Ledge Rock Center Commercial, Johnstown, Colorado, and authorize the mayor to execute the agreement. Motion carried with a unanimous vote.

EXECUTIVE SESSION

An Executive Session to discuss the purchase of real property pursuant to C.R.S. Section 24-6-402(4)(a) for the Water Treatment Plant.

Motion made by Councilmember Mellon, seconded by Councilmember Young to convene into Executive Session to discuss the purchase of real property pursuant to C.R.S. Section 24-6-402(4)(a) for the Water Treatment Plant at 7:49 p.m. Motion carried with a unanimous vote.

The mayor reconvened the regular meeting at 8:17 p.m. and stated the only item discussed was what was stated in the motion.

ADJOURN

The meeting adjourned at 8:20 p.m.

Mayor

Town Clerk

Town of Johnstown
List of Bills - December 6, 2021 - January 9, 2021

| <u>Vendor</u> | <u>Description</u> | <u>Department</u> | <u>Amount</u> |
|------------------------------------|----------------------------------|-------------------|---------------|
| 24/7 Networks Inc | Network improvements | ADM | 57.60 |
| 4990 Ronald Reagan LLC | Police substation lease | PD | 1,519.75 |
| A & E Tire Inc | Vehicle maintenance | PD/PW | 7,322.60 |
| Ace Hardware | Supplies | PW | 760.62 |
| Ace Hardware of Johnstown | Johnstown Cash | ADM | 240.00 |
| Adamson Police Products | Uniforms | PD | 343.25 |
| All Copy Products, Inc | Supplies | PD | 174.90 |
| All Terrain Landscaping | Holiday lights - 2534 | ADM | 12,936.00 |
| Aqua Backflow, Inc. | Professional services | PW | 40.00 |
| Aqua Engineering | CWWTP design | PW | 20,100.64 |
| Batteries Plus | Supplies | PW | 169.38 |
| BHA Design Incorporated | Design services | PW | 1,945.00 |
| Black Sheep Coffee & Crepes | Johnstown Cash | ADM | 120.00 |
| Bludot Technologies Inc. | Supplies | ADM | 195.00 |
| Bobcat of the Rockies | Supplies | PW | 166.83 |
| BPS Tactical, Inc. | Uniforms | PD | 537.00 |
| Browns Hill Engineering & Controls | SCADA services | PW | 6,915.78 |
| Card Services | Travel/training/supplies | ALL | 10,691.10 |
| Caselle, Inc | Software license/support | ALL | 20,474.00 |
| CDR Propane Services, LLC | Supplies | PW | 1,947.50 |
| Central Weld County Water District | Interconnects | PW | 609.76 |
| CenturyLink | Telephone services | PW/PD | 363.92 |
| Cinco Brothers Barbershop | Johnstown Cash | ADM | 20.00 |
| Cintas | Mat service/supplies | ALL | 1,328.28 |
| CMC Tire | Supplies | PW | 1,318.72 |
| Colorado Analytical Labs | Lab testing | PW | 260.00 |
| Colorado Materials, Inc. | Supplies | PW | 6,884.03 |
| Colorado Tree Coalition | Tree vouchers | ADM | 7,400.00 |
| Consolidated Home Supply Ditch & | Legal services - water | PW | 1,458.60 |
| Coren Printing, Inc | Supplies | PD | 117.00 |
| Cristiana Salon Spa | Johnstown Cash | ADM | 40.00 |
| Denali Water Solutions LLC | Sludge removal | PW | 2,385.28 |
| DES Pipeline Maintenance, LLC | Professional services | PW | 22,767.40 |
| Dietze and Davis P.C. | Billback - Professional services | ADM | 234.00 |
| Dog Waste Depot | Supplies | PW | 108.89 |
| DPC Industries Inc | Chemicals | PW | 7,885.26 |
| Economic & Planning Systems, Inc. | Billback - Professional services | ADM | 11,985.40 |
| Ergomed | Employment screening | ADM | 200.00 |
| Evoqua Water Technologies LLC | Professional services | PW | 160,856.00 |
| Faris Machinery Co. | Equipment rental | PW | 563.89 |
| Fed Ex Freight | Chemicals | PW | 360.34 |
| Felsburg Holt & Ullevig Inc | Billback - Engineering services | ADM | 16,675.00 |
| Firestone Complete Auto Care | Vehicle maintenance | PD/PW | 5,389.07 |
| First Class Security Systems | Fire system monitoring | PW | 128.80 |

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|---|------------------------------------|-------|------------|
| First National Bank | Custodial services | ALL | 1,031.55 |
| Frank Wind | Easement | PW | 39,522.00 |
| Front Range Fire Protection | Fire inspection | PW | 495.00 |
| Galls LLC | Supplies | PW | 800.00 |
| Gardner, Danielle | Supplies | ADM | 47.23 |
| Glenn A. Jones Library | Library support | ADM | 94,804.75 |
| Gopher Excavation, Inc. | Repair services | PW | 10,038.00 |
| Gould Evans Inc | Land use code rewrite | ADM | 8,274.00 |
| Great Western Railway of Colorado | Master crossing agreement | PW | 500,000.00 |
| Greeley Lock and Key | Locksmith services | PW | 210.00 |
| Greeley Monument Works Inc | Professional services | ADM | 595.00 |
| Ground Engineering Consultants, Inc. | Engineering services | PW | 8,693.50 |
| Hach Company | Lab supplies | PW | 1,109.00 |
| Hays Market | Johnstown Cash | ADM | 500.00 |
| Hays Market Inc | Supplies | ADM | 40.53 |
| Helton & Williamsen, P.C. | Billback - Engineering services | PW | 5,648.75 |
| Hill & Robbins, PC | Billback - Professional services | PW | 1,763.10 |
| Hiroshi Teriyaki Grill, Inc. | Johnstown Cash | ADM | 220.00 |
| Hydrant Meter Deposit Refund | Hydrant meter deposit refund | ADM | 9,751.02 |
| IMEG Corp | Billback -Engineering services | PW | 31,845.00 |
| Infosend, Inc. | Utility bill printing & newsletter | ADM | 3,349.87 |
| Insight North America, LLC | Investment services | ADM | 6,064.00 |
| InVision GIS | GIS services | ADM | 1,586.25 |
| J&D Creations | Uniforms | PW | 468.61 |
| J&T Consulting, Inc. | Reservoir project | PW | 9,493.10 |
| J-2 Contracting Co. | JT Reservoir dam repair | PW | 191,268.25 |
| Johnstown Breeze | Billback - Publications | ADM | 1,608.12 |
| Johnstown Lunch Box, LLC | Johnstown Cash | ADM | 100.00 |
| Jones Excavating & Plumbing | Water valve repair | PW | 9,277.00 |
| J-U-B Engineers, Inc. | Engineering services | PW | 367,455.52 |
| Kangaroo Express of Longmont, Inc | Labs | PW | 950.00 |
| Kelly Supply Co | Supplies | PW | 873.28 |
| Kinsco, LLC | Supplies | PD | 186.99 |
| L G Everist Inc | Supplies | PW | 5,109.47 |
| Larimer County Sales Tax Administrator | Use Tax - Reimbursement | ADM | 18,807.78 |
| Larimer County Solid Waste | Trash vouchers | PW | 2,545.60 |
| Law Office of Avi Rocklin LLC | Billback - Legal services | ADM | 27,255.50 |
| Lazar, Michael | Municipal Court Judge | ADM | 2,550.00 |
| Lazy Dog Johnstown, LLC | Johnstown Cash | ADM | 160.00 |
| Legal and Liability Risk Mgmt Institute | Training | ADM | 125.00 |
| Lift Coffee Bar | Johnstown Cash | ADM | 200.00 |
| Little Thompson Water District | Interconnect | PW | 13,674.00 |
| Loveland Barricade LLC | Supplies | PW | 18,129.00 |
| Lowe's | Supplies | PW | 133.86 |
| M&J Restaurants LLC | Holiday party | ADM | 2,250.85 |
| Mares Auto Inc. | Vehicle repairs | PW/PD | 921.98 |
| McGeady Becher P.C. | Professional services | ADM | 19,793.00 |

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|---|----------------------------------|--------|-----------|
| McWhinney Real Estate Services, Inc. | Deposit refund | ADM | 3,770.50 |
| Mellon, Troy | Travel reimbursement | ADM | 112.61 |
| Milliken Johnstown Electric | Equipment repair | PW | 1,408.00 |
| Moltz Construction Inc. | Construction services | PW | 5,114.52 |
| Motorola Solutions, Inc. | Equipment maintenance | PD | 2,310.45 |
| Mountain States Pipe & Supply | Water meters | PW | 7,947.16 |
| Mr. Donuts | Johnstown Cash | ADM | 20.00 |
| Municipal Emergency Services | Supplies | PW | 148.89 |
| Municode | Software subscription | ADM | 3,800.00 |
| Napa Auto Parts, Inc | Supplies | PW | 422.64 |
| Newsom Gamez, Shirley | Mileage | ADM | 65.00 |
| Northern Engineering | Billback - Professional services | ADM | 1,115.00 |
| Northern Safety Co Inc | Supplies | PW | 282.36 |
| Office Depot Business Credit | Supplies | ALL | 501.71 |
| Otak | LT Trail project | PW | 4,133.00 |
| Peak View Enterprises, LLC | Broadband study | ADM | 5,000.00 |
| Pitney Bowes Global | Postage meter | ADM/PD | 247.50 |
| Poudre Valley REA | Utilities | ALL | 9,842.42 |
| Pribble, Maurice | Training reimbursement | PW | 495.00 |
| ProCode Inc. | Inspection services | ADM | 15,000.00 |
| Purchase Power | Postage meter | ADM/PD | 301.50 |
| Ramey Environmental Compliance Inc. | ORC Services | PW | 29,665.68 |
| Redi Services, LLC | Parks - port-o-lets | PW | 736.19 |
| Rental Equipment Center - Fort Collins | Town Christmas tree | ADM | 2,084.93 |
| Rhinehart Oil Co., Inc. | Fuel | ALL | 12,545.62 |
| Robert P Stark | Easement | ADM | 13,170.00 |
| Sam's Club MC/SYNCB | Supplies | ALL | 126.80 |
| Santiago's Mexican Restaurant | Johnstown Cash | ADM | 220.00 |
| Sauer South, LLC | Easement | ADM | 40,225.00 |
| Security Central, Inc | Alarm monitoring | PW | 880.75 |
| Shirley Newsom Gamez | Mileage | ADM | 65.00 |
| Steel Structures America, Inc. | Cemetery garage | PW | 17,000.00 |
| T Case Construction and Excavating | Supplies | PW | 6,615.00 |
| Tait & Associates, Inc. | Design services | PW | 69,898.02 |
| TDS | Telephone | ALL | 2,586.31 |
| TechMedia, LLC | Supplies | ADM | 514.40 |
| The Home Depot/GECF | Supplies | PW | 868.96 |
| The Humane Society of Weld County | Professional services | PD | 140.00 |
| The Tree Guys LLC | Tree removal | PW | 9,200.00 |
| TimberLAN | Computer/IT services | ALL | 1,500.00 |
| U.S. Postal Service | PO box fee | PD | 102.00 |
| UC Health Medical Group | Medical services | PD | 705.36 |
| United Power, Inc | Utilities - street lights | PW | 791.90 |
| United States Plastic Corp | Supplies | PW | 22.80 |
| Utility Notification Center of Colorado | Locates | PW | 897.60 |
| Utility Refunds | Utility refund | ADM | 2,647.02 |
| VCA Fort Collins Animal Hospital | K9 medical services | PD | 4,804.78 |

| | | | |
|------------------------------------|----------------------------|-------|---------------------|
| Verizon Wireless | Cell phones | PD/PW | 3,371.02 |
| VFW 2585 | Veteran's Memorial | ADM | 14,400.00 |
| Waste Connections of Colorado Inc. | Trash services | PW | 72,865.93 |
| Weld County Clerk & Recorder | Recording costs | ADM | 600.00 |
| Weld County Dept of Public | Lab services | PW | 649.50 |
| Weld County Sheriff | Jail fees | PD | 29.71 |
| White, Troy | Travel reimbursement | PW | 823.85 |
| Windstream | Telephone/internet | ALL | 1,029.32 |
| Workwell Occupational Medicine | Screening & CDL | PW | 156.00 |
| WR Investment, LLC | Reimbursement agreement | ADM | 50,600.00 |
| Xcel Energy | Utilities | ALL | 40,829.21 |
| YMCA of Northern Colorado | Monthly support - Dec 2021 | ADM | 166,666.68 |
| Yost Cleaning | Monthly cleaning service | ALL | 2,804.00 |
| | | | <u>2,390,542.05</u> |

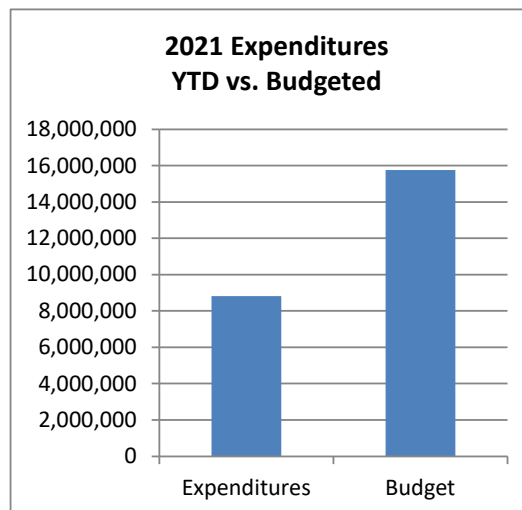
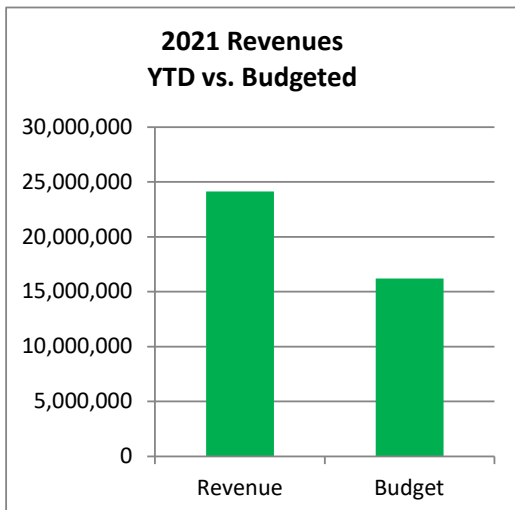
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - General Fund
Period Ending December 31, 2021
Unaudited

Item #5.

| General Fund | 2021 Actuals December | 2021 Adopted Budget | % Complete |
|--|-----------------------------|---------------------------|---------------|
| Beginning Fund Balance | 53,447,470 | 53,447,470 | |
| Revenues: | | | |
| Taxes & Fees | 20,798,319 | 14,917,027 | 139.4% |
| Licenses & Permits | 1,947,239 | 899,350 | 216.5% |
| Fines & Forfeitures | 271,401 | 122,000 | 222.5% |
| Intergovernmental | 117,479 | 40,000 | 293.7% |
| Earnings on Investment | 94,154 | 112,000 | 84.1% |
| Miscellaneous Revenue | 919,806 | 121,500 | 757.0% |
| Transfers In | - | - | |
| Total Operating Revenues | 24,148,398 | 16,211,877 | 149.0% |
| Expenditures: | | | |
| Legislative | 1,656,262 | 1,675,200 | 98.9% |
| Town Manager | 634,386 | 968,280 | 65.5% |
| Town Clerk | 334,617 | 413,885 | 80.8% |
| Finance | 148,815 | 265,230 | 56.1% |
| Planning | 895,801 | 641,740 | 139.6% |
| Building Inspections | 223,278 | 259,350 | 86.1% |
| Police | 2,978,525 | 3,765,193 | 79.1% |
| Public Works | 181,634 | 214,375 | 84.7% |
| Buildings | 240,066 | 312,300 | 76.9% |
| Transfers Out | 1,520,140 | 7,242,457 | 21.0% |
| Total Expenditures | 8,813,523 | 15,758,010 | 55.9% |
| Excess (Deficiency) of Revenues and Other Sources over Expenditures | 15,334,874 | 453,867 | |
| Prior Period Adjustment | | | |
| Ending Fund Balance* | 68,782,344 | 53,901,337 | |

* - Unaudited

100% of the fiscal year has elapsed



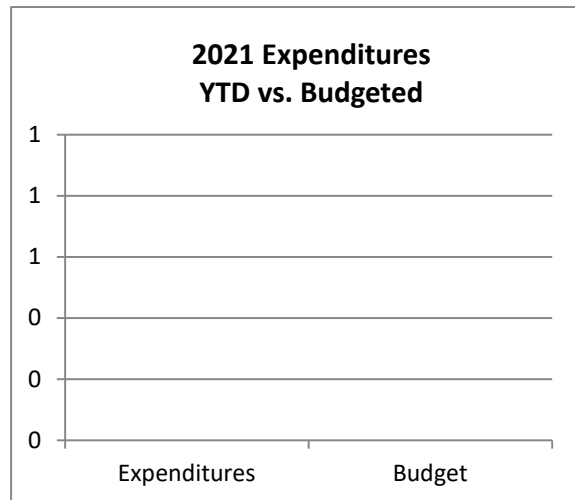
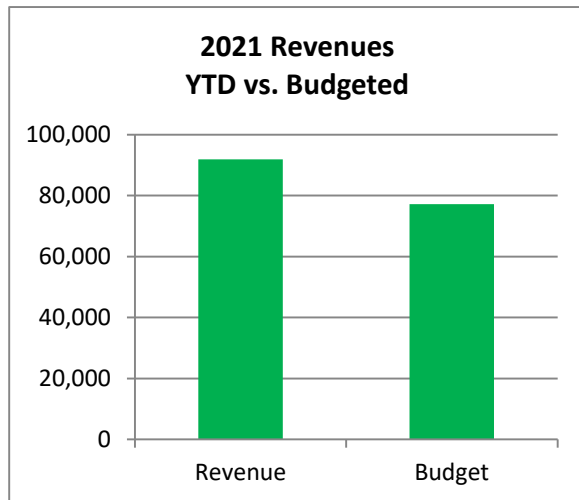
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Conservation Trust Fund
Period Ending December 31, 2021
Unaudited

Item #5.

| | 2021 Actuals December | 2021 Adopted Budget | % Complete |
|--|-----------------------------|---------------------------|---------------|
| Conservation Trust Fund | | | |
| Beginning Fund Balance | 8,159 | 8,159 | |
| <u>Revenues:</u> | | | |
| Intergovernmental | 91,832 | 77,100 | 119.1% |
| Earnings on Investment | 60 | 100 | 59.9% |
| Total Operating Revenues | 91,892 | 77,200 | 119.0% |
| <u>Expenditures:</u> | | | |
| Operations | - | - | |
| Capital Outlay | - | - | |
| Total Expenditures | - | - | |
| Excess (Deficiency) of Revenues and Other Sources over Expenditures | 91,892 | 77,200 | |
| Ending Fund Balance* | 100,051 | 85,359 | |

* - Unaudited

100% of the fiscal year has elapsed



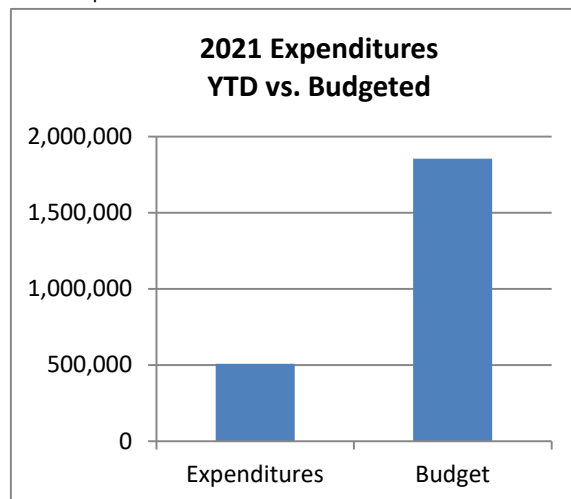
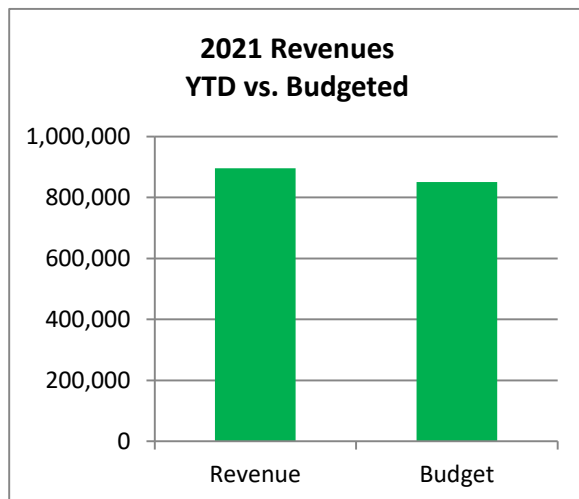
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Parks and Open Space Fund
Period Ending December 31, 2021
Unaudited

Item #5.

| | 2021 Actuals December | 2021 Adopted Budget | % Complete |
|--|-----------------------------|---------------------------|---------------|
| Parks and Open Space Fund | | | |
| Beginning Fund Balance | 7,286,213 | 7,286,213 | |
| <u>Revenues:</u> | | | |
| Taxes & Fees | 757,205 | 401,910 | 188.4% |
| Miscellaneous Revenue | 76,266 | 207,000 | 36.8% |
| Transfers In | 60,000 | 220,000 | 27.3% |
| Total Operating Revenues | 895,741 | 850,910 | 105.3% |
| <u>Expenditures:</u> | | | |
| Operations | 372,414 | 614,410 | 60.6% |
| Capital Outlay | 137,339 | 1,240,000 | 11.1% |
| Transfers Out | - | - | |
| Total Expenditures | 509,753 | 1,854,410 | 27.5% |
| Excess (Deficiency) of Revenues and Other Sources over Expenditures | 385,988 | (1,003,500) | |
| Ending Fund Balance* | 7,672,201 | 6,282,713 | |

* - Unaudited

100% of the fiscal year has elapsed



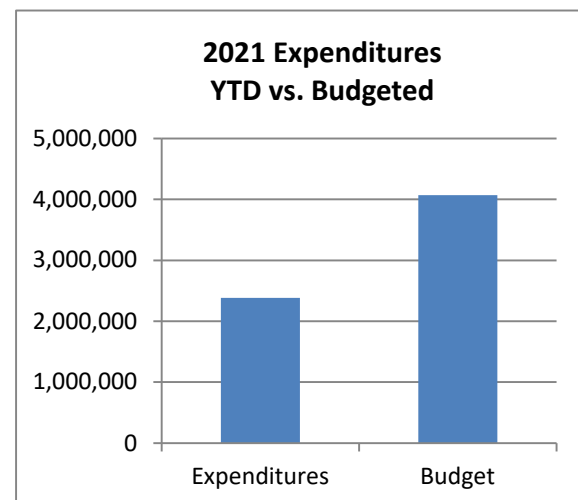
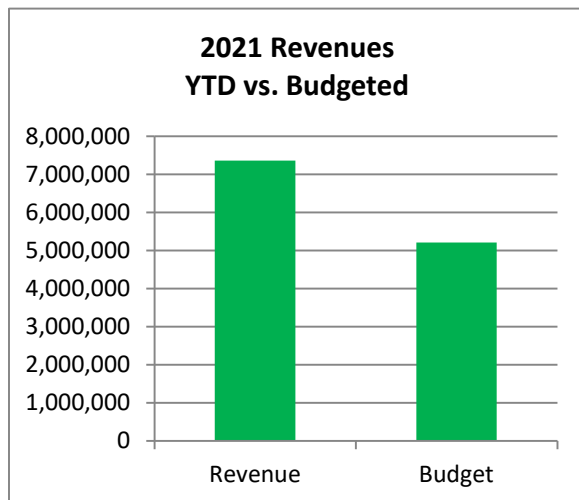
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Street and Alley Fund
Period Ending December 31, 2021
Unaudited

Item #5.

| Street and Alley Fund | 2021 Actuals December | 2021 Adopted Budget | % |
|--|---------------------------------|---------------------------------|----------|
| | | | Complete |
| Beginning Fund Balance | 9,867,537 | 9,867,537 | |
| <u>Revenues:</u> | | | |
| Taxes & Fees | 5,026,399 | 2,838,400 | 177.1% |
| Intergovernmental | 224,644 | 1,207,666 | 18.6% |
| Charges for Services | 697,015 | 715,477 | 97.4% |
| Capital Investment Fees | 1,377,719 | 420,550 | 327.6% |
| Earnings on Investment | 3,367 | 28,000 | 12.0% |
| Miscellaneous Revenues | 28,747 | - | 0.0% |
| Total Operating Revenues | <u>7,357,890</u> | <u>5,210,093</u> | 141.2% |
| <u>Expenditures:</u> | | | |
| Operations & Maintenance | 2,136,844 | 3,049,400 | 70.1% |
| Capital | 244,874 | 1,019,000 | 24.0% |
| Total Expenditures | <u>2,381,718</u> | <u>4,068,400</u> | 58.5% |
| Excess (Deficiency) of Revenues and Other Sources over Expenditures | <u>4,976,172</u> | <u>1,141,693</u> | |
| Ending Fund Balance* | <u><u>14,843,709</u></u> | <u><u>11,009,230</u></u> | |

* - Unaudited

100% of the fiscal year has elapsed



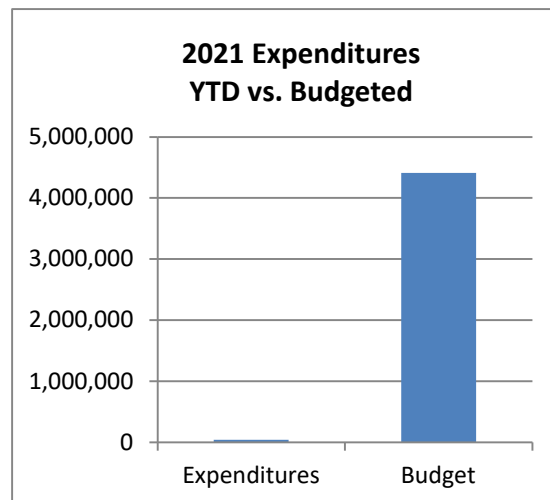
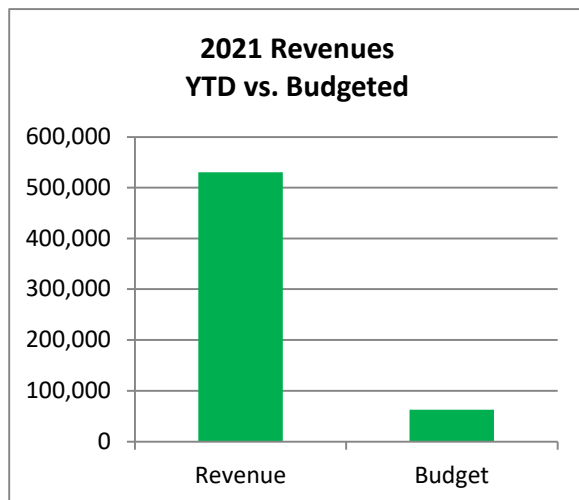
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Capital Projects Fund
Period Ending December 31, 2021
Unaudited

Item #5.

| | 2021 Actuals December | 2021 Adopted Budget | % Complete |
|--|-----------------------------|---------------------------|---------------|
| Capital Projects Fund | | | |
| Beginning Fund Balance | 13,928,958 | 13,928,958 | |
| <u>Revenues:</u> | | | |
| Taxes and Fees | 525,610 | 111,940 | 469.5% |
| Miscellaneous Revenue | - | - | |
| Interest | 4,485 | 36,000 | 12.5% |
| Transfers In | - | (85,100) | |
| Total Operating Revenues | 530,094 | 62,840 | 843.6% |
| <u>Expenditures:</u> | | | |
| Capital Outlay | 45,446 | 4,410,200 | 0.0% |
| Transfers Out | - | - | 0.0% |
| Total Expenditures | 45,446 | 4,410,200 | 1.0% |
| Excess (Deficiency) of Revenues and Other Sources over Expenditures | 484,648 | (4,347,360) | |
| Ending Fund Balance* | 14,413,606 | 9,581,598 | |

* - Unaudited

100% of the fiscal year has elapsed



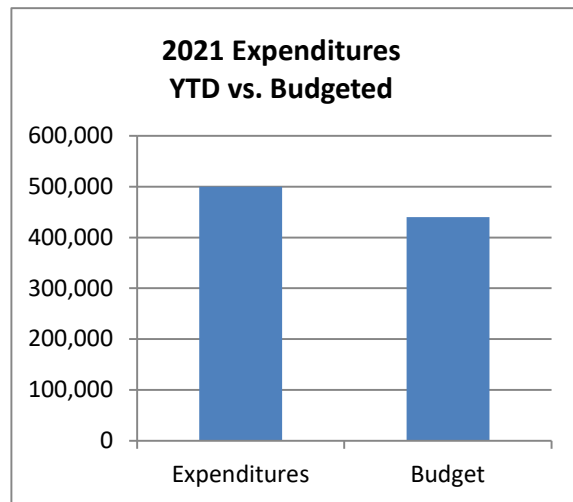
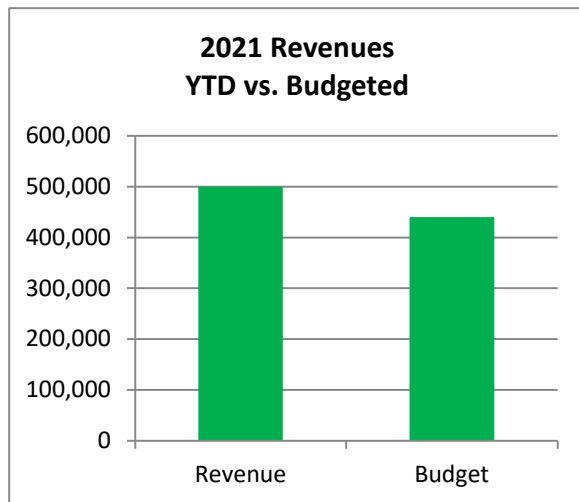
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Tax Allocation Fund
Period Ending December 31, 2021
Unaudited

Item #5.

| Tax Allocation Fund | 2021 Actuals December | 2021 Adopted Budget | % Complete |
|--|-----------------------------|---------------------------|---------------|
| Beginning Fund Balance | 95,951 | 95,951 | |
| <u>Revenues:</u> | | | |
| Taxes & Fees | 500,134 | 439,900 | 113.7% |
| Earnings on Investment | - | 100 | 0.0% |
| Total Operating Revenues | 500,134 | 440,000 | 113.7% |
| <u>Expenditures:</u> | | | |
| Miscellaneous | 500,134 | 440,000 | 113.7% |
| Total Expenditures | 500,134 | 440,000 | 113.7% |
| Excess (Deficiency) of Revenues and Other Sources over Expenditures | - | - | |
| Ending Fund Balance* | 95,951 | 95,951 | |

* - Unaudited

100% of the fiscal year has elapsed



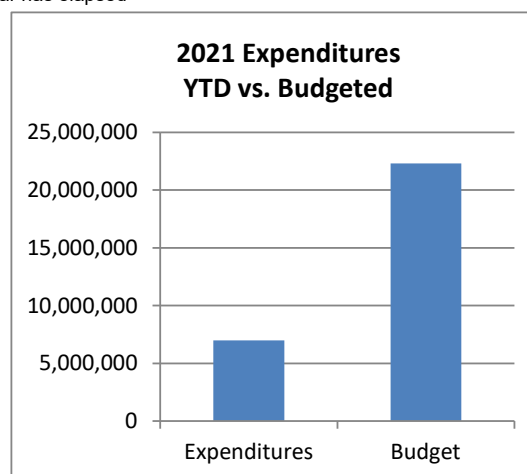
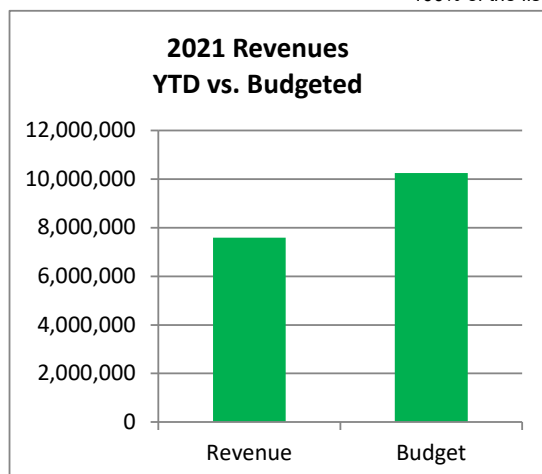
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Water Fund
Period Ending December 31, 2021
Unaudited

Item #5.

| Water Fund | 2021 Actuals December | 2021 Adopted Budget | % Complete |
|--|-----------------------------|---------------------------|---------------|
| Beginning Cash Balance | 21,003,127 | 21,003,127 | |
| <u>Revenues:</u> | | | |
| Charges for Services | 4,281,954 | 2,902,500 | 147.5% |
| Total Operating Revenues | 4,281,954 | 2,902,500 | 147.5% |
| <u>Expenses:</u> | | | |
| Administration | 205,053 | 685,300 | 29.9% |
| Operations | 2,249,275 | 1,979,973 | 113.6% |
| Capital Outlay | 4,179,315 | 19,235,000 | 21.7% |
| Depreciation | 356,431 | 410,000 | 86.9% |
| Transfers Out | - | - | |
| Total Operating Expenses | 6,990,075 | 22,310,273 | 31.3% |
| Operating Income (Loss) | (2,708,121) | (19,407,773) | |
| <u>Non-Operating Revenues (Expenses)</u> | | | |
| Tap Fees | 1,601,574 | 965,550 | 165.9% |
| Capital Investment Fees | 1,371,918 | 816,294 | 168.1% |
| Misc. Revenues | 324,467 | 5,466,500 | 5.9% |
| Interest Expense | 6,642 | 95,000 | 7.0% |
| Total Non-Operating Revenues (Expenses) | 3,304,601 | 7,343,344 | 45.0% |
| Excess (Deficiency) of Revenues and Other Sources over Expenses | 596,480 | (12,064,429) | |
| Ending Cash Balance* | 21,599,607 | 8,938,698 | |

* - Unaudited

100% of the fiscal year has elapsed



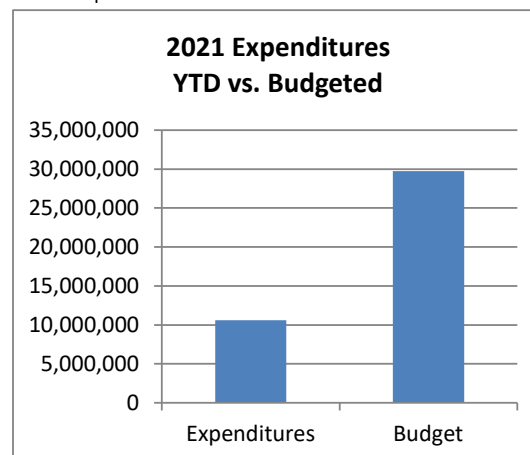
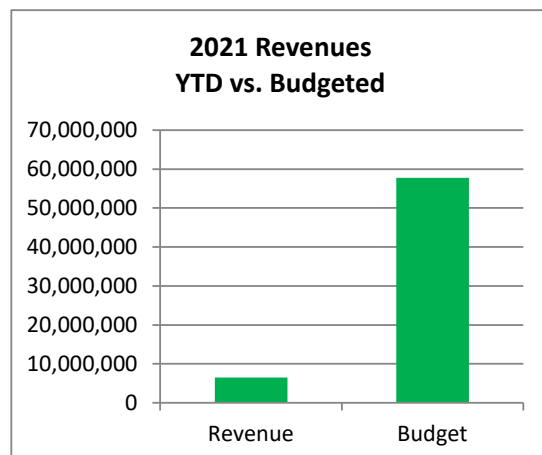
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Sewer Fund
Period Ending December 31, 2021
Unaudited

Item #5.

| Sewer Fund | 2021 Actuals December | 2021 Adopted Budget | % |
|--|-----------------------------|---------------------------|----------|
| | | | Complete |
| Beginning Cash Balance | 9,416,795 | 9,416,795 | |
| <u>Revenues:</u> | | | |
| Charges for Services | 2,390,717 | 2,123,500 | 112.6% |
| Total Operating Revenues | 2,390,717 | 2,123,500 | 112.6% |
| <u>Expenses:</u> | | | |
| Administration | 192,659 | 307,200 | 62.7% |
| Operations | 1,490,360 | 1,814,153 | 82.2% |
| Capital Outlay | 7,651,732 | 25,386,600 | 30.1% |
| Depreciation | 225,460 | 235,000 | 95.9% |
| Debt Service | 1,035,915 | 1,998,069 | 51.8% |
| Total Operating Expenses | 10,596,127 | 29,741,022 | 35.6% |
| Operating Income (Loss) | (8,205,410) | (27,617,522) | |
| <u>Non-Operating Revenues (Expenses)</u> | | | |
| Capital Improvement Fees | 2,180,750 | 1,192,000 | 182.9% |
| Misc. Revenues | 1,939,991 | 2,000 | 96999.5% |
| Interest Expense | 9,703 | 7,200 | 134.8% |
| Debt Proceeds | - | 54,450,000 | 0.0% |
| Total Non-Operating Revenues (Expenses) | 4,130,444 | 55,651,200 | 7.4% |
| Excess (Deficiency) of Revenues and Other Sources over Expenses | (4,074,966) | 28,033,678 | |
| Ending Cash Balance* | 5,341,829 | 37,450,473 | |

* - Unaudited

100% of the fiscal year has elapsed



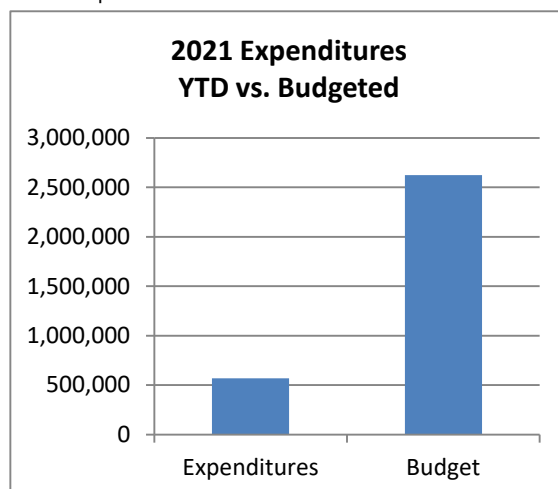
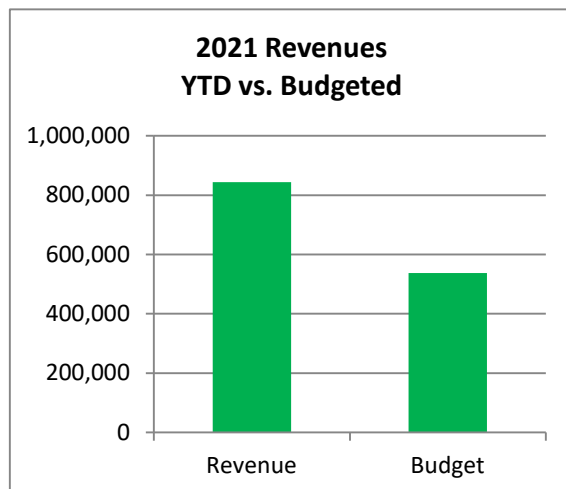
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Drainage Fund
Period Ending December 31, 2021
Unaudited

Item #5.

| Drainage Fund | 2021 Actuals December | 2021 Adopted Budget | % Complete |
|--|-----------------------------|---------------------------|---------------|
| Beginning Cash Balance | 3,459,518 | 3,459,518 | |
| <u>Revenues:</u> | | | |
| Charges for Services | 422,057 | 457,200 | 92.3% |
| Total Operating Revenues | 422,057 | 457,200 | 92.3% |
| <u>Expenses:</u> | | | |
| Administration | 130,031 | 144,250 | 90.1% |
| Operations | 124,155 | 309,930 | 40.1% |
| Capital Improvements | 316,468 | 2,168,750 | 14.6% |
| Transfer Out | - | - | |
| Total Operating Expenses | 570,654 | 2,622,930 | 21.8% |
| Operating Income (Loss) | (148,597) | (2,165,730) | |
| <u>Non-Operating Revenues (Expenses)</u> | | | |
| Capital Revenues | 420,490 | 75,000 | 560.7% |
| Misc. Revenues | - | - | |
| Interest Expense | 972 | 5,400 | 18.0% |
| Total Non-Operating Revenues (Expenses) | 421,463 | 80,400 | 524.2% |
| Excess (Deficiency) of Revenues and Other Sources over Expenses | 272,866 | (2,085,330) | |
| Ending Cash Balance* | 3,732,384 | 1,374,188 | |

* - Unaudited

100% of the fiscal year has elapsed



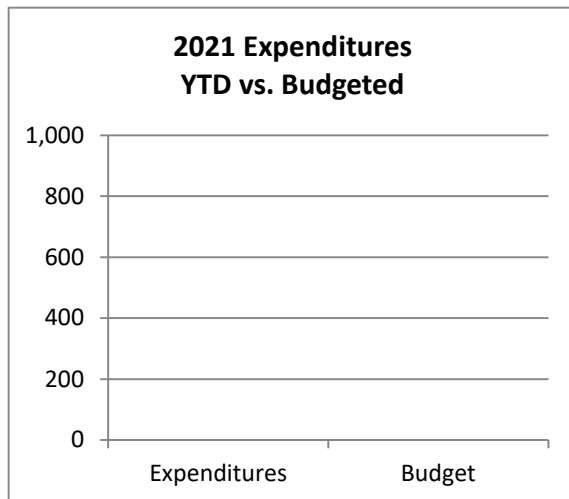
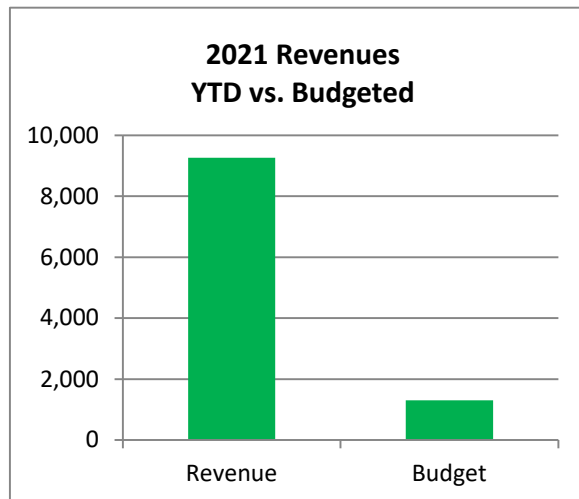
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Cemetery Perpetual Fund
Period Ending December 31, 2021
Unaudited

Item #5.

| Cemetery Perpetual Fund | 2021 Actuals December | 2021 Adopted Budget | % Complete |
|--|-----------------------------|---------------------------|---------------|
| Beginning Fund Balance | 144,554 | 144,554 | |
| <u>Revenues:</u> | | | |
| Miscellaneous Revenue | 9,207 | 900 | 1023.0% |
| Earnings on Investment | 56 | 400 | 14.1% |
| Total Operating Revenues | 9,263 | 1,300 | 712.6% |
| <u>Expenditures:</u> | | | |
| Operations & Maintenance | - | - | |
| Capital Outlay | - | - | |
| Transfers Out | - | - | |
| Total Expenditures | - | - | |
| Excess (Deficiency) of Revenues and Other Sources over Expenditures | 9,263 | 1,300 | |
| Ending Fund Balance* | 153,817 | 145,854 | |

* - Unaudited

100% of the fiscal year has elapsed



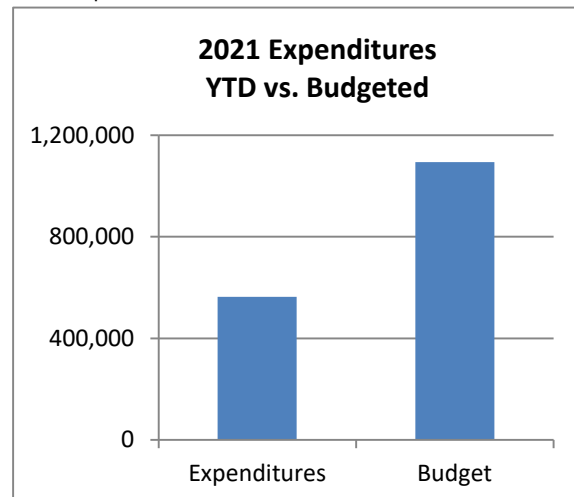
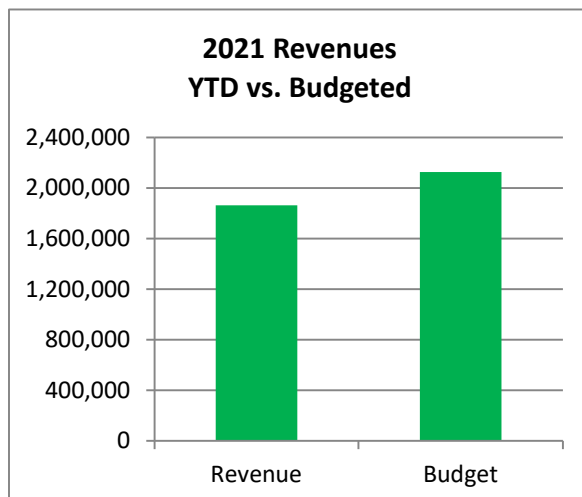
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Library Fund
Period Ending December 31, 2021
Unaudited

Item #5.

| Library Fund | 2021 Actuals December | 2021 Adopted Budget | % Complete |
|--|-----------------------------|---------------------------|---------------|
| Beginning Fund Balance | 5,315,977 | 5,315,977 | |
| <u>Revenues:</u> | | | |
| Intergovernmental | 550,267 | 703,095 | 78.3% |
| Miscellaneous Revenue | 2,602 | 11,000 | 23.7% |
| Capital Investment Fees | 237,636 | 215,000 | 110.5% |
| Interest | 2,058 | 60,000 | 3.4% |
| <i>Transfers In</i> | 1,068,811 | 1,137,657 | 93.9% |
| Total Operating Revenues | 1,861,374 | 2,126,752 | 87.5% |
| <u>Expenditures:</u> | | | |
| Operations | 528,630 | 1,094,500 | 48.3% |
| Capital Outlay | 35,313 | - | 0.0% |
| Total Expenditures | 563,943 | 1,094,500 | 51.5% |
| Excess (Deficiency) of Revenues and Other Sources over Expenditures | 1,297,432 | 1,032,252 | |
| Ending Fund Balance* | 6,613,408 | 6,348,229 | |

* - Unaudited

100% of the fiscal year has elapsed



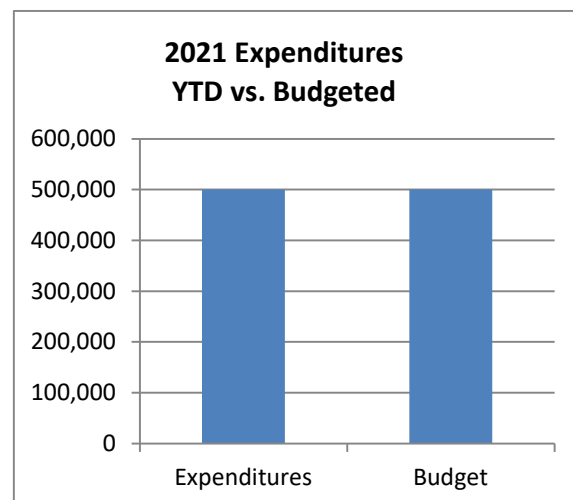
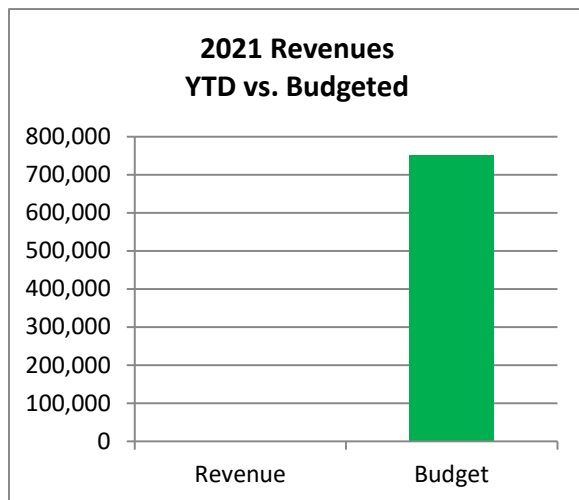
Town of Johnstown, Colorado
Statement of Revenues, Expenditures, and Changes in
Fund Balances - Recreation Center Fund
Period Ending December 31, 2021
Unaudited

Item #5.

| Recreation Center Fund | 2021 Actuals December | 2021 Adopted Budget | % Complete |
|--|-----------------------------|---------------------------|---------------|
| Beginning Fund Balance | 1,422,738 | 1,422,738 | |
| <u>Revenues:</u> | | | |
| Transfers In | - | 750,000 | 0.0% |
| Earnings on Investment | - | - | |
| Total Operating Revenues | - | 750,000 | 0.0% |
| <u>Expenditures:</u> | | | |
| Operations & Maintenance | 500,000 | 500,000 | 0.0% |
| Capital Outlay | - | - | |
| Total Expenditures | 500,000 | 500,000 | 100.0% |
| Excess (Deficiency) of Revenues and Other Sources over Expenditures | (500,000) | 250,000 | |
| Ending Fund Balance* | 922,738 | 1,672,738 | |

* - Unaudited

100% of the fiscal year has elapsed





Town of Johnstown

TOWN COUNCIL CONSENT AGENDA COMMUNICATIONS

AGENDA DATE: February 7, 2022

SUBJECT: Ordinance 2022-220 Amending Subsection 16-302(d) Concerning
Planned Unit Development Mixed Use Districts

ACTION PROPOSED: Consider Second Reading of Ordinance 2022-220

ATTACHMENTS: 1. Ordinance 2022-220

PRESENTED BY: Kim Meyer, Planning & Development Director

AGENDA ITEM DESCRIPTION:

Council held a public hearing on January 3, 2022 and approved Ordinance No. 2022-220 on first reading.

LEGAL ADVICE:

The Town Attorney drafted the Ordinance.

FINANCIAL ADVICE:

NA

RECOMMENDED ACTION: Approve Ordinance 2022-220 upon second reading.

Reviewed and Approved for Presentation,



Town Manager

The Community That Cares

johnstown.colorado.gov

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO 80534 | F: 970.587.0141

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2022-220

ORDINANCE AMENDING SUBSECTION 16-302(d) CONCERNING PLANNED UNIT DEVELOPMENT MIXED USE DISTRICTS

WHEREAS, the Town of Johnstown, Colorado (the “Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

WHEREAS, the Town Council is vested with the authority to administer the affairs of the Town; and

WHEREAS, Article XVII of Chapter 16 of the Johnstown Municipal Code regulates zoning of planned use developments, and Subsection 16-302(d) contained therein regulates planned unit development mixed use (“PUD-MU”) districts; and

WHEREAS, PUD-MU districts allow the integration of residential, commercial and employment/light industrial development within an area so as to facilitate the formation of self-sustaining development projects; and

WHEREAS, the vast majority of developers seek PUD-MU zoning because the district provides flexibility with respect to development projects; and

WHEREAS, to reflect the Town Council’s desire to minimize, where appropriate, high-density development and to better delineate the type of residential units permitted in PUD-MU districts, the Town Council desires to amend Subsection 16-302(d); and

WHEREAS, Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of the public health, welfare, peace, safety and property and that this Ordinance is in the best interests of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT:

Section 1. Subsection 16-302(d): Subsection 16-302(d) of the Johnstown Municipal Code is hereby amended to: (i) revise the first sentence of Subpart (1) of Subsection 16-302(d) and (ii) revise in its entirety Sub-subpart (f) of Subpart (1) of Subsection 16-302(d)(1), which shall read as follows:

Sec. 16-302. Permitted uses

- (d) PUD-MU, Planned Unit Development Mixed-Use District:
 - (1) Intent. The PUD-MU Mixed Use District is created to allow the integration of mixed-density residential, commercial and employment/light industrial development within an area so as to facilitate the formation of a self-sustaining project. . . .

...

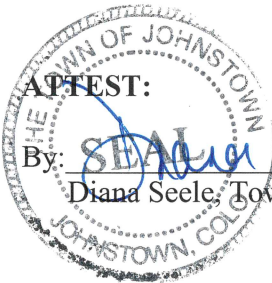
- f. The following residential unit types are allowed in a PUD-MU: any residential unit type allowed in the SF-1 District; any residential unit type allowed in the SF-2 District; any residential unit type allowed in the MF-1 District; and, in commercial areas of a PUD-MU, residential uses above the first floor.

....

Section 2. Retroactive Application. With respect to properties previously zoned PUD-MU, this Ordinance shall be retroactively effective to allow single-family residential (SF-1) district unit types in PUD-MU districts.

Section 3. Effective Date and Publication. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado ("Charter") and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Charter. Copies of the entire Ordinance are available at the office of the Town Clerk.

INTRODUCED AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this 3rd day of January, 2022.



ATTEST:

By: _____

Diana Seele, Town Clerk

TOWN OF JOHNSTOWN, COLORADO

By: _____

Gary Lebsack, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this _____ day of _____, 2022.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____

Diana Seele, Town Clerk

By: _____

Gary Lebsack, Mayor



Town of Johnstown

TOWN COUNCIL CONSENT AGENDA COMMUNICATIONS

AGENDA DATE: February 7, 2022

SUBJECT: Ordinance 2022-221 Amending Article XII of Chapter 17 of The Johnstown Municipal Code Concerning Impact Fees, Specifically Section 17-224, Transportation Facilities Development Fee, Section 17-225, Parks and Recreation Facilities Development Fee, Section 17-226, Public Facilities Development Fee, Section 17-227, Library and Cultural Facilities Development Fee, and Section 17-228, Police Facilities Development Fee

ACTION PROPOSED: Consider Second Reading of Ordinance 2022-221

ATTACHMENTS: 1. Ordinance 2022-221

PRESENTED BY: Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:

Council held a public hearing on January 3, 2022 and approved Ordinance No. 2022-221 on first reading.

LEGAL ADVICE:

The Town Attorney drafted the Ordinance based on feedback from Council and Staff.

FINANCIAL ADVICE:

The funds from impact fees would be utilized for capital projects critical to meet service delivery needs and demands for the community.

RECOMMENDED ACTION: Approve Ordinance 2022-221 upon second reading.

The Community That Cares

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P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141

Reviewed and Approved for Presentation,



Town Manager

The Community That Cares

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P: 970.5127.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.5127.0141

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2022-221

Amending Article XII Of Chapter 17 Of The Johnstown Municipal Code Concerning Impact Fees, Specifically Section 17-224, Transportation Facilities Development Fee, Section 17-225, Parks And Recreation Facilities Development Fee, Section 17-226, Public Facilities Development Fee, Section 17-227, Library And Cultural Facilities Development Fee, And Section 17-228, Police Facilities Development Fee

WHEREAS, the Town of Johnstown, Colorado (“Town”) is a municipal corporation duly organized and existing under its Home Rule Charter adopted pursuant to Article XX of the Constitution of the State of Colorado; and

WHEREAS, the Town Council is vested with authority to administer the affairs of the Town; and

WHEREAS, pursuant to state law, including but not limited to C.R.S. § 29-20-101 *et seq.*, and as a condition of issuance of a development permit, the Town has the authority to impose an impact fee or other similar development charge to fund expenditures by the Town for capital facilities needed to serve new development; and

WHEREAS, impact fees are one-time payments that fund the construction and expansion of public facilities needed to accommodate new development, as determined by level of service standards, the intent being that new development shall pay for its proportionate share of the capital costs of additional infrastructure capacity needed to serve the new development; and

WHEREAS, impact fees are subject to specific legal standards, primarily referred to as the rational nexus test, which require a demonstration that new development will create a need for capital improvements, new development must derive a benefit from the payment of the fees assessed by the Town and the fee paid for a particular type of development should not exceed the developer’s share of the capital costs for system improvements; and

WHEREAS, based on those standards and based on an impact fee study prepared by Tischler and Associates, Inc., dated January 24, 2000, the Town Council of the Town of Johnstown (“Town”) adopted Article XII of Chapter 17 of the Johnstown Municipal Code (“Code”) to establish impact fees to be paid by new development by Ordinance No. 2000-617 (“Impact Fee Ordinance”); and

WHEREAS, since adoption of the Impact Fee Ordinance, the Town Council has periodically engaged consultants to evaluate and study the Town’s impact fees, quantify the reasonable impact of proposed development on existing capital facilities and recommend

modifications, if any, to the impact fees to ensure that the fees are at a level no greater than necessary to defray impact directly related to proposed development; and

WHEREAS, to undertake the foregoing review and analysis, the Town engaged WEL Consulting, LLC, a Colorado limited liability company (“WEL”); and

WHEREAS, WEL evaluated and selected appropriate impact fee methodologies for five categories of capital investment (transportation facilities, parks and recreation facilities, public facilities, library and cultural facilities and police facilities), determined demand indicated for each category and calculated residential and nonresidential proportionate share factors which were then used to allocate costs by type of development; and

WHEREAS, on November 8, 2021, WEL provided its final report to the Town Council, entitled *2021 Impact Fee Report, Town of Johnstown, Colorado* (“Impact Fee Report”); and

WHEREAS, based on its analysis, WEL recommended that the Town’s impact fees be increased for each category of capital investment for both residential and nonresidential classes of development; and

WHEREAS, the Town Council finds and determines, based on the Impact Fee Report, that the demand and cost assumptions underlying the Town’s impact fees warrant a modification to those fees; and

WHEREAS, rather than adopt the maximum permissible impact fees supported by the Impact Fee Report, the Town Council finds and determines that it is in the best interest of the citizens of the Town and the proponents of new land development to implement lesser fees, as recommended by WEL; and

WHEREAS, the Town Council finds and determines that it is in the best interest of the citizens of the Town and the proponents of new land development to implement the recommended modified impact fees for the next five (5) year period as set forth below, with an initial adjustment during the 2022 calendar year upon the effective date of this Ordinance; and

WHEREAS, the Town Council further finds that the impact fees, as amended by this Ordinance, do not exceed the actual costs of funding expenditures on capital facilities that are of the type for which the fees shall be paid and are required to serve new impact-generating development; the impact fees, as amended by this Ordinance, shall not be used to remedy any deficiency in capital facilities existing on the effective date of this Ordinance; of the impact fee monies spent since adoption of Article XII of Chapter 17 of the Johnstown Municipal Code, such fees have only been spent for capital facilities for which such fees were paid; impact fee monies to be collected in the future are similarly expected to be spent only for capital facilities for which the fees are paid; capital facilities that have been constructed with impact fee monies have benefitted the developments that paid the fees; and future impact fee monies will fund capital facilities that will similarly benefit the developments that pay the fees; and

WHEREAS, the impact fees, as amended by this Ordinance, are legislatively adopted, generally applicable to broad classes of property and no greater than necessary to defray the projected impacts on capital facilities caused by proposed development; and

WHEREAS, based on the foregoing and based on the Impact Fee Report, the Town Council desires to amend Article XII of Chapter 17 of the Johnstown Municipal Code to establish new impact fees.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO:

Section 1. Section 17-224, Transportation Facilities Development Fee, shall be amended to read as follows:

All residential and nonresidential development in the Town shall be subject to the payment of a transportation facilities development fee at the time of building permit issuance, pursuant to this Section and Sections 17-216 through 17-223 as follows:

| <i>Residential Development</i> | | <i>Development Fee per Dwelling Unit</i> | | | | |
|--------------------------------|---------------|--|-------|-------|-------|-------|
| | Calendar Year | 2022 | 2023 | 2024 | 2025 | 2026+ |
| Detached Housing | | \$2,916 | 3,062 | 3,215 | 3,375 | 3,544 |
| Attached Housing | | \$2,481 | 2,605 | 2,735 | 2,872 | 3,016 |

| <i>Nonresidential</i> | | <i>Development Fee per square foot</i> | | | | |
|-----------------------|---------------|--|------|------|------|-------|
| | Calendar Year | 2022 | 2023 | 2024 | 2025 | 2026+ |
| Retail | | \$5.17 | 5.42 | 5.70 | 5.98 | 6.28 |
| Office | | \$3.13 | 3.29 | 3.45 | 3.62 | 3.80 |
| Industrial/Other | | \$2.02 | 2.12 | 2.22 | 2.33 | 2.45 |

Section 2. Section 17-225, Parks and Recreation Facilities Development Fee, shall be amended to read as follows:

All residential development in the Town shall be subject to the payment of a parks and recreation facilities development fee at the time of building permit issuance, pursuant to this Section and Sections 17-216 through 17-223 as follows:

| <i>Residential Development</i> | <i>Development Fee</i> |
|--------------------------------|------------------------|
|--------------------------------|------------------------|

per Dwelling Unit

| | Calendar Year | 2022 | 2023 | 2024 | 2025 | 2026+ |
|------------------|---------------|---------|-------|-------|-------|-------|
| Detached Housing | | \$1,254 | 1,316 | 1,382 | 1,451 | 1,524 |
| Attached Housing | | \$1,067 | 1,120 | 1,176 | 1,235 | 1,297 |

Section 3. Section 17-226, Public Facilities Development Fee, shall be amended to read as follows:

All future residential and nonresidential development in the Town shall be subject to the payment of a public facilities development fee at the time of building permit issuance, pursuant to this Section and Sections 17-216 through 17-223, as follows:

*Residential Development**Development Fee
per Dwelling Unit*

| | Calendar Year | 2022 | 2023 | 2024 | 2025 | 2026+ |
|------------------|---------------|---------|-------|-------|-------|-------|
| Detached Housing | | \$1,668 | 1,752 | 1,839 | 1,931 | 2,028 |
| Attached Housing | | \$1,420 | 1,491 | 1,565 | 1,643 | 1,726 |

*Nonresidential**Development Fee
per square foot*

| | Calendar Year | 2022 | 2023 | 2024 | 2025 | 2026+ |
|------------------|---------------|--------|------|------|------|-------|
| Retail | | \$0.78 | 0.82 | 0.86 | 0.90 | 0.94 |
| Office | | \$0.78 | 0.82 | 0.86 | 0.90 | 0.94 |
| Industrial/Other | | \$0.78 | 0.82 | 0.86 | 0.90 | 0.94 |

Section 4. Section 17-227, Library and Cultural Facilities Development Fee, shall be amended to read as follows, which shall include an amendment to the Section heading:

Section 17-227. Library and cultural facilities development fee.

All future residential development in the Town shall be subject to the payment of a library and cultural facilities development fee at the time of building permit issuance, pursuant to this Section and Sections 17-216 through 17-223, as follows:

Residential Development***Development Fee
per Dwelling Unit***

| | Calendar Year | 2022 | 2023 | 2024 | 2025 | 2026+ |
|------------------|---------------|----------|-------|-------|-------|-------|
| Detached Housing | | \$1,205 | 1,266 | 1,329 | 1,395 | 1,465 |
| Attached Housing | | \$ 1,026 | 1,077 | 1,131 | 1,188 | 1,247 |

Section 5. Section 17-228, Police Facilities Development Fee, shall be amended to read as follows:

All future residential and nonresidential development in the Town shall be subject to the payment of a police facilities development fee at the time of building permit issuance, pursuant to this Section and Sections 17-216 through 17-223, as follows:

Residential Development***Development Fee
per Dwelling Unit***

| | Calendar Year | 2022 | 2023 | 2024 | 2025 | 2026+ |
|------------------|---------------|-------|------|------|------|-------|
| Detached Housing | | \$759 | 797 | 837 | 879 | 922 |
| Attached Housing | | \$647 | 679 | 713 | 748 | 786 |

Nonresidential***Development Fee
per square foot***

| | Calendar Year | 2022 | 2023 | 2024 | 2025 | 2026+ |
|------------------|---------------|--------|------|------|------|-------|
| Retail | | \$0.71 | 0.75 | 0.79 | 0.83 | 0.87 |
| Office | | \$0.26 | 0.28 | 0.29 | 0.30 | 0.32 |
| Industrial/Other | | \$0.26 | 0.28 | 0.29 | 0.30 | 0.32 |

Section 6. Severability. If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

Section 7. Code revisions. Minor changes such as the format and other changes to unify the revised Code may be necessary. The Town Clerk is hereby authorized to make such changes, provided that neither the intent nor substantive content will be altered by such changes.

Section 8. Publication and Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Johnstown Home Rule Charter ("Charter") and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Charter. Copies of the entire Ordinance are available at the office of the Town Clerk.

INTRODUCED, AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this 3rd day of January 2022.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____

Diana Seele, Town Clerk

By: _____

Gary Lebsack, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this ____ day of January, 2022.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____

Diana Seele, Town Clerk

By: _____

Gary Lebsack, Mayor



Town of Johnstown

TOWN COUNCIL CONSENT AGENDA COMMUNICATIONS

AGENDA DATE: February 7, 2022

SUBJECT: Ordinance 2022-222 - An Ordinance Adding Article XV to Chapter 17 of the Johnstown Municipal Code to Establish a Special Fee to be Paid by the Owners of Property Within Close Proximity to the Reconstructed Interchange at the Intersection of Interstate 25 and State Highway 402

ACTION PROPOSED: Consider Ordinance 2022-222 on Second Reading

ATTACHMENTS: 1. Ordinance 2022-222

PRESENTED BY: Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:

Council held a public hearing on January 3, 2022 and approved Ordinance No. 2022-222 on first reading.

LEGAL ADVICE:

The Town Attorney drafted the Ordinance as presented.

FINANCIAL ADVICE:

The funds from the special fee for the I-25/402 interchange cost recovery would be deposited directly into the Street and Alley fund.

RECOMMENDED ACTION: Approve Ordinance 2022-222 upon second reading.

The Community That Cares

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Reviewed and Approved for Presentation,



Town Manager

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**TOWN OF JOHNSTOWN, COLORADO
ORDINANCE NO. 2022-222**

**AN ORDINANCE ADDING ARTICLE XV TO CHAPTER 17 OF THE
JOHNSTOWN MUNICIPAL CODE TO ESTABLISH A SPECIAL FEE TO
BE PAID BY THE OWNERS OF PROPERTY WITHIN CLOSE
PROXIMITY TO THE RECONSTRUCTED INTERCHANGE AT THE
INTERSECTION OF INTERSTATE 25 AND STATE HIGHWAY 402**

WHEREAS, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

WHEREAS, the Town Council is vested with authority to administer the affairs of the Town; and

WHEREAS, the Colorado Department of Transportation (“CDOT”) has constructed significant improvements to Interstate 25 (“I-25”) in Northern Colorado, which improvements include the reconstruction of the interchange at I-25 and State Highway 402 (the “Interchange”); and

WHEREAS, the reconstruction of the Interchange was made possible by a combination of federal, state and local funding, with the Town contributing approximately Seven Million Dollars (\$7,000,000) toward the I-25 improvements and the improvements to the Interchange; and

WHEREAS, of the Seven Million Dollars (\$7,000,000) contributed by the Town, based on territory in the Town limits and the overall improvements to I-25, Four Million Five Hundred Thousand (\$4,500,000) was allocated toward improvements to the Interchange (“Interchange Improvements”); and

WHEREAS, the Town Council recognizes that certain properties within the Town will benefit significantly from the Interchange Improvements; and

WHEREAS, under Article XX, Section 6 of the Colorado Constitution, the Town has authority to enact fees to recover the cost of providing infrastructure to properties within its jurisdiction; and

WHEREAS, the Colorado Supreme Court has affirmed this or similar authority in several separate decisions, including *Loup-Miller Const. Co. v. City and County of Denver*, 676 P.2d 1170 (Colo. 1984), *Bloom v. City of Fort Collins*, 784 P.2d 304 (Colo. 1989, and *E-470 Public Highway Authority v. The 455 Company*, 3 P.3d 18 (Colo. 2000); and

WHEREAS, pursuant to such authority, the Town desires to impose a special fee upon the owners of properties in close proximity to the Interchange because such properties will benefit substantially from the reconstruction of the Interchange and because the development or redevelopment of those properties will generate additional vehicular traffic at the Interchange; and

WHEREAS, recognizing that the Town as a whole will also benefit from the Interchange Improvements, the Town has concluded that the total amount of the special fee to be assessed against the benefitted properties, excluding interest, should be limited to Two Million Five Hundred Thousand

(\$2,500,000), or approximately fifty-five and one-half percent (55.5%) of the total amount expended by the Town for the Interchange; and

WHEREAS, to fairly apportion the cost to be recovered from and among the benefitted properties, determine the scope of the property within the Town that will benefit from the Interchange Improvements and assess the appropriate reimbursement from each such benefitted property, the Town engaged Felsburg, Holt & Ullevig, Inc., a Colorado corporation (“FHU”); and

WHEREAS, FHU completed the study, entitled *I-25/CO 402 Interchange Financial Analysis*, a copy of which is attached hereto and incorporated herein by reference as Exhibit A (“Study”), and, on December 16, 2019, presented the results of the Study to the Town Council; and

WHEREAS, as a part of the Study, FHU set forth the scope of the area that will benefit from the Interchange Improvements (“Region”) and classified the Region into two categories, Tier 1 and Tier 2 properties, with the Tier 1 properties benefiting more substantially than the Tier 2 properties; and

WHEREAS, based on the results of the Study, FHU recommended the following special fees for the Region, allowing the Town to recover a larger percentage of the Town’s overall investment in the I-25 improvements:

| USE | TIER 1 ZONE | TIER 2 ZONE |
|---------------------------|-------------|-------------|
| Single Family Residential | \$ 1,180 | \$ 472 |
| Multi-Family Residential | \$ 915 | \$ 366 |
| Office (per 1000 SF) | \$ 1,218 | \$ 487 |
| Retail (per 1000 SF) | \$ 3,020 | \$ 1,208 |
| Industrial (per 1000 SF) | \$ 620 | \$ 248 |

WHEREAS, for the foregoing reasons, to defray the cost of the Interchange Improvements, the Town Council desires to impose a special fee, to be known as the 402 Interchange Fee, upon benefitted properties in the Region and desires that the Town collect the 402 Interchange Fee at the time of issuance of each building permit; and

WHEREAS, despite FHU’s recommendation, so as not to financially burden the benefitted properties and the citizens of the Town, the Town Council desires to impose a lesser fee than recommended by FHU, in the following amounts:

| USE | TIER 1 ZONE | TIER 2 ZONE |
|---------------------------------|-------------|-------------|
| Single Family Residential | \$ 566 | \$ 283 |
| Multi-Family/Units | \$ 439 | \$ 220 |
| Office (per 1000 sf) | \$ 584 | \$ 292 |
| Retail/Commercial (per 1000 SF) | \$ 1,450 | \$ 725 |
| Industrial (per 1000 sf) | \$ 298 | \$ 149 |

WHEREAS, the Town Council directs that revenues recognized from the 402 Interchange Fee be remitted to the Town's Street and Alley Fund; and

WHEREAS, the Town Council hereby finds, determines and declares that the 402 Interchange Fee is reasonably related to the expenses incurred by the Town in carrying out its legitimate goal of providing, maintaining and improving effective infrastructure in or near the Town; and

WHEREAS, the Town Council hereby further finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of the public health, welfare, peace, safety and property, that this Ordinance is necessary for the protection of public convenience and welfare and that this Ordinance is in the best interests of the citizens of the Town.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, AS FOLLOWS:

Section 1. Article XV of Chapter 17. Article XV shall be added to Chapter 17 of the Johnstown Municipal Code and shall read in full as follows:

Article XV – 402 Interchange Fee

Sec. 17-281 – Purpose.

Pursuant to the Town's authority to enact fees to recover the cost of providing, maintaining and improving infrastructure for properties within its jurisdiction, the Town hereby establishes a special fee, the 402 Interchange Fee, to recover a portion of the cost of improvements to the reconstructed interchange at Interstate 25 and State Highway 402.

Sec. 17-282 – Definitions.

For purposes of this Article, the following definitions apply:

402 Interchange Fee means the special fee imposed upon Property Owners in the Region to reimburse the Town for a portion of the cost of the Improvements.

Benefitted Property means a parcel of land in the Region, of whatever size and whatever designation, that is within close proximity to the Interchange.

Building Permit means a building permit issued in accordance with the Code before building or construction activity may be initiated on a Benefitted Property.

Improvements means the improvements to, and reconstruction of, the Interchange, accomplished between approximately 2017 and 2022.

Interchange means the interchange at Interstate 25 and State Highway 402.

Property Owner(s) means the current and future owner or developer of Benefitted Property in the Region.

Region means the real property in close proximity to the Interchange benefiting from the Improvements and includes Tier 1 properties and Tier 2 properties. The Region is depicted on Appendix A to this Article, which may be amended from time to time by resolution of the Town Council.

Sec. 17-283 – Establishment and payment of 402 Interchange Fee.

- (a) There is hereby established a special fee known as the 402 Interchange Fee.
- (b) The 402 Interchange Fee shall be levied and assessed as follows:

| USE | TIER 1 ZONE | TIER 2 ZONE |
|---------------------------------|-------------|-------------|
| Single Family Residential | \$ 566 | \$ 283 |
| Multi-Family/Units | \$ 439 | \$ 220 |
| Office (per 1000 SF) | \$ 584 | \$ 292 |
| Retail/Commercial (per 1000 SF) | \$ 1,450 | \$ 725 |
| Industrial (per 1000 SF) | \$ 298 | \$ 149 |

- (c) The 402 Interchange Fee shall be paid by Property Owners in the Region at the time of issuance a Building Permit.
- (d) If a request is made upon application for a Building Permit, Property Owners shall not be required to pay the 402 Interchange Fee for the following Building Permits:
 - (1) Alterations or expansion of existing buildings where no additional dwelling units are created or square footage added;
 - (2) The construction of accessory buildings or structures that do not add dwelling units or square footage to the principal building or use of the land; or
 - (3) The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same square footage.

Sec. 17-284 – Use of funds; limitation on total fee collection.

- (a) The revenues recognized from the 402 Interchange Fee shall be remitted to the Street and Alley Fund. The funds shall be used solely to reimburse the Town for the cost of the Improvements.
- (b) The Town shall keep an accurate accounting of the cost of the Improvements and the revenues collected from the 402 Interchange Fee.

- (c) In the event that the total amount of fee revenues paid to the Town by or on behalf of the Property Owners equals the sum of Two Million Five Hundred Thousand (\$2,500,000), plus interest on said amount from the effective date of this Ordinance at the rate of 2.75% per annum, all Property Owners shall be relieved of any further obligation to pay the 402 Interchange Fee.

Sec. 17-284 – Fee not an impact fee or development charge.

The Town Council does not intend that the 402 Interchange Fee be construed as an impact fee or development charge within the meaning of Section 29-20-104.5, C.R.S., as amended, but that the 402 Interchange Fee be a special fee within the home rule authority of the Town. To the extent that the provisions of Section 29-20-104.5, C.R.S., as amended, conflict with the provisions of this section, this section shall control.

Section 2. Severability. If any section, clause, phrase, word or other provision of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this Ordinance or the validity of this Ordinance as an entirety, it being the legislative intent that this Ordinance shall stand, notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 3. Code revisions. Minor changes such as the format and other changes to unify the revised Code may be necessary. The Town Clerk is hereby authorized to make such changes, provided that neither the intent nor substantive content will be altered by such changes.

Section 4. Publication; Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado (“Charter”) and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Charter.

INTRODUCED, AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this 3 day of January, 2022.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: Diana Seele

Diana Seele, Town Clerk

By: Gary Lebsack

Gary Lebsack, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this _____ day of _____, 2022.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____

Diana Seele, Town Clerk

By: _____

Gary Lebsack, Mayor



Town of Johnstown

TOWN COUNCIL CONSENT AGENDA COMMUNICATIONS

AGENDA DATE: February 7, 2022

SUBJECT: Amending the Consolidated Town Fee Schedule

ACTION PROPOSED: Consider Resolution 2022-02

ATTACHMENTS: 1. Resolution 2022-02
2. Town of Johnstown Fee Schedule – Exhibit A

PRESENTED BY: Mitzi McCoy, Finance Director

AGENDA ITEM DESCRIPTION:

The Town Consolidated Fee Schedule in its present form was adopted by the Town Council on August 2, 2021 in Resolution 2021-25.

The fee schedule is a comprehensive fee schedule that includes not only administrative fees, but also utility rates, permitting fees, business licenses, court surcharges, cemetery fees, etc. The fee schedule was created with the intent of: decreasing future costs for publishing ordinances, decreasing costs associated with revising the municipal code, creating a document that is easy for people to use and access, and creating a document that encourages an annual review of the fees that the Town is charging. Fines and penalties have not been included in this fee schedule due to the subjective nature of the fine structure.

While generally the fees included in the proposed fee schedule are unchanged, there are a few that have been changed or restructured. Those fees include the following:

Sec. 2-44 – General Fees.

Proposed changes to this section include an addition of a special event application fee. Special event applications have increased recently and this fee is intended to cover the costs associated with processing this type of application.

Sec 16-345(f) Wireless Communication Facilities.

This fee has already been included in the Town's Municipal Code, it just needed to get added to the fee schedule. No changes have been made to the amount.

Sec 17-224 through Sec 17-228

The Council is currently considering the Second Reading of Ordinance No. 2022-221, Amending Article XII of Chapter 17 of the Johnstown Municipal Code Concerning Impact Fees. The recommendations included in the attached fee schedule are based on the analysis, report, and recommendations by WEL

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Consulting, LLC. The report and recommendations were discussed at a work session in October 2021. The impact fees have been increased for 2022 and for each calendar year over the next 5 years.

Rate changes in this section will not go into effect until Ordinance No. 2022-221 goes into effect.

Sec. 17-283 - 402 Interchange Fee.

The Council is currently considering the Second Reading of Ordinance No. 2022-222 Adding Article XV to Chapter 17 of the Johnstown Municipal Code, Establishing a Special Fee to be Paid by the Owners of Property Within Close Proximity to the Reconstructed Interchange at I-25 and State Highway 402. This fee is intended to recover a portion of the costs that the Town contributed to the improvements made towards Hwy 402 improvements.

Rate changes in this section will not go into effect until Ordinance No. 2022-222 goes into effect.

LEGAL ADVICE:

The Town Attorney drafted the Resolution.

FINANCIAL ADVICE:

NA

RECOMMENDED ACTION: Staff recommends approving Resolution 2022-02.



Town Manager

Town of Johnstown - Fee Schedule

Item #9.

Chapter 2 - Administration and Personnel

ARTICLE II

Sec 2-44

General Fees

Reproductions:

| | |
|--|----------------|
| Xerox copies (agendas, minutes, etc.) - (per page) | \$0.25 |
| Certified Copies (per page) | \$1.25 |
| Verbatim Transcripts | Cost + \$15.00 |
| Voice Recorded Audio | \$10.00 |
| CD/DVD (each) | \$20.00 |

Bound Reports and Publications:

| | |
|---------------|-----------|
| Any/All items | Cost +10% |
|---------------|-----------|

Project Plans and Bid Specifications:

| | |
|----------------------------|---------|
| Small Projects | \$10.00 |
| Large Projects | \$25.00 |
| Town Maps | \$15.00 |
| Black & White Maps - 24x36 | \$10.00 |

Special Services:

| | |
|---|----------------------|
| CORA (first hour is free - fee is per hour after) | \$30.00 |
| Postage | Standard Postal Rate |
| Non-sufficient funds (return check) fee | \$25.00 |

Park Reservations:

| | |
|---------------|---------|
| No Alcohol: | |
| All Parks | \$20.00 |
| With Alcohol: | |
| Hays Park | \$25.00 |

Fishing License:

| | |
|--------------|---------|
| Resident | \$5.00 |
| Non-resident | \$25.00 |

Special Event Application: \$100.00

Johnstown Community Complex:

Room Rental Fees, Damage Deposits & Equipment Rentals:

- Class I: Government Agency/Schools
- Class II: Non-Profit/Civic and Service Organizations
- Class III: Private Groups - Johnstown Town Limits
- Class IV: Private Groups - Outside Johnstown Town Limits

| | Large Room | Small Room |
|-----------|----------------------|----------------------|
| Class I | No Charge/Negotiated | No Charge/Negotiated |
| Class II | No Charge/Negotiated | No Charge/Negotiated |
| Class III | \$30.00/hr | \$15.00/hr |
| Class IV | \$50.00/hr | \$25.00/hr |

Town of Johnstown - Fee Schedule

Item #9.

Damage Deposits

| | |
|--|----------|
| Large Room (No Alcohol) 1 to 50 People (In Johnstown Limits) | \$200.00 |
| Large Room (No Alcohol) 51 to 200 People (In Johnstown Limits) | \$300.00 |
| Large Room (No Alcohol) 1 to 200 People (Outside Johnstown Limits) | \$400.00 |
| Large Room (With Alcohol) | \$500.00 |

ARTICLE III Municipal Court

Sec. 2-74 Fines imposed by the Municipal Court

| | |
|---------------------------------|-------------------|
| Parking Citations - Surcharge | \$10.00 |
| Traffic Citations - Surcharge | \$25.00 |
| All other citations - Surcharge | Up to 10% of fine |

Chapter 4 - Revenue and Finance

ARTICLE IV Sales Tax

Sec. 4-55 (8) License for retail sale of tangible property

| | |
|------------------|---------|
| Business License | \$50.00 |
|------------------|---------|

ARTICLE VI Development Cost Reimbursement

Sec. 4-91 Funds deposit agreement

| | |
|---------------------|--------------------|
| Development Deposit | Per cost agreement |
|---------------------|--------------------|

ARTICLE VII Lodging Tax

Sec. 4-103 Tax Levied*

| | |
|-------------|----|
| Lodging Tax | 3% |
|-------------|----|

Sec. 4-112 Administrative review; appeals

| | |
|------------|---------|
| Docket fee | \$50.00 |
|------------|---------|

* - Taxes are set and changed by voter approval only. They are included in this schedule for convenience only.

Chapter 5 - Franchises and Communication Systems

ARTICLE III Telephone Occupation Tax

Sec. 5-91 Levy of tax; amount*

| | |
|-------------------------------|------------------|
| Per telephone account/monthly | \$.30/month/line |
|-------------------------------|------------------|

ARTICLE IV Franchise Expenses

Sec. 5-111 Application

| | |
|-------------------|------------|
| Franchise Deposit | \$5,000.00 |
|-------------------|------------|

Chapter 6 - Business Licenses and Regulations

ARTICLE I Licenses and Permits Generally

Sec. 6-6 Fees

| | |
|-------------------|---------|
| Business Licenses | \$50.00 |
|-------------------|---------|

Town of Johnstown - Fee Schedule

Item #9.

ARTICLE II Fireworks Permit

Sec. 6-42 Application

Application Fee (to Fire Chief) \$10.00

Sec. 6-46 Cleanup bond

Pyrotechnic display \$200.00

ARTICLE III Fireworks Public Display Permit

Sec. 6-63 Application

Fireworks Public Display Permit \$10.00

ARTICLE IV Auction and Auctioneers

Sec. 6-83 Fee

Auction/Auctioneer \$5/day
Auction House \$5/Year

ARTICLE V Skating Rinks, Merry-Go-Rounds, Shows and Exhibitions

Sec. 6-102 Fees

License Fee \$50.00

ARTICLE VI Skating Rinks, Merry-Go-Rounds, Shows and Exhibitions

Sec. 6-111 License fee; when payable

Coin operated game machines \$20.00/each machine

ARTICLE VII Peddlers and Solicitors

Sec. 6-133 Application; application fee

Solicitor's/Peddler's \$10.00

Sec. 6-135 License fee

Solicitor's/Peddlers License
\$2.50/Day
\$10.00/Week
\$25.00/Month
\$50.00/Annual

ARTICLE VIII Tree Trimmers

Sec. 6-161 Application and licensing required for tree trimmers

License \$5.00

ARTICLE IX - Liquor Licensing

Sec. 6-174 Application for liquor license; fee.

License fee state liquor law license fee
Application fee Fee is equal to maximum amount set by state liquor laws

ARTICLE X Contractor Licenses

Sec. 6-186 Forms; fees; validity

Contractor license - per year \$100.00

Town of Johnstown - Fee Schedule

Item #9.

Sec. 6-189 Disciplinary procedures, violations and penalties

Docket fee \$50.00

ARTICLE XI Outdoor Vendors

Sec. 6-202 Licenses Required.

Outdoor Vendor License 50.00

Chapter 7 - Health, Sanitation and Animals

ARTICLE III Garbage and Refuse

Sec. 7-43 Accumulation of refuse; abatement

Abatement of property Actual Cost + 10%

Sec 7-65 Persons Served by water taps to receive service...

Refuse Collection (per month):

Standard service - 95/96 gallon tote (Until August 31, 2021) \$11.81

Senior service - 64/65 gallon tote (Until August 31, 2021) \$8.68

95/96 gallon with recycling (Effective 9/2/2021) \$14.50

95/96 gallon without recycling (Effective 9/2/2021) \$12.50

64/65 gallon with recycling (Effective 9/2/2021) \$12.50

64/65 gallon without recycling (Effective 9/2/2021) \$10.50

Trash Rate Schedule

| <u>9/1/2021</u> | <u>2022</u> | <u>2023</u> | <u>2024</u> | <u>2025</u> |
|-----------------|-------------|-------------|-------------|-------------|
| 14.50 | 14.50 | 14.50 | 14.50 | 14.50 |
| 12.50 | 12.50 | 12.50 | 12.50 | 12.50 |
| 12.50 | 12.50 | 12.50 | 12.50 | 12.50 |
| 10.50 | 10.50 | 10.50 | 10.50 | 10.50 |

ARTICLE V Weeds

Sec. 7-82 Abatement by Town; assessment of costs

Abatement of weeds Actual Cost + 5%

ARTICLE VI Trees

Sec. 7-106 Failure to remove trees upon notice; removal by Town; costs to be charged to owner

Tree removal Actual Cost + 5%

Sec. 7-107 Cost for removal of trees on lots or blocks along sidewalk

Tree removal/tree trimming Actual Cost + 5%

Sec. 7-108 Failure to pay assessment; lien created

Lien surcharge Actual Cost + 10%

ARTICLE VII Animal Control

Sec. 7-128 License Fee

Spayed/Neutered (per year) \$4.00

Not spayed/neutered (per year) \$10.00

Sec. 7-131 License; duplicate tags; ownership changes

Duplicate tag \$1.00

Ownership change:

Spayed/Neutered \$4.00

Not spayed/neutered \$10.00

Town of Johnstown - Fee Schedule

Item #9.

Chapter 8 - Vehicles and Traffic

ARTICLE VI Golf Cars

Sec. 8-87 Inspection and permitting requirements (every 3 years) \$20.00

Chapter 11 - Streets, Sidewalks and Public Property

ARTICLE III Sidewalks, Curbs and Gutters

Sec. 11-42 Notice and order to install sidewalk, curb, gutter or curbwalk...
Improvement work Actual Cost

ARTICLE VI Cemetery

Sec. 11-106 Price of burial spaces.

Grave Space:
Resident - with perpetual care \$1,600.00
Non resident - with perpetual care \$3,000.00
Resident - Infant \$100.00
Non resident - Infant \$200.00
Resident - urn space with perpetual care \$850.00
Non resident - urn space with perpetual care \$1,350.00

Niche in Columbarium (includes opening and engraving) \$1,500.00

Sec. 11-115 Cemetery fees.

Openings - Grave Space:
Weekdays \$700.00
Weekend or holiday openings \$1,200.00

Openings - Urn Space:
Weekdays \$350.00
Weekend or holiday openings \$700.00

Disinternment charges \$250.00

Chapter 13 - Municipal Utility

ARTICLE I General

Sec. 13-7. Billing procedure

Late fee \$10.00
NSF check fee \$25.00
Duplicate bill (per month) \$2.00
New user account set up fee \$10.00
County special assessment fee 10% of balance due
Recording Lien on property Actual cost

Sec. 13-8. Remedies for non payment.

New service connection fee \$10.00
Restoration fee \$40.00

Town of Johnstown - Fee Schedule

Item #9.

ARTICLE II Sewer

Sec. 13-44. Private waste water disposal

| | |
|----------------------------|---------------------------|
| Permit and inspection fee: | |
| Residential and Commercial | Set by Council or \$1,000 |
| Industrial | Set by Council or \$1,000 |

Sec. 13-45. Sanitary sewers, building sewers and connections.

| | |
|-------------------------|----------|
| Building sewer permits: | |
| Residential | \$100.00 |
| Commercial | \$500.00 |

Sec. 13-51. Administrative review; appeals process.

| | |
|------------|---------|
| Docket fee | \$50.00 |
|------------|---------|

Sec. 13-53. Sewer service charges.

| | | | Sewer Service Charges - Effective January 1st of each year - In Town | | | | | |
|--|--------------|--------------|--|--------------|--------------|--------------|--------------|--------------|
| Customer Class - In Town: | Base | Usage* | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 |
| Residential | \$31.56 | | \$33.14 | \$34.79 | \$36.53 | \$38.36 | \$40.28 | \$42.29 |
| Residential (Usage charges) | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Multi Family | \$31.56/unit | | \$33.14/unit | \$34.79/unit | \$36.53/unit | \$38.36/unit | \$40.28/unit | \$42.29/unit |
| Multi Family (Usage charges) | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Nonresidential | \$31.56 | | \$33.14 | \$34.79 | \$36.53 | \$38.36 | \$40.28 | \$42.29 |
| Nonresidential (Usage charges) | | \$3.63/1000g | \$3.81/1000g | \$4.00/1000g | \$4.20/1000g | \$4.41/1000g | \$4.63/1000g | \$4.86/1000g |
| RV facility with disposal station(s)(per pad) | \$12.62 | | \$13.25 | \$13.91 | \$14.61 | \$15.34 | \$16.11 | \$16.91 |
| *Usage amount calculated by averaging water use during the months of December, January, and February | | | | | | | | |

| | | | Sewer Service Charges - Effective January 1st of each year - Out of Town | | | | | |
|--|--------------|--------------|--|--------------|--------------|--------------|--------------|--------------|
| Customer Class - Outside Town: | Base | Usage* | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 |
| Residential | \$47.34 | | \$49.71 | \$52.19 | \$54.80 | \$57.54 | \$60.42 | \$63.44 |
| Residential (Usage charges) | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Multi Family | \$47.34/unit | | \$49.71/unit | \$52.19/unit | \$54.80/unit | \$57.54/unit | \$60.42/unit | \$63.44/unit |
| Multi Family (Usage charges) | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Nonresidential | \$47.34 | | \$49.71 | \$52.19 | \$54.80 | \$57.54 | \$60.42 | \$63.44 |
| Nonresidential (Usage charges) | | \$5.45/1000g | \$5.72/1000g | \$6.00/1000g | \$6.31/1000g | \$6.62/1000g | \$6.96/1000g | \$7.30/1000g |
| RV facility with disposal station(s)(per pad) | \$18.93 | | \$19.88 | \$20.87 | \$21.91 | \$23.01 | \$24.16 | \$25.37 |
| *Usage amount calculated by averaging water use during the months of December, January, and February | | | | | | | | |

| | |
|---|------------|
| Surcharge for solids and irregular concentrations | |
| BOD | \$.0698/lb |
| Suspended solids | \$.107/lb |

| | |
|--|-------------|
| Industrial Users - domestic treatment only | Calculation |
|--|-------------|

Town of Johnstown - Fee Schedule

Item #9.

Sec. 13-54. Sewer Tap Fees

Sewer tap fees:

Single Family, Duplex, Town Homes (per unit)

≤ 3/4"

1"

1.5"

2"

3"

4"

6"

8"

10"

Multi Family (per Unit)

Water Meter Size - Out of Town Rates

≤ 3/4"

1"

1.5"

2"

3"

4"

6"

8"

10"

Multi Family (per Unit)

| Sewer Tap Fees as of January 1st of each year - In Town | | | | | | |
|---|-------------|-------------|-------------|-------------|-------------|--|
| 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | |
| \$5,502 | \$5,667 | \$5,837 | \$6,012 | \$6,192 | \$6,378 | |
| \$9,353 | \$9,634 | \$9,923 | \$10,220 | \$10,527 | \$10,843 | |
| \$18,156 | \$18,701 | \$19,262 | \$19,840 | \$20,435 | \$21,048 | |
| \$29,159 | \$30,034 | \$30,935 | \$31,863 | \$32,819 | \$33,804 | |
| \$64,371 | \$66,302 | \$68,291 | \$70,340 | \$72,450 | \$74,624 | |
| \$115,537 | \$119,003 | \$122,573 | \$126,250 | \$130,038 | \$133,939 | |
| \$238,226 | \$245,373 | \$252,734 | \$260,316 | \$268,125 | \$276,169 | |
| \$513,314 | \$528,713 | \$544,575 | \$560,912 | \$577,739 | \$595,072 | |
| \$770,246 | \$793,353 | \$817,154 | \$841,669 | \$866,919 | \$892,926 | |
| \$2,751 | \$2,833 | \$2,918 | \$3,006 | \$3,096 | \$3,189 | |
| Sewer Tap Fees as of January 1st of each year - Out of Town | | | | | | |
| \$8,253 | \$8,500 | \$8,755 | \$9,018 | \$9,288 | \$9,567 | |
| \$14,030 | \$14,450 | \$14,884 | \$15,330 | \$15,790 | \$16,264 | |
| \$27,234 | \$28,051 | \$28,893 | \$29,759 | \$30,652 | \$31,572 | |
| \$43,739 | \$45,051 | \$46,403 | \$47,795 | \$49,229 | \$50,705 | |
| \$96,557 | \$99,453 | \$102,437 | \$105,510 | \$108,675 | \$111,935 | |
| \$173,306 | \$178,505 | \$183,860 | \$189,376 | \$195,057 | \$200,909 | |
| \$357,339 | \$368,059 | \$379,101 | \$390,474 | \$402,188 | \$414,254 | |
| \$769,971 | \$793,070 | \$816,862 | \$841,368 | \$866,609 | \$892,607 | |
| \$1,155,369 | \$1,190,030 | \$1,225,731 | \$1,262,503 | \$1,300,378 | \$1,339,389 | |
| \$4,126 | \$4,250 | \$4,378 | \$4,509 | \$4,644 | \$4,784 | |

Sec. 13-55. Regional Sewer Fee.

Sewer Regional Improvement Fee:

Per Single Family Equivalent

Duplex and Triplex (per unit)

Town Homes <12 units/acre (per unit)

Town Homes >12 units/acre (per unit)

Multi-Family (per unit)

Commercial, Industrial and Other (per SFE)

\$9,500.00
\$7,500.00
\$6,500.00
\$6,000.00
\$5,000.00
\$9,500.00

ARTICLE III Water

Sec. 13-72. Water meters.

Meter Cost*:

5/8" Meter

3/4" Meter

1" Meter

1.5" Meter

2.0" Meter

2.5" <

To be individually calculated

\$475.00
\$495.00
\$630.00
\$875.00
\$1,150.00

* Meter yokes, meter pits, meter domes, including lid and inner lid are the responsibility of the contractor. All items must be listed on the approved material list.

Meter Testing fee

\$100.00

Town of Johnstown - Fee Schedule

Item #9.

Sec. 13-73(a). Water Tap Fee

Potable water tap fee:

Water Meter Size - In Town Rates

≤ 3/4"

1"

1.5"

2"

3"

4"

6"

8"

10"

| | | <u>Water Tap Fees as of January 1st of each year - In Town</u> | | | | | |
|--------|--------------|--|-------------|-------------|-------------|-------------|-------------|
| | | <u>2022</u> | <u>2023</u> | <u>2024</u> | <u>2025</u> | <u>2026</u> | <u>2027</u> |
| ≤ 3/4" | \$6,437.00 | \$6,707 | \$6,909 | \$7,116 | \$7,329 | \$7,549 | \$7,776 |
| 1" | \$10,247.98 | \$11,403 | \$11,745 | \$12,097 | \$12,460 | \$12,834 | \$13,219 |
| 1.5" | \$19,893.14 | \$22,134 | \$22,798 | \$23,482 | \$24,187 | \$24,912 | \$25,660 |
| 2" | \$31,949.59 | \$35,549 | \$36,615 | \$37,714 | \$38,845 | \$40,011 | \$41,211 |
| 3" | \$70,530.23 | \$78,476 | \$80,830 | \$83,255 | \$85,753 | \$88,325 | \$90,975 |
| 4" | \$126,588.00 | \$140,854 | \$145,080 | \$149,432 | \$153,915 | \$158,533 | \$163,289 |
| 6" | \$261,012.40 | \$290,428 | \$299,141 | \$308,116 | \$317,359 | \$326,880 | \$336,686 |
| 8" | \$562,412.40 | \$625,796 | \$644,570 | \$663,907 | \$683,824 | \$704,339 | \$725,469 |
| 10" | \$843,920.00 | \$939,030 | \$967,200 | \$996,216 | \$1,026,103 | \$1,056,886 | \$1,088,593 |

Water Meter Size - Out of Town Rates

≤ 3/4"

1"

1.5"

2"

3"

4"

6"

8"

10"

| | | <u>Water Tap Fees as of January 1st of each year - Out of Town</u> | | | | | |
|--------|----------------|--|-------------|-------------|-------------|-------------|-------------|
| | | <u>2022</u> | <u>2023</u> | <u>2024</u> | <u>2025</u> | <u>2026</u> | <u>2027</u> |
| ≤ 3/4" | \$9,655.50 | \$10,061 | \$10,363 | \$10,674 | \$10,994 | \$11,324 | \$11,663 |
| 1" | \$15,371.97 | \$17,104 | \$17,617 | \$18,145 | \$18,690 | \$19,250 | \$19,828 |
| 1.5" | \$29,839.71 | \$33,201 | \$34,197 | \$35,223 | \$36,280 | \$37,368 | \$38,490 |
| 2" | \$47,924.39 | \$53,323 | \$54,923 | \$56,571 | \$58,268 | \$60,016 | \$61,817 |
| 3" | \$105,795.35 | \$117,714 | \$121,245 | \$124,883 | \$128,629 | \$132,488 | \$136,463 |
| 4" | \$189,882.00 | \$211,282 | \$217,620 | \$224,149 | \$230,873 | \$237,799 | \$244,933 |
| 6" | \$391,518.60 | \$435,643 | \$448,712 | \$462,173 | \$476,038 | \$490,320 | \$505,029 |
| 8" | \$843,618.60 | \$938,694 | \$966,855 | \$995,861 | \$1,025,736 | \$1,056,509 | \$1,088,204 |
| 10" | \$1,265,880.00 | \$1,408,544 | \$1,450,801 | \$1,494,325 | \$1,539,154 | \$1,585,329 | \$1,632,889 |

Sec. 13-73(b). Raw Water Development Fee

Raw Water Development Fee:

Water Meter Size - In Town Rates

≤ 3/4"

1"

1.5"

2"

3"

4"

6"

8"

10"

| | | <u>Raw Water Development Fees as of January 1st of each year - In Town</u> | | | | | |
|--------|--------------|--|-------------|-------------|-------------|-------------|-------------|
| | | <u>2022</u> | <u>2023</u> | <u>2024</u> | <u>2025</u> | <u>2026</u> | <u>2027</u> |
| ≤ 3/4" | \$5,441.96 | \$5,671 | \$5,841 | \$6,016 | \$6,196 | \$6,382 | \$6,574 |
| 1" | \$9,251.32 | \$9,640 | \$9,929 | \$10,227 | \$10,534 | \$10,850 | \$11,175 |
| 1.5" | \$17,958.45 | \$18,713 | \$19,274 | \$19,852 | \$20,448 | \$21,061 | \$21,693 |
| 2" | \$28,842.37 | \$30,054 | \$30,955 | \$31,884 | \$32,841 | \$33,826 | \$34,841 |
| 3" | \$63,670.88 | \$66,345 | \$68,335 | \$70,386 | \$72,497 | \$74,672 | \$76,912 |
| 4" | \$114,281.16 | \$119,081 | \$122,653 | \$126,333 | \$130,123 | \$134,027 | \$138,047 |
| 6" | \$235,636.87 | \$245,534 | \$252,900 | \$260,487 | \$268,301 | \$276,350 | \$284,641 |
| 8" | \$507,734.87 | \$529,060 | \$544,932 | \$561,279 | \$578,118 | \$595,461 | \$613,325 |
| 10" | \$761,874.40 | \$793,873 | \$817,689 | \$842,220 | \$867,487 | \$893,511 | \$920,317 |

Town of Johnstown - Fee Schedule

Item #9.

Out of Town Rates:

≤ 3/4"

1"

1.5"

2"

3"

4"

6"

8"

10"

| Raw Water Development Fees as of January 1st of each year - Out of Town | | | | | | | |
|---|-------------|-------------|-------------|-------------|-------------|-------------|--|
| | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | |
| \$8,162.94 | \$8,506 | \$8,761 | \$9,024 | \$9,294 | \$9,573 | \$9,861 | |
| \$13,876.98 | \$14,460 | \$14,894 | \$15,340 | \$15,801 | \$16,275 | \$16,763 | |
| \$26,937.68 | \$28,069 | \$28,911 | \$29,778 | \$30,672 | \$31,592 | \$32,540 | |
| \$43,263.56 | \$45,081 | \$46,433 | \$47,826 | \$49,261 | \$50,739 | \$52,261 | |
| \$95,506.32 | \$99,518 | \$102,503 | \$105,578 | \$108,746 | \$112,008 | \$115,368 | |
| \$171,421.74 | \$178,621 | \$183,980 | \$189,499 | \$195,184 | \$201,040 | \$207,071 | |
| \$353,455.31 | \$368,300 | \$379,349 | \$390,730 | \$402,452 | \$414,525 | \$426,961 | |
| \$761,602.31 | \$793,590 | \$817,397 | \$841,919 | \$867,177 | \$893,192 | \$919,988 | |
| \$1,142,811.60 | \$1,190,810 | \$1,226,534 | \$1,263,330 | \$1,301,230 | \$1,340,267 | \$1,380,475 | |

Sec. 13-75. Meter obstruction.

Meter obstruction fee (per incidence)

\$100.00

Sec. 13-76. Disconnection of Service.

Service restoration fee

\$40.00

Sec. 13-77. Water service charges.

Water Usage Rates:

Residential - Single Family Equivalent - In Town:

Base

\$21.53

Volume charge is per thousand gallons:

Volume charge - 0 - 5,000 gallons

\$3.00

Volume charge - 5,001 - 10,000 gallons

\$3.45

Volume charge - 10,001 - 15,000 gallons

\$3.97

Volume charge - 15,001 - 20,000 gallons

\$4.56

Volume charge - 20,001 - 25,000 gallons

\$5.25

Volume charge - >25,000 gallons

\$6.03

Residential - Single Family Equivalent - Outside Town:

Base

\$32.30

Volume charge is per thousand gallons:

Volume charge - 0 - 5,000 gallons

\$4.50

Volume charge - 5,001 - 10,000 gallons

\$5.18

Volume charge - 10,001 - 15,000 gallons

\$5.95

Volume charge - 15,001 - 20,000 gallons

\$6.84

Volume charge - 20,001 - 25,000 gallons

\$7.87

Volume charge - >25,000 gallons

\$9.05

| Water Base and Usage Rates as of January 1st of each year | | | | | | | |
|---|---------|-------|-------|-------|-------|-------|--|
| | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | |
| Base | \$22.18 | 22.84 | 23.53 | 24.23 | 24.96 | 25.71 | |
| Volume charge - 0 - 5,000 gallons | \$3.09 | 3.18 | 3.28 | 3.38 | 3.48 | 3.58 | |
| Volume charge - 5,001 - 10,000 gallons | \$3.55 | 3.66 | 3.77 | 3.88 | 4.00 | 4.12 | |
| Volume charge - 10,001 - 15,000 gallons | \$4.09 | 4.21 | 4.34 | 4.47 | 4.60 | 4.74 | |
| Volume charge - 15,001 - 20,000 gallons | \$4.70 | 4.84 | 4.99 | 5.14 | 5.29 | 5.45 | |
| Volume charge - 20,001 - 25,000 gallons | \$5.40 | 5.57 | 5.73 | 5.91 | 6.08 | 6.27 | |
| Volume charge - >25,000 gallons | \$6.22 | 6.40 | 6.59 | 6.79 | 7.00 | 7.20 | |
| Base | \$33.26 | 34.26 | 35.29 | 36.35 | 37.44 | 38.56 | |
| Volume charge - 0 - 5,000 gallons | \$4.64 | 4.77 | 4.92 | 5.06 | 5.22 | 5.37 | |
| Volume charge - 5,001 - 10,000 gallons | \$5.33 | 5.49 | 5.65 | 5.82 | 6.00 | 6.18 | |
| Volume charge - 10,001 - 15,000 gallons | \$6.13 | 6.31 | 6.50 | 6.70 | 6.90 | 7.11 | |
| Volume charge - 15,001 - 20,000 gallons | \$7.05 | 7.26 | 7.48 | 7.70 | 7.93 | 8.17 | |
| Volume charge - 20,001 - 25,000 gallons | \$8.11 | 8.35 | 8.60 | 8.86 | 9.12 | 9.40 | |
| Volume charge - >25,000 gallons | \$9.32 | 9.60 | 9.89 | 10.19 | 10.49 | 10.81 | |

Item #9.

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Item #9.

By meter size:

Usage

| | |
|-------------------|------------|
| Commercial - 5/8" | \$32.30 |
| Commercial - 1" | \$54.90 |
| Commercial - 1.5" | \$106.59 |
| Commercial - 2" | \$171.18 |
| Commercial - 3" | \$377.88 |
| Commercial - 4" | \$678.26 |
| Commercial - 6" | \$1,398.37 |
| Commercial - 8" | \$3,013.12 |
| Commercial - 10" | \$4,521.30 |
| Commercial - 5/8" | |
| Commercial - 1" | |
| Commercial - 1.5" | |
| Commercial - 2" | |
| Commercial - 3" | |
| Commercial - 4" | |
| Commercial - 6" | |
| Commercial - 8" | |
| Commercial - 10" | |

[illegible][illegible]

Raw water use - per 1000 gallons

\$1.75

| <u>2022</u> | <u>2023</u> | <u>2024</u> | <u>2025</u> | <u>2026</u> | <u>2027</u> |
|-------------|-------------|-------------|-------------|-------------|-------------|
| \$1.80 | \$1.86 | \$1.91 | \$1.97 | \$2.03 | \$2.09 |

Bulk water - per thousand gallons

\$11.00

| <u>2022</u> | <u>2023</u> | <u>2024</u> | <u>2025</u> | <u>2026</u> | <u>2027</u> |
|-------------|-------------|-------------|-------------|-------------|-------------|
| \$11.33 | \$11.67 | \$12.02 | \$12.38 | \$12.75 | \$13.13 |

Sec.13-122. Water court transfer fee.

Court Fees (water rights decreed for municipal use):

| | |
|--------------------------------|-----------|
| Consolidated Home Supply Ditch | \$150/SFE |
| Colorado Big Thompson | \$0.00 |
| Other acceptable water rights | \$150/SFE |

Court Fees (water rights not decreed for municipal use):

| | |
|--------------------------------|-----------|
| Consolidated Home Supply Ditch | \$300/SFE |
| Colorado Big Thompson | \$0.00 |
| Other acceptable water rights | \$300/SFE |

Sec. 13-151. Levels of drought condition.

New grass/sod watering permit

\$50.00

Town of Johnstown - Fee Schedule

Item #9.

Sec. 13-153. Drought surcharge.
Drought surcharge To be determined as needed.

ARTICLE VII Storm Water Utility

Sec. 13-173. Storm water fees
System development charges \$1,100/acre
Storm water management utility fee (monthly) \$5.00/ERU

Sec. 13-175. Administrative review; appeals process.
Docket fee \$50.00

Sec 15 - Annexation

Sec. 15-4 Procedure prior to approval or denial of petition; approval or denial
Annexation filing fee \$100.00

Chapter 16 - Zoning

ARTICLE V Amendments

Sec 16-62 Procedure
Amendment fee \$25.00

ARTICLE XX Sign Code

Sec 16-363 Permit Requirements
Sign Permit Varies based on project valuation

ARTICLE XIX - Wireless Communication Facilities

Sec 16-345(f) Review Procedures and Requirements
Application fee Maximum allowed by FCC or Town's actual consultant costs

Chapter 17 - Subdivisions

ARTICLE II Applicability of Regulations

Sec. 17-13 Fees
Preliminary Plat \$500.00
Final Plat \$500.00
Each filing \$25.00
Recording Fee Actual Cost

ARTICLE IV Dedication and Reservation of Land

Sec. 17-51 Dedication
Park Fee \$500.00/lot

ARTICLE XII Impact Fees*

Sec. 17-224 Transportation Facilities Development Fee

Residential:

Detached Housing

Attached Housing

| Development Fee per Dwelling Unit (as of Jan 1st of each year) | | | | | |
|--|---------|---------|---------|---------|--|
| 2022 | 2023 | 2024 | 2025 | 2026 | |
| \$2,916 | \$3,062 | \$3,215 | \$3,375 | \$3,544 | |
| \$2,481 | \$2,605 | \$2,735 | \$2,872 | \$3,016 | |

Town of Johnstown - Fee Schedule

Item #9.

Nonresidential Development by Type:

| | Development Fee per square foot (as of Jan 1st of each year) | | | | |
|------------------|--|-----------|-----------|-----------|-----------|
| | 2022 | 2023 | 2024 | 2025 | 2026 |
| Retail | \$4.92/SF | \$5.17/SF | \$5.42/SF | \$5.70/SF | \$5.98/SF |
| Office | \$2.98/SF | \$3.13/SF | \$3.29/SF | \$3.45/SF | \$3.62/SF |
| Industrial/Other | \$1.92/SF | \$2.02/SF | \$2.12/SF | \$2.22/SF | \$2.33/SF |

Sec. 17-225 Parks and Recreation Facilities Development Fee

Residential:

| | Development Fee per Dwelling Unit (as of Jan 1st of each year) | | | | |
|-------------------------------------|--|---------|---------|---------|---------|
| | 2022 | 2023 | 2024 | 2025 | 2026 |
| Single-family detached | 1,194.00 | \$1,254 | \$1,316 | \$1,382 | \$1,451 |
| All other dwelling units | 1,016.00 | \$1,067 | \$1,120 | \$1,176 | \$1,235 |

Sec. 17-226 Public Facilities Development Fee

Residential:

| | Development Fee per Dwelling Unit (as of Jan 1st of each year) | | | | |
|-----------------------------|--|---------|---------|---------|---------|
| | 2022 | 2023 | 2024 | 2025 | 2026 |
| Detached Housing | 1,589.00 | \$1,668 | \$1,752 | \$1,839 | \$1,931 |
| Attached Housing | 1,352.00 | \$1,420 | \$1,491 | \$1,565 | \$1,643 |

Nonresidential Development by Type:

| | Development Fee per square foot (as of Jan 1st of each year) | | | | |
|------------------|--|-----------|----------|----------|----------|
| | 2022 | 2023 | 2024 | 2025 | 2026 |
| Retail | \$7.74/SF | \$7.78/SF | \$8.2/SF | \$8.6/SF | \$9.0/SF |
| Office | \$7.74/SF | \$7.78/SF | \$8.2/SF | \$8.6/SF | \$9.0/SF |
| Industrial/Other | \$7.74/SF | \$7.78/SF | \$8.2/SF | \$8.6/SF | \$9.0/SF |

Sec. 17-227 Library Facilities Development Fee

Residential:

| | Development Fee per Dwelling Unit (as of Jan 1st of each year) | | | | |
|-------------------------------------|--|---------|---------|---------|---------|
| | 2022 | 2023 | 2024 | 2025 | 2026 |
| Single-family detached | 1,148.00 | \$1,205 | \$1,266 | \$1,329 | \$1,395 |
| All other dwelling units | 977.00 | \$1,026 | \$1,077 | \$1,131 | \$1,188 |

Sec. 17-228 Police Facilities Development Fee

Residential:

| | Development Fee per Dwelling Unit (as of Jan 1st of each year) | | | | |
|-----------------------------|--|-------|-------|-------|-------|
| | 2022 | 2023 | 2024 | 2025 | 2026 |
| Detached Housing | 733.00 | \$759 | \$797 | \$837 | \$879 |
| Attached Housing | 624.00 | \$647 | \$679 | \$713 | \$748 |

Nonresidential Development by Type:

| | Development Fee per square foot (as of Jan 1st of each year) | | | | |
|------------------|--|----------|----------|----------|----------|
| | 2022 | 2023 | 2024 | 2025 | 2026 |
| Retail | \$6.68/SF | \$7.1/SF | \$7.5/SF | \$7.9/SF | \$8.3/SF |
| Office | \$2.25/SF | \$2.6/SF | \$2.8/SF | \$2.9/SF | \$3.0/SF |
| Industrial/Other | \$2.25/SF | \$2.6/SF | \$2.8/SF | \$2.9/SF | \$3.0/SF |

Sec. 17-230 - Fire and emergency services provider facilities development fee

Loveland Fire Rescue Authority

| | Fee Per Dwelling Unit |
|---------------|-----------------------|
| Residential | |
| Single Family | 1,000.00 |
| Multi Family | 692.00 |

| | |
|------------------------------|------|
| Nonresidential | |
| Commercial (per square foot) | 0.60 |
| Industrial (per square foot) | 0.12 |

Front Range Fire Rescue Fire Protection District

| | Fee Per Dwelling Unit |
|-----------------------------|-----------------------|
| Residential | |
| Single Family or Two-Family | 1,087.00 |
| Multi Family | 692.00 |

Town of Johnstown - Fee Schedule

Item #9.

| | | |
|--------------------|---|--------------|
| | Nonresidential (per square foot) | 0.60 |
| Sec. 17-247 | Payment of Costs | |
| | Site specific development plan based on external costs including: | Actual costs |
| | Development Review | Actual costs |
| | Publication and Printing | Actual costs |
| | Public Hearings & Reviewing | Actual costs |
| Sec. 17-288 | Administrative review; appeals | |
| | Docket fee | \$50.00 |

* Impact fees are set by ordinance but for convenience have been included in this document.

Article XV - 402 Interchange Fee

Sec. 17-283 Establishment and payment of 402 Interchange Fee

402 Interchange Fee

Single Family Residential
Multi-Family/Units
Office (per 1000 SF)
Retail/Commercial (per 1000 SF)
Industrial (per 1000 SF)

| <u>Tier 1 Zone</u> | <u>Tier 2 Zone</u> |
|--------------------|--------------------|
| \$566 | \$283 |
| \$439 | \$220 |
| \$584 | \$292 |
| \$1,450 | \$725 |
| \$298 | \$149 |

Building Permit Fees

Sec. 18-121 Fees and Charges

IBC/IRC Building Permit Fee Table:

| Total Valuation (in dollars) | Base Fee | Additional fee (or fraction thereof) |
|---------------------------------|-------------|--------------------------------------|
| 1 - 500 | 23.50 | 0 |
| 500 - 2,000 | 23.50 | \$3.05 per \$100 of value |
| 2,000 - 25,000 | 69.25 | \$14.00 per \$1000 of value |
| 25,000 - 50,000 | 391.25 | \$10.10 per \$1000 of value |
| 50,000 - 100,000 | 643.75 | \$7.00 per \$1000 of value |
| 100,000 - 500,000 | 993.75 | \$5.60 per \$1000 of value |
| 500,000 - 1,000,000 | 3,233.75 | \$4.75 per \$1000 of value |
| 1,000,000 + | 5,608.75 | \$3.65 per \$1000 of value |

Fees will be doubled if construction begins before a building permit has been issued.

Building Plan Submittal/Review Fees:

| | |
|--|-------------------|
| Non-residential | 65% of Permit Fee |
| Residential | 30% of Permit Fee |
| Residential - new home or new stock plan review | \$500.00 |
| Residential - new stock home, basement, alteration | \$50.00 |
| Residential - addition, detached garage, shed, etc | \$100.00 |
| Residential - miscellaneous, deck, arbor | \$20.00 |
| Plan resubmittal fee | \$50.00 |
| Cost of external consulting reviews | Actual cost |

Electrical Fees:

| | |
|--------------------------------------|---------|
| Meter (temporary & permanent) - each | \$38.00 |
|--------------------------------------|---------|

Commercial, Solar & Non-living Residential spaces:

| Total Valuation (in dollars) | Base Fee | Additional fee (or fraction thereof) |
|---------------------------------|-------------|--------------------------------------|
| ≤ \$2,000 | 77.00 | n/a |
| ≥ \$2,000 | 77.00 | \$6.00 per \$1000 of value |

Town of Johnstown - Fee Schedule

Item #9.

Residential Living Space:

| Total Valuation (in square feet) | Base Fee | Additional fee (or fraction thereof) |
|-------------------------------------|-------------|--------------------------------------|
| ≤ 1,000 | 77.00 | n/a |
| 1,001 - 1,500 | 116.00 | n/a |
| 1,501 - 2,000 | 155.00 | n/a |
| 2,001 + | 155.00 | \$6.00 per 100 square feet |

Development and Other Fees:

| | |
|-------------------|-------|
| Johnstown Use Tax | 3.50% |
|-------------------|-------|

Inspection & Miscellaneous Fees:

| | |
|--|----------|
| Backflow Preventer | \$47.00 |
| Building Re-inspection, After Hours, Plan Resubmittal (per hour) | \$47.00 |
| Electrical Re-inspection (per hour) | \$50.00 |
| Temporary Certificate of Occupancy (6 month expiration) | \$600.00 |

**TOWN OF JOHNSTOWN, COLORADO
RESOLUTION NO. 2022-02**

RESOLUTION AMENDING THE CONSOLIDATED TOWN FEE SCHEDULE

WHEREAS, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

WHEREAS, the Town Council is vested with authority to administer the affairs of the Town; and

WHEREAS, the Town Council has authority to establish a schedule of the fees, rates and charges levied and assessed for municipal services in the Town; and

WHEREAS, the Town Council finds that the fees, rates and charges set forth in the Town Fee Schedule, attached hereto and incorporated herein by reference as Exhibit A, are equitable and just; and

WHEREAS, the Town Council desires to amend the Town Fee Schedule.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT:

1. The Town Council hereby amends the Town Fee Schedule.
2. This resolution and attached Exhibit A shall become effective immediately, and may, except as provided below, be amended from time to time by resolution of the Town Council.
3. The general fees contained in the Town Fee Schedule that are associated with Section 2-44 of the Johnstown Municipal Code, which are administrative in nature, may be amended from time to time by the Town Manager unless otherwise provided by law.
4. The fees, rates and charges set forth in the Town Fee Schedule shall supersede and replace any fees, rates or charges previously set or adopted by the Town Council for the same purpose. However, the same shall not be deemed to release, extinguish, alter, modify or change in whole or in part any liability which shall have been previously incurred, and the superseded or replaced provisions shall be treated and held as remaining in full force and effect for the purpose of sustaining any judgment, decree, order or lien.
5. If any portion of this resolution is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions.

PASSED, SIGNED, APPROVED, AND ADOPTED this ____ day of _____, 2022.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor



Town of Johnstown

TOWN COUNCIL CONSENT AGENDA COMMUNICATIONS

AGENDA DATE: February 7, 2022

SUBJECT: Resolution 2022-03 Authorizing The Town Manager To Execute All Documents To Effectuate The Sale Of The Real Property, Located At Lot 2 Of Replat Of Block 2, Town Of Johnstown, County Of Weld, State Of Colorado, Known By Street Address As 16 North Parish Avenue, To Grows, LLC

ACTION PROPOSED: Consider Approval of Resolution 2022-03

ATTACHMENTS: 1. Resolution 2022-03

PRESENTED BY: Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:

The title company has requested that more clear authorization be provided to the Town Manager to proceed with closing on the 16 N. Parish Avenue property for the pending sale to Grow, LLC. The resolution presented provides comprehensive authorization for the Town Manager to execute the documents necessary to complete the sale of the property.

LEGAL ADVICE:

The Town Attorney drafted the resolution presented.

FINANCIAL ADVICE:

Not Applicable

RECOMMENDED ACTION: Approve Resolution 2022-03 as presented.

Reviewed and Approved for Presentation,



Town Manager

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P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141

**TOWN OF JOHNSTOWN, COLORADO
RESOLUTION NO. 2022-03**

AUTHORIZING THE TOWN MANAGER TO EXECUTE ALL DOCUMENTS TO EFFECTUATE THE SALE OF THE REAL PROPERTY, LOCATED AT LOT 2 OF REPLAT OF BLOCK 2, TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO, KNOWN BY STREET ADDRESS AS 16 NORTH PARISH AVENUE, TO GROWS, LLC

WHEREAS, the Town of Johnstown, Colorado (the “Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

WHEREAS, the Town Council is vested with authority to administer the affairs of the Town; and

WHEREAS, by Ordinance No 2021-216, the Town Council authorized the sale of the real property and the improvements thereon located at Lot 2 of Replat of Block 2, Town of Johnstown, County of Weld, State of Colorado, known by street address as 16 North Parish Avenue, consisting of approximately 7,361 square feet (“Property”), to Grows, LLC, a Colorado limited liability company, in accordance with the terms and conditions of the Purchase and Sale Agreement attached thereto; and

WHEREAS, the Town Council desires to authorize Matthew LeCerf, the Town Manager, to execute all documents necessary for the consummation of the sale of the Property to Grows, LLC; and

WHEREAS, the Town Council finds that adoption of this Resolution is in the best interests of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT:

1. Matthew LeCerf, the Town Manager, is directed to work with the title company, Land Title Guarantee Company, regarding the sale of the Property to Grows, LLC, and is authorized to execute all documents to consummate the sale.

2. This Resolution shall be effective upon adoption, and has not been modified or revoked.

PASSED, SIGNED, APPROVED, AND ADOPTED THIS ____ day of February, 2022.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor



Town of Johnstown

TOWN COUNCIL CONSENT AGENDA COMMUNICATIONS

AGENDA DATE: February 7, 2022

SUBJECT: Johnstown Reservoir Dam Repair Project

ACTION PROPOSED: Authorize additional funds for the Johnstown Reservoir Dam Repair Project – Change Order # 3

ATTACHMENTS:

1. Johnstown Reservoir Dam Repair – Change Order #3 Alternatives
2. Johnstown Reservoir Dam Repair – Change Order #3 Revised Cost

PRESENTED BY: Ellen Hilbig, Utilities Director

AGENDA ITEM DESCRIPTION:

Enclosed for Councils review and consideration is a request to authorize Change Order #3 to the Johnstown Reservoir Dam Repair project in the amount of \$52,285.00 due to unforeseen site conditions.

At the December 13, 2021 Council Meeting, Staff discussed the need for a change order to the Johnstown Reservoir Dam Repair project that was awarded to J-2 Contracting Company at the September 8, Council Meeting. The change order was required due to the depth the Contractor found the competent bedrock below the outfall encasement and required repairs. The extent of the additional excavation to reach the competent bedrock left an open hole in the dam structure that the State Dam Engineer required the Town to structurally stabilize using one of two acceptable options of either concrete fill or caissons. The Contractor provided a price for the concrete fill option of \$107,267.50 and a price for the caisson option of \$117,530.00.

With the Council's knowledge of the pending change order, Staff was given authorization to move forward, to not delay the construction schedule. Staff conferred with the Design Engineer, JT Consulting, and State Dam Engineer and the preferred method to fill the space between the competent bedrock and the outfall encasement location was the concrete fill. The actual price for the work ended up being \$97,285.00, reducing the anticipated change order by approximately \$10,000. J-2's contract also had a built-in contingency of \$45,000 that was used towards Change Order #3 resulting in a total amount of \$52,285.00.

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The total project costs for the Johnstown Reservoir Dam Repair project prior to this request for additional funds was \$1,725,155.00 which included design, construction, and construction administration for the original contracted amount of \$1,085,495.00 as well as the additional services amount of \$639,660.00 approved on November 18, 2021 for dredging of the reservoir.

The additional services requested with this communication for Change Order #3, total \$52,285.00. A budget amendment may be required to address project funding adjustments in the 2022 budget based on the amount of funds expended during FY 2021 that may not have reached the projected amount.

Shown below is an overview of the current total project expenses:

| Scope of Work | Amount |
|---|-----------------------|
| J&T Design Services | \$66,150.00 |
| J&T Phase 1 Construction Administration | \$70,870.00 |
| J&T Phase 2 & Closeout Construction Administration | \$19,800.00 |
| J-2 Construction Contract Phase 1 | \$707,680.00 |
| J-2 Construction Contract Phase 2 | \$240,795.00 |
| J-2 Construction Contract Change Order #1a Dewatering | \$88,500.00 |
| J-2 Construction Contract Change Order #1b Dredging | \$479,750.00 |
| J-2 Construction Contract Change Order #2 State Revisions | \$51,610.00 |
| J-2 Construction Contract Change Order #3 State Revisions | \$52,285.00 |
| Total | \$1,777,440.00 |

LEGAL ADVICE: N/A

FINANCIAL ADVICE:

The project total cost now is \$1,777,440. Funds will likely need to be appropriated in FY 2022 to cover Change Order #3 in the amount of \$52,285 and any appropriations not fully expended in FY 2021 for the project.

RECOMMENDED ACTION: Approve Change Order #3 as presented

Reviewed and Approved for Presentation,



Town Manager

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105 Coronado Ct. Unit A-101, Fort Collins, CO 80525 | 970-392-0694 | www.j2contracting.com

Heavy Civil Construction | Public Utilities | Parks | Streetscapes | Drainage Improvements | Aggregate Sales | Contract Crushing

Johnstown Reservoir Repair Change Order Request #003

Option 1

| Item # | Description | Units | UM | Unit Price | Total |
|---------|---|-------|----|-------------|--------------|
| COR 3.1 | Credit Concrete Mud Mat | (7) | CY | \$ 1,500.00 | -\$10,500.00 |
| COR 3.2 | Added Concrete and Reinforcement to Pipe Encasement | 29.67 | CY | \$ 1,500.00 | \$44,505.00 |
| COR 3.3 | Concrete Fill Below Pipe Encasement | 150 | CY | \$ 425.00 | \$63,750.00 |
| COR 3.4 | Additional Excavation To Competent Bedrock Material (Exported Off Site) (Measured Via GPS) | 250 | CY | \$ 25.25 | \$6,312.50 |
| COR 3.5 | Additional Structural Backfill (Measured Via GPS) | 100 | CY | \$ 17.00 | \$1,700.00 |
| COR 3.6 | Additional Filter Diaphragm | 1 | LS | \$ 1,500.00 | \$1,500.00 |
| COR 3.7 | Remove and Replace 6" Irrigation Line and Control Wires Discovered in Excavation (Pending Landscaper Quote or Performed by Town Parks Department) | 1 | LS | TBD | |
| COR 3.8 | Remove and Replace Electric Line Discovered in Excavation (Pending Electrical Quote or Performed by Town Electrician) | 1 | LS | TBD | |

Option 1 Total \$107,267.50

Option 2

| Item # | Description | Units | UM | Unit Price | Total |
|---------|---|-------|----|-------------|--------------|
| COR 3.1 | Credit Concrete Mud Mat | (7) | CY | \$ 1,500.00 | -\$10,500.00 |
| COR 3.2 | Added Concrete and Reinforcement to Pipe Encasement | 29.67 | CY | \$ 1,500.00 | \$44,505.00 |
| COR 3.3 | Drill and Set 10 18" Caissons Below Pipe Encasement 26' Into Bedrock | 260 | LF | \$ 305.00 | \$79,300.00 |
| COR 3.4 | Additional Muck Excavation To Top Of Fractured Bedrock top (Measured Via GPS) | 100 | CY | \$ 25.25 | \$2,525.00 |
| COR 3.5 | Additional Structural Backfill (Measured Via GPS) | 100 | CY | \$ 17.00 | \$1,700.00 |
| COR 3.7 | Remove and Replace 6" Irrigation Line and Control Wires Discovered in Excavation (Pending Landscaper Quote or Performed by Town Parks Department) | 1 | LS | TBD | |
| COR 3.8 | Remove and Replace Electric Line Discovered in Excavation (Pending Electrical Quote or Performed by Town Electrician) | 1 | LS | TBD | |

Option 2 Total \$117,530.00



105 Coronado Ct. Unit A-101, Fort Collins, CO 80525 | 970-392-0694 | www.j2contracting.com

Heavy Civil Construction | Public Utilities | Parks | Streetscapes | Drainage Improvements | Aggregate Sales | Contract Crushing

Johnstown Reservoir Repair Change Order Request #003

| Item # | Description | Units | UM | Unit Price | Total |
|---------|---|-------|----|-------------|--------------|
| COR 3.1 | Credit Concrete Mud Mat | (7) | CY | \$ 1,500.00 | -\$10,500.00 |
| COR 3.2 | Added Concrete and Reinforcement to Pipe Encasement | 21.34 | CY | \$ 1,500.00 | \$32,010.00 |
| COR 3.3 | Concrete Fill Below Pipe Encasement | 200 | CY | \$ 325.00 | \$65,000.00 |
| COR 3.4 | Additional Excavation To Competent Bedrock Material (Exported Off Site) (Measured Via GPS) | 300 | CY | \$ 25.25 | \$7,575.00 |
| COR 3.5 | Additional Structural Backfill (Measured Via GPS) | 100 | CY | \$ 17.00 | \$1,700.00 |
| COR 3.6 | Additional Filter Diaphragm | 1 | LS | \$ 1,500.00 | \$1,500.00 |
| COR 3.7 | Remove and Replace 6" Irrigation Line and Control Wires Discovered in Excavation (Pending Landscaper Quote or Performed by Town Parks Department) | 1 | LS | TBD | |
| COR 3.8 | Remove and Replace Electric Line Discovered in Excavation (Pending Electrical Quote or Performed by Town Electrician) | 1 | LS | TBD | |

Total \$97,285.00



Town of Johnstown

MEMORANDUM

TO: Honorable Mayor and Town Council Members

FROM: Matt LeCerf, Town Manager

DATE: February 7, 2022

CC: Town Staff
Local Media

SUBJECT: Town Manager's Report

Upcoming Town Council Meetings & Work Sessions – If there are topics that the Council would like staff to schedule for discussion, please let me know. The following topics are recommended for Council discussion (all meetings will be held in the Town Council Chambers unless otherwise indicated):

- 02/23/2022 – Regular Town Council Meeting
- 02/28/2022 – Work Session with CDOT (6 p.m.)
- 03/07/2022 – Regular Town Council Meeting
- 03/21/2022 – Regular Town Council Meeting

Administration, Finance, Planning, & Human Resources

- *Municipal Court* – 104 summonses were processed in December.
- *Business Licenses* – Staff has renewed 292 business licenses for 2022.
- *2021 Audit* – The auditors will begin fieldwork on April 25, 2022. There is no preliminary work anticipated.
- *Hiring* – We are currently searching for a Police Officer, Customer Service Technician, Police Administrative Technician, Planner I, and two PW Maintenance workers. Interviews are underway for all roles and public postings have closed for the Police Officer and Police Administrative Technician positions.
- *Safety* – Staff recently completed safety training covering topics such as defensive driving, violence, and harassment.

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- *Biz Walk* – The Town Manager and Economic Development Manager met with Jack's Chicken located 4848 Larimer Parkway for January's Biz Walk. Jack's Chicken had a soft opening in early January and plan to officially open their doors in February.
- *Bird Micromobility Program* – Staff was contacted by Bird to discuss expansion of their fleet and mobility services in Johnstown. Staff will continue to meet with Bird's representative to discuss the service and engage Town Council and residents in the coming months regarding this program.
- *Home Supply Operating Agreement* – Town representatives met with the Home Supply Ditch Company to begin working on a new operating agreement. The first meeting went extraordinarily well. This negotiation is tentatively expected to run for the next two months.
- *Little Thompson Water District (LTWD) IGA* – The Town has an IGA with LTWD. The Town is working collaboratively with LTWD with hopes to bring a proposed new IGA to Council in June 2022.
- *CDOT CP-5* – CP-5 is the construction package for the aesthetic improvements for the I-25 and Highway 60 interchange. We are working through the bid package collaboratively with the contractor, CDOT, and the Town to determine a final price. We hope to have a bid price sometime in the next 45 days to begin shortly after.

Police Department

Training:

- *DUI Training* – Officer Wild attended DUI training hosted by the Colorado District Attorney's Council. Topics included Expert Testimony, CV Development, Expressed Consent/Blood Draws.
- *CPR Training* – Half of the JPD is now CPR certified. Officer Cygan is our new CPR instructor and is available to instruct other Town departments as well.

Public Works, Utility Departments

Water Plant & System

- *Water Plant:*
 - Range of treated flows from 1.1 to 1.4 MGD.
 - Surge Tank Actuator temporary part installation until parts arrive.
 - Working through balancing operations chemical dosing and turbidity challenges.
 - Operator attending Water Treatment Fundamental Training.
- *Distribution System:*
 - Fire flow testing for development.
 - Water break on SH60 near Kuner Ave.

Wastewater Plants & System

- *Central:*
 - Installed temporary pump on DAF to manage operational issues.
 - Evaluating replacing poly skid flow meter.
 - Monitoring operation of influent bypass lift station while waiting on parts.
- *Low Point:*

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- Required to haul sludge in order to keep up with operations in-solid tank levels.
- Monthly Samples pulled first two weeks in February for compliance sampling.
- Operator attending Wastewater Treatment Fundamental Training.
- *Collection:*
 - Called out to clear blockage at Johnstown Farms Lift Station. Cleaned pump and air relief following day to improve operations. Need to schedule wet well cleaning.
 - Replaced generator battery at Corbett Glen lift station.

Active Development & Project Updates

- *2nd Street Bridge* – The 2nd St Bridge project started construction on January 26 which will replace the old bridge at 2nd Street and the Hillsborough Ditch. The contractor is currently demolishing the existing bridge. This project is expected to be completed in mid-April.
- *Old Town Drainage* – The Old Town Drainage Project is currently working in the area of Fremont Ave and is installing sanitary sewer. Once the sewer is installed, the contractor will finish installing the storm drain in the alley. Paving operations will begin when weather permits.
- *Charlotte Street* – Contractor is finishing up with the final design. Staff will hold a neighborhood meeting on March 1 to address any last-minute concerns from residents directly impacted by the project. The project is expected to start this summer.
- *Johnstown Reservoir Dam Repair* – Contractor is fighting weather with dredging operations and is continuing with the dam repairs per the construction schedule.
- *South Water Tank* – The foundation for the South Water Tank has been completed and work will be starting in February on the tank structure. Folks traveling through the area can expect to see a derrick erected on the tank site in order to start the tank shaft construction on the property.
- *South Water Tank Distribution Pipeline* – Project is working through approvals on water line crossings in time sensitive areas. Anticipate starting waterline installation in February through DCP mitigation area on WCR13 as well as starting bore work for Farmers & Hillsborough Ditch Crossings.
- *Water Treatment Plant Expansion* – The Water Treatment Plant Expansion Project is in the site design phase. The goal of this project is to upgrade and extend the capacity of the existing water plant to handle current and future population growth. The Design Engineer is putting together a conceptual site layout and collecting data to drive the design process.
- *Central Interceptor Phase 1* – Trunkline installation from the Central Wastewater Treatment Plant facility to CR46.5 construction is ongoing with wet well and vault piping undergoing work currently. Crews are also working on the building (HVAC, ceiling panel installation, and electrical).
- *Central Interceptor Phase 2* – Contractor has started clearing and grubbing site and potholing utilities. Groundwater wells will be installed in February. Contractor reevaluating construction schedule due to easement challenges. Town upsized Hillsborough Ditch crossing to accommodate future growth and is working through

- *North Interceptor* – Design Engineer finalized 90% design and review process is underway. CDPHE permit has been submitted for lift station
- *Low Point Sewer Expansion*: Earthwork construction continuing and crew has poured foundation for MBR/SBR basins and starting excavation of new EQ basin adjacent to headworks building
- *Central Plant Design* – The RFP for equipment selection was posted on the Town’s website and Rocky Mountain Bidnet in January. Proposals for Equipment Pre-Selection for the Central Wastewater Treatment Plant Project are due February. Staff is working through conceptual site layouts with operations.
- *Active Developments* – Johnstown Heights Public Improvements, The Ridge A & B Public Improvements, TRR County Road 3 Improvements, TRR 12 Public Improvements, Johnstown Village (Mallard Ridge) Filing 1 Phase 3, Revere Public Improvements, Mountain View Townhomes, 2534 Site Plans, Crowne Apartments, Johnstown Village Tracts M&N
- *Acceptance* – Johnstown Farms Filing 3 Public Improvements & Johnstown Village Filing 1 Phase 2 Public Improvements
- *Early Building Permit Requests* – TRR 12 & Mountain View Townhomes



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

| | |
|-------------------------|--|
| AGENDA DATE: | February 7, 2022 |
| SUBJECT: | Ordinance 2022-223 Approving the Rezoning of the East Ledge Rock Center to Planned Unit Development – Mixed Use (PUD-MU) |
| ACTION PROPOSED: | Hold Public Hearing and Consider Ordinance 2022-223 Approving the Rezoning of the East Ledge Rock Center to Planned Unit Development – Mixed Use (PUD-MU) |
| ATTACHMENTS: | <ol style="list-style-type: none">1. Vicinity Map2. Ordinance 2022-2233. Proposed East Ledge Rock Center Zoning Plat4. PZC Staff Report (1/12/22) |
| PRESENTED BY: | Kim Meyer, Planning & Development Director |

AGENDA ITEM DESCRIPTION:

The Applicant has requested a change of zone (rezoning) to the Planned Unit Development – Mixed Use (PUD-MU) Zone District to clarify the intent to develop this property as a Mixed Use development with commercial and mixed density residential areas. Along with this request, the Town received an Outline Development Plan (ODP) for a Mixed Use development, which is being considered concurrently.

Current zoning on the property is Planned Unit Development – Business (PUD-B) and Planned Unit Development – Residential (PUD-R). The Mixed Use designation offers similar development and uses, but with increased flexibility as to boundaries of the various uses.

The Planning & Zoning Commission held a public hearing on January 12, 2022. No public comment was received. The Commission voted unanimously to recommend approval of the East Ledge Rock Center Change of Zone to the Town Council, with the findings that are contained in the attached PZC staff report (Attachment 4) and reiterated in substance in the proposed Ordinance 2022-223 (Attachment 2).

LEGAL ADVICE:

The Town Attorney drafted the Ordinance.

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FINANCIAL ADVICE:

NA

RECOMMENDED ACTION:

Approve Ordinance 2022-223 approving East Ledge Rock Center Rezoning to Planned Unit Development – Mixed Use (PUD-MU), on first reading.

SUGGESTED MOTIONS:

For Approval: Based on findings and analysis presented at this hearing, I move to approve Ordinance 2022-223 Approving the East Ledge Rock Center Rezoning to Planned Unit Development – Mixed Use (PUD-MU),

For Denial: Based on information presented in this hearing, I move to deny Ordinance 2022-223 as presented.

Reviewed and Approved for Presentation,



Town Manager

VICINITY MAP

LEDGE ROCK REZONE



**TOWN OF JOHNSTOWN, COLORADO
ORDINANCE NO. 2022-223**

APPROVING REZONING OF THE PROPERTY KNOWN AS EAST LEDGE ROCK CENTER, LOCATED IN THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, CONSISTING OF APPROXIMATELY 155 ACRES, TO PLANNED UNIT DEVELOPMENT – MIXED USE (PUD-MU)

WHEREAS, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

WHEREAS, the Town Council is vested with authority to administer the affairs of the Town; and

WHEREAS, Ledge Rock Center, LLC, a Kansas limited liability company, the property owner, applied to rezone the property known as East Ledge Rock Center, located in the Northeast Quarter of Section 11, Township 4 North, Range 68 West of the 6th Principal Meridian, Town of Johnstown, County of Weld, State of Colorado, consisting of approximately 155 acres, being more particularly described on Exhibit A, which is attached hereto and incorporated herein by this reference (“Property”), from Planned Unit Development – Residential (“PUD-R”) and Planned Unit Development – Business (“PUD-B”) to Planned Unit Development - Mixed Use (“PUD-MU”); and

WHEREAS, the request to rezone the Property is based on the fact that the proposed development of the Ledge Rock Center is anticipated to include a mix of commercial and residential uses; and

WHEREAS, on January 12, 2022, the Town Planning and Zoning Commission held a hearing and recommended approval of PUD-MU zoning on the Property; and

WHEREAS, on February 7, 2022, the Town Council held a public hearing to determine appropriate zoning for the Property and, based upon the evidence received at the hearing, finds that the requested rezoning of the Property to PUD-MU conforms to the *Johnstown Area Comprehensive Plan* and should be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT:

1. Zoning of the Property known as East Ledge Rock Center and more particularly described on the attached Exhibit A shall hereby and hereinafter be designated as PUD-MU.
2. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado (“Charter”) and the adoption, posting and publication shall be authenticated

by the signature of the Mayor and the Town Clerk and by the Certificate of Publication.
This Ordinance shall become effective upon final passage as provided by the Charter.

3. Upon its effective date, the Town Clerk is hereby directed to file this Ordinance with the real estate records of the Weld County Clerk and Recorder.

INTRODUCED AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this __ day of _____, 2022.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this _____ day of _____, 2022.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

EAST LEDGE ROCK CENTER ZONING MAP

LOT "B" RE 2092 AND LOT "A" RE 2092, OF RECORDED EXEMPTION NO. 1060-11-1-RE 2092,
SITUATED IN THE NORTHEAST ONE-QUARTER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
COUNTY OF WELD, STATE OF COLORADO

PURPOSE STATEMENT:

THIS ZONING MAP EXHIBIT DEPICTS A ZONING CHANGE UPON THE ENTIRETY OF LOT "B" RE 2092 AND LOT "A" RE 2092, OF RECORDED EXEMPTION NO. 1060-11-1-RE 2092.

LEGAL DESCRIPTION:

THE NORTHEAST QUARTER (NE ¼) OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH/ PRINCIPAL MERIDIAN, WELD COUNTY COLORADO

EXCEPT: THE SOUTH 30 FEET THEREOF AS CONVEYED TO GREAT WESTERN CONSTRUCTION COMPANY BY INSTRUMENTS RECORDED FEBRUARY 19, 1902 IN BOOK 190 AT PAGE 77.

ALSO EXCEPTING: A PARCEL OF LAND CONVEYED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO BY INSTRUMENT RECORDED MAY 10, 1957 IN BOOK 1477 AT PAGE 290

ALSO EXCEPTING: SUBDIVISION EXEMPTION 665

TOWN COUNCIL APPROVAL:

THIS MAP TO BE KNOWN AS _____ IS APPROVED AND ACCEPTED TO THE TOWN OF JOHNSTOWN, COLORADO BY ORDINANCE NUMBER _____ PASSED AND ADOPTED ON FINAL READING AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, HELD ON THE _____ DAY OF _____, 20____.

BY: _____ ATTEST: _____
MAYOR TOWN CLERK

MAP LEGEND:

- SET 24" #5 REBAR & ALUMINUM CAP "SURVEY LS 38570"
- ⊙ SET NAIL & ALUMINUM TAG "SURVEY LS 38570"
- FOUND GOVERNMENT CORNER
- FOUND IRON PIPE
- FOUND REBAR

- SECTION LINE
- BOUNDARY LINE
- LOT LINE
- ADJACENT BOUNDARY LINE
- EASEMENT LINE
- ZONE DELINEATION
- TOWN OF JOHNSTOWN JURISDICTION LIMITS

| LINE TABLE | | | |
|------------|---------|-------------|--|
| TAG # | LENGTH | DIRECTION | |
| L 1 | 12.82' | S00°09'42"W | |
| L 2 | 65.45' | S65°14'36"E | |
| L 3 | 65.78' | S76°41'48"E | |
| L 4 | 72.95' | S82°18'09"E | |
| L 5 | 40.88' | S70°19'40"E | |
| L 6 | 65.46' | S47°51'00"E | |
| L 7 | 39.49' | S60°31'04"E | |
| L 8 | 71.26' | N25°37'54"E | |
| L 9 | 50.17' | S60°33'11"E | |
| L 10 | 21.67' | S69°03'58"E | |
| L 11 | 150.86' | S78°36'38"E | |
| L 12 | 302.80' | N40°52'40"E | |
| L 13 | 127.53' | N49°50'24"E | |
| L 14 | 21.83' | N00°23'51"W | |

| CURVE TABLE | | | | | |
|-------------|----------|----------|------------|---------------|--------------|
| TAG # | LENGTH | RADIUS | DELTA | CHORD BEARING | CHORD LENGTH |
| C 1 | 50.213' | 350.790' | 008°12'05" | S74°01'29"E | 50.17' |
| C 2 | 86.394' | 888.380' | 005°34'19" | S67°31'38"E | 86.36' |
| C 3 | 55.861' | 300.680' | 010°38'40" | S69°44'24"E | 55.78' |
| C 4 | 52.345' | 406.560' | 007°22'37" | S80°33'27"E | 52.31' |
| C 5 | 81.407' | 456.820' | 010°12'37" | S76°56'40"E | 81.30' |
| C 6 | 75.193' | 275.760' | 015°37'23" | S59°44'23"E | 74.96' |
| C 7 | 72.048' | 926.260' | 004°27'24" | S50°31'47"E | 72.03' |
| C 8 | 111.243' | 742.260' | 008°35'13" | S52°02'53"E | 111.14' |
| C 9 | 28.393' | 170.430' | 009°32'43" | S64°29'22"E | 28.36' |
| C 10 | 31.219' | 209.920' | 008°31'15" | S72°33'42"E | 31.19' |
| C 11 | 276.291' | 255.940' | 061°51'06" | N74°07'04"E | 263.07' |
| C 12 | 46.653' | 260.330' | 010°16'04" | N42°36'05"E | 46.59' |
| C 13 | 79.197' | 646.960' | 007°00'50" | N55°44'14"E | 79.15' |

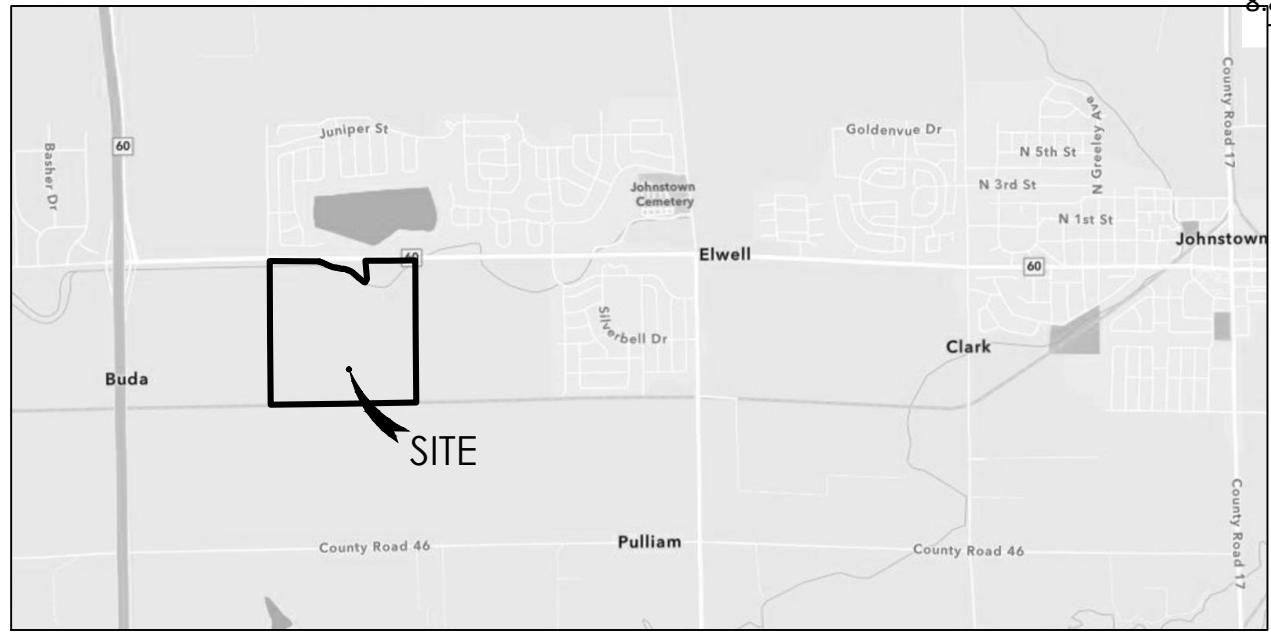
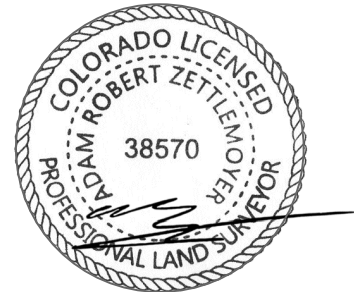
SURVEYOR'S NOTES:

- ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY POINT CONSULTING, LLC. FOR INFORMATION REGARDING BOUNDARY, EASEMENTS AND TITLE, POINT CONSULTING, LLC RELIED UPON THE FOLLOWING TITLE COMMITMENT PREPARED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY: ORDER NO. FCC25186901-3, EFFECTIVE DATE OF MAY 25, 2021 AT 5:00 P.M.
- THE SUBJECT PROPERTY CONTAINS 6,752,470 SQUARE FEET OR 155.015 ACRES, MORE OR LESS.
- THE SUBJECT PROPERTY IS WITHIN THE TOWN OF JOHNSTOWN.
- UNIT OF MEASURE: DISTANCES SHOWN HEREON ARE U.S. SURVEY FOOT.
- BASIS OF BEARINGS: BEING THE WEST SECTION LINE OF THE NORTHEAST ONE-QUARTER SECTION 11, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN AS MEASURED BETWEEN THE MONUMENTS FOUND AND SHOWN HEREON AS N 00°26'18" W.

SURVEYING CERTIFICATE:

I, ADAM R. ZETZLEMOYER, BEING A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THIS ZONING MAP IS AN ACCURATE REPRESENTATION OF THE PROPERTY TO THE BEST OF MY KNOWLEDGE, INFORMATION, BELIEF, AND IN MY PROFESSIONAL OPINION. I FURTHER STATE THAT THIS CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PARTIES OR THE SUCCESSOR AND/OR ASSIGNS.

ADAM R. ZETZLEMOYER, PLS
COLORADO LICENSE NUMBER 38570
FOR AND ON BEHALF OF
POINT CONSULTING, LLC
8460 W KEN CARYL AVE
LITTLETON, CO 80128
(702) 258-6836
azettlemoyer@pnt-llc.com



VICINITY MAP
Scale 1" = 3,500'

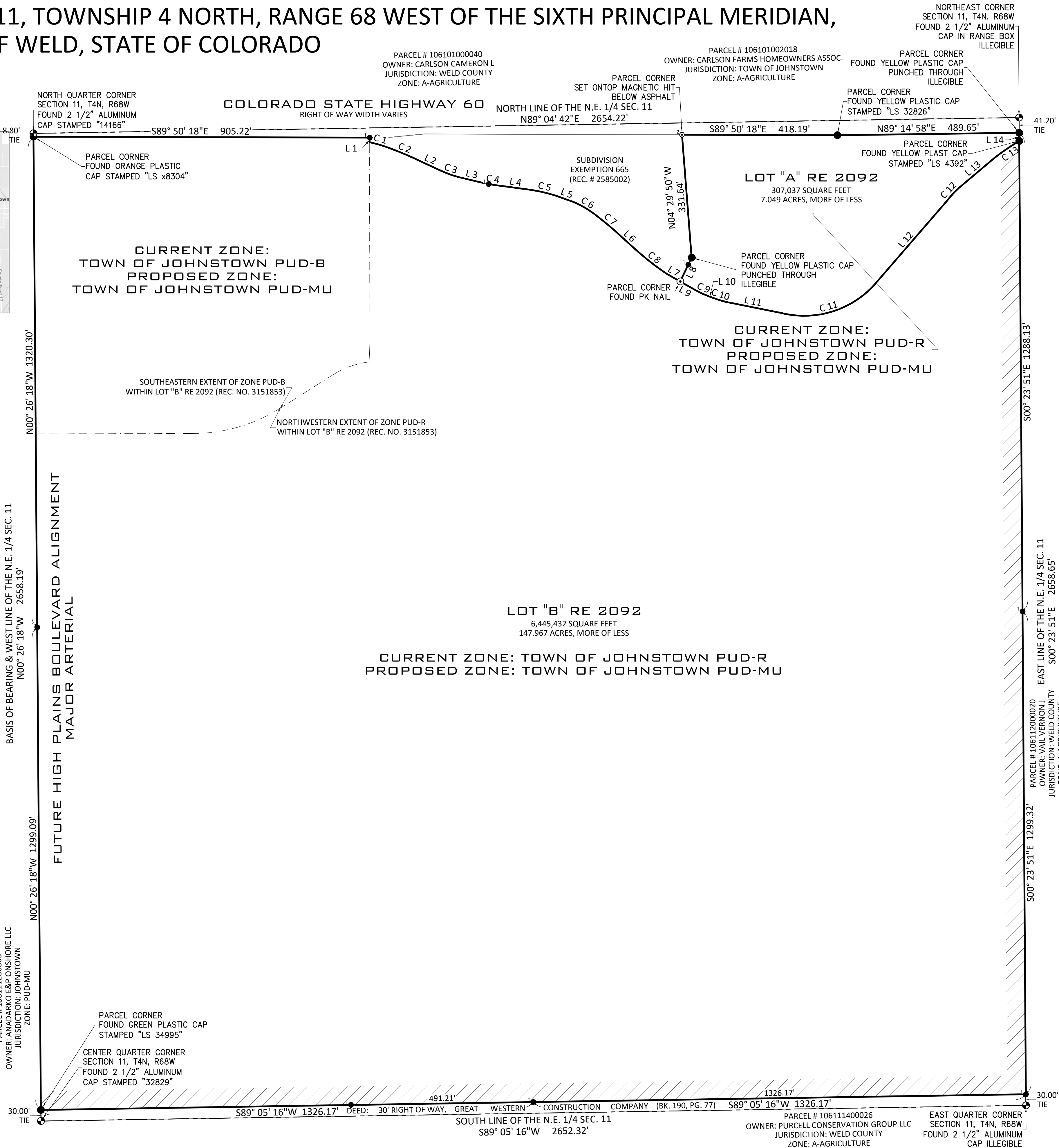
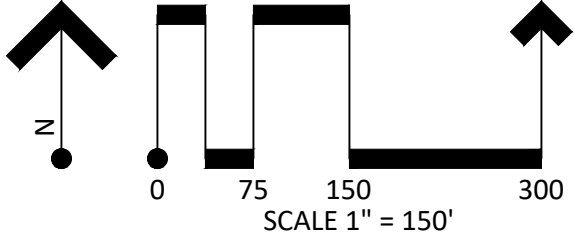


EXHIBIT
EAST LEDGE ROCK CENTER
ZONING MAP
WELD COUNTY, COLORADO

JOB NO. 21.022

| DATE | DESCRIPTION |
|------------|----------------------|
| 12.10.2021 | ORIGINAL PREPARATION |
| 12.13.2021 | 1ST CITY COMMENTS |
| | |
| | |
| | |

SHEET 1 / 1

POINT CONSULTING, LLC
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LITTLETON, CO 80128
720-258-6836
www.pnt-llc.com
PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
LAND SURVEYING

PROJECT COORDINATION
HEADED BY JIM SHIPTON
FOR AND ON BEHALF OF
POINT CONSULTING, LLC





Town of Johnstown

PLANNING & ZONING COMMISSION AGENDA MEMORANDUM

DESCRIPTION: Ledge Rock Change of Zone (155 acres)
LOCATION: South of Hwy 60, East of future High Plains Blvd southern extension
APPLICANT: Ledge Rock Center, LLC
STAFF: Kim Meyer, Planning and Development Director *Km*
HEARING DATE: January 12, 2022

ATTACHMENTS

- 1- Vicinity Map
- 2- Zoning Map

BACKGROUND & SUMMARY

The applicant/owner, Ledge Rock Center, LLC, requests a change of zoning district for approximately 155 acres of land, located south of Highway 60 between and east of the future High Plains Blvd south extension.

The subject property was annexed into the town in 2003, known at the time as "Ridgeview Ranch," and was zoned PUD-B (Business) and PUD-R (Residential) at that time. Historically, this property has been used for farming and continues as that use today.

SURROUNDING LAND USE

North: Single-family residential (Rocksbury Ridge) & Weld County residential
South: Great Western railroad & Existing Ag in Weld County (Zone "A")
East: Existing Ag in Weld County (Zone "A")
West: Incorporated PUD-MU, Developing Oil & Gas Facilities (S&B Site)

OIL & GAS ACTIVITY

COGCC (Oil & Gas) online maps show a shut in well and flowline on-site, with horizontal drilling planned. These facilities will be further identified and addressed through future development plans.

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PUBLIC NOTICE & AGENCY REFERRALS

Notice for the Planning & Zoning Commission hearing was published in the local paper of widest circulation, the Johnstown Breeze, on Thursday, December 23rd, 2021. This notice provided the date, time, and location of the Planning and Zoning Commission hearing, as well as a description of the project. Notices were mailed to all property owners within 500 feet of the property in question. This notice included a map of the proposed zoning and ODP request that is also on this meeting's agenda.

NEIGHBORHOOD MEETING

No neighborhood meeting was held for this requested change of zone as PUD-MU provides a similar range of uses to the PUD-B + PUD-R zoning on the site today. The "MU" designation merely permits more flexibility in delineating development areas for a commercial vs residential area, leading to better neighborhood and street designs. The Town will hold neighborhood meetings for the surrounding property owners with future development plans, when more detailed uses and plans are known.

ANALYSIS

This property is located along a main activity corridor for the Town, with expectations of higher intensity and densities of development. The highway and future major arterial are anticipated to accommodate this level of development, with right of way dedications and road improvements required to be constructed with that development. There are either existing infrastructure in place, or water and sewer can be extended as future development occurs, with adequate capacities to serve the property.

RECOMMENDED PLANNING AND ZONING COMMISSION FINDINGS AND MOTIONS

It is recommended that Planning and Zoning Commission send a positive recommendation to Town Council that the requested zoning of PUD-MU for the Ledge Rock Center be approved based upon the finding that the proposed zoning will allow appropriate levels of development to occur, with greater design flexibility, in alignment with the Town's Comprehensive Plan.

Motion

Based on the application materials received and analysis and presentation at the hearing, the Planning & Zoning Commission finds that the request for PUD-MU zoning for Ledge Rock furthers the *Johnstown Area Comprehensive Plan*, and is compatible with surrounding neighborhoods, and therefore moves to recommend to the Town Council approval of the request for PUD-MU zoning for this area based upon the finding as stated above.

Alternate Motion

Motion to Deny: "I move that the Commission recommend to the Town Council denial of the request for HA zoning for the Ledge Rock Annexation based upon the following..."



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: February 7, 2022

SUBJECT: Ordinance 2022-224 Approving the Outline Development Plan (ODP) for Ledge Rock Center P.U.D.

ACTION PROPOSED: Consider Ordinance 2022-224 Approving the Outline Development Plan for Ledge Rock Center P.U.D.

ATTACHMENTS:

1. Vicinity Map
2. Ordinance 2022-224
3. Proposed Ledge Rock Center PUD Outline Development Plan
4. PZC Staff Report, January 12, 2022

PRESENTED BY: Kim Meyer, Director

AGENDA ITEM DESCRIPTION:

The proposed Ledge Rock Center Planned Unit Development (P.U.D.) stretches across approximately 221 acres, located south of Highway 60 between I-25, and across the future High Plains Blvd., to the quarter section (160 acres) of land to the east. This proposed Outline Development Plan (ODP) would apply to development within this PUD, and provide guidance on land uses, areas of development, and basic design standards.

As a “master planning” document, this ODP provides a high level overview of proposed development and some feasibility studies related to conceptual engineering, which will be followed with detailed subdivision and development plans that will layout more specific street layouts, lots sizes, types of development and uses, as well as engineering of traffic and all Town utilities (water, sewer, stormwater) and the construction documents needed to begin development.

This proposed ODP proposes up to 1440 dwelling units in multi-family and single family lot configurations on the east side of the High Plains Blvd extension, as well as over 100 acres of commercial/retail development, with up to one million square feet of building space concentrated along the Hwy 60 frontage. The ODP does permit some flexibility, with administrative approval, of planning areas and density/intensity (SF) of area to modify up to 30% of any given planning area, to accommodate final plans and engineering needs.

The ODP is largely considered those first few sheets of the submitted document, with uses, unit counts and square footage maximums, and overall layout. The additional sheets provide the “feasibility” of the proposed level of development, to ensure the Town’s infrastructure can accommodate the proposed uses

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and densities. The traffic, utilities, and grading/drainage layouts are considered “conceptual” and area labeled and noted as such, as additional more detailed studies are needed to verify final configuration and designs. Of note is the conceptual street layout, for which the current ODP depiction does not fully comply with Town standards of access spacing – which will need to be further addressed in traffic studies and subdivision design.

Per recommendation of the Town Attorney, the Design Guidelines were separated from the ODP ordinance to allow for a more streamlined process for amendments in the future. These will be heard under a separate public hearing, and a resolution of approval will be presented to the Council, at the next regular meeting, for consideration once the hearing is complete.

The Planning & Zoning Commission held a combined public hearing (including the Design Guidelines) on January 12, 2022, recommending approval to Town Council, with conditions relating to the Design Guidelines/Handbook.

LEGAL ADVICE:

The Town Attorney drafted the Ordinance.

FINANCIAL ADVICE:

NA

RECOMMENDED ACTION:

Approve Ordinance 2022-224 Approving the Outline Development Plan (ODP) for Ledge Rock Center P.U.D.

SUGGESTED MOTIONS:

For Approval: Based on findings and analysis presented at this hearing, I move to approve Ordinance 2022-224 Approving the Outline Development Plan (ODP) for Ledge Rock Center P.U.D.

For Approval with Conditions: Based on findings and analysis presented at this hearing, I move to approve Ordinance 2022-224 Approving the Outline Development Plan (ODP) for Ledge Rock Center P.U.D., with the following conditions, to be revised and updated prior to final publication:

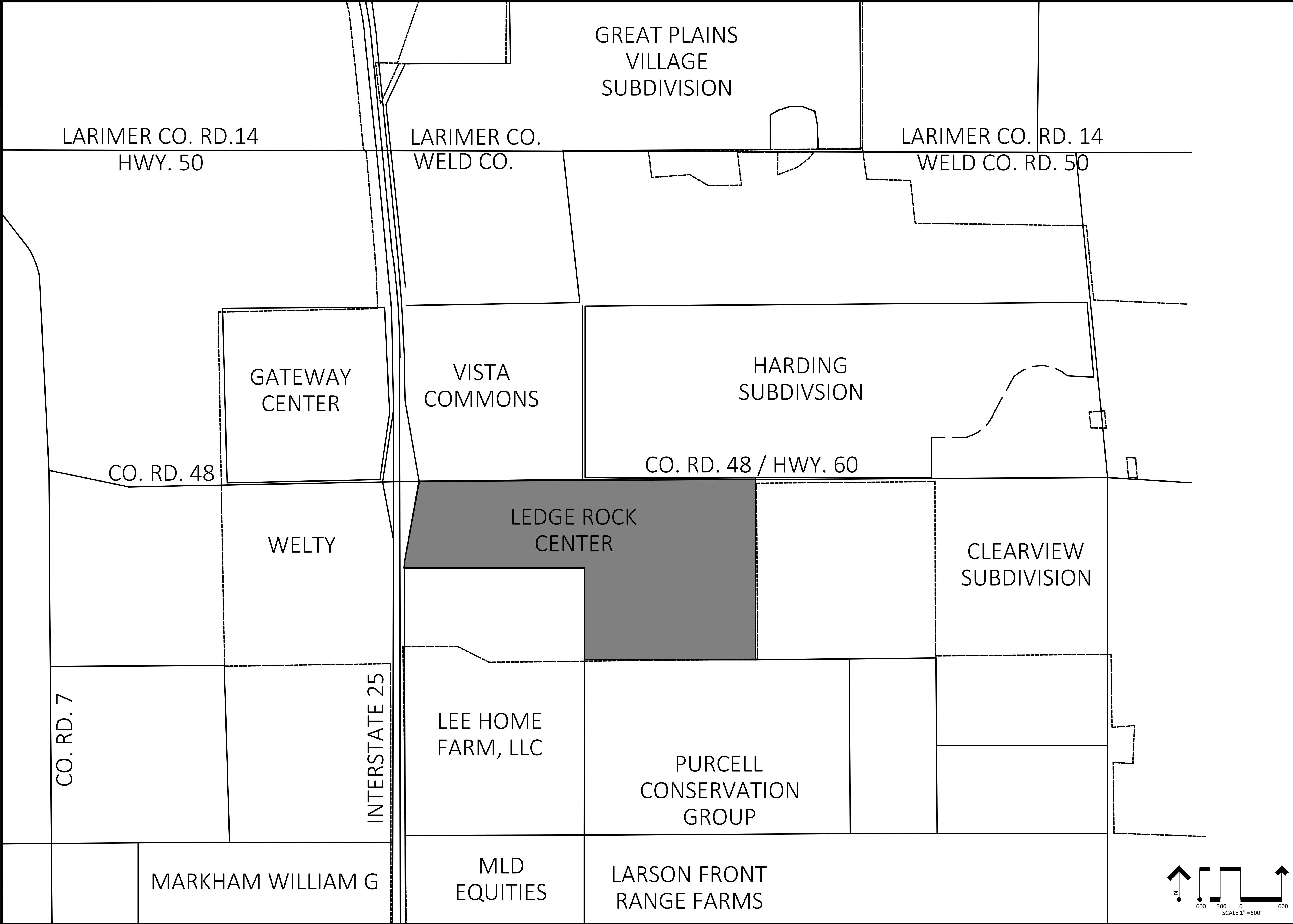
a.


For Denial: Based on information presented in this hearing, I move to deny Ordinance 2021-224 as presented.

Reviewed and Approved for Presentation,



Town Manager





POINT CONSULTING, LLC
8460 W. KEN CARY L AVE #101
LITTLETON, CO 80128
720-258-6836
www.pnt-llc.com
PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
LAND SURVEYING

Ledge Rock Center

JOHNSTOWN, COLORADO

JOB NO. 21.022

| DATE | DESCRIPTION |
|------------|----------------------|
| 2021.06.28 | ORIGINAL PREPARATION |
| | |
| | |

VICINITY MAP

HEET 1/1

**TOWN OF JOHNSTOWN, COLORADO
ORDINANCE NO. 2022-224**

APPROVING P.U.D. OUTLINE DEVELOPMENT PLAN FOR LEDGE ROCK CENTER LOCATED IN THE NORTHEAST QUARTER AND NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 68 WEST, COUNTY OF WELD, STATE OF COLORADO, CONSISTING OF APPROXIMATELY 221 ACRES.

WHEREAS, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

WHEREAS, Ledge Rock Center, LLC, a Kansas limited liability company, submitted an application to the Town for approval of a P.U.D. Outline Development Plan for a development known as Ledge Rock Center, located in the Northeast and Northwest Quarter of Section 11, Township 4 North, Range 68 West of the 6th Principal Meridian, Town of Johnstown, County of Weld, State of Colorado, consisting of approximately 221 acres; and

WHEREAS, on January 12, 2022, the Planning and Zoning Commission held a public hearing and recommended approval of the P.U.D. Outline Development Plan for Ledge Rock Center; and

WHEREAS, on February 7, 2022, the Town Council held a public hearing concerning approval of the P.U.D. Outline Development Plan for Ledge Rock Center; and

WHEREAS, after considering the Planning and Zoning Commission’s recommendation for approval, reviewing the file and conducting such public hearing, Town Council finds that the P.U.D. Outline Development Plan for Ledge Rock Center is consistent with and furthers the goals of the *Johnstown Area Comprehensive*; and

WHEREAS, based on the foregoing, Town Council desires to approve the P.U.D. Outline Development Plan for Ledge Rock Center.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT:

Section 1. P.U.D. Outline Development Plan Approval. The P.U.D. Outline Development Plan for Ledge Rock Center, located in the Northeast and Northwest Quarter of Section 11, Township 4 North, Range 68 West of the 6th Principal Meridian, Town of Johnstown, County of Weld, State of Colorado, consisting of approximately 221 acres, attached hereto and incorporated herein by reference as Exhibit A, is hereby approved.

Section 2. Supersede and Replace. The P.U.D. Outline Development Plan for Ledge Rock Center adopted herein shall supersede and replace the outline development plan, if any, previously approved with respect to the Ridgeview Ranch Annexation, an annexation approved by the Town on or about July 21, 2003, and the Johnstown Commercial Annexation, an annexation approved by the Town on or about March 17, 2008.

Section 3. Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado (“Charter”) and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Charter. Copies of the entire Ordinance are available at the office of the Town Clerk.

INTRODUCED AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this ____ day of _____, 2022.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this ____ day of _____, 2022.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

Ledge Rock Center OUTLINE DEVELOPMENT PLAN

A PARCEL OF LAND, SITUATED IN THE NORTHWEST ONE-QUARTER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO

NARRATIVE/OPERATION PLAN

THE INTENT OF THIS OUTLINE DEVELOPMENT PLAN (ODP) IS TO PROVIDE OVERLAY ZONING AND THE INITIAL PLANNING GUIDELINES TO THE 200+ ACRE LEDGE ROCK CENTER. LEDGE ROCK CENTER IS ENVISIONED AS A PLANNED UNIT DEVELOPMENT - MIXED USE (PUD-MU).

THE PROPOSED LAND USE INCLUDES RESIDENTIAL MULTIFAMILY, RESIDENTIAL SINGLE FAMILY, COMMERCIAL, RETAIL AND OFFICE USES. THIS SET OF DOCUMENTS ALONG WITH SUBSEQUENT PRELIMINARY DEVELOPMENT PLAN AND FINAL DEVELOPMENT PLAN WILL GUIDE THE OVERALL CHARACTER OF THE LEDGE ROCK CENTER.

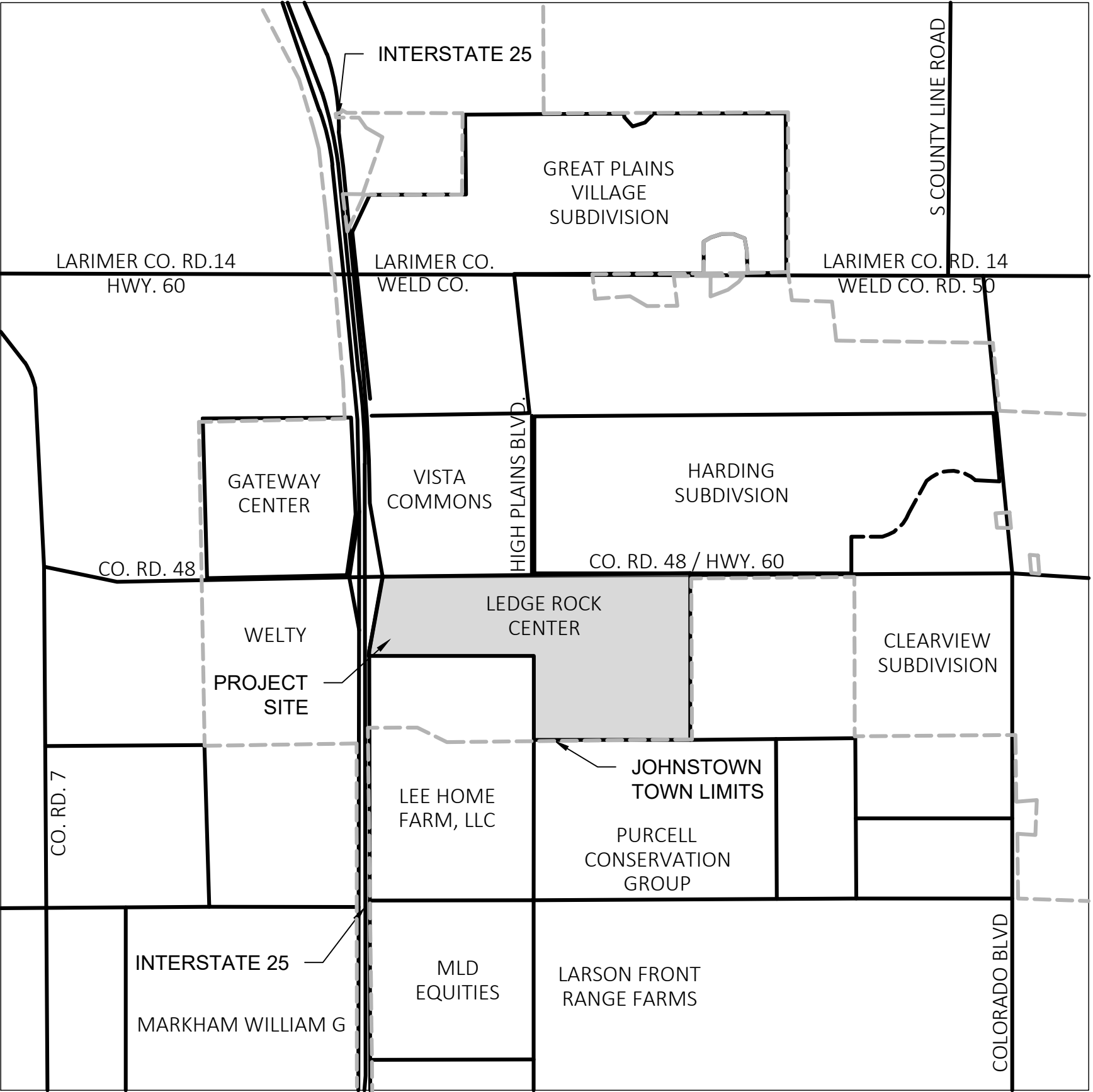
LEDGE ROCK CENTER IS A MASTER-PLANNED COMMUNITY LOCATED IN THE SOUTH AND EAST OF THE INTERSTATE-25 AND CO HIGHWAY 60 INTERSECTION. IN THE GROWING NORTHERN COLORADO AREA, IT IS IMPORTANT TO PROVIDE DESIGN GUIDELINES THAT MAINTAIN THE UNIQUE CHARACTER AND PRINCIPLES OF THE DEVELOPMENT AND REFLECT THE IMPORTANCE OF THE LARGER REGIONAL CONTEXT. THE PURPOSE IS TO PROVIDE AND ENSURE THAT THE CHARACTER OF LEDGE ROCK CENTER IS MAINTAINED THROUGHOUT THE DEVELOPMENT AND PROVIDE INSTRUCTION ON ACCEPTABLE SITE PLANNING, CIRCULATION, STREETSCAPES, PARKING, OPEN SPACE, LANDSCAPING, SIGNAGE, SITE FURNISHINGS AND LIGHTING.

THE LEDGE ROCK CENTER IS THAT OF A HIGH QUALITY REGIONAL CENTER AND MIXED-USE COMMUNITY THAT RESPONDS TO THE NEEDS OF THE AREA AND MARKET FORCES, AND PROVIDES VIBRANT PLACES FOR PEOPLE TO SHOP, WORK, LIVE AND SOCIALIZE. THE CHARACTER OF THE DEVELOPMENT IS CONVEYED IN THE STREETSCAPE AND SIGNAGE ALLOWING USES TO EXPRESS THEIR INDIVIDUAL THEMES WITHOUT TAKING AWAY FROM THE OVERALL DEVELOPMENT CHARACTER. KEY INTERSECTIONS WILL ALLOW FOR LANDMARKS THAT ADD TO THE DEVELOPMENT'S CHARACTER AND PROVIDE INTEREST ON BOTH THE VEHICULAR AND PEDESTRIAN LEVEL. IN ORDER TO CREATE A VIBRANT ENVIRONMENT, LEDGE ROCK CENTER WILL BE A PEDESTRIAN FRIENDLY DEVELOPMENT THROUGH THE DESIGN OF A CONNECTED PEDESTRIAN CIRCULATION SYSTEM, STREETSCAPES WITH AN ENHANCED PEDESTRIAN ENVIRONMENT AND TREATMENTS AT INTERSECTIONS THAT ALLOW FOR SAFE PEDESTRIAN CROSSINGS.

LEGAL DESCRIPTION

LOT A THE NW/4 OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, NOW KNOWN AS JOHNSTOWN COMMERCIAL ANNEXATION TO JOHNSTOWN RECORDED MARCH 21, 2008 AT RECEPTION NO. 3543014, EXCEPTING THEREFROM THAT PORTION CONTAINED IN QUITCLAIM DEED AND RESERVATION OF MINERALS RECORDED JANUARY 29, 2021 AT RECEPTION NO. 4676830, IN THE OFFICE OF THE WELD COUNTY CLERK AND RECORDER, COUNTY OF WELD, STATE OF COLORADO.

LOT B LOT B OF RECORDED EXEMPTION NO. 1060-11-1-RE2092 RECORDED DECEMBER 18, 1997 IN BOOK 1638 AS RECEPTION NO. 2585002, BEING A PART OF THE FOLLOWING DESCRIBED PARCEL: THE NE1/4 OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO. EXCEPTING THEREFROM THE SOUTH 30 FEET THEREOF AS CONVEYED TO GREAT WESTERN CONSTRUCTION COMPANY BY INSTRUMENT RECORDED FEBRUARY 19, 1902 IN BOOK 190 AT PAGE 77. ALSO EXCEPTING THEREFROM A PARCEL OF LAND CONVEYED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO BY INSTRUMENT RECORDED MAY 10, 1957 IN BOOK 1477 AT PAGE 290.



VICINITY MAP
SCALE: 1" = 2000'

SHEET INDEX

- | | |
|---|-------------------------|
| 1 | COVER SHEET |
| 2 | LAND USE PLAN |
| 3 | CIRCULATION PLAN |
| 4 | CONCEPTUAL UTILITY PLAN |
| 5 | CONCEPTUAL GRADING PLAN |

PROJECT TEAM

OWNER/DEVELOPER
LEDGE ROCK CENTER, LLC
6917 W. 135TH STREET, SUITE B-29
OVERLAND PARK, KS 66223
PHONE: 913.499.1926
CONTACT: MIKE SCHLUP

PROJECT MANAGER/PLANNER
POINT CONSULTING, LLC
8460 W KEN CARYL AVE
LITTLETON, CO 80128 PHONE: 720.258.6836
CONTACT: TIFFANY D. WATSON, P.E. - CIVIL ENGINEER
CONTACT: JIM SHIPTON, RLA - LANDSCAPE ARCHITECT
CONTACT: CAMERON M. WATSON, PLS - SURVEYOR

ARCHITECT
DEGASPERI & ASSOCIATES ARCHITECTURE
6240 W. 135TH STREET
OVERLAND PARK, KANSAS 66223
PHONE: 913.647.5300
CONTACT: JEFF DEGASPERI

APPROVALS

TOWN COUNCIL THIS OUTLINE DEVELOPMENT PLAN, TO BE KNOWN AS THE LEDGE ROCK CENTER, IS APPROVED AND ACCEPTED BY THE TOWN OF JOHNSTOWN, BY ORDINANCE NUMBER _____, PASSED AND ADOPTED ON FINAL READING AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO HELD ON THE _____ DAY OF _____, 20 ____.

BY: _____ ATTEST: _____
MAYOR TOWN CLERK

GENERAL NOTES

- COMMERCIAL, OFFICE OR MULTI-FAMILY DEVELOPMENTS CAN OCCUPY THE SAME LOT, MIXED HORIZONTALLY OR VERTICALLY.
- ALL UNPLATTED PROPERTY (PER THE FINAL PLAT SUBDIVISION PROCESS) WITHIN THIS PUD MAY REMAIN IN AGRICULTURAL USE UNTIL SUCH TIME AS DEVELOPMENT OF THAT AREA BEGINS.
- LANDSCAPING, SIGNAGE, ARCHITECTURE, NON-RESIDENTIAL PARKING, FENCING AND LIGHTING FOR DEVELOPMENT WITH THIS PUD SHALL EITHER FOLLOW THOSE APPLICABLE STANDARDS IN THE TOWN OF JOHNSTOWN MUNICIPAL CODE OR THE DEVELOPER MAY FORMULATE DESIGN STANDARDS REGULATING THE DESIGN, CHARACTER, LOCATION AND OTHER DETAILS OF THESE ELEMENTS PRIOR TO THEIR IMPLEMENTATION. THE DEVELOPER-FORMULATED DESIGN STANDARDS MUST RECEIVE TOWN APPROVAL PRIOR TO IMPLEMENTATION.
- WHERE A PROPOSED USE IS NOT LISTED IN THE ODP, IT MAY BE ALLOWED IF DETERMINED IN WRITING BY PLANNING AND DEVELOPMENT DIRECTOR TO BE SIMILAR IN CHARACTER AND OPERATION, AND HAVING THE SAME OR LESSER IMPACT, AS USES THAT ARE ALLOWED.
- ALL DRAINAGE ELEMENTS ARE CONCEPTUAL IN NATURE AND FINAL DETERMINATIONS OF THE DRAINAGE SYSTEM, TO INCLUDE THE PLACEMENT OF DETENTION/RETENTION PONDS, CHANNELS, AND STORM SEWER, WILL BE MADE IN ACCORDANCE WITH THE APPLICABLE FINAL DRAINAGE REPORTS AND PLANS.

DEVELOPMENT PHASING

PHASING WILL OCCUR IN A LOGICAL AND COST EFFECTIVE MANNER BASED ON INFRASTRUCTURE EXTENSION, AVAILABILITY OF UTILITY SERVICE, AND MARKET CONDITIONS. THE PROJECT WILL BE BUILT IN MULTIPLE PHASES, AS CONDITIONS DICTATE.

RELATIONSHIP TO TOWN CODE & DEVELOPMENT STANDARDS

THE PROVISIONS OF THIS PUD SHALL PREVAIL AND GOVERN DEVELOPMENT TO THE EXTENT PERMITTED BY THE TOWN OF JOHNSTOWN MUNICIPAL CODE. WHERE STANDARDS, LEDGE ROCK DESIGN GUIDELINES, DETAILS, AND GUIDELINES OF THE PUD - OUTLINE, PRELIMINARY, OR FINAL DEVELOPMENT PLANS - DO NOT CLEARLY ADDRESS A SPECIFIC SUBJECT OR ARE SILENT, THE JOHNSTOWN MUNICIPAL AND OTHER STANDARDS, REGULATIONS, AND GUIDELINES SHALL BE USED. ALL PROPOSED DEVELOPMENT IS SUBJECT TO TOWN OF JOHNSTOWN REVIEW PROCEDURES.



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OUTLINE DEVELOPMENT PLAN

Ledge Rock Center

JOHNSTOWN, COLORADO

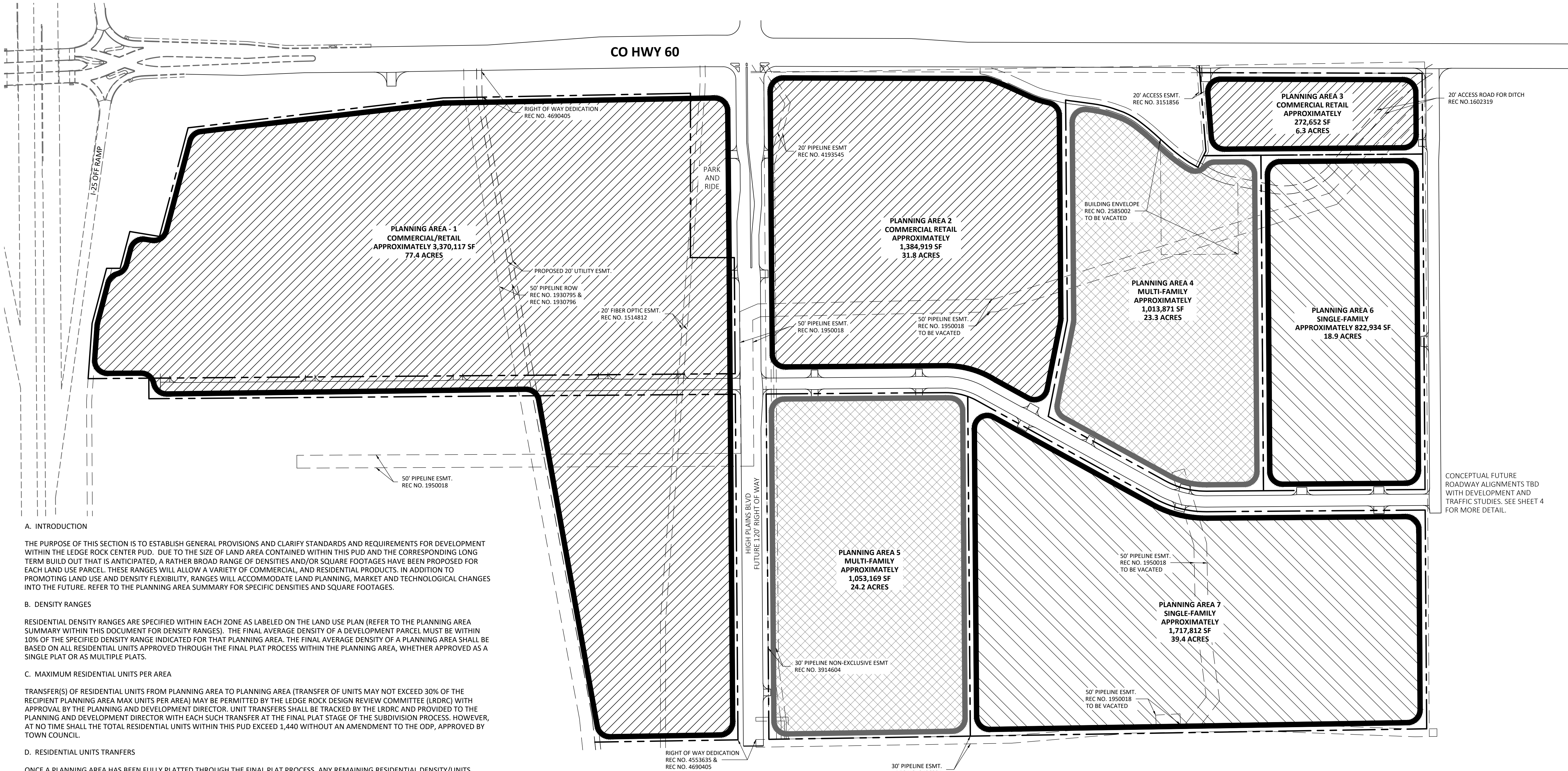
JOB NO. 21.022

COVER SHEET

SHEET 1 OF 5

Ledge Rock Center
OUTLINE DEVELOPMENT PLAN

A PARCEL OF LAND, SITUATED IN THE NORTHWEST ONE-QUARTER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO



A. INTRODUCTION

THE PURPOSE OF THIS SECTION IS TO ESTABLISH GENERAL PROVISIONS AND CLARIFY STANDARDS AND REQUIREMENTS FOR DEVELOPMENT WITHIN THE LEDGE ROCK CENTER PUD. DUE TO THE SIZE OF LAND AREA CONTAINED WITHIN THIS PUD AND THE CORRESPONDING LONG TERM BUILD OUT THAT IS ANTICIPATED, A RATHER BROAD RANGE OF DENSITIES AND/OR SQUARE FOOTAGES HAVE BEEN PROPOSED FOR EACH LAND USE PARCEL. THESE RANGES WILL ALLOW A VARIETY OF COMMERCIAL, AND RESIDENTIAL PRODUCTS. IN ADDITION TO PROMOTING LAND USE AND DENSITY FLEXIBILITY, RANGES WILL ACCOMMODATE LAND PLANNING, MARKET AND TECHNOLOGICAL CHANGES INTO THE FUTURE. REFER TO THE PLANNING AREA SUMMARY FOR SPECIFIC DENSITIES AND SQUARE FOOTAGES.

B. DENSITY RANGES

RESIDENTIAL DENSITY RANGES ARE SPECIFIED WITHIN EACH ZONE AS LABELED ON THE LAND USE PLAN (REFER TO THE PLANNING AREA SUMMARY WITHIN THIS DOCUMENT FOR DENSITY RANGES). THE FINAL AVERAGE DENSITY OF A DEVELOPMENT PARCEL MUST BE WITHIN 10% OF THE SPECIFIED DENSITY RANGE INDICATED FOR THAT PLANNING AREA. THE FINAL AVERAGE DENSITY OF A PLANNING AREA SHALL BE BASED ON ALL RESIDENTIAL UNITS APPROVED THROUGH THE FINAL PLAT PROCESS WITHIN THE PLANNING AREA, WHETHER APPROVED AS A SINGLE PLAT OR AS MULTIPLE PLATS.

C. MAXIMUM RESIDENTIAL UNITS PER AREA

TRANSFER(S) OF RESIDENTIAL UNITS FROM PLANNING AREA TO PLANNING AREA (TRANSFER OF UNITS MAY NOT EXCEED 30% OF THE RECIPIENT PLANNING AREA MAX UNITS PER AREA) MAY BE PERMITTED BY THE LEDGE ROCK DESIGN REVIEW COMMITTEE (LRDRC) WITH APPROVAL BY THE PLANNING AND DEVELOPMENT DIRECTOR. UNIT TRANSFERS SHALL BE TRACKED BY THE LRDRC AND PROVIDED TO THE PLANNING AND DEVELOPMENT DIRECTOR WITH EACH SUCH TRANSFER AT THE FINAL PLAT STAGE OF THE SUBDIVISION PROCESS. HOWEVER, AT NO TIME SHALL THE TOTAL RESIDENTIAL UNITS WITHIN THIS PUD EXCEED 1,440 WITHOUT AN AMENDMENT TO THE ODP, APPROVED BY TOWN COUNCIL.

D. RESIDENTIAL UNITS TRANSFERS

ONCE A PLANNING AREA HAS BEEN FULLY PLATTED THROUGH THE FINAL PLAT PROCESS, ANY REMAINING RESIDENTIAL DENSITY/UNITS DESIGNATED ON THE PUD ZONE DOCUMENT WITHIN SAID PLANNING AREA SHALL REMAIN AVAILABLE FOR TRANSFER TO OTHER REMAINING RECIPIENT PLANNING AREAS.

E. PLANNING AREA BOUNDARIES

PLANNING AREA ACREAGES AND BOUNDARIES ARE CONCEPTUAL AND SUBJECT TO CHANGE WITH DETAILED PLANNING. PLANNING AREA ACREAGES MAY CHANGE UP TO 30%, COMMERCIAL AREAS MAY EXPAND BY 30% WITH APPROVAL BY THE PLANNING AND DEVELOPMENT DIRECTOR. SUCH CHANGES WILL RESULT IN CORRESPONDING CHANGES TO THE MAX SQ. FT./AREA OR MAX UNITS/AREA SHOWN IN THE PLANNING AREA SUMMARY. IF PLANNING AREA CHANGES ARE MADE, ALL STREET CLASSIFICATIONS (AS SHOWN ON SHEET 4) ARE SUBJECT TO CHANGE.

F. MAXIMUM COMMERCIAL SQUARE FOOTAGE PER AREA

TRANSFER(S) OF COMMERCIAL SQUARE FOOTAGE FROM PLANNING AREA TO PLANNING AREA (TRANSFER OF SQUARE FOOTAGE MAY NOT EXCEED 30% OF THE RECIPIENT PLANNING AREA MAX SQ. FT. PER AREA) MAY BE PERMITTED WITH APPROVAL BY THE PLANNING AND DEVELOPMENT DIRECTOR. SQUARE FOOTAGE TRANSFERS SHALL BE TRACKED BY THE DEVELOPER AND PROVIDED TO THE PLANNING AND DEVELOPMENT DIRECTOR WITH EACH SUCH TRANSFER AT THE FINAL PLAT STAGE OF THE SUBDIVISION PROCESS. HOWEVER, AT NO TIME SHALL THE OVERALL PUD COMMERCIAL SQUARE FOOTAGE EXCEED 1,000,000 SQUARE FEET WITHOUT AN AMENDMENT TO THE ODP, APPROVED BY TOWN COUNCIL.

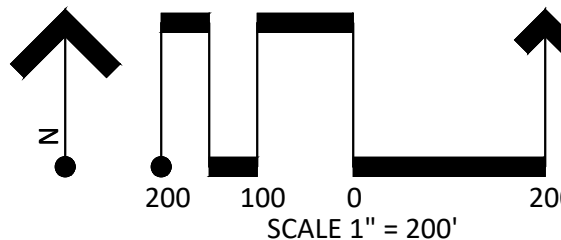
| PLANNING AREA | LAND USE | APPROXIMATE AREA SF | APPROX. AREA ACRES | COMMERCIAL | RESIDENTIAL | | | OPEN SPACE |
|--------------------------|-------------------|---------------------|--------------------|--------------|--------------|--------------|---------------------|-----------------|
| | | | | MAX. SF/AREA | MIN. DU/ACRE | MAX. DU/ACRE | MAX. UNITS PER ACRE | |
| WEST RETAIL PA-1 | RETAIL/COMMERCIAL | 3,370,117 | 77.4 | 606,621 | | | | PA-1 MIN 20% |
| EAST RETAIL PA-2 | RETAIL/COMMERCIAL | 1,384,919 | 31.8 | 249,285 | | | | PA-2 MIN 25% |
| EAST RETAIL PA-3 | RETAIL/COMMERCIAL | 272,652 | 6.3 | 40,077 | | | | PA-3 MIN 20% |
| MULTI-FAMILY NORTH PA-4 | MULTI-FAMILY | 1,013,871 | 23.3 | | | | 25 | PA-4 MIN 30% |
| MULTI-FAMILY SOUTH PA-5 | MULTI-FAMILY | 1,053,169 | 24.2 | | | | 25 | PA-5 MIN 30% |
| SINGLE FAMILY NORTH PA-6 | SINGLE FAMILY | 822,934 | 18.9 | | 2 | 5 | | PA-6 MIN 30% |
| SINGLE FAMILY SOUTH PA-7 | SINGLE FAMILY | 1,717,812 | 39.4 | | 2 | 4 | | PA-7 MIN 30% |
| TOTAL | | 9,635,474 | 221.3 | | | | | OVERALL MIN 30% |

LEGEND

- RETAIL COMMERCIAL MIXED USE
- MULTIFAMILY MIXED USE
- SINGLE FAMILY MIXED USE

LAND USE SUMMARY

| LAND USE | ACRES | PERCENTAGE |
|--------------------------|---------|------------|
| WEST RETAIL PA-1 | 77.4 AC | 35.1% |
| EAST RETAIL PA-2 | 31.8 AC | 14.3% |
| EAST RETAIL PA-3 | 6.3 AC | 2.8% |
| MULTI-FAMILY NORTH PA-4 | 23.3 AC | 10.5% |
| MULTI-FAMILY SOUTH PA-5 | 24.2 AC | 11% |
| SINGLE FAMILY NORTH PA-6 | 18.9 AC | 8.5% |
| SINGLE FAMILY SOUTH PA-7 | 39.4 AC | 17.8% |
| TOTAL | 221.3 | 100% |



OUTLINE DEVELOPMENT PLAN
Ledge Rock Center

JOHNSTOWN, COLORADO

JOB NO. 21.022

LAND USE PLAN

SHEET 2 OF 5

POINT CONSULTING, LLC

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LAND SURVEYING

D&A

DeGasperi & Associates

Architecture

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Overland Park, KS 66223

913-647-5300

jeff@daikc.com

DESCRIPTION

1ST ODP SUBMITTAL

2ND ODP SUBMITTAL

3RD ODP SUBMITTAL

DATE

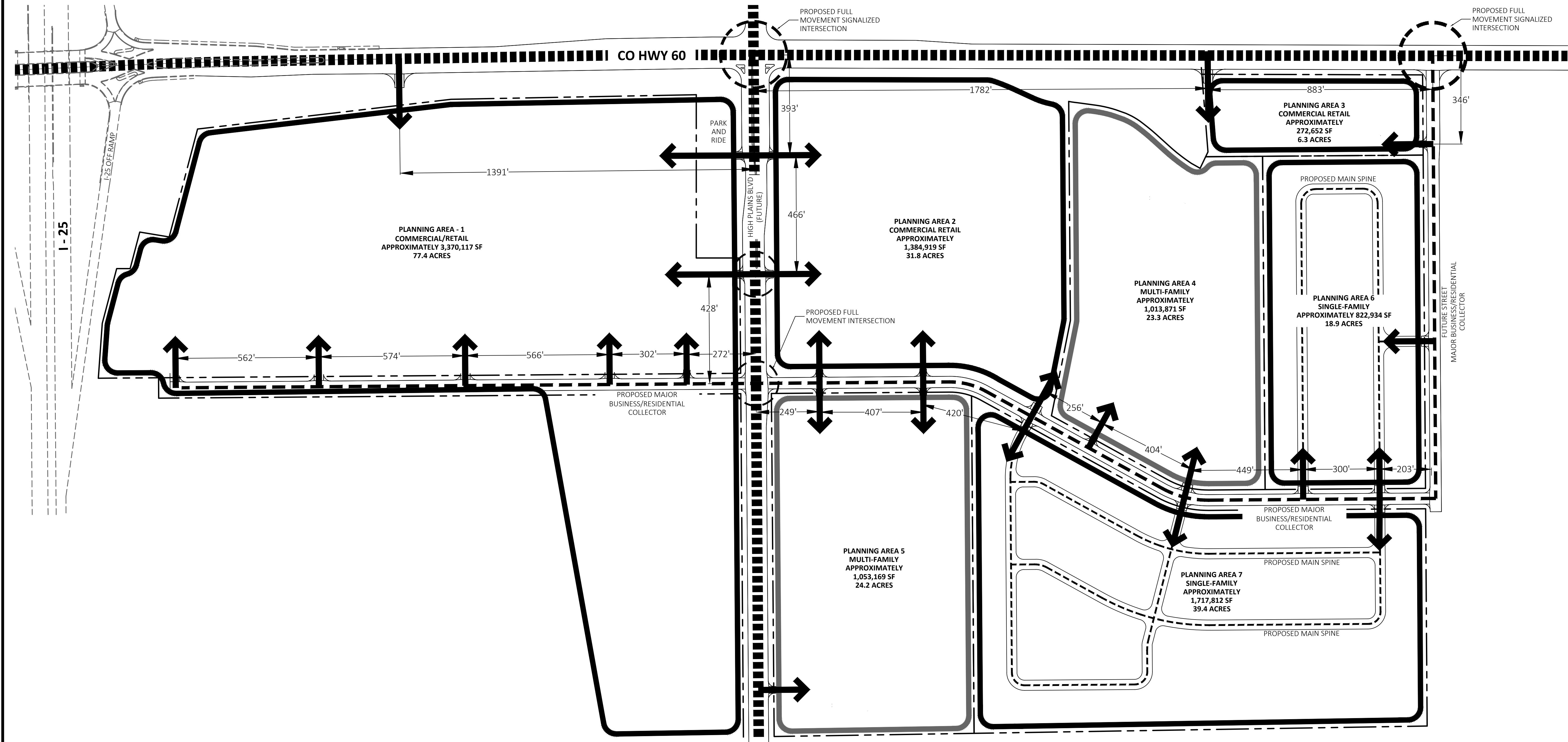
2021.07.06

2021.11.24

2021.12.16

Ledge Rock Center
OUTLINE DEVELOPMENT PLAN

A PARCEL OF LAND, SITUATED IN THE NORTHWEST ONE-QUARTER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO



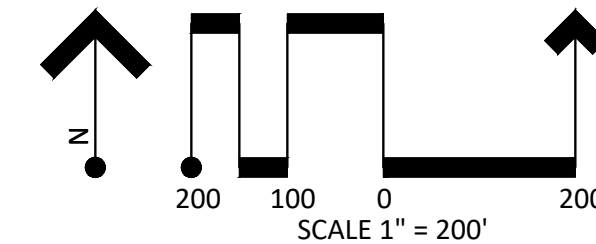
LEGEND

- MAJOR ARTERIAL
- MAJOR COLLECTOR
- MAIN SPINE
- POTENTIAL ACCESS
- PROPOSED FULL MOVEMENT INTERSECTION

*DEPENDANT ON TRAFFIC IMPACT STUDY AT THE TIME OF INDIVIDUAL DEVELOPMENT APPROVALS

NOTE

CONCEPTUAL PLANNING ELEMENTS WITHIN THIS ODP ARE SUBJECT TO FURTHER DETAILED REVIEW AND UPDATED REQUIREMENTS OF THE TOWN WITH SUBSEQUENT SUBMITTALS FOR DEVELOPMENT AND CONSTRUCTION PLANS. THESE ELEMENTS ARE INCLUDED TO ILLUSTRATE FEASIBILITY OF THE SITE FOR THE PROPOSED LEVEL OF DEVELOPMENT AND PRESENT HIGH LEVEL DEVELOPMENT CONCEPTS ONLY.



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OUTLINE DEVELOPMENT PLAN

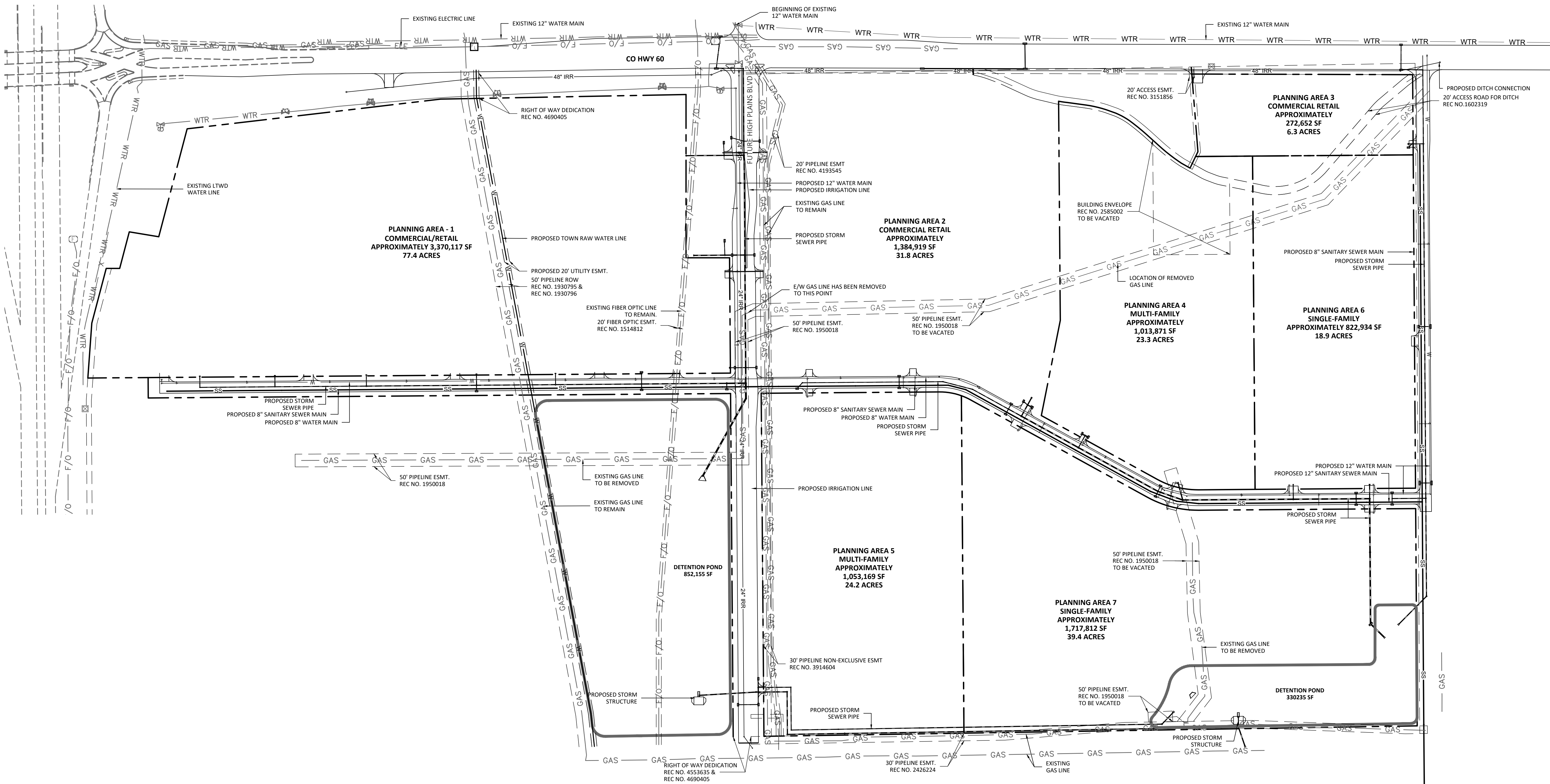
Ledge Rock Center

JOHNSTOWN, COLORADO

| DATE | DESCRIPTION |
|------------|-------------------|
| 2021.07.06 | 1ST ODP SUBMITTAL |
| 2021.11.24 | 2ND ODP SUBMITTAL |
| 2021.12.16 | 3RD ODP SUBMITTAL |
| ... | ... |

Ledge Rock Center OUTLINE DEVELOPMENT PLAN

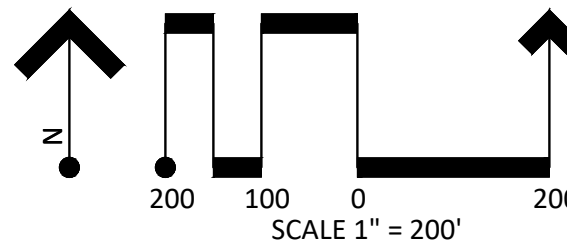
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- LEGEND**
- PROPERTY LINE
 - PROPOSED CURB AND GUTTER
 - WTR EXISTING WATER MAIN
 - GAS EXISTING GAS LINE
 - F/O EXISTING FIBER OPTIC LINE
 - ELE EXISTING ELECTRIC LINE
 - SAN PROPOSED SANITARY SEWER LINE
 - W PROPOSED WATER LINE
 - IRR PROPOSED IRRIGATION PIPE
 - PROPOSED STORM SEWER PIPE

NOTE

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Ledge Rock Center

OUTLINE DEVELOPMENT PLAN

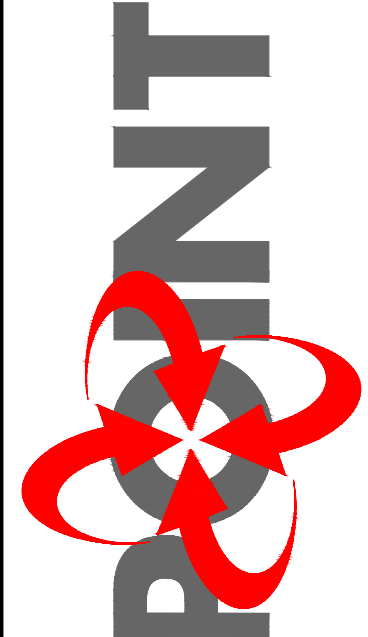
DATE
2021.07.04
2021.11.24
2021.12.16

DESCRIPTION
1ST ODP SUBMITTAL
2ND ODP SUBMITTAL
3RD ODP SUBMITTAL

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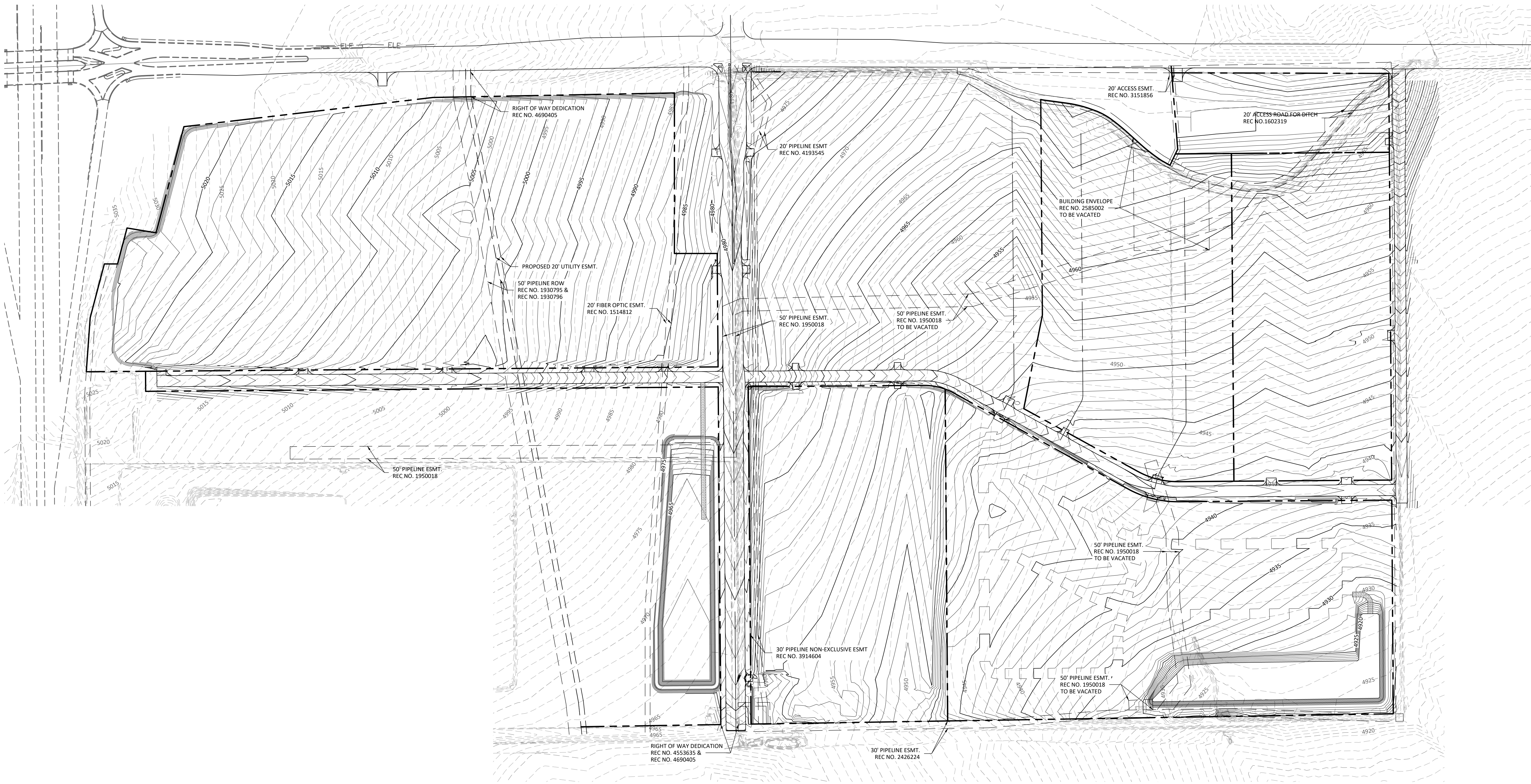
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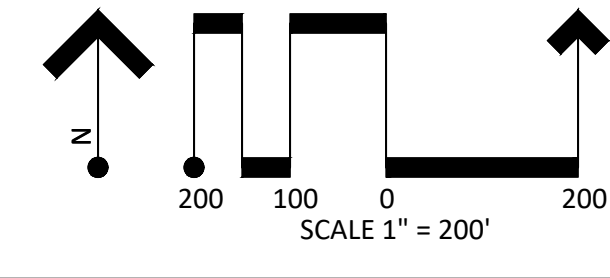
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- LEGEND**
- PROPERTY LINE
 - EASEMENT LINE
 - 5280 PROPOSED CONTOURS
 - 5280 EXISTING CONTOURS

NOTE

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Ledge Rock Center

JOHNSTOWN, COLORADO

| DATE | DESCRIPTION |
|------------|-------------------|
| 2021.07.04 | 1ST ODP SUBMITTAL |
| 2021.11.24 | 2ND ODP SUBMITTAL |
| 2021.12.16 | 3RD ODP SUBMITTAL |
| ... | ... |



Town of Johnstown

PLANNING & ZONING COMMISSION AGENDA MEMORANDUM

| | |
|----------------------|---|
| ITEM: | Public Hearing for the Ledge Rock Outline Development Plan (ODP) and Design Guidelines |
| DESCRIPTION: | Proposed ODP and Design Guidelines Amendment for 221 acres of Mixed-Use Development |
| LOCATION: | South of CO Hwy 60, at the High Plains Blvd. intersection |
| APPLICANT: | Ledge Rock Center, LLC |
| STAFF: | Kim Meyer, Planning & Development Director |
| HEARING DATE: | January 12, 2022 |

EXECUTIVE SUMMARY

The project request is to create a new Outline Development Plan (ODP) and Design Guidelines for a mixed-use center, including higher intensity retail / commercial uses, multiunit residential, as well as single family neighborhoods. This ODP will supersede prior plans for the site.

PROCESS NOTES

An ODP is a high-level “master planning” document that provides guidance on land uses, some development standards if they deviate from typical town codes or regulations, and ensure overall feasibility of the proposed intensity and density of a development with a review of an initial traffic report, a master drainage plan, overall circulation plans, understanding of property encumbrances - all of which require further detail be forthcoming as future development plans are known and reviewed/approved by the Town.

This project will need additional review and hearings to review proposed subdivisions, roadway and utility designs, drainage and stormwater design, architecture and landscape design, and other development details.

ATTACHMENTS

- 1- Vicinity Map
- 2- Proposed Ledge Rock Outline Development Plan
- 3- Proposed Ledge Rock Design Guidelines

The Community That Cares

johnstown.colorado.gov

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO 80534 | F: 970.587.0141

PROPERTY DATA

Zoning / Land Use: Proposed PUD-MU / Existing Ag and Developing Oil & Gas (S&B Well Site)
Current PUD-MU, PUD-B, and PUD-R

Surrounding Zoning / Land Use:

North: PUD-MU – Agricultural and Larimer County Rural Residential
East: Weld County ‘A’ Ag
South: Weld County ‘A’ Ag
West: I-25 and PUD-MU – Welty Ridge ODP (undev)

Floodplain: No

Oil & Gas: An existing oil well located in the center of the property.

PROPERTY BACKGROUND

Historically, the use of this property has been as an agricultural site used for farming. The east quarter-section was annexed into the Town of Johnstown in 2003 as the Ridgeview Ranch Annexation with a PUD-B and PUD-R zoning designation by Ordinance Nos. 2003-706 and 2003-707. An ODP land use and traffic pattern were established at that time. The western portion of the PUD/ODP site was annexed in 2008 as the Johnstown Commercial Annexation with PUD-MU zoning, but no known ODP was approved for that parcel. That quarter section was recently subdivided as the Oxy Land Subdivision, of which this ODP applies to Lot 2 and 4.

Surrounding land uses are primarily agricultural. To the north, additional mixed-use development is anticipated in the “Vista Commons” property, and the Rockbury Ridge residential subdivision also sites to the north. South of the westernmost section of the ODP is a developing oil and gas well site; this should be completed and in production within the next 12-18 months.

SUBMITTAL AND REFERRALS

Based upon the changes proposed, this ODP submittal included the proposed ODP plan set, as well as the updated design guidelines, and master engineering (i.e., grading, drainage, utility) and traffic studies that help the Town assess the feasibility of the intensity and density proposed within the project. These supplemental pieces are not “approved” with the ODP, but provide a baseline of information so the Town can better assess the impact on our services and systems. The project was referred to and reviewed by:

- Public Works Department
- FHU (Town Traffic Engineer)
- IMEG (Town Engineer)
- Front Range Fire and Rescue
- CDOT
- LTWD

PROJECT OVERVIEW

The proposed ODP provides for a large “bubble” land use plan that creates seven (7) Planning Areas indicating a range of uses, densities for residential, and potential square feet (intensity) of commercial. The ODP also notes conceptual layouts for high-level (not detailed) street layouts, grading & stormwater/drainage feasibility, and major utilities. These all must undergo significant additional design, scrutiny, and revisions to reach final approvals with future, more detailed development plans.

Of note is the proposed southern extension of High Plains Boulevard (a major 4-lane arterial) along the project frontages (about ½ mile), and the likely expansion of that intersection at Hwy 60 with turn lanes and eventual signalization, an east-west collector that starts to create potential connectivity of this area

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with future development to the east, and a future street connection back to Hwy 60, along the eastern boundary. An intersection and potential signal in this area is in conformance with the 2003 CDOT Access Control Plan for Hwy 60. All these improvements would occur incrementally, as development of the overall project is phased and constructed. Stormwater would be designed and managed as one complete system for the full PUD.

Planning Area – Acreage & Use

| <i>Planning Area</i> | <i>Acres</i> | <i>Use</i> | <i>Density / Intensity</i> | <i>Maximum Units</i> |
|----------------------|--------------|--------------------|----------------------------|----------------------|
| 1 | 77.4 | Commercial/Retail | 606,621 SF | |
| 2 | 31.8 | Commercial/Retail | 249,285 SF | |
| 3 | 6.3 | Commercial/Retail | 40,077 SF | |
| 4 | 23.3 | MultiFamily | Max 25 DU/Ac | 583 DU |
| 5 | 24.2 | MultiFamily | Max 25 DU/Ac | 605 DU |
| 6 | 18.9 | Single Family Lots | 2-5 DU/Ac | 95 Homes |
| 7 | 39.4 | Single Family Lots | 2-4 DU/Ac | 158 Homes |

These Planning Areas are capped at a total of 1,440 residential units / homes, and one million (1,000,000) square feet of commercial space within all areas combined. There is the ability to move some of the density and intensity from one area to another, or modify the size/shape of a planning area, by administrative approvals, to allow for changes in design as future development plans are proposed and more is known about final engineering and design needs to meet Town standards.

The Design Guidelines (DGs) were created as a separate document and would govern various elements of the development from permitted land uses, to commercial setbacks, to a unified commercial signage program. This is a large document (87 pages) with significant detail. In areas where the guidelines do not address an issue, the answer would default to Town code, guidelines, and standards. The DGs do also allow for future development of individual lots and sites (i.e., a restaurant on an approved lot / pad site, an apartment complex) to be administratively approved (staff only). Major subdivisions, an amended ODP, and final development plans for the overall site would still be subject to hearings, in accordance with current Town processes.

With the intent of creating a high-quality development, the Design Guidelines cover some basic site design principles including, signage, landscaping, and architectural elevations and features.

STAFF ANALYSIS

The proposed PUD ODP will allow for a variety of uses to be in proximity to each other creating a unique live/work environment with a variety of residential, retail, commercial, industrial and education uses. Staff is very supportive of the overall master planned concept, which is in alignment with the comprehensive plan for this area, and the PUD-MU zoning district.

The ODP sheets are largely acceptable. Staff notes that the myriad of access points notes on that ODP do not meet current Town standards for access spacing along major arterials and highways – these will be further reviewed and analyzed with more detailed development plans and traffic studies. That is a

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“conceptual” sheet, and Staff wants to reiterate that street locations, classifications, and accesses will be determined at a future date.

Design Guidelines are largely comparable to the 2534, Johnstown Plaza, and Encore PUD developments, and appear to work hard toward creating a good design foundation for the development. There are some concerns Staff still has, however. One is a noted lack of detailed commercial/retail uses permitted or prohibited (Section 3, pg 2). The DGs reference “Town Code,” but we are aware of the current datedness of the town’s code (being updated in 2022), which means the uses remain ill-defined. Staff would have to assume that would mean any use permitted in any commercial zone in Town. There are also some oddly varied standards from Town code and standards, for example:

- Parking space depth (Section 2, Pg 12)
 - 18’ proposed vs 20’ town code
 - Staff could support up to 25% being compact space at 18’ depth.
 - “Preferred” vs required standards on landscaping in parking – doesn’t meet “preferred” Town Code.
- Signage (Section 2, pg 7 and Section 3, Pg 12)
 - Primary development signage up to 80-feet tall. Current tallest along I-25 approved by the Town as been 70-feet. Staff would prefer that become our ultimate maximum height. This height is only permitted as part of a PUD master sign program that limits overall signs.
 - Also two (2) such signs are proposed within ¼-mile of each other along that I-25 frontage.
 - Permits commercial lettering as large as 6-foot letters, and up to 10% of the façade – Pad sits, small inline tenants. (Section 3, pg 14+) Seven (7) foot tall & 10% for Major & Anchor Tenants, This seems excessive, and Staff has requested examples of what this looks like on an elevation or in a photos to better understand the proposal.
 - Marquee signs, as defined in the DGs, seems to explain signage above a roofline, which is not permitted by Town Sign Code. Again, graphics to clarify may be helpful.

On several of these items, Staff believes these should be consistent throughout the Town – for enforcement, administration, and overall equity, and default to town code; or be modified such that they provide the “as good or better” standard applied to PUDs, “Is it better than we could get with straight zoning and strict application of the code?” Recommended conditions of approval have been added to this effect.

In most other respects, these DGs are excellent, and Staff believes they will serve the development and the community well, and offer a diverse and attractive mixed-use center for the Town at this high-visibility Gateway. Staff has no further concerns related to this ODP and the DGs.

INFRASTRUCTURE

There currently is no Town water and waste water infrastructure to the site. Based on review of submitted documents and reports, Staff and our engineers believe that there is adequate capacity for the uses and densities being proposed within this ODP. Utility plans, grading plans, and circulation plans are fairly conceptual in nature at this ODP level, and will be more fully developed with continuation through the Town development review process.

NOTICE

Notice for the Planning & Zoning Commission hearing was published in the local paper of widest circulation, the Johnstown Breeze, on Thursday, December 23, 2021. This notice provided the date, time, and location of the Planning and Zoning Commission hearing, as well as a description of the project. Notices were mailed to all property owners within 500 feet of the property in question. This notice included a map of the proposed annexation and zoning. No neighborhood meeting has been held. As of the date of this staff report, Staff has received no comments from neighboring property owners or the public.

RECOMMENDED PLANNING AND ZONING COMMISSION FINDINGS AND MOTIONS

Findings:

1. The proposed ODP amendment is in alignment with the current Johnstown Area Comprehensive Plan and its Future Land Use Plan.
2. The proposed ODP amendment appears serviceable by Town systems, services, and utilities, with required improvements that will be reflected in future development and construction plans.
3. The proposed ODP amendment is in compliance with all Town codes, regulations, and standards and specifications.

Recommended Motion

Based on the application received, associated submittal materials, and the preceding analysis, the Planning & Zoning Commission finds that The Ledge Rock ODP furthers the *Johnstown Area Comprehensive Plan* goals, and is compatible with all other applicable Town standards and regulations, and therefore moves to recommend to the Town Council **Approval** of The Ledge Rock ODP based upon the findings as stated in this staff report, with the following condition:

1. Revise areas noted in Design Guidelines related to uses, signage dimensions and types, and parking design standards, in collaboration with Town Staff.

Alternate Motions

- A. Motion to Approve with no Conditions: "I move that the Commission recommend to Town Council approval of The Ledge Rock ODP as presented"
- B. Motion to Deny: "I move that the Commission recommend to the Town Council denial of The Ledge Rock ODP based upon the following findings..."

Respectfully Submitted:



Kim Meyer
Planning & Development Director

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Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: February 7, 2022

SUBJECT: Ledge Rock Center P.U.D. Design Handbook

ACTION PROPOSED: Consider Approving the Design Handbook for Ledge Rock Center P.U.D.

ATTACHMENTS:

1. Vicinity Map
2. Proposed Ledge Rock Center PUD Design Handbook
3. PZC Staff Report, January 12, 2022

PRESENTED BY: Kim Meyer, Director

AGENDA ITEM DESCRIPTION:

The Ledge Rock Center P.U.D. stretches across approximately 221 acres, located south of Highway 60 between I-25, and across the future High Plains Blvd. to the quarter section of land to the east. This proposed Design Handbook would apply to development within this PUD, in accordance with the proposed Ledge Rock Center Outline Development Plan.

Per recommendation of the Town Attorney, the Design Guidelines/Handbook have been separated from the ODP ordinance to allow for a more streamlined process for amendments in the future. Based on the results of the public hearing, Staff would ask Council to provide direction for a Resolution to be considered at the next regular meeting.

The Planning & Zoning Commission held a public hearing on January 12, 2022, recommending approval with Conditions to Town Council. Many of these specific issues Staff included in that staff report - parking standards and sizing, tenant signage, and a list of uses - which now defaults to Town Code - have been negotiated and agreed-upon between Staff and the Applicant. Overall, Staff believes these design guidelines will contribute to an attractive and successful development.

The remaining outstanding concerns include:

Sec. 2.1 Image Framework Plan

1. Transportation – Road Classification & Access Spacing concerns – must conform to Town standards and be subject to approved Traffic Impact Studies.
2. Signage – Indicates location of three signs, along I-25 and Hwy 60. These may require an update, as appropriate for final approval draft for Council.

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Sec 2.2 & 2.3 Signage System (Development)

1. Two 80-foot tall towers along I-25 frontage, as well as one 50-foot tower along Hwy 60, east of High Plains Blvd.
 - a. The design and materials are attractive and appropriate.
 - b. The height is of concern. To date, the Town's tallest approved sign height, via the Welty Ridge ODP Amendment 1, is planned for 70-feet tall, also to be located along the I-25 frontage to the west of this proposed development. Staff is concerned at the ever-growing desire to have the tallest sign. Maintaining the 70-foot height as our highway-adjacent P.U.D. maximum seems appropriate and like a minor requested revision. Larger and taller signs are appropriate when addressed the speeds along those highways.
 - c. Staff supports the location of one sign along Hwy 60 and one along the I-25 frontage, and believes this would be more consistent with the application and intent of the Town's sign code. (One per frontage, max 25' height) The proposal for two 80-foot tall signs within approximately 1000 feet of one another seems unnecessary given the considerable additional thematic and substantial signage proposed at entrances and along High Plains Blvd. Staff recommends a revision to one sign along I-25, and one along Hwy 60.
2. Entry Features
 - a. Figure 2.3.5 Entry Pylons – would be placed (per the 2.3 Master Plan) on either side of the High Plains Blvd street. Staff does not have detailed plans on the placement of these – they would need to conform to sight distance triangles, and be set back some minimum distance from public walks. These are proposed at 24-feet to the top of the column, with some general “sculpture” intended to top that, so could conceivably exceed 30 feet in height – which is on-par with an arterial street light height (for comparison).

Staff has noted that the single-family architectural design pages read with many instances of “encourage” and “should” which are challenging for the Town to administer. Town Staff will default to Town Design Guidelines as needed to ensure adequate and appropriate architectural design, and rely on the Ledge Rock Center Design Review Committee (DRC) to ensure their builders and users provide upgraded architecture where that is envisioned.

Section 5.5 and 5.6 are not considered approved by, and will not be enforced by, the Town unless a comparable Town code exists. Notation of this is included on Section 5.5, but not 5.6 and should be added prior to final approval by the Town. An additional housekeeping note would be to update the date on the proposed handbook to the final date of approval.

Staff requests Council direction on these outstanding issues, and on drafting a Resolution that would include recommended Conditions of Approval, such as:

1. Section 2.1 shall include a notation that street accesses and classifications shall meet town standards and be permitted only in conformance with town-approved traffic studies. Any updates to sign locations shall be depicted in the final handbook.
2. Section 2.3 be revised to include allowance for one 70-foot tall sign along I-25 frontage, and one 50-foot tall sign along Hwy 60 frontage, maintaining the other proposed pylons, median art, and signs that would work together to adequately identify this development.

3. Section 5.6 shall include a notation that this section is not approved by the Town, not enforced beyond those areas already regulated by Town Code or standards.

LEGAL ADVICE:

NA

FINANCIAL ADVICE:

NA

RECOMMENDED ACTION:

Approve the Design Handbook for Ledge Rock Center P.U.D., with the recommended conditions from Staff to be reflected in a final approval draft, and direct the Town Attorney to prepare a Resolution.

SUGGESTED MOTIONS:

For Approval: Based on findings and analysis presented at this hearing, I move to Approve the Design Handbook for Ledge Rock Center P.U.D. as presented.

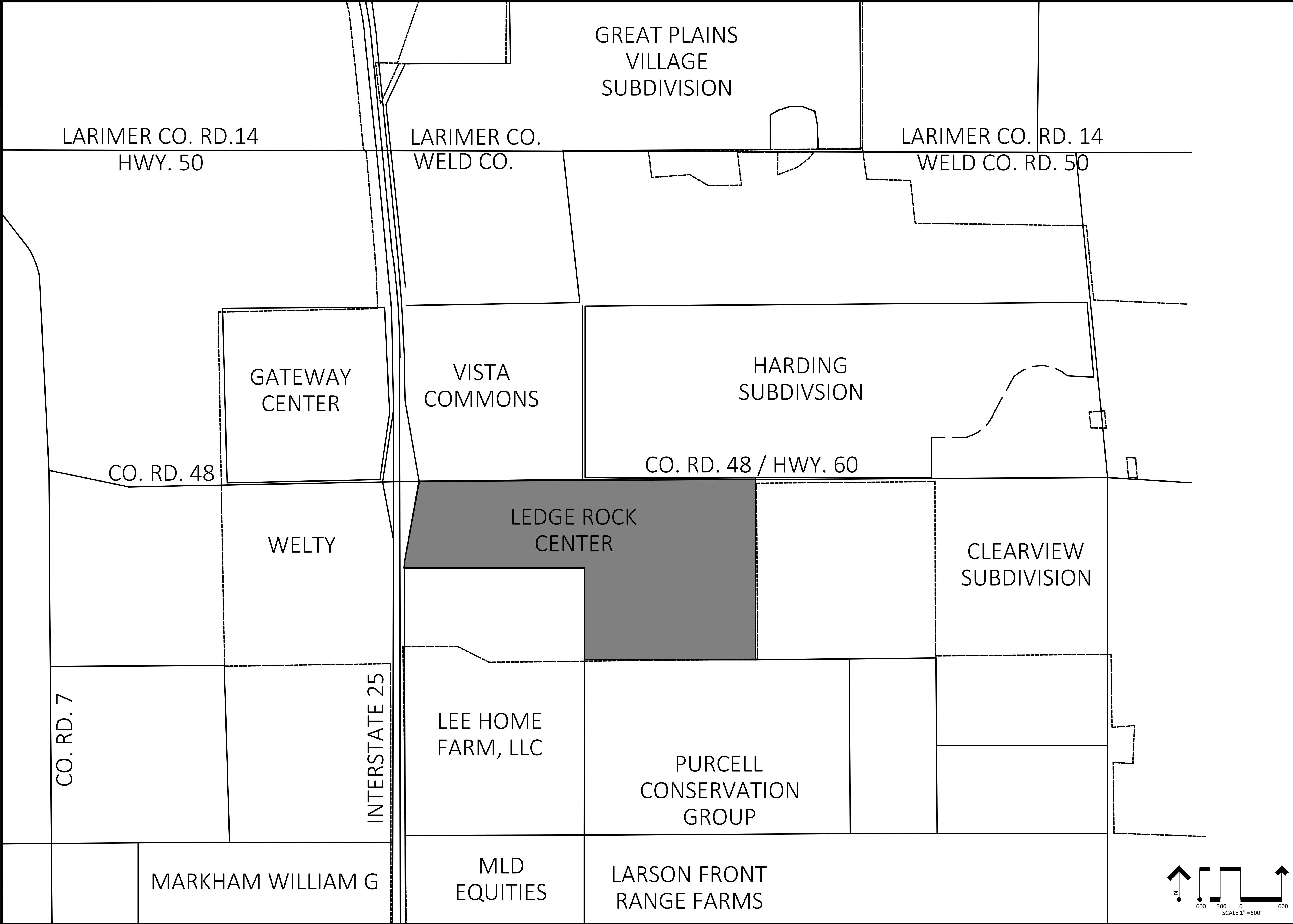
For Approval with Conditions: Based on findings and analysis presented at this hearing, I move to approve the Design Handbook for Ledge Rock Center P.U.D., with the staff's recommended conditions as stated in this memo.


For Denial: Based on information presented in this hearing, I move to deny the Design Handbook for Ledge Rock Center P.U.D. as presented.

Reviewed and Approved for Presentation,



Town Manager





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Ledge Rock Center

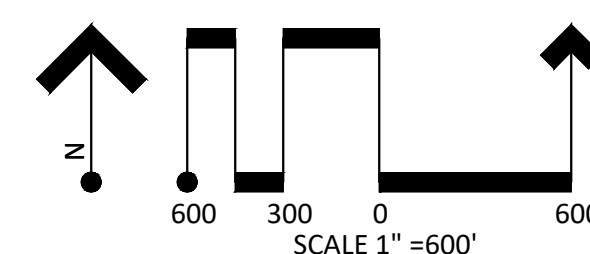
JOHNSTOWN, COLORADO

JOB NO. 21.022

| DATE | DESCRIPTION |
|------------|----------------------|
| 2021.06.28 | ORIGINAL PREPARATION |
| | |
| | |

VICINITY MAP

HEET 1/1



Ledge Rock Center



D E S I G N H A N D B O O K

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- 1.1 Purpose & Intent of Guidelines
- 1.2 Design Review & Procedures for Approvals
- 1.3 Proposed Land Uses

SECTION 2 — OVERALL DESIGN ELEMENTS

- 2.1 Image Framework Plan
- 2.2 Ledge Rock Center Signage System
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- 2.3 Signage Masterplan
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 - .1 Parking Lot Design
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- 2.8 Landscaping Guidelines Per District
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 - .6 Private Property Perimeter Parking Landscape Guidelines
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- 3.1 Retail / Commercial District Introduction
 - .1 Proposed Land Uses
 - .2 Overall Site Plan
- 3.2 Retail / Commercial Hardscape Design
 - KIT OF PARTS:
 - .1 Site Furnishings and Amenities
 - AMENITIES/FEATURES CONCEPT DWGS:
 - .2 Site Amenities Masterplan
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 - .2 Typical Elevs – Large Inline Building
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 - .1 Introduction & Descriptions
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- .6 Signs Not Permitted
- .7 Additional Signage
- .8 Environmental Graphics
- .9 Directional Signage

SECTION 4 — MULTI-FAMILY DISTRICT

- 4.1 Multi-Family District Introduction
 - .1 Overall Site Plan
- 4.2 Multi-Family Hardscape Design
 - KIT OF PARTS:
 - .1 Site Furnishings
 - AMENITIES/FEATURES CONCEPT DWGS:
 - .2 Site Amenities Masterplan
 - .3 Monument Signs at Entries
- 4.3 Multi-Family Building Design
 - .1 Building Design
 - .2 Typical Elevs – Apartment Building
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SECTION 5 — SINGLE-FAMILY DISTRICT

- 5.1 Single-Family District Introduction
- 5.2 Overall Site Plan
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 - .1 Garages, Accessory Buildings, and Hard Surfacing
 - .2 Furnishings and Amenities
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 - .4 Amenities Masterplan
- 5.4 Architectural Design – Guiding Principles
- 5.5 Residential Improvement Guidelines
- 5.6 Site Restrictions and Specific Types of Improvements

SECTION 1 – INTRODUCTION

- 1.1 Purpose & Intent of Guidelines**
- 1.2 Design Review & Procedures for Approvals**
- 1.3 Proposed Land Uses**

1.1 Purpose and Intent of the Guidelines

Ledge Rock Center is a mixed-use development in the southeast quadrant of the I-25 and US Highway 60 intersection. In the growing Northern Colorado area, it is important to provide design guidelines that maintain the unique character and principles of the development and reflect the importance of the larger regional context. The purpose of the overall development guidelines is to provide a manual to ensure that the character of Ledge Rock Center is maintained throughout the development and provide instruction on acceptable site planning, circulation, streetscapes, parking, open space, landscaping, signage, site furnishings and lighting.

The design guidelines should be utilized by residents, developers, designers, architects, engineers, and planners to find design, construction, and maintenance information for the Development. Section 1 contains the overall parameters, site opportunities and constraints, proposed land use plan and information regarding submittal information for design review by the Ledge Rock Design Review Committee (LRDRC) and the Town of Johnstown. Section 2 contains community-wide design and General Design Guidelines elements that convey the character of Ledge Rock Center. Section 3 contains the Retail District Design Guidelines that apply to all development and specific types of development requirements relating to the retail district. Sections 4 and 5 cover the General Design Guidelines elements for the Multi-family and Single family districts.

The Design Guideline sections are as follows:

Introduction

Overall Design Elements and General Design Guidelines

Guidelines Specific to Retail Use

Guidelines Specific to Multi-family Use

Guidelines Specific to Single Family Use

Preliminary and Final Development Plans, preliminary and final plats and other development entitlement documents for Ledge Rock Center have been approved or require approval by the Town of Johnstown. These documents should be reviewed specifically for each development.

In addition, all developments within Ledge Rock Center are subject to the performance standards and guidelines that are contained in this document. In cases where this document or the approved development entitlement document for a given property is silent, the Town of Johnstown current standards and regulations shall apply. In the case of conflicting requirements or where these guidelines are silent, Town standards and codes shall govern. All guidelines and standards that exceed the Town's standards and fall short of Ledge Rocks standards are subject to the reasonable discretion of the LRDRC; which shall make a final determination in good faith. Guidelines and standards that fall short of the Town's standards are subject to the approval of the Town.

1.2 Design Review and Procedures for Approvals

The following outlines the successive processes for submittals and approvals for development projects. Projects must first be submitted to the Ledge Rock Design Review Committee (LRDRC) before submitting to the Town of Johnstown. After approval is gained by both the LRDRC and the Town of Johnstown, the project may be submitted for building permit application.

1.2.1 *The Ledge Rock Design Review Committee (LRDRC)*

The purpose of the LRDRC is to ensure proposed developments meet the standards as established in the Design Guidelines in order to maintain a consistency of planning and design for the entire project. The Ledge Rock Design Guidelines legally apply to all land that is part of the Ledge Rock Center, regardless of ownership, and are in addition to the zoning and land use regulations of local government. The Design Guidelines and supporting documents are administered and enforced by the LRDRC and the Town of Johnstown, cooperatively. which shall consist of Ledge Rock Center, LLC members, Carson Development, Inc. members and at least one Engineer and one Architect/Landscape Architect/Planner.

1.2.2 *LRDRC Approval Process*

Any proposal to construct, modify or demolish improvements within The Ledge Rock Center must have plan approval from the LRDRC prior to commencement, and following LRDRC approval must also receive administrative approval, in accordance with these design guidelines, from the Town of Johnstown Town. Subject to Town approval, the LRDRC's review and approval process also applies to signage, changes in property use, and maintenance activities that take place on, or with respect, to property that is part of the Ledge Rock Center. After the LRDRC and Town approve a plan submittal, an applicant may proceed with a project, but only in strict compliance with the terms and conditions of approval. The LRDRC may perform periodic site inspections, both during development and on an ongoing basis thereafter to ensure compliance.

The LRDRC meets through appointment only, and projects are placed on a formal meeting agenda only after applications have been submitted at least two weeks prior to a meeting. Formal presentations to the LRDRC are mandatory for most development projects, however, most details are reviewed through informal meetings with the LRDRC representatives. This process is designed to expedite the preparation and approval of the plans for any specific site where development is contemplated.

There are three phases in the development approval process. The phases include:

- A. Pre-design Conference
- B. Design Development (includes plans and elevations)
- C. Final submittal

Approval is contingent upon the submittal of materials and payment of any designated fees or expenses, and favorable review. A “Notice of Committee Action” letter from the LRDRRC will be sent to each applicant within a maximum of thirty (30) days after the date of the submittal. This notice will state whether approval or disapproval has been granted and outline any conditions associated with the ruling.

Review fees may be required for all LRDRRC submittals and shall be paid for the phase scheduled for review on or before said review. If the LRDRRC requires that the applicant attend additional meetings with a LRDRRC member or consultants due to incomplete, inadequate or improper submittals, then the applicant shall be responsible for paying the full costs of such services. No written confirmation of a LRDRRC action will be issued until all appropriate fees have been paid. A current schedule of fees is contained in the submittal procedures packet.

1.2.3 Johnstown Planning and Zoning Development Review Process

The Planning & Development Department provides professional guidance to the Johnstown Town Council, staff, businesses, citizens, and interested parties on all matters related to land use and development:

- Zoning
- Land Use
- Apply, Enforce, & Maintain Municipal Code Chapters 15-18
- Development Project Review & Management
- Water Dedication for new/changing development
- Long range planning
- Development construction permitting

The department refers to Town plans and policies to guide and facilitate high-quality development that provides needed services and housing and contributes to systematic and sustainable growth. The department staffs the Town Council and PZC, providing professional review and analysis, and administrative support for all land use cases. Planning Staff performs daily on-call services to respond to and research a wide variety of land use and community planning questions and requests for permit and project

information. Comprehensive information on development projects (plats, plans, reports, agreements, fees) is managed through the department. Planning & Development works closely with other Town departments, neighboring jurisdictions, and external agencies to further the long-term vision and mission of the Town.

1.2.4 Site Development Plan

Per the current Development Review processes, an applicant for site development plan review shall submit an application containing all applicable Town standards, specifications, and/or codes at the time of project submittal to the Town; the application shall include a cover sheet provided by the Town and shall be submitted in the number of copies and format specified on the cover sheet or accompanying instructions.

1.2.5 Additional Criteria & Updates

In addition to the criteria herein, the LRDRRC and Town of Johnstown may promulgate additional criteria that are not inconsistent with the criteria set forth herein. From time to time, any of these additional criteria may be amended by action of the LRDRRC and Town of Johnstown. Changes in land use or changes greater than the 20 percent dimensional criteria, that shall become a permanent part of the design guideline document, shall constitute a major change and shall be brought back to the Planning Commission and Town Council for review and approval.

1.2.6 Variances

The LRDRRC may authorize reasonable and necessary variance from these criteria when circumstances such as topography, natural obstructions, aesthetic or environmental objectives or considerations may warrant, or if there is a circumstance in which the developments guidelines cannot be achieved but the Towns standards are met. Insofar as they are not superseded by applicable Town of Johnstown regulations. Such variances must be approved by the LRDRRC and Town of Johnstown. A variation of up to 20 percent in dimensional standard is allowed if it improves the project design or an unreasonable hardship can be demonstrated.

1.2.7 Final Plan Amendments

Amendments to final plans must be approved by the LRDRRC and Town of Johnstown.

1.3 Proposed Land Uses

The proposed land use plan illustrates areas for development by breaking them down into categories. Categories may include more than one use; however, each use shall follow the general design guidelines as established in the guidelines for specific uses established in Sections 3-5.

The land uses recorded on the following pages show the general intent within each land use category. The lists contain specific examples for guidance purposes, but not by way of limitation.

1.3.1 *Allowed Principal, Conditional and Accessory Uses*

With the Ledge Rock Center being zoned PUD-MU, the following uses shall be permitted subject to meeting all applicable criteria and regulations: and permitted, conditional or accessory uses allowed in the following districts:

- Commercial / Retail District
 - Principal uses allowed in Town code
 - Accessory Uses
 - Residential
- Multifamily District
 - Principal uses allowed in Town code
 - Accessory
 - Clubhouse
 - Storage building
 - Daycare
 - Pet Daycare
- Single Family District
 - Principal uses allowed in Town code

PROPOSED LAND USE PLAN For Ledge Rock Center

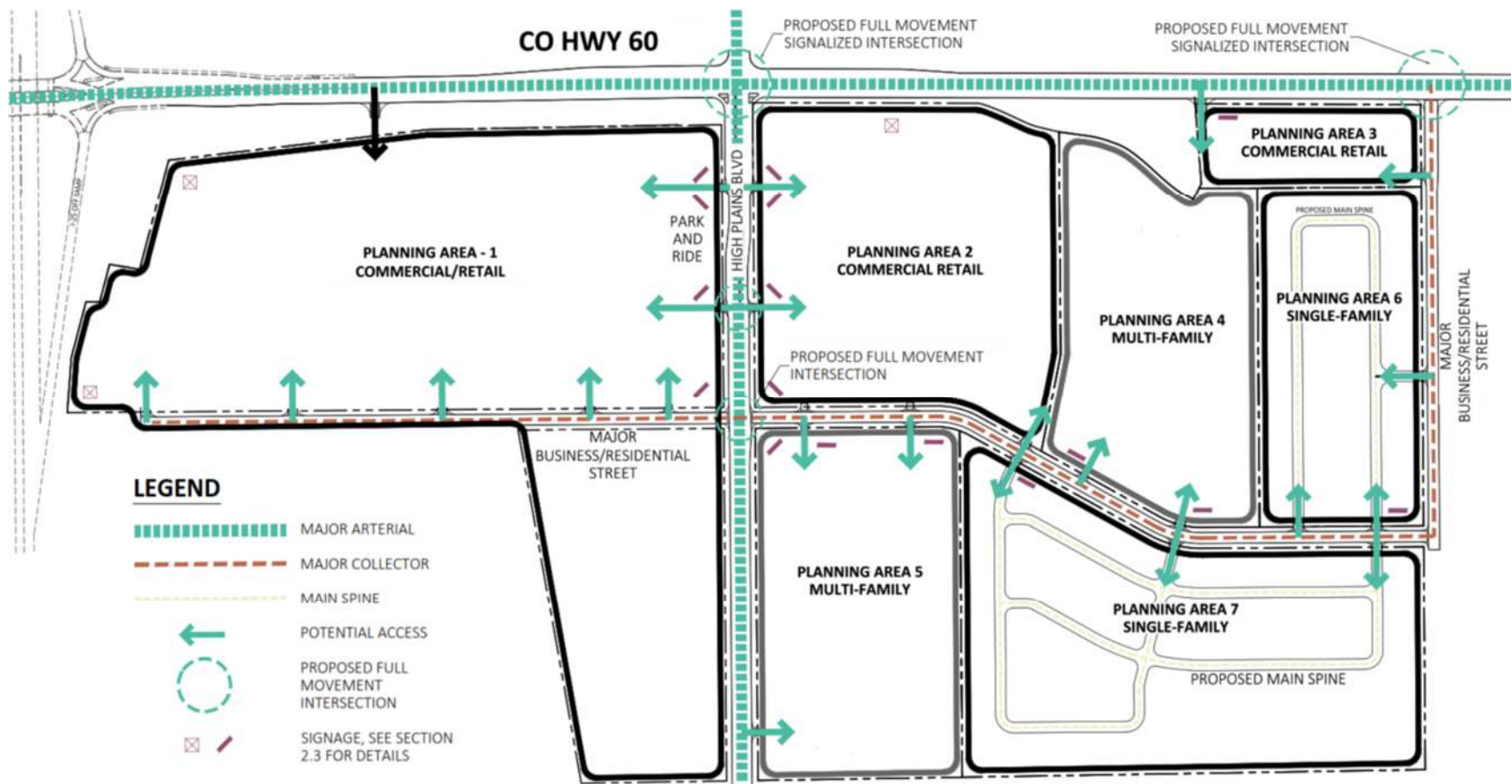


SECTION 2 – OVERALL DESIGN ELEMENTS

- 2.1 Image Framework Plan**
- 2.2 The Ledge Rock Center Signage System**
- 2.3 Signage Masterplan**
- 2.4 Screening**
- 2.5 Pedestrian, Bicycle and Other Non-motorized Circulation**
- 2.6 Parking**
- 2.7 General Landscaping Guidelines**
- 2.8 Landscaping Guidelines Per District**
- 2.9 Site Lighting**

2.1 Image Framework Plan

The image framework plan illustrates the locations of the community identification elements within the Ledge Rock Center Development. Two primary entrance signs are located along US 60 to create a gateway and emphasize entrances for people traveling east from I-25 and people driving west along US 60. Landmark and high-image intersections also develop the character of the area. These intersections may contain enhanced landscaping, decorative walls, art and overall exhibit an increased decorative character than other minor intersections. By creating a hierarchy of intersections, people will be able to use the decorative elements as a wayfinding device.



2.2 The Ledge Rock Center Signage System

All community identity signs for The Ledge Rock Center will be located in signage and landscape easements and outside of the public ROW. See the Signage Masterplan (Section 2.3) for the location of signage. Reference

2.2.1 Towers

Sign Towers are to be located at southwest corner of the development along I-25, at intersection of I-25 and HWY 60, and along HWY 60 on the East side High Plains Boulevard. The two Towers along HWY 60 are proposed to stand 80 feet tall and the Tower on the east side of High Plains Boulevard is proposed to stand 50 feet tall.

2.2.2 Primary Entry sign – Monument Signs

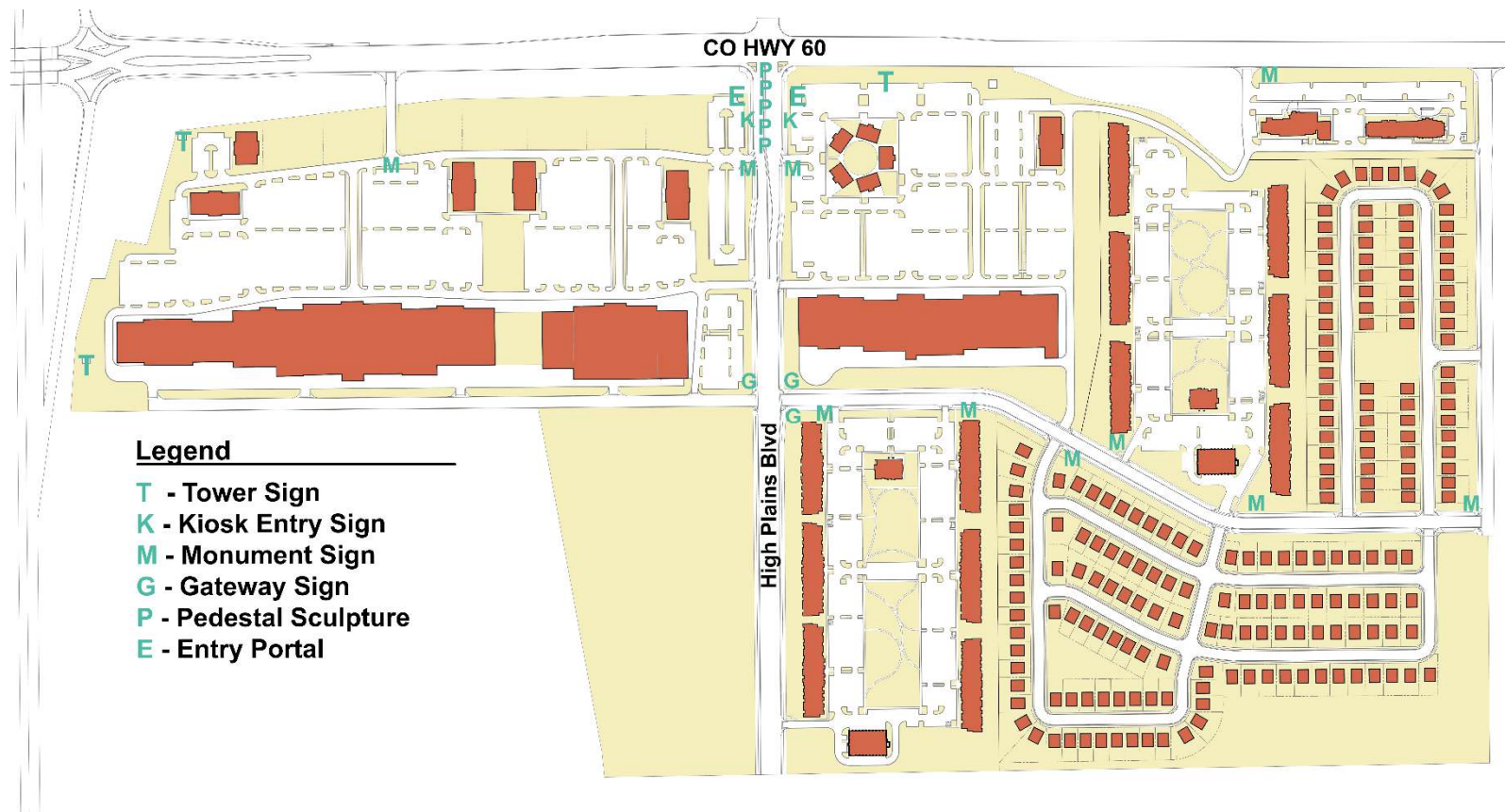
Primary entry signs are located at the along HWY 60.

2.2.3 Primary Entry Art – Sculpture Pedestals and Pylons

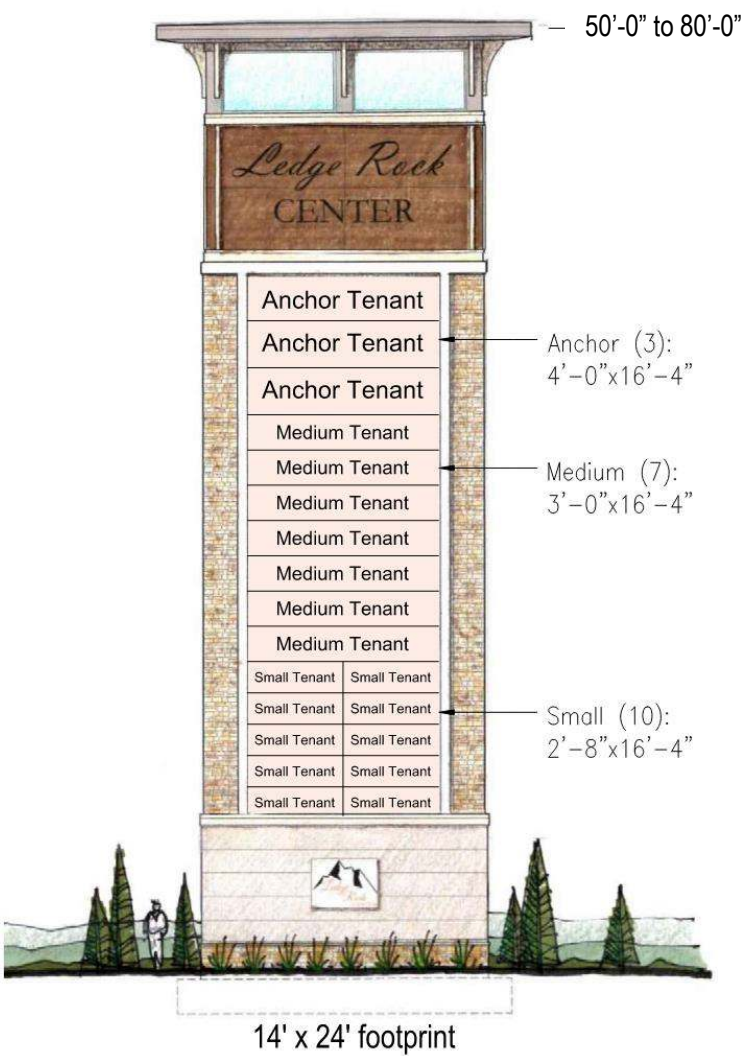
Primary entry Pylons will be located along both sides of High Plains Boulevard and the connection to HWY 60. The Sculpture Pedestals will be located within the median in High Plains Boulevard.

2.2.4 Secondary Entry sign – Monument, Gateway, and Kiosks

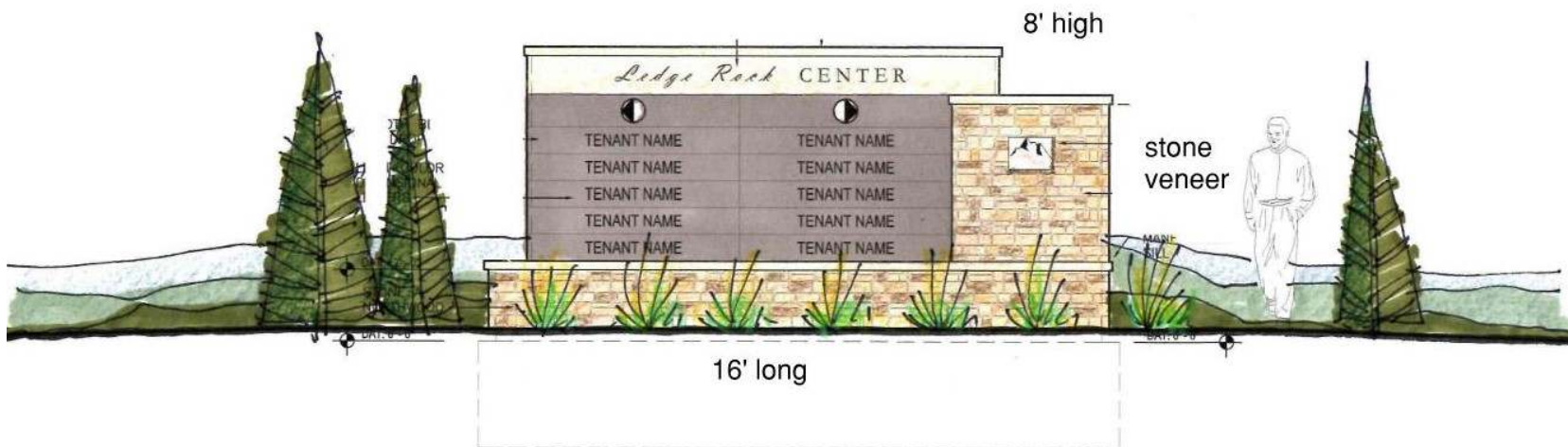
Secondary entry signs will be located along High Plains Boulevard.



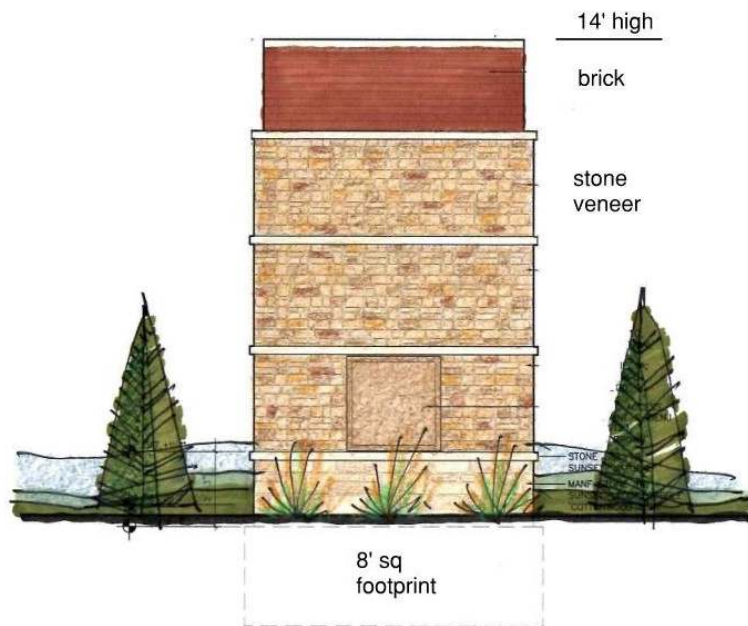
2.3 Signage Masterplan



2.3.1 Signature Sign Tower - T



2.3.2 Monument Sign, Entry Islands - M

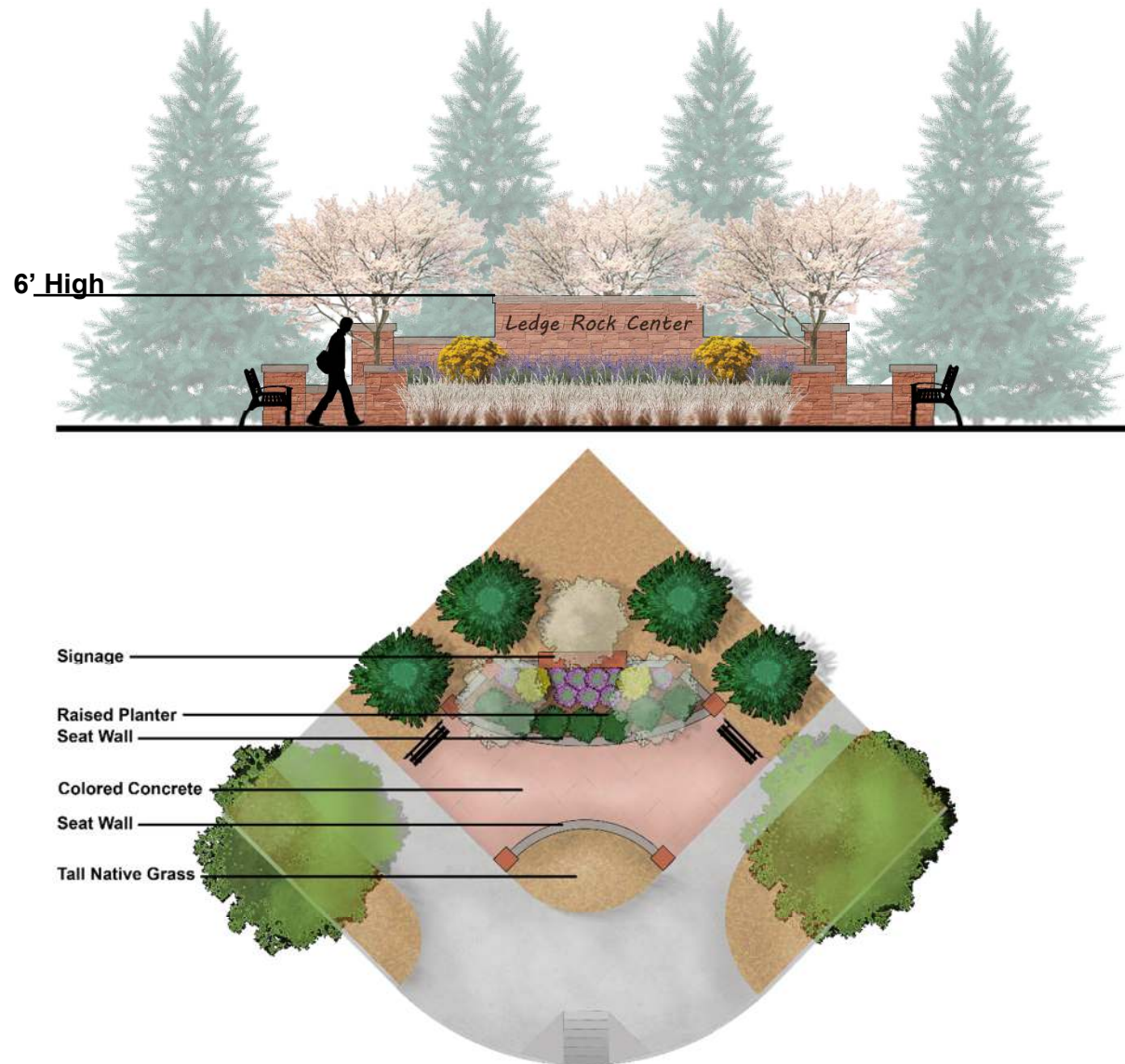


REAR

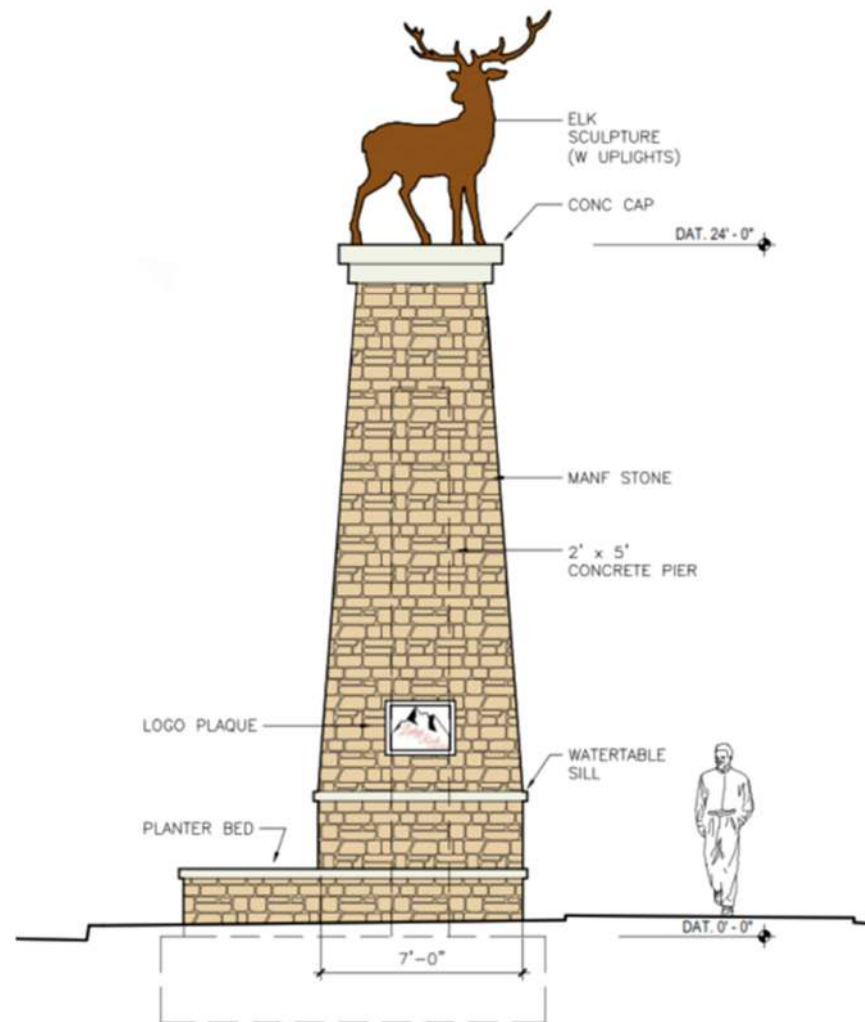


FRONT

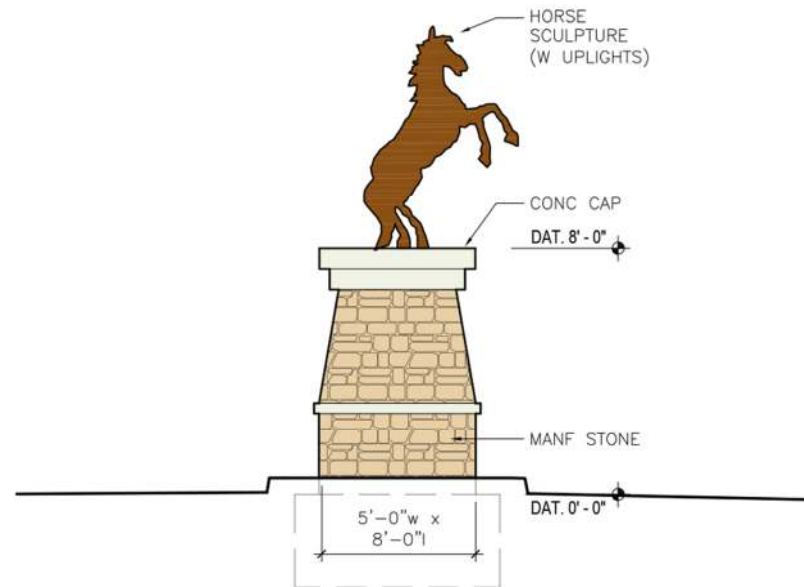
2.3.3 Entry Kiosks - K



2.3.4 Secondary Gateway Feature – G



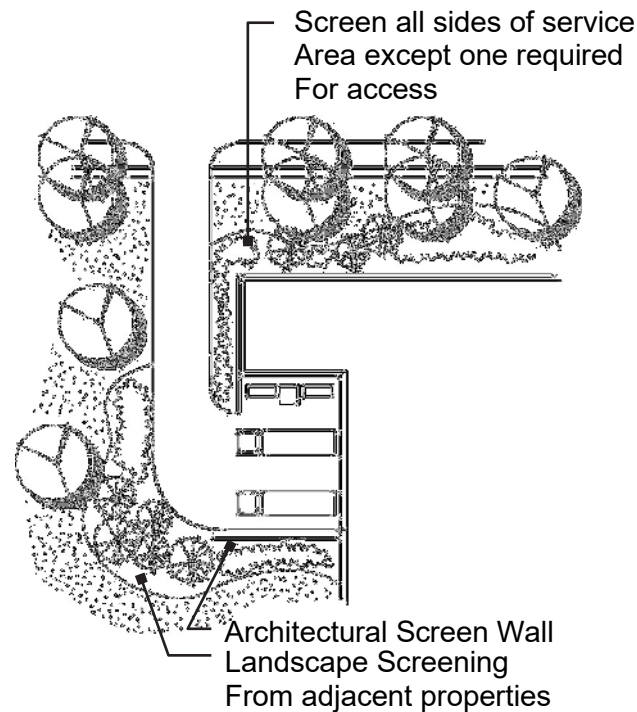
2.3.5 Entry Pylon – E



2.3.6 Pedestal Sculpture – P

2.4 Screening

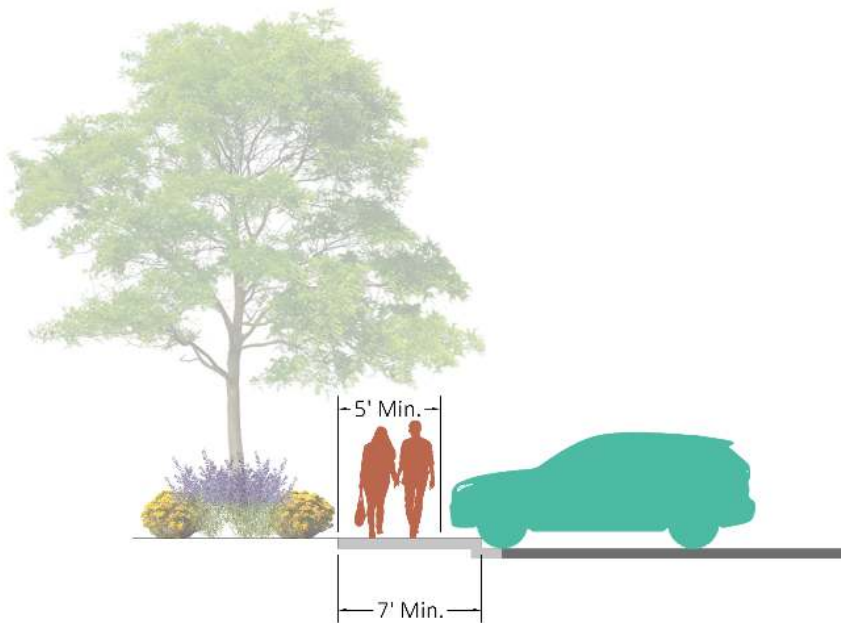
- A. These areas include but are not limited to above-ground utility appurtenances, loading docks, storage areas, and open areas where machinery, vehicles or equipment are stored or repaired.
- B. Areas shall be incorporated into the overall design of the building and landscaping so that the visual and acoustic impacts of these functions are minimized and shall be at least 75% screened from adjacent properties.
- C. Loading areas, drives, storage and all parking shall be paved with concrete, asphalt or other approved hardened surface as approved by LRDR and Town of Johnstown. A concrete pad shall be provided in the access drive immediately adjacent to trash enclosures serviced by trash trucks and in the enclosure itself.
- D. Areas for outdoor storage, truck parking, trash collection or compaction, loading or other such uses shall be at least 75% screened. Screen Service Areas from abutting streets unless otherwise approved by the LRDR and Town of Johnstown. These service areas should be located within a central core or on the side of a building away from public streets where possible.
- E. Non-enclosed areas for seasonal sale of inventory shall be permanently defined and screened from all adjacent uses with walls and/or fences that conform to those used as predominant materials and colors on the building.
- F. Service areas should not be located directly adjacent to residential areas. If this situation occurs, no delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the owner submits evidence the sound barriers effectively reduce noise emissions to a level of 45 db as measured at the lot line of the adjoining property.



2.5 Pedestrian, Bicycle and Other Non-motorized Circulation

2.5.1 Walkway Design Criteria

- A. Internal pedestrian walkways shall be distinguished from driving surfaces through a change in paving materials to enhance the crosswalk.
- B. Provide as direct as possible logical pedestrian connectivity from the street and parking areas to the buildings main entrance.



Parking Overhang

2.6 Parking

2.6.1 *Parking Lot Design*

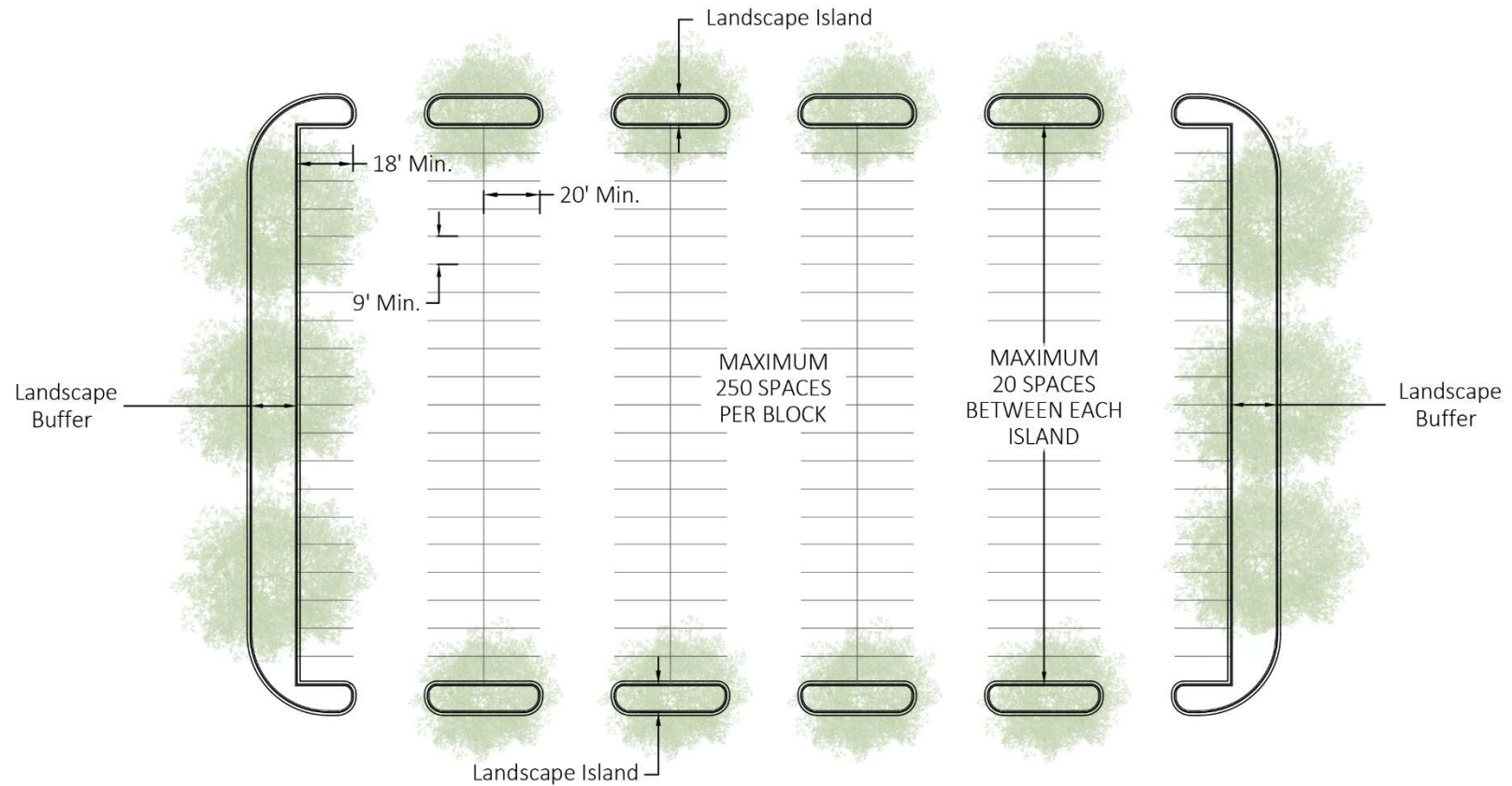
- A. The dimensions of parking spaces will be per the Town of Johnstown Regulations, or the approved development plan for the property. Minimum parking requirements are listed in the following table:

| <u>USE</u> | <u>PARKING REQUIREMENTS</u> |
|--|---|
| a. Clinics | 1 space for every 250 sq. ft. of G.L.A. |
| b. Commercial Office Buildings | 1 space for every 250 sq. ft. of G.L.A. |
| c. Retail Stores | 1 space for every 250 sq. ft. of G.L.A. |
| d. Customer services establishments | 1 space for every 200 sq. ft. of G.L.A. |
| e. Restaurant or Bar | 1 space for every 100 sq. ft. of G.L.A. |
| f. Planned Shopping Center | 1 space for every 250 sq. ft. of G.L.A. |
| g. Outdoor and Indoor Family Entertainment | 1 space for every 250 sq. ft. of G.L.A. |

- B. Large parking lots shall be divided into smaller sections by landscape areas. Each section shall contain a maximum of 250 parking spaces. Landscape islands and buffers shall be used to break up the parking blocks.
- C. In a development, parking lots for each use shall be integrated within the development to the extent possible.
- D. All striping in parking areas shall be white.
- E. Standard Parking Spaces shall be 9' wide x 20' deep, typical. Where head in parking is adjacent to a landscape bed, the parking space depth is allowed to be reduced to 18'.

2.6.2 *Drive-Through Facilities*

- A. Provide stacking per Town guidelines: 5 per lane minimum.



Parking lot Spacing and Division of Large Parking Areas

2.6.3 Bicycle Parking

- A. Bicycle parking facilities are required for all land uses, except for single-family attached or detached housing.
- B. For Commercial uses, bicycle parking shall be provided at a rate of one (1) bicycle parking space for every fifty (50) required parking spaces.
- C. For Multi-family uses, bicycle parking shall be provided at a rate of one (1) bicycle parking space for every twenty-five (25) required parking spaces.
- D. Park areas in the Single Family district shall have a rack that can accommodate a minimum of six (6) bikes.
- E. Bicycle parking facilities shall be located to provide safety, security and convenience for bicycle riders. Such facilities shall not interfere with, and be located a safe distance from, pedestrian and motor vehicular traffic.
- F. Bicycle parking facilities should be located outside of a vehicular or pedestrian way and be protected and separated from motor vehicle traffic and parking lots by either a three (3) foot separation distance or a curb or other physical barrier.
- G. For security reasons, bicycle-parking areas should be located so they are highly visible from building entrances and convenient for employees, yet not generally visible from roadways.
- H. It is recommended that bicycle parking facilities be designed to allow the bicycle frame and both wheels to be securely locked to the parking structure. The structure shall be of permanent construction such as heavy gauge tubular steel and permanently attached to the pavement foundation.
- I. If the bicycle facility is to be used at night it should be sufficiently illuminated.
- J. Select bicycle racks that provide for a wide range of bicycle types and individual security devices. Designs should facilitate bicycle lockup.
- K. Refer to the following sections to see preferred bicycle rack types for each use: 3.2.1, 4.2.1, 5.3.4
- L. Provide protection from the elements. Specific considerations include the following:
 - a. Shelters and bike lockers are encouraged but not required.
 - b. Protected overhangs incorporated into a building's design are a desirable solution.
 - c. Shelter design and materials should complement the architectural design of the primary building.

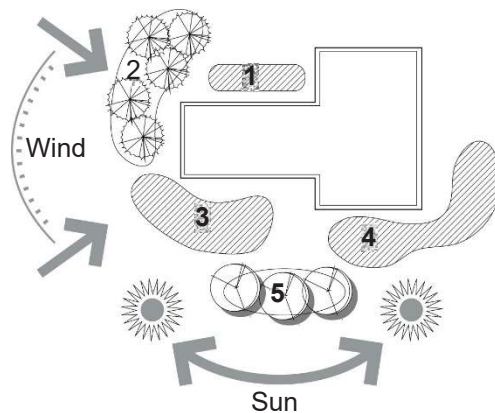
2.7 General Landscaping Guidelines

2.7.1 Landscape Design Principles

All development shall demonstrate adherence to the following landscape design principles:

- A. Design landscapes to create a naturalized appearance. Use plant materials that are indigenous to Northern Colorado where possible. (See the plant list in the Appendix). Only use introduced species in order to achieve design objectives that cannot be achieved with the use of native species.
- B. Utilize a minimum of three (3) inch deep mulch to reduce soil moisture loss and moderate soil temperatures.
- C. Per Town standards, Improve soil structure by the addition of composted organic material.
- D. No turf grass shall be allowed in landscape areas less than eight (8) feet in width.

1. Plant species more susceptible to sun, wind & cold temperatures in sheltered areas.
2. Evergreen trees to provide shelter from winter winds.
3. SW facing plants should tolerate summer heat & drying winds.
4. Eastern facing areas allow some shelter from sun & wind.
5. Deciduous trees shade in summer and let light through in winter.



Microclimatic Considerations

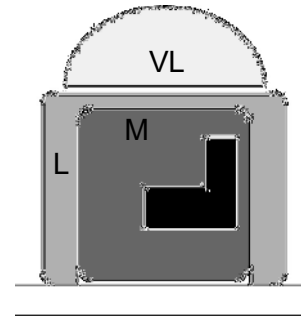
2.7.2 Landscape Performance Standards

- A. Landscaping shall be completed prior to Certificate of Occupancy (C.O.). If landscaping cannot be completed due to cold weather, the Town may grant a C.O. upon receipt of a sufficient letter of credit or cash surety and a written schedule for completion.
- B. Cold Weather' duration is November 1 to May 1.
- C. A professional Landscape Architect or Landscape Designer shall be utilized in the design documents for landscaping, in compliance with State of Colorado standards.

2.7.3 Irrigation systems

- A. All landscape areas shall have an automatic clock-activated irrigation system unless waived by the Town. Landscape areas without an irrigation system (when waived by the Town) and bearing live plant material will require temporary irrigation until the plants are established and a reliable water source sufficient to sustain plant life is provided. Irrigation systems shall meet the following criteria:
 - a. All potable-water irrigation systems shall be designed with a 6:00 p.m. – 8:00 a.m. watering window to minimize evaporative loss. Systems shall also be designed with zoning to minimize tap sizes.
 - b. An automatic controller shall activate the system. Remote control valves shall operate each zone valve.
 - c. The system shall provide head-to-head coverage to all landscaped areas. The system shall not spray or irrigate impervious surfaces, including sidewalks, streets and parking areas.
 - d. All potable water systems shall be equipped with a backflow prevention device.
 - e. Spray heads, rotors and drip systems shall all be zoned separately from one another.
 - f. Drip irrigation shall be provided for all trees and shrubs located in shrub beds and in all native seeded areas (even those areas approved for temporary irrigation for native seed). Trees located in irrigated turf areas shall not receive drip. Drain valves shall be included at the end of each drip lateral pipe.

- Design for very low water use where a parcel has an open space in detention areas.
- Design for low water use at site perimeter or low-use areas.
- Limit moderate water use to heavily used areas, i.e.: employee courtyards, entrances.



Water Use Zones

- B. For individual Site Development Plans, portions of irrigation systems may be comprised of temporary irrigation components to irrigate native areas if the Town determines that all of the following standards are met. A clear description of proposed temporary irrigation must be provided on the landscape plan and approved by the Town.:
- Plant selection, design, installation specifications and site conditions combine to create a microclimate that will sustain the plant material in a healthy condition without regular irrigation after the plant establishment period.
 - All portions of the landscaped area served by temporary irrigation will be within 150 feet of an exterior water source to enable hand watering during extended dry periods.
- C. Above ground temporary irrigation systems shall be approved on a case-by-case basis only if the native area is large enough to warrant the use. Above ground systems will be the responsibility of the Developer until grasses are established and the system is removed. No such system shall be permitted to be turned over to a Owner's Association for maintenance.
- D. The temporary irrigation will provide reliable automated irrigation for the plants during the establishment period.
- E. The Developer shall demonstrate the ability to provide ongoing maintenance of xeriscape areas necessary to keep plant material healthy without irrigation.

2.7.4 Plant Selection and Diversity.

Plant selection and diversity will be per Town Standards. Tree species prohibited within the Town per Town Standards will be removed by the developer in existing landscape areas, when appropriate, and will not be planted in new landscape areas.

- A. All landscaping materials shall consist of healthy specimens compatible with local climate and meet the requirements included in these standards.
- B. The plants listed in Appendix A are approved and recommended for use. Due to the variety of available plants, non-prohibited species that are not on the list may be planted provided they are replaced by an approved species if they fail to survive. Plants selected should be appropriate for the specific location and purpose.
- C. Up to one-third of the proposed trees for a project may be of fast-growing varieties, such as Aspen (*Populus tremuloides*), and Silver Maple (*Acer saccharinum*). Two-thirds of the proposed trees shall be slower growing, long-lived trees, such as Norway Maple (*Acer platanoides*), Oak (*Quercus* sp.), Linden (*Tilia* sp.), Honeylocust (*Gleditsia triacanthos inermis*) and other hard Maples (*Acer saccharum* or *rubrum*). The variety shall be sufficient to minimize the effect of plant disease.
- D. Recognizing that it is undesirable to plant a large percentage of one tree species which may result in uniform disease susceptibility and eventual extinction of that species, the following diversity standards shall be required:
 - a. For any one proposed development project (including common open space areas), no more than 15% of any one species of tree (for trees considered hardy in this area), or 10% of any one (1) species of tree considered marginally hardy for this area, shall be proposed. This shall be measured per total trees in the development, including existing trees.
 - b. For small development projects, exceptions to the above diversity requirement may be allowable where the size of the development makes minimum diversity percentages unreasonable. A variance request is to be made by a note on the landscape plans and shall be subject to approval by the Town.
 - c. Coniferous trees shall comprise 25% of any landscaped area, where suitable. Unsuitable areas include areas where icy conditions may be created with the use of conifers at road intersections, road curves, bike path intersections, bike path curves, site distance restricted areas or narrow areas. Locate conifers so mature spread will not overgrow streets or walks or cause conflict with intersection or driveway sight distance requirements.
- E. Shrubs shall be a mixture of evergreen and deciduous varieties. Small shrubs shall be used between the bike path and the curb along street rights-of-way to avoid safety obstructions.

2.7.5 Landscape Maintenance

- A. Maintenance includes all reasonable and regular irrigation, weeding, weed control, fertilizing, pruning as well as removal of tree wrap and staking, and bike path snow and ice removal per standard horticultural practices and Town code. Plant materials that show signs of insect pests, diseases and/or damage shall be appropriately treated. Dead plant material will be replaced according to an approved landscape plan. An initial inspection of landscaping installation will be done at the time of development or change in use.
- B. The developer and subsequent owner(s) shall be responsible for maintaining all on-site, common landscaping, and Right of Way plantings as shown on an approved landscape plan.
- C. The developer and subsequent owner(s) shall be responsible for maintaining the landscaping improvements on all adjacent rights-of-way as shown on an approved landscape plan unless a maintenance agreement is reached with another entity. The Town, at its discretion, may add, remove, replace, or maintain landscaping within the right-of-way per Town standards.
- D. The developer and subsequent owner(s) shall be responsible for maintaining all irrigation systems in sound condition and so all plant material receives the necessary amount of water. Leaks and other broken and/or non-performing equipment shall be repaired in a timely manner. Systems shall be periodically adjusted to eliminate water spraying onto paved surfaces. Watering times shall be regularly adjusted to meet the seasonal needs of the plants while minimizing overwatering.

2.7.6 Existing Landscape Preservation

Existing landscaping may be used to satisfy the quantity requirements of landscape guidelines. One existing tree or shrub may be considered as satisfying one tree or shrub requirement.

2.7.7 Amenity Areas

Amenities areas include any area of development that introduce active or passive design elements for pedestrian use.

- A. Passive Amenity Area – Include areas that have enhanced hardscape and landscape design. These areas are usually accompanied by seating, trash receptacles, and bike racks.
 - i. Plazas and Pocket Parks
- B. Active Amenity Areas – Parks and Regional trails.

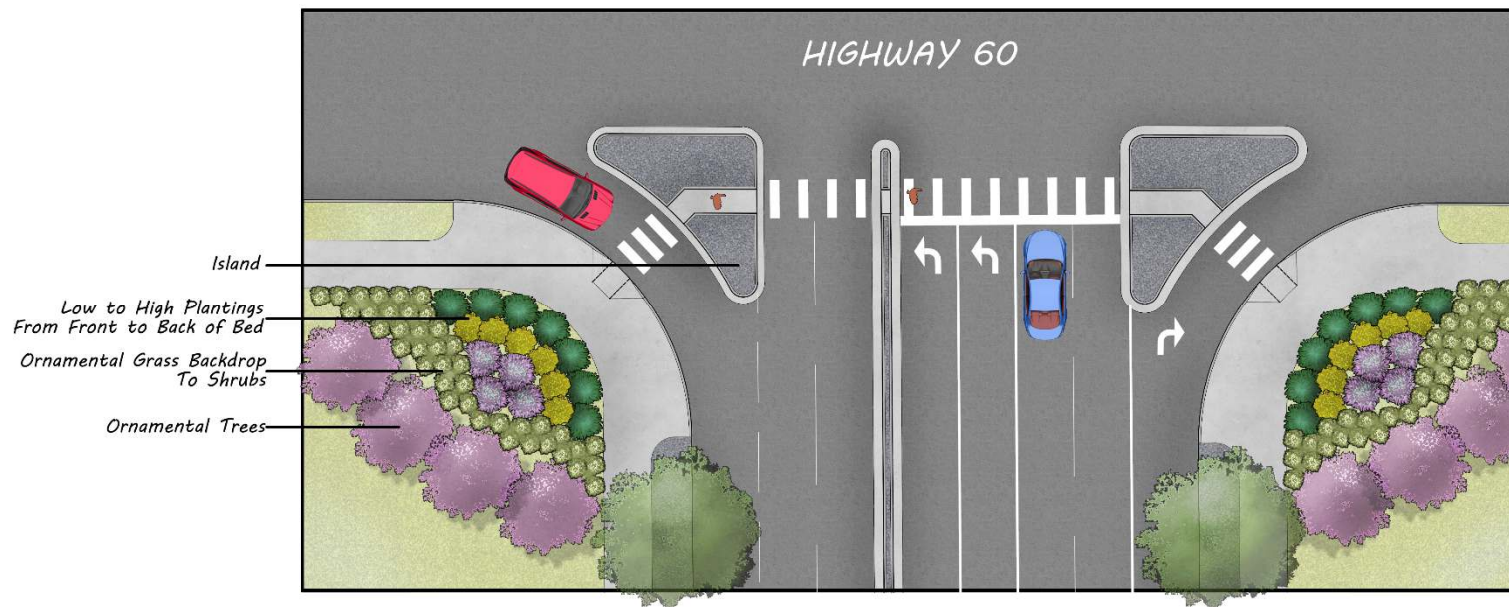
2.8 Landscaping Guidelines Per District

2.8.1 Landscape Guidelines for Public Property

- A. Arterial Rights-of-Way. The developer is responsible for landscaping the entire area from the back of the curb to the property line at the time the adjacent land develops for a specific use. Arterial landscaping is intended to provide an overstory street canopy along arterial streets and a landscaped area between the street and pedestrian areas.
 - a. Refer to the Town of Johnstown standards for street tree spacing and vegetative cover density.
 - b. In addition to sod, a drought tolerant native seed mix is allowable in the Arterial right-of-way.
- B. Treatment of Ditch Rights-of-Way. Ditch rights-of-way shall be designed and installed by the developer as part of the public improvements and then dedicated to the Town as public right-of-way, in compliance with the Johnstown Area Comprehensive Plan and Town of Johnstown Landscape Standards and Specifications. Applicant should receive approval from the Ditch Company prior to making any such improvements. Such areas are to be shaped and landscaped as follows:
 - a. The publicly dedicated area will be landscaped in a similar fashion to the rest of the development and as approved by the LRDRRC and Town of Johnstown.
 - b. At a minimum, both irrigated and dryland grass will be the primary groundcover, except for shrub bed areas. The decision shall be elective on the part of the LRDRRC and Town of Johnstown.

2.8.2 Streetscape Design - Highway 60

In order to create an appropriate landscape corridor along US 60 that can be perceived at highway speeds, large masses of trees and shrubs are required. The right-of-way will be primarily drought- tolerant native grass. This treatment will transition to bands of shrub/perennial beds and tree groupings that meander from just inside the ROW to the private property and back. The goal is to avoid a straight line treatment at the edge of the ROW while ensuring a safe transportation network, limiting plantings between 2' and 8' within the sight triangles.

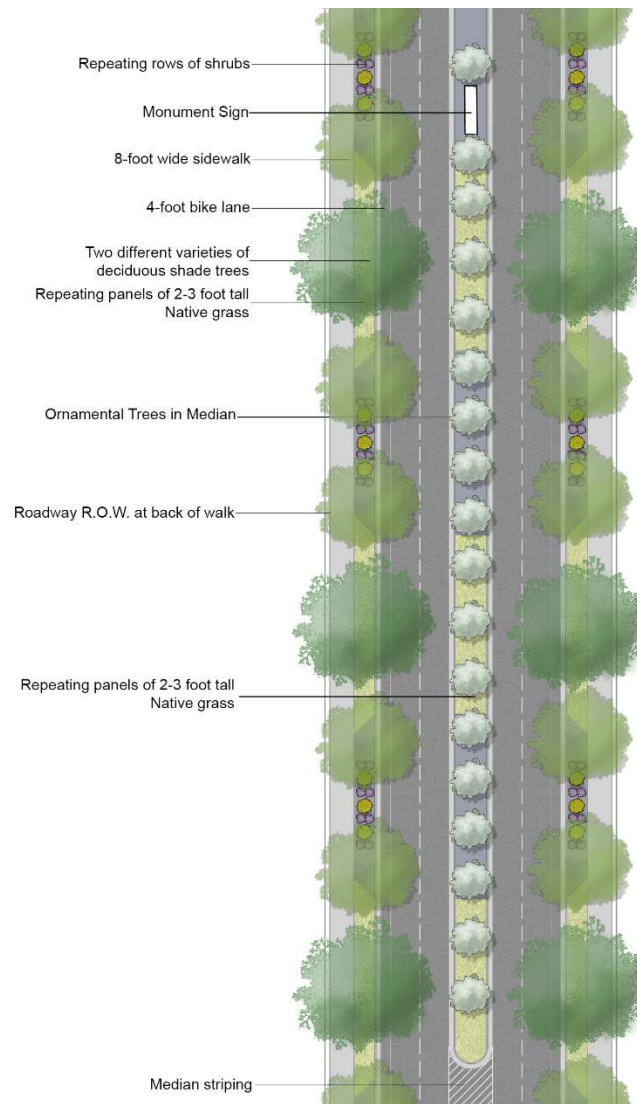




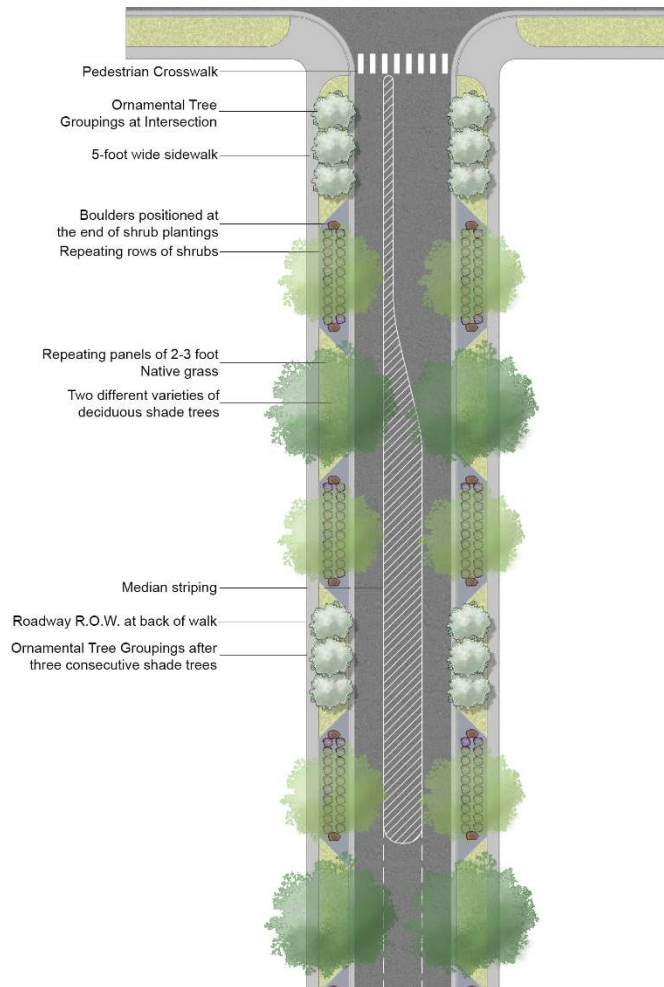
2.8.3 Primary Entry Design Perspective

2.8.4 Streetscape Design - Major Arterial Roadway – High Plains Boulevard

Due to the size of the development, planting of arterial and collector streets will be treated in a similar fashion in order to create a unified and significant streetscape image. The streetscape design emphasizes xeriscape principles and a unique look that sets Ledge Rock Center apart. A varying mix of deciduous trees will be planted in alternating rows in order to create a pleasant pedestrian experience. A mixture of drought-tolerant native grass sections and shrubs planted in a stone groundcover will be used for the groundcover in order to minimize water usage, reduce maintenance, and provide contrasting textures and colors. Shrubs will be planted in masses within areas to emphasize the streetscape forms, screen cars and provide landscape interest. Boulders located along the streetscape within the shrub bed portions will add visual interest as well as tie sign materials into the streetscape.

**High Plains Boulevard Plan View**

2.8.5 Streetscape Design - Major Collector Roadways



Collector Street Plan View

2.8.6 Private Property Perimeter Parking Landscape Guidelines

- A. Retail/Commercial District
 - a. A concrete pedestrian walk, at least five (5) feet wide, will be provided along the length of the landscape median closest to the building entrance. The walk will connect to perimeter pedestrian walks, whenever possible, and include raised and striped crosswalks.
- B. Multi-family District
 - a. Perimeter landscaping requirements for parking areas include the area of land at least 6 feet from the edge of the back of curb from the parking area and are to be landscaped with one (1) tree and five (5) shrubs per 600 square feet or portion thereof.

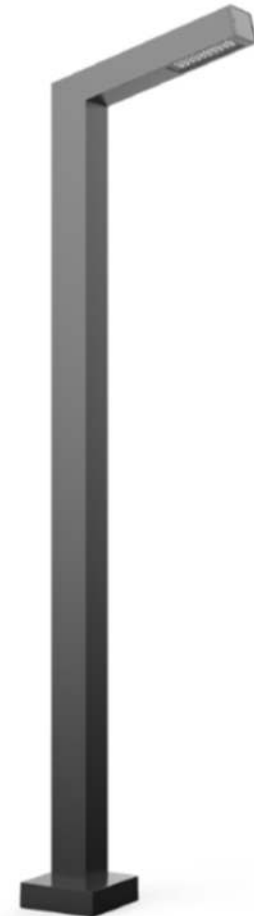
2.8.7 Private Property Internal Parking Landscape Guidelines

The following standards apply for all districts:

- A. Interior rows of parking spaces will provide a landscape island at the end of each row of parking spaces. Landscape islands will also be provided within the row of parking spaces so that there are no more than twenty-five (25) consecutive parking spaces without a landscape island.
- B. Landscape islands will have minimum dimensions of nine (9) feet by the length of the parking row.
- C. Islands will be landscaped at a rate of at least one (1) overstory/shade tree and three (3) medium or five (5) small shrubs for each 9 foot by 18 foot parking island. Overstory/shade trees will comprise at least 75% of the trees within the landscape islands. Evergreen trees shall be prohibited in parking lots unless island widths are sized to accommodate mature growth.
- D. Landscape islands will contain rock, mulch or irrigated grass. No turf grass shall be planted in parking lot islands or medians unless the turf area is at least ten (10) feet wide.

2.9 Site Lighting

- A. Decorative Pole Lights
 - 1. Manufacturer/model: Luminus, EC811
 - 2. Finish: Anodized, Dark Bronze`
 - 3. Mount: Concrete Footing, Permanent Mount
- B. Standard Parking Lot Pole Lights
 - 1. Manufacturer/model: Luminus, BVA31
 - 2. Finish: Anodized, Dark Bronze
 - 3. Mount: Concrete Footing, Permanent Mount
- C. Light Bollards
 - 1. Type: Pedestrian
 - 2. Material: Aluminum or Steel
 - 3. Manufacturer/model: Architectural Area Lighting C89 Round
 - 4. Color: Powdercoat Black
- D. All fixtures must be dark sky, LED, cut-off fixtures.
- E. Substitutions for lights may be permitted if similar to requested design and approved by LRDR.



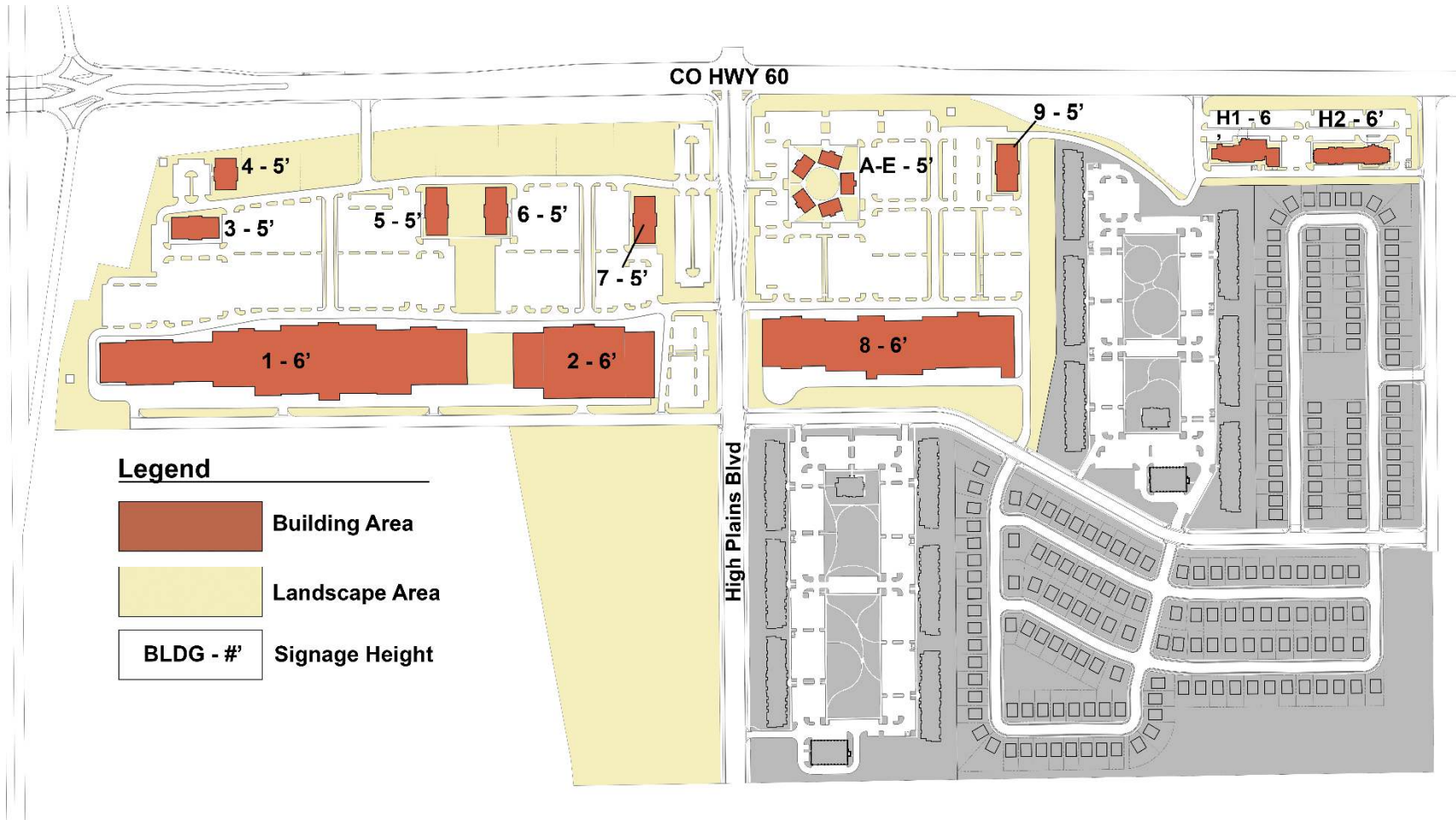
SECTION 3 – Retail / Commercial District

- 3.1 Retail / Commercial District Introduction**
- 3.2 Retail / Commercial District Hardscape Design**
- 3.3 Retail / Commercial Building Design**
- 3.4 Retail / Commercial Tenant Sign Criteria**

3.1 Retail / Commercial District Introduction

3.1.1 *Proposed Land Uses*

The proposed land use plan illustrates areas for development by breaking them down into categories. Categories may include more than one use; however, each use shall follow the general design guidelines as established in the previous sections, as well as the guidelines for specific uses established in Section 3.



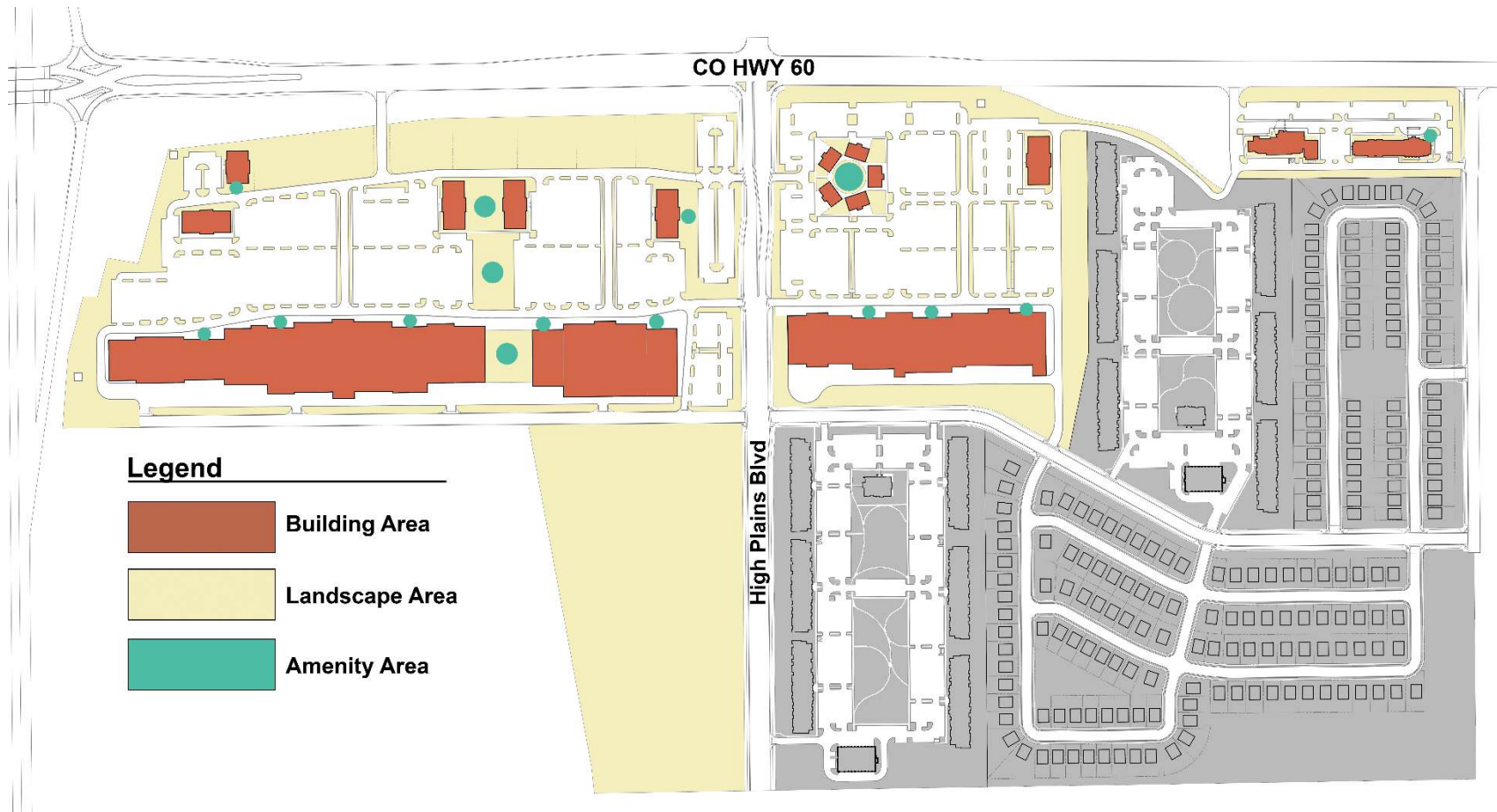
3.1.2 Retail Overall Site Plan

3.2 Retail Hardscape Design

3.2.1 Site Furnishings and Amenities

- A. Bench
 - 1. Material: Metal
 - 2. Accepted Manufacturer / model
 - Wabash Valley – BU1113C
 - 3. Finish: Powder Coat
 - 4. Color: Black
 - 5. Mount: Permanent Mount
- B. Litter Receptacle
 - 1. Material: Metal
 - 2. Accepted Manufacturer / model
 - Wabash Valley – Elegance E Style 32 Gallon
 - 3. Finish: Powder Coat
 - 4. Color: Black
 - 5. Mount: Permanent Mount
- C. Bicycle Racks
 - 1. Material: Stainless Steel
 - 2. Accepted Manufacture / model
 - Wabash Valley – Circular Bike Rack
 - 3. Mount: Permanent Mount
- D. Substitutions for furnishings may be permitted if similar to requested design and approved by LRDRRC





3.2.2 Conceptual Site Plan – Amenities Masterplan

3.3 Retail Building Design – Natural, Neutral



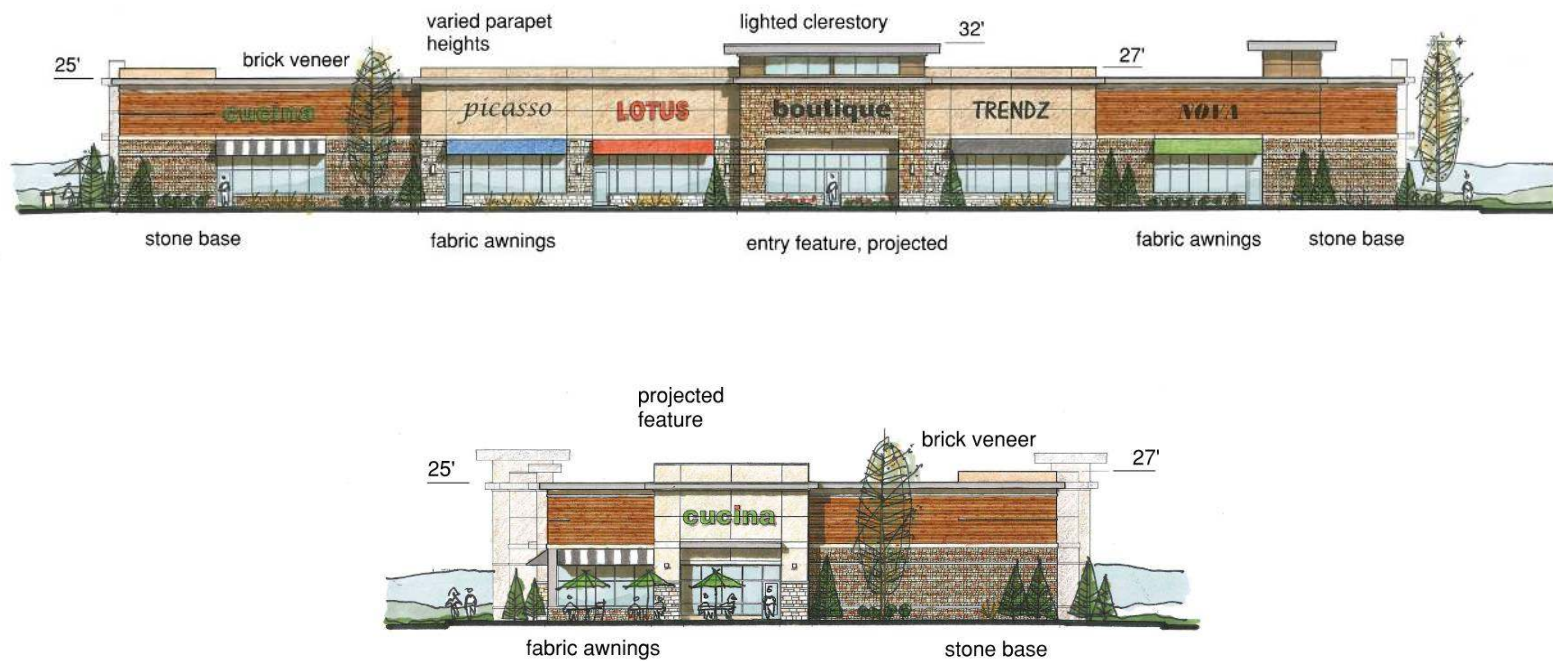
STANDARD EXTERIOR MATERIALS

3.3.1 *Building Guidelines*

- a) **Façade modulation:**
Primary facades shall incorporate changes in plane to provide interest and break down larger masses. Primary facades on main and medium anchor buildings shall not be longer than 150' or 60% of the length of the building (whichever is less) without a significant change in plane. Primary facades on medium and small pad strip buildings shall not be longer than 80' or 50% of the length of the building (whichever is less) without a significant change in plane.
- b) **Façade projections / articulation:**
Primary facades shall include detail to provide break down of the surface; to include change in materials, windows, awnings or other articulation. Provide canopies, porticos, or solid color awnings over doors and windows primary sides.
- c) **Roof profile:**
Parapet or rooflines shall be broken to provide interest. Roofs or parapets on front facades of main and medium anchor buildings shall not run in a straight line over 150' or 60% of the length of the building (whichever is less) without step or change in type. Roofs or parapets on front facades of medium and small pad strip buildings shall not run in a straight line over 80' or 50% of the length of the building (whichever is less) without step or change in type.
- d) **Building Size Definitions:**
Large Size Inline Building – Over 50,000 sf
Medium Size Inline Building – 20,000 – 50,000 sf.
Small Size Inline Building – Under 20,000 sf.
Outlot/Pad Building – Single Tenant, under 12,000 sf.



3.3.2 Typical Large Inline Building



3.3.3 Conceptual Medium Size Inline Building



SMALL SIZE INLINE BUILDING
General Design Guidelines:

1. Buildings shall exhibit breakdown in mass using projections and insets in plan to provide shadows, variations in roofline, and a mix of natural/neutral colored materials.
2. Provide colorful fabric awnings at windows and storefront.
2. Suggested materials: ledge stone, brick, neutral color EIFS.
4. Provide detailing using reveals on EIFS, cornices, stone waterables, etc.

3.3.4 Conceptual Small Size Inline Building



3.3.5 Conceptual Outlot/Pad Building

SECTION 3.4 – Tenant Sign Criteria

3.4.1 *Tenant Signage Design Criteria—Introduction:*

(Also applies to Pad Site/Outlot Tenants)

The purpose of this section is to define and specify all exterior signage criteria for Tenant Buildings in Ledge Rock Center. Entrance monuments and Overall District Signage are addressed in other Sections. Each Tenant/Pad Site Tenant shall provide signage package for its space as described below.

All sign packages shall be submitted for approval at least one hundred twenty (120) days of Lease Commencement Date to the Ledge Rock Center Design Review Committee prior to fabrication and installation. At a minimum, such drawings must show locations, sizes, and styles of lettering, materials, and types of illumination, installation details and logo design. Upon approval, the LRDC shall issue a letter of approval to the tenant for use in obtaining a sign permit from the Town. In addition to LRDC review, the tenant must gain Town approvals and permits.

If the plans are disapproved by the LRDC, the Tenant/Pad Site Tenant shall resubmit them within fifteen (15) days from date of the notice of any disapproval, until such plans are finally approved.

The cost of the fabrication, permitting and installation shall be the responsibility of each individual tenant. Sign construction is to be completed in compliance with local building codes and sign ordinances, and the instructions, limitations and criteria contained in this manual. Each sign will conform to the limitations listed in this document below.

3.4.2 Signage Definitions

- a. Blade Sign – A panel type sign, projecting perpendicular from the wall. Located below the parapet, eave, or canopy.
- b. Direct Illumination – A sign where the source of illumination is in front of the sign, and not internal.
- c. “Halo” Lighting – A source of illumination entirely within an individual letter, which makes the letter/sign visible at night by means of lighting the background upon which the individual letters are mounted. The letter itself is opaque, and thus silhouetted against the background. The source of illumination is not visible. Also called ‘internal indirect’ or ‘reverse channel’ lighting.
- d. Internally Illuminated – A sign or letter which is illuminated from a light source located inside or behind the sign face, and where the light is transmitted through a translucent material that is part of the sign face.
- e. Plaque – A wall-mounted panel sign.
- f. Wall Sign – A sign mounted to the façade of a building, below the eave or parapet.
- g. Environmental Graphics – Artwork on a solid panel or glass, not to include lettering or advertising/identification. Not counted as a Wall Sign.
- i.. Tenant Size Descriptions for signage parameters:
 - Outlot/Pad Site— Leasable area 0 – 12,000 s.f.
 - Small Shop Inline Tenant— Leasable area 0 – 9,999 s.f.
 - Sub-Major Tenant— Leasable area 10,000 – 19,999 s.f.
 - Major Tenant – Leasable area more than 20,000 -49,999 s.f.
 - Anchor Tenant – More than 50,000 s.f.

3.4.3 Sign Types and Parameters

A. Outlot/Pad Site Sign Parameters

(0 – 12,000 s.f.)

- a. Outlot/Pad Site Tenant sign area shall be on the building faces above the entrances and integrated as part of the building design.
- b. The maximum height for Wall Signage letters in the body of the sign is 5'-0".
- c. The sign areas shall not exceed ten percent (10%) of the area of the façade of which it is placed. Area is measured from grade to top of flat facades or cornices, and/or top of eaves of sloped roofs.
- d. Maximum one sign per facade with a maximum of (3) three.
- e. Wall Signage shall be illuminated individual letters mounted to the face of the building. The use of a colored or frosted Plexiglas face is required. Individual faces shall be fabricated from flat, smooth one-eighth inch (1/8") Plexiglas. Letter returns shall be fabricated of .090 aluminum with .063 aluminum letter backs. Retainers shall be one inch (1") trim cap or the equivalent and shall match the return. All signs must be illuminated from a concealed source. No exposed lamps, globes, tubes, etc. will be permitted. Reverse channel halo lighting is encouraged.
- f. Drive-Thru Restaurant: Each drive-through restaurant shall be permitted no more than two (2) free-standing or wall-mounted menu boards, which shall not exceed 35 square feet in area and six (6) feet in height and shall be located adjacent to and oriented toward the drive-through lane to minimize visibility from adjacent streets and uses/tenants. One (1) order confirmation board may also be permitted per menu board and shall not exceed a four (4) foot height and three (3) square foot sign area.

B. Small Shop Inline Tenant Sign Parameters
(0 - 9,999 s.f.)

- a. The maximum height for letters in the body of the sign is 5'-0".
- b. Signs shall not extend more than 8" beyond the face of the surface to which the sign is mounted.
- c. The sign areas shall not exceed ten percent (10%) of the area of the façade of which it is placed. Area is measured from grade to top of flat facades or cornices, and/or top of eaves of sloped roofs, and demise walls of tenant.
- d. Wall Signage shall be illuminated individual letters mounted to the face of the building. The use of a colored or frosted Plexiglas face is required. Individual faces shall be fabricated from flat, smooth one-eighth inch (1/8") Plexiglas. Letter returns shall be fabricated of .090 aluminum with .063 aluminum letter backs. Retainers shall be one inch (1") trim cap or the equivalent and shall match the return. All signs must be illuminated from a concealed source. No exposed lamps, globes, tubes, etc. will be permitted. Reverse channel halo lighting is encouraged.
- e. Blade Signage: Allowed one (1) per storefront, seven (7) square feet max. Letter height shall be six (6) inches max. Blade signs are only allowed if below a canopy. The blade sign shall be located on an elevation drawing, with clear height to bottom of sign indicated, minimum 8' clear.
- f. Plaque: A 4 sf wall mounted Plaque shall be allowed in lieu of a blade sign, in areas not under a canopy. Max letter height of 6".
- g. Drive-Thru Restaurant: Each drive-through restaurant shall be permitted no more than two (2) free-standing or wall-mounted menu boards, which shall not exceed 35 square feet in area or six (6) feet in height and shall be located adjacent to and oriented toward the drive-through lane. One (1) order confirmation board may also be permitted per menu board and shall not exceed a four (4) foot height and three (3) square foot sign area.

C. Sub-Major Tenant Sign Parameters

(12,000 – 19,999 s.f.)

- a. The maximum height for letters in the body of the sign is 6'-0".
- b. Tenant sign area shall be on the building faces above the entrances and integrated as part of the building design.
- c. Maximum one sign per facade with a maximum of (3) three.
- d. Wall Sign areas shall not exceed ten percent (10%) of the area of the façade of which it is placed. Area is measured from grade to top of flat facades or cornices, and/or top of eaves of sloped roofs, and demise walls of tenant.
- e. Wall Signage shall be illuminated individual letters mounted to the face of the building. The use of a colored or frosted Plexiglas face is required. Individual faces shall be fabricated from flat, smooth one-eighth inch (1/8") Plexiglas. Letter returns shall be fabricated of .090 aluminum with .063 aluminum letter backs. Retainers shall be one inch (1") trim cap or the equivalent and shall match the return. All signs must be illuminated from a concealed source. No exposed lamps, globes, tubes, etc. will be permitted. Reverse channel halo lighting is encouraged. All signs must be illuminated from a concealed source. No exposed lamps, globes, tubes, etc. will be permitted.
- f. Drive-Thru Restaurant: Each drive-through restaurant shall be permitted no more than two (2) free-standing or wall-mounted menu boards, which shall not exceed 35 square feet in area or six (6) feet in height and shall be located adjacent to and oriented toward the drive-through lane. One (1) order confirmation board may also be permitted per menu board and shall not exceed a four (4) foot height and three (3) square foot sign area.

D. Major Tenant**(More than 20,000 s.f. to 49,999)**

- a. Tenant sign area shall be on the building faces above the entrances and integrated as part of the building design.
- b. The maximum height for letters in the body of the sign is 6'-0".
- c. The sign areas shall not exceed six percent (6%) of the area of the façade of which it is placed .Area is measured from grade to top of flat facades or cornices, and/or top of eaves of sloped roofs, and demise walls of tenant.
- d. Maximum one sign per facade with a maximum of (3) three.
- e. Wall Signage shall be illuminated individual letters mounted to the face of the building. The use of a colored or frosted Plexiglas face is required. Individual faces shall be fabricated from flat, smooth one-eighth inch (1/8") Plexiglas. Letter returns shall be fabricated of .090 aluminum with .063 aluminum letter backs. Retainers shall be one inch (1") trim cap or the equivalent and shall match the return. All signs must be illuminated from a concealed source. No exposed lamps, globes, tubes, etc. will be permitted. Reverse channel halo lighting is encouraged.

E. Anchor Tenant
(More than 50,000 s.f.)

- a. Tenant sign area shall be on the building faces above the entrances and integrated as part of the building design.
- b. The maximum height for letters in the body of the sign is 6'-0".
- c. The sign areas shall not exceed six percent (6%) of the area of the façade of which it is placed .Area is measured from grade to top of flat facades or cornices, and/or top of eaves of sloped roofs, and demise walls of tenant.
- d. Maximum one sign per facade with a maximum of (3) three.
- e. Wall Signage shall be illuminated individual letters mounted to the face of the building. The use of a colored or frosted Plexiglas face is required. Individual faces shall be fabricated from flat, smooth one-eighth inch (1/8") Plexiglas. Letter returns shall be fabricated of .090 aluminum with .063 aluminum letter backs. Retainers shall be one inch (1") trim cap or the equivalent and shall match the return. All signs must be illuminated from a concealed source. No exposed lamps, globes, tubes, etc. will be permitted. Reverse channel halo lighting is encouraged.

3.4.4 General Sign Parameters – All Exterior Signage

- a. In general signs must be made up of individual illuminated letters; conventional box signs that include attractive and distinctive designs with details such as raised letters will be considered on an individual basis.
- b. Lettering on all store signs shall be limited to business or trade name of the premises as it appears on the lease. No sign manufacturer's name, union labels, or other lettering shall be visible. Logo signs will be reviewed on an individual basis.
- c. Tag lines shall be allowed on an individual basis only and are subject to Landlord/Developer approval. Any allowable tag lines shall be individual illuminated letters (no box signs) and shall not exceed 10" in height. The width of the tag line shall not exceed the width established for the primary signage included in the signage calculation.
- d. No exterior sign or sign panel will be permitted to extend above any roof line.
- e. Any sign, notice or other graphic or video display, particularly self-illuminated signs, located within the store and which is easily visible from the shopping center will not be allowed. Illuminated Signs within 48" of a window are regarded as signage.
- f. Manufacturers' labels, underwriters' labels, clips, brackets, or any other form of extraneous advertising attachment or lighting devices shall be fully concealed from public view.
- g. No exposed lamps or tubing will be permitted.
- h. No exposed raceways, crossovers or conduits will be permitted.
- i. All signage returns shall be semi-gloss black enamel finish, or blend with adjacent building color.
- j. All cabinets, conductors, transformers and other equipment shall be concealed from public areas. Visible fasteners will not be permitted.
- k. All metal letters, including channel letters, shall be fabricated using fully-welded construction, with all welds ground smooth so as not to be visible.
- l. Acrycap or trimcap retainers used at the perimeter of sign letter faces shall match in color and finish the face or the sides of the sign.
- m. Threaded rods or anchor bolts shall be used to mount sign letters, which are spaced out from the building face. Angle clips attached to letter sides will not be permitted. All mounting attachments shall be sleeved and painted, and concealed.
- n. All signage whether halo illuminated or not, shall be pin mounted on building façade. Halo illuminated signage shall be

- pin mounted a minimum of 2" from builder façade. Direct or internally illuminated signage shall be pin mounted a minimum of 1/2" and maximum of 1" from building face.
- o. Except as provided herein, no advertising placards, flags, balloons, banners, pennants, names, insignia, trademarks, or other descriptive materials shall be affixed or maintained upon the glass panes and supports of the storefront windows and doors, within 4' of the storefront without prior written approval of the Landlord / Developer. Painted, flashing, animated, audible, revolving, or other such signs that create animation are not permitted.
 - p. Non-illuminated exterior signage is allowed upon approval and receipt of a Special Event Permit from Town.
 - q. Any Plexiglas sign faces shall not be clear.
 - r. Sign illumination shall be internal and self-contained.
 - s. All electric signs and installation methods must meet UL standards and contain a UL label.
 - t. Decals or other signing indicating products lines or credit card acceptability shall not be permitted on the storefront glazing other than stores operating hours.
 - u. All illuminated signs must be turned on during the Center's normal operating hours per lease. The use of time clocks for sign and show window lighting is required. Lighting of signs shall be at hours required by Landlord/Developer.
 - v. Double stacked lettering shall be allowed on an individual basis only and are subject to Landlord/Developer approval. Double stacked letters shall be a maximum 24" high individual letters and shall comfortably fit within the Landlord bulkhead as determined by the Landlord/Developer's Representative.
 - w. Minimum height of all signage shall not be less than 60% of the maximum allowable letter height except for approved taglines.
 - x. All signage is subject to the approval of the Landlord/Developer's Architect and the local authorities. Landlord/Developer has design discretion of overall size and height of letters and signs.
 - y. Tenants are required to provide a concealed access panel from within the Tenant's leasable area, if applicable, to service and install exterior building signage.
 - z. Signs placement that would cause sight obstruction within required sight triangles along roads and drives is prohibited.

3.4.5 Signs Not Permitted
(also applies to Pad Site/Outlot Tenants)

- a. Sign materials such as die cut vinyl, gold or silver leaf, or paint.
- b. Boxed pillow or cabinet type formed plastic or injection molded plastic signs.
- c. Signature signage (window sign or sign plate indicating name of shop or good sold) in addition to primary signage.
- d. Cloth, paper, cardboard and similar stickers or decals around or on surfaces on the storefront without prior written approval from Landlord/Developer.
- e. “Sale” sign, “Special Announcements” sign or other advertisement of any kind on the exterior without Special Event Permit from Town or written approval from Landlord/Developer.
- f. Exposed neon signs.
- g. Animated, moving, rotating or flashing.
- h. Noise making.
- i. Additional signage of any kind within 4’ of storefront windows.
- j. Signage on Awnings.
- k. Use of the word “Outlet” in the signage text is prohibited.

3.4.6 Additional Signage Permitted
(also applies to Pad Site/Outlot Tenants)

- a. Service doors to Tenant spaces throughout the project shall be identified by standard 4” signs/lettering, identification only (name and address number) and shall be installed by the Tenant. The Tenant shall not apply any signage or other wording to service doors.
- b. All signage must be shown to scale on the approved storefront elevation, for approvals.
- c. All additional signage shall be submitted to the LRDRRC for approval as specified in Section 1.
- d. Any minor deviations to this criteria will be reviewed on an individual basis and subject to LRDRRC and Town approval.

3.4.7 Environmental Graphics

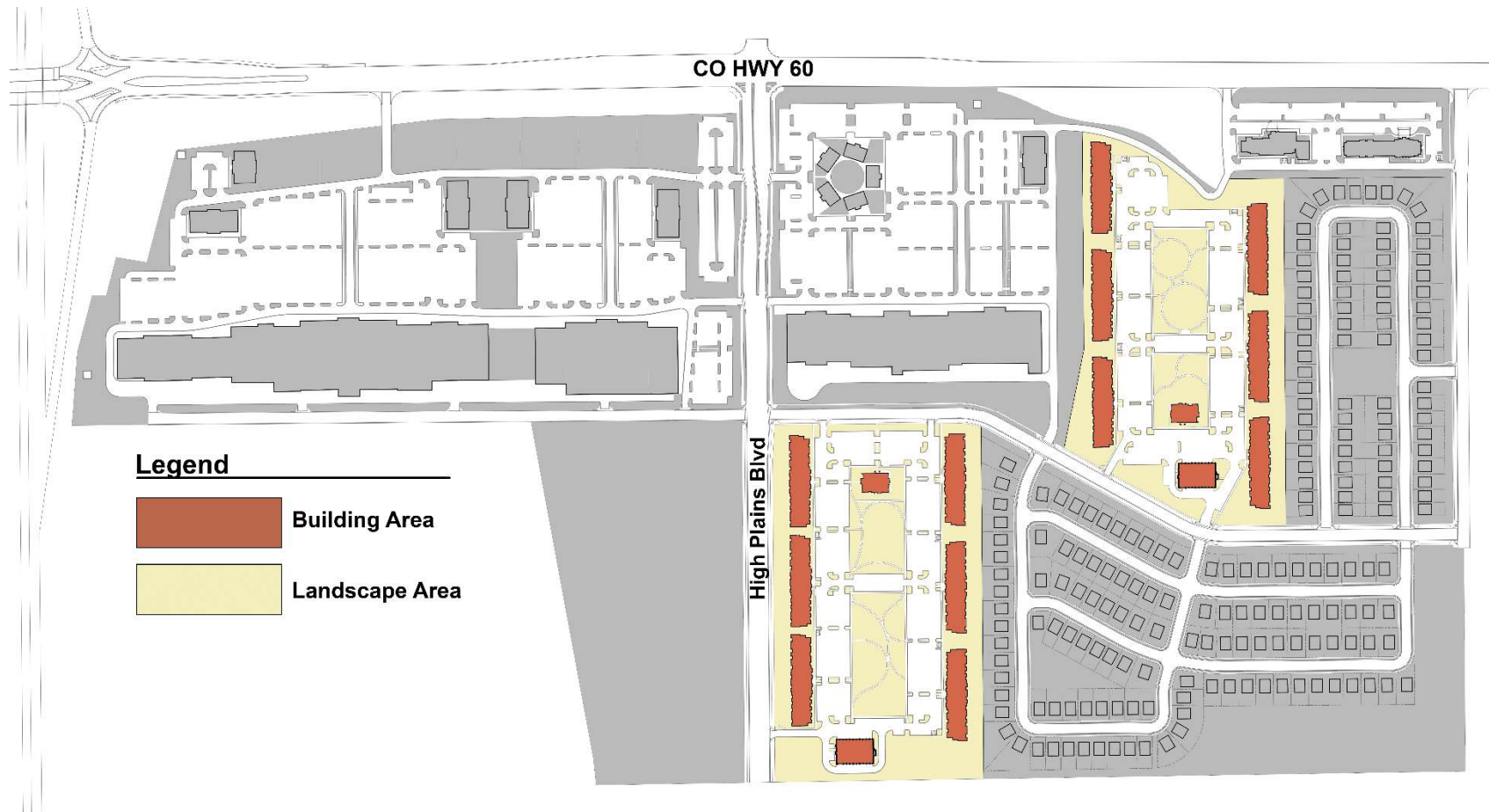
- a. Must be non-commercial graphics/artwork. No advertising or messages. Mounted on permanent metal panel or glass.
- b. Must be front lit with concealed or other non-exposed type lighting system. No backlit lighting is allowed.
- c. Graphics must integrate with building façade design.
- d. Designs must integrate with the overall shopping center design.

3.4.8 Directional Signage (Wayfinding)

- a. For minor wayfinding per outlot or parcel of inline pads, as necessary for drive-thrus, banks, etc.
- b. Each sign must not exceed four (4) square feet in total size.
- c. Logos must not exceed one (1) square foot.
- d. Sign support structure for directional signage must not exceed five (5) feet in height unless a deviation is granted.
- e. Signs placement that would cause sight obstruction within the sight triangles are prohibited.
- f. Proposed signage shall be included on Site Development Plans, for Location and Information review.

SECTION 4 MULTI - FAMILY DISTRICT – PLANNING AREAS 4 AND 5

- 4.1 Overall Site Plan / Phasing**
- 4.2 Hardscape Design & Amenities**
- 4.3 Building Design**



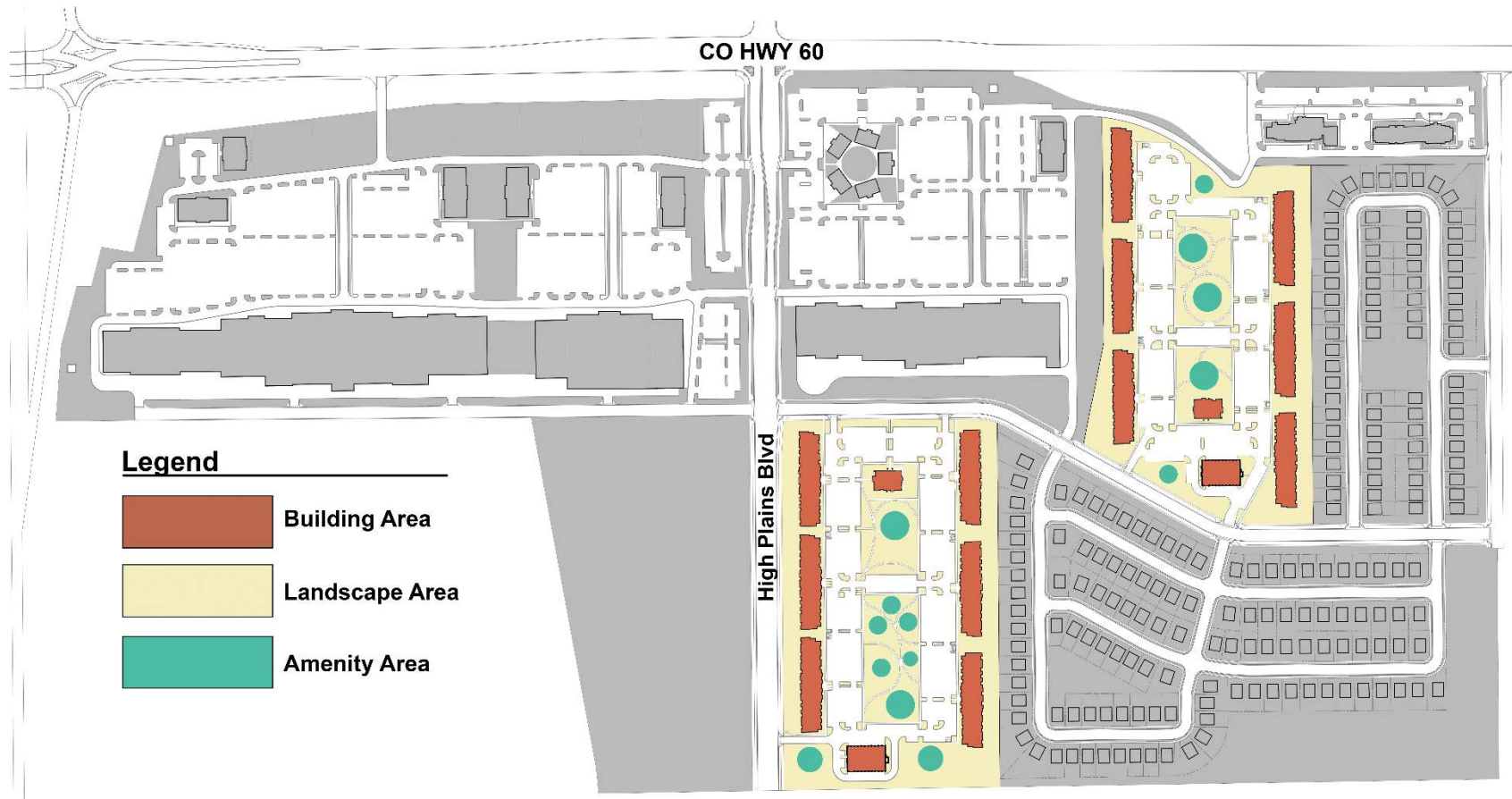
4.1 Multi-family Conceptual Site Plan

SECTION 4.2 – MULTI-FAMILY HARDSCAPE DESIGN & AMENITIES

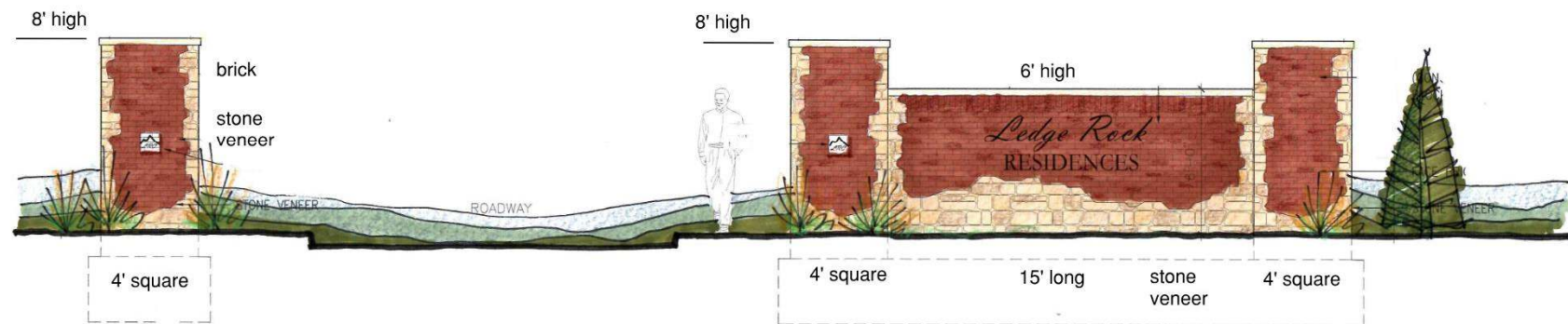
4.2.1 Site Furnishings and Amenities

- A. Bench
 - 1. Material: Metal
 - 2. Accepted Manufacturers / model
 - Theparkcatalog – Kensington Bench
 - 3. Finish: Powder Coat
 - 4. Color: Black
 - 5. Mount: Permanent Mount
- B. Litter Receptacle
 - 1. Material: Metal
 - 2. Accepted Manufacturers / model
 - Theparkcatalog – Plaza Steel Strap Receptacle
 - 3. Finish: Powder coat
 - 4. Color: Black
 - 5. Mount: Permanent Mount
- D. Bicycle Racks
 - 1. Material: Metal
 - 2. Accepted Manufacturers / model
 - Theparkcatalog – Sunrise Bike Rack
 - 3. Finish: Powder coat
 - 4. Color: Black
 - 5. Mount: Permanent Mount
- E. Substitutions for furnishings may be permitted is similar to requested design and approved by LRDR.





4.2.2 Conceptual Site Plan – Multi-family Amenities Masterplan



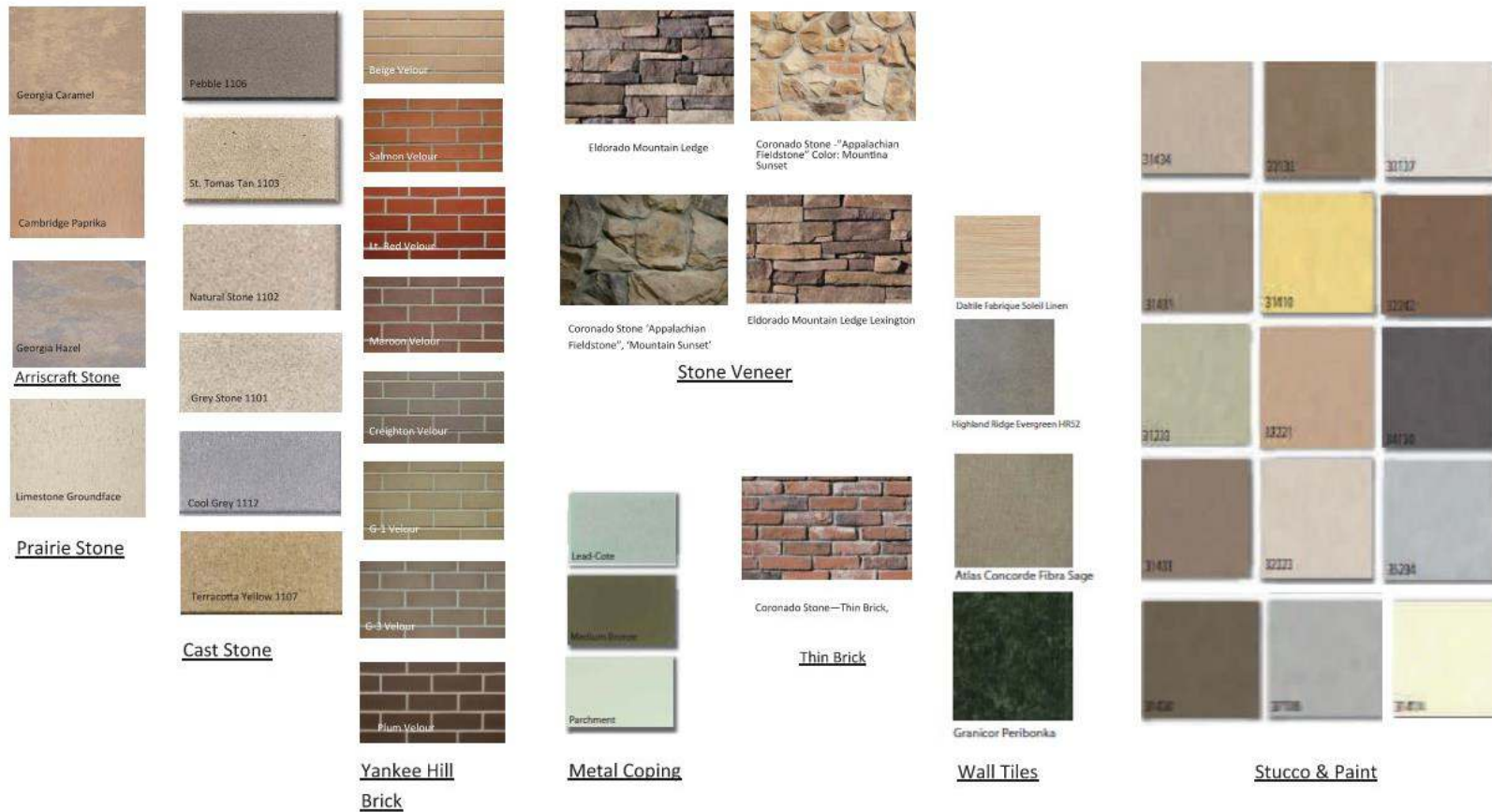
4.2.3 Monument Signs at Entries

SECTION 4.3 – Multi-family Building Design

4.3.1 Building Design

- A. Compatibility with Existing Development and Site Design
 - a. The design of new structures in or adjacent to existing developed areas shall be compatible with or complementary to the established architectural character of such areas. Compatibility may be achieved through techniques such as:
 - i. Repetition of roof lines.
 - ii. Use of similar proportions in building mass and outdoor spaces.
 - iii. Similar relationships to the street.
 - iv. Similar windows and door patterns.
 - v. Building materials with similar colors and textures.
 - b. Site design for flex uses should incorporate, where possible, central, common service/ loading areas.
- B. Treat all sides with similar materials.
 - a. Multi-family building facades shall be articulated with porches, balconies, bays or other offsets.
- C. Accessory buildings should be similar in character and materials as primary buildings.
- D. All facades of a building shall have similar materials.
- E. Materials and Colors
 - a. Primary facade and roof colors shall have a low reflectance and be a subtle, neutral or Earth-toned color. Earth-tone colors are suggested to be beiges, taupes or browns. Neutral colors are defined as whites, greys or charcoal color values.
 - b. Trim and accents of brighter colors, including primary colors, are allowed. Vivid colors shall be used sparingly (3% or less of a façade). Vivid colors are defined as bright colors, such as primary colors.
 - c. Preferred predominant facade materials include: glazing, brick, native or cultured stone, tinted and textured concrete masonry units, architectural precast concrete panels, site cast tilt-up concrete, stucco, synthetic stucco, high quality insulated metal panel or ACM panels that have colors & textures to mimic smooth or textured stucco surfaces. Exposed concrete shall have an attractive texture and/or color.
 - d. Optional predominant facade materials include: high quality architectural insulated metal wall panels that mimic the texture & appearance of stucco or other appropriate finishes. In addition, high quality ACM Metal Panel such as Alucabond or Reynobond are allowed as a primary material given they are architecturally appropriate to the overall

- design aesthetic.
- e. Prohibited predominant materials are smooth-face concrete block, full ceramic walls, and pre-fabricated uninsulated, non-textured, flat metal panels. These materials may be used as accent but shall occupy no more than 30% of a façade. Glazing with reflectivity or opacity higher than 60% is strictly prohibited.
 - f. Facades that face a street or parking area shall not have a blank, uninterrupted length exceeding 50 feet without including at least two (2) of the following:
 - i. Change in plane.
 - ii. Change in color.
 - iii. Change in texture or pattern.
 - iv. Windows.
 - v. Columns, piers or equivalent element that subdivides the wall.
 - g. Facades greater than 150 feet in length shall incorporate wall plane projections or recesses having a depth of at least 2% of the length of the facade and occupy at least 20% of the length of the facade.
- F. Building Entrances
- a. Primary building entrances shall have clearly defined and provide shelter from the sun, wind, rain and snow, and include two (2) of the following:
 - i. Canopy, arcade or portico.
 - ii. Overhang or recess.
 - iii. Raised corniced parapet.
 - iv. Peaked roof or arch.
 - v. Architectural detail such as columns, tile work, stone or moldings integrated into the building structure.
 - vi. Integral planters or wing walls and incorporate landscaped areas and/or places for sitting.
 - vii. Special landscape or site feature.
- G. Roof and Top Treatments
- a. Rooftop mechanical equipment must be non-obtrusive, screened from view or designed to be integral components of the building. Design is subject to LRDR and Town of Johnstown approval.
 - b. The average parapet height may not exceed 15% of the supporting wall height.
 - c. Maximum height or any portion of a parapet shall not exceed 1/3 of the supporting wall height.
 - d. Sloping roofs, where they occur, shall range between 4/12 and 12/12 slopes.
 - e. Large sloped roofs must have variations in height or offsets to break up the large plane with a maximum 100 linear feet of one plane.
 - f. Larger roof elements, when used as an architectural expression are allowed on a case by case basis.
 - g. Accessory Building.
 - h. Shall be of the same character and materials as primary buildings.



STANDARD EXTERIOR MATERIALS



FRONT ELEVATION
(rear similar)



END ELEVATION

APARTMENT BUILDING
General Design Guidelines:

1. Buildings shall exhibit breakdown in mass using projections and insets in plan to provide shadows, variations in roofline, and a mix of natural/neutral colored materials.
2. Provide multiple material or style variations on buildings within a single complex.
3. Suggested materials: ledge stone, brick, neutral color EIFS,
4. Provide detailing using reveals on EIFS, cornices, railings, etc.

4.3.2 Conceptual Typical Apartment Building



CLUBHOUSE BUILDING General Design Guidelines:

1. Buildings shall exhibit breakdown in mass using projections and insets in plan to provide shadows, features to define entries, hip roofs, and a mix of natural/neutral materials
2. Suggested materials: ledge stone, brick, neutral color EIFS, high-end comp shingles
4. Provide detailing using reveals on EIFS, cornices, etc.

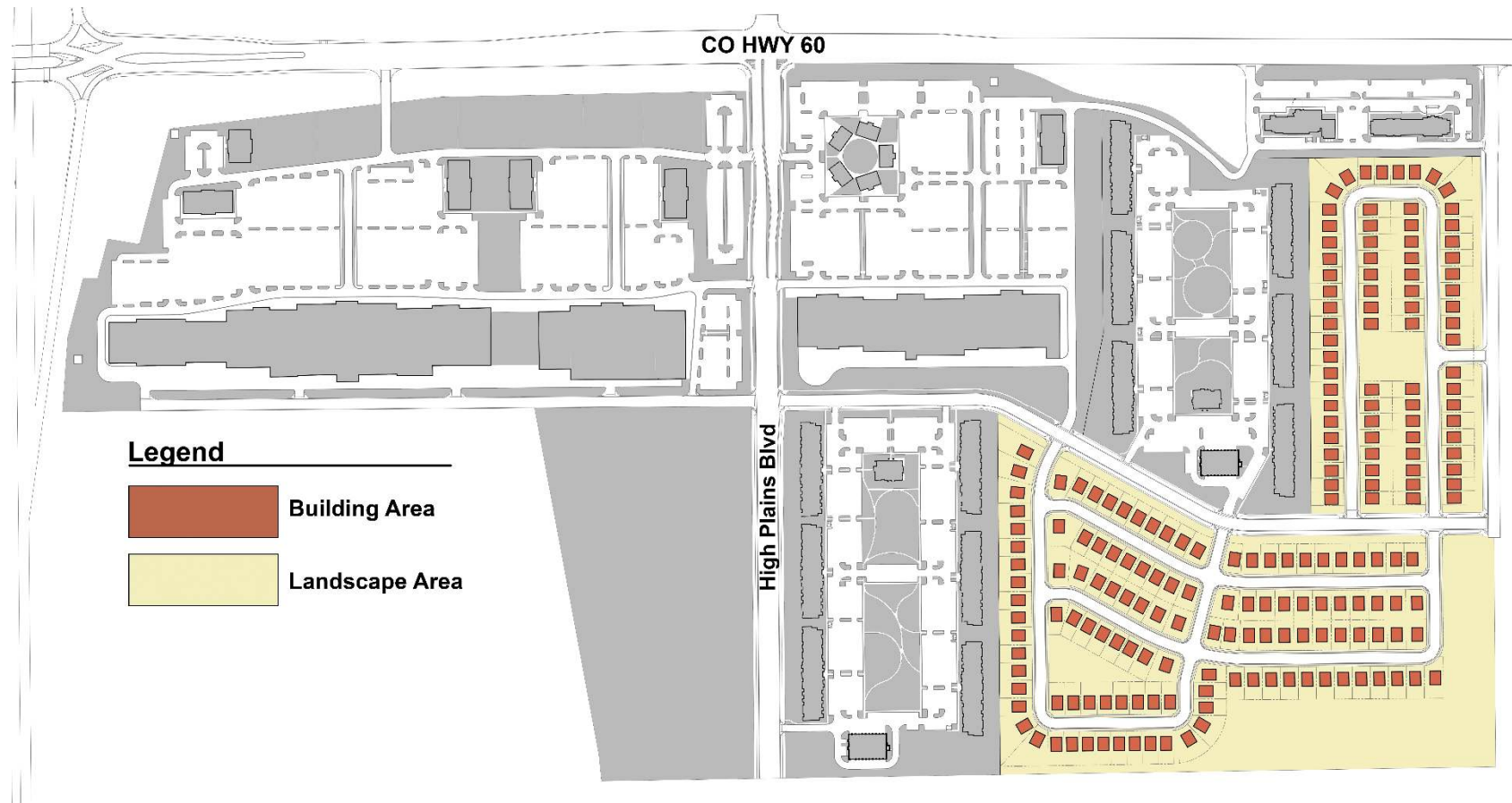
4.3.3 Conceptual Typical Self-Storage Building

SECTION 5 - SINGLE FAMILY DISTRICT - PLANNING AREAS 6 AND 7

- 5.1 Introduction**
- 5.2 Overall Site Plan**
- 5.3 Site Planning & Design**
- 5.4 Architectural Design**
- 5.5 Residential Improvement Guidelines**
- 5.6 Site Restrictions and Specific Types of Improvements**

SECTION 5.1 – Introduction

It is the intent of these guidelines to promote both high quality construction and a cohesive neighborhood design. The guidelines, although specific, are broad enough that homeowners, Architects, builders, and landscape designers still have great flexibility for innovation and creativity. In order to create an interesting neighborhood, no home elevation may be built within three lots of itself, including across the street. In order to maximize the panoramic views for neighboring lots, the Ledge Rock Design Review Committee (LRDRC) has designated certain lots for single-story homes only. All Architectural and landscape designs must be reviewed and approved by the LRDRC. In addition, all residential home and subdivision design shall be reviewed and approved by the Town of Johnstown. The LRDRC reserves the right, at its sole discretion, to deny approval based on design and/or style, even though minimum square footages and other requirements may have been met.



5.2 Conceptual Single Family Site Plan

SECTION 5.3 – Site Planning

5.3.1 Site Planning - Garages, Accessory Buildings, and Hard Surfacing

- A. Accessory/Storage Buildings - Not permitted unless approved by the LRDRC. Must be located behind the home, screened from view of street and/or public view. Must not exceed eight feet (8') in height from grade and be constructed with similar siding and roofing and match the paint on the rest of the home. Metal storage buildings are not permitted. Garages and accessory buildings should be an integral part of both the residence and the overall site. Garages and garage doors should be designed so that they are not the dominant Architectural features of the residence. Designs that create open- space enclosures such as courtyards, enclosed patios, and parking courts are encouraged. Garages and accessory buildings are encouraged to be connected to the main residence through the use of breezeways, pergolas, and covered walkways.
- B. Driveways - Driveways should be no more than 18 feet in width at the street, widening to 24 feet at the garage and apron, a minimum of 3' from the property line , enough space to provide a minimum of two (2) vehicle parking spaces. Hard surface materials, colors, and textures shall blend with the Architecture of the residence.

5.3.2 Site Planning – Furnishings and Amenities – Private Single Family Lots

- A. Fencing - LRDRRC approval required for all fencing and gates. The following are general guidelines regarding fence specifications:
 - a. Fencing location, style and material must match subdivision requirements which are to be determined with future plan submittals for the respective subdivisions.
 - b. Fence must be installed per setback requirements as set by Town of Johnstown. Please note that it is the homeowner's responsibility to maintain this area between the fence and the street curb. The homeowner accepts the responsibilities assumed by placing a fence in an easement area.
 - c. All fencing shall be maintained in good repair and shall be of the size, color and material as approved by the LRDRRC.
 - d. No chain link fences shall be allowed.
 - e. No side gates allowed. All gates must be installed facing the front of the property.
- B. General Fencing guidelines:
 - a. 6' white vinyl fencing may be installed by homeowners on all property lines that are shared with another property owner in accordance with Town codes. Certain locations require 3-rail split rail fencing pursuant to the Fencing Exhibit which is attached hereto and incorporated herein by reference indicating property lines that require white vinyl 3-rail fencing. White vinyl 3-rail fencing is not permitted in any other location. Welded wire may be installed inside the split-rail fencing for containment.
 - b. All per approved development plans for the Final subdivision.

5.3.3 Site Planning - Furnishings and Amenities – Public (Common Open Spaces)**A. Bench**

1. Material: Metal
2. Accepted Manufacturers / model
 - Belson – Commercial Steel Bench with Straight Back or approved equal
3. Finish: Powder Coat
4. Color: Black
5. Mount: Permanent Mount

**B. Litter Receptacle**

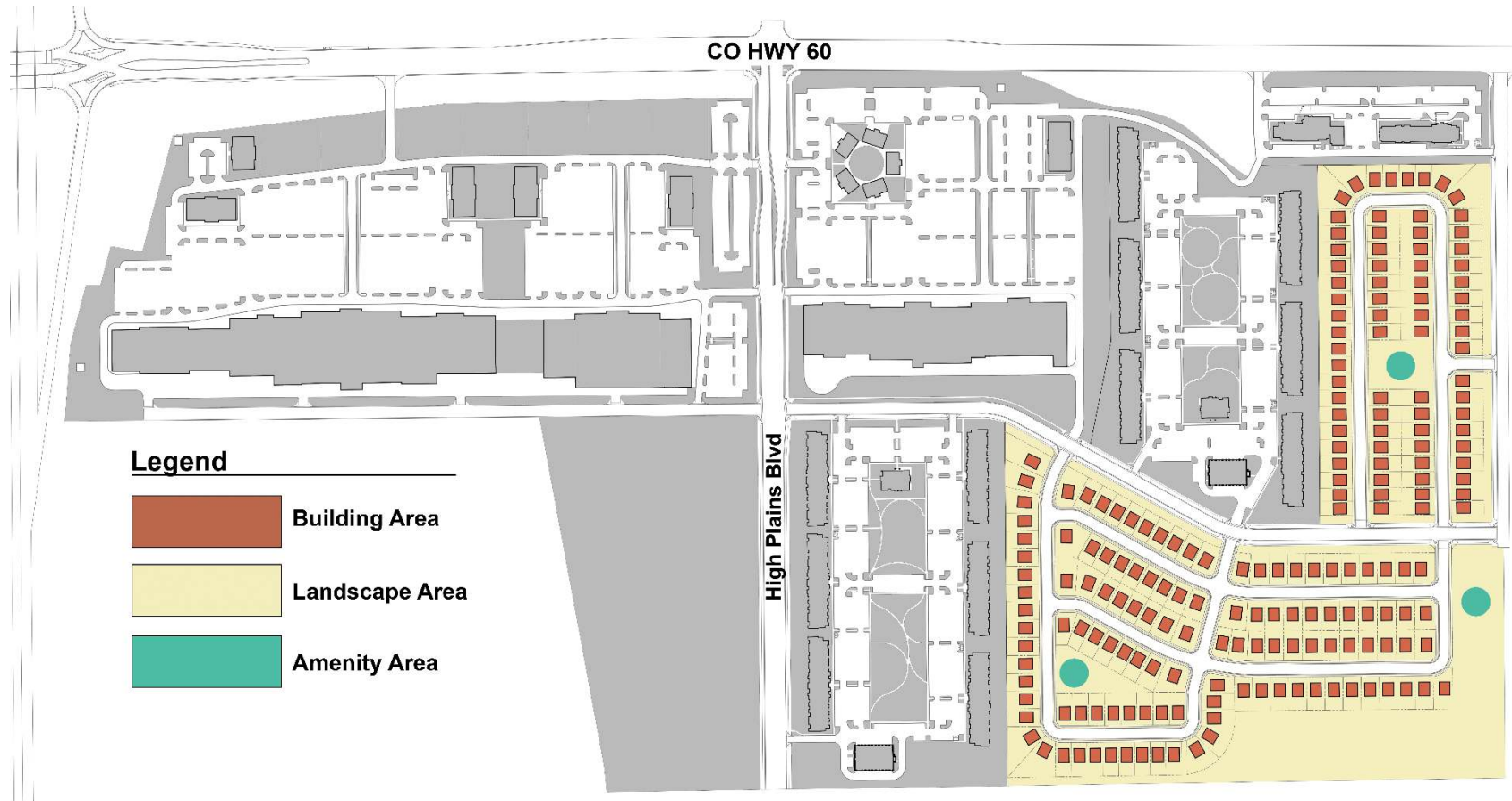
1. Material: Metal
2. Accepted Manufacturers / model
 - Belson – Flare Top Trash Receptacle or approved equal
3. Finish: Powder Coat
4. Color: Black
5. Mount: Permanent Mount

**D. Bicycle Racks**

1. Material: Metal
2. Accepted Manufacturers / model
 - Belson – Opal Bike Rack or approved equal
3. Finish: Powder Coat
4. Color: Black
5. Mount: Permanent Mount



- E. Substitutions for furnishings may be permitted if similar to requested design and approved by LRDR.



5.3.4 Site Plan – Single Family Amenities Masterplan

Section 5.4 Single Family Architectural Design – Guiding Principles

All Single Family residential designs must fall into one of three specific motifs or styles: Prairie, Colorado Craftsman/Lodge, and European (including influences of French Country, Tudor, and Mediterranean). These are all styles that fit well with the rural character of Ledge Rock Center.

5.4.1 *Architectural styles must be Colorado vernacular (Prairie, Colorado Craftsman/Lodge, and European) rather than foreign (Southwest, Victorian, etc.).*

- a. Present day interpretations of traditional styles are encouraged.
- b. Homes should be different than, but compatible with, the neighboring homes. The same elevation should not repeat within three lots of itself, including across the street.
- c. Architecture should encourage indoor-outdoor relationships.

5.4.2 *Building mass should provide interest and depth.*

- a. The profile should start low at the edges and mass towards the center.
- b. The upper story should have a variety of orientations and locations.
- c. The upper story should have less bulk than the lower level.
- d. Exterior elements should be scaled in relationship to each other.
- e. Covered entries, porches, decks, and patios should be used to balance and transition to the upper story.

5.4.3 *Garages should not dominate the home or streetscape.*

- a. Garage location and orientation should be integrated with the home.
- b. Garage layout shall vary within the development.
- c. Avoid excessive freeboard above the garage.
- d. Masonry should extend above the garage doors, not just along the sides.
- e. The garage roofline should be integrated into the main roof using similar form and pitch.
- f. Use garage doors with deep trim and decorative panels.
- g. Individual carriage-style garage doors are encouraged.

5.4.4 Roof forms should be simple.

- a. In general, there should be a simple, dominant roof form with complimentary, secondary, or minor roof forms.
- b. Roof breaks are encouraged.
- c. Roof pitch shall be a minimum of 4/12.
- d. Minor roof forms, gable ends, and dormers should be proportional to the spaces they cover, as well as to the main roof size and form.
- e. Eaves, fascia, and soffits shall be appropriately sized and detailed according to the individual Architectural style.

5.4.5 Articulation should be used to provide variety and visual interest.

- a. Avoid long expanses of blank walls and windowless elevations.
- b. Provide façade articulation on all four elevations to avoid a box-like appearance.
- c. Architectural elements and finishes used on the front elevation should be carried through on rear elevations for a more uniform look.
- d. All elevations should provide visual interest and variety.
- e. Use covered entries, porches, dormers, bays, cantilevers, and other projections to add interest.
- f. Provide horizontal and vertical building off-sets in proportion to the elevation or wall plane.
- g. On walk-out lots, incorporate elements such as covered porches or decks, bay windows, and skirt roofs on the three-story rear elevation.
- h. Foundation materials should be heavy and visually solid, transitioning to lighter siding and roofing.
- i. Exposed foundation walls above six (6) inches from grade should be covered with similar materials to the wall above.
- j. Masonry materials should create depth.
- k. Masonry materials should “wrap” the corners where appropriate.

5.4.6 Covered entries, porches, and decks should be integrated into the home design.

- a. They should be human scale.
- b. They should act as a transition to the upper story, with materials, roof forms, and pitches, which complement the main structure.
- c. Columns and supports should be substantial and in proportion to the overall building mass.
- d. Columns and supports should consist of built-up elements such as top and bottom trim, and ornamentation consistent with the Architectural style of the home.
- e. Materials should be consistent and complementary to the home.

5.4.7 Windows and doors should be proportionate to wall size, complementing the roof form and overall Architectural style.

- a. Windows should emphasize the room in which they are located, with special windows incorporated as accent features.
- b. Window groupings should generally be centered on the building mass on which they are located.
- c. Windows in masonry walls should be recessed, providing a header and a sill for added visual interest.
- d. Windows should be trimmed with a material that complements the Architectural style of the home.
- e. Garden-level and walkout basement doors and windows should receive the same consideration for placement, size, and detailing as the doors and windows on the main levels.

5.4.8 Building projections should be integrated with the main house in terms of materials, colors, and proportions.

- a. Projected elements should not appear to “float” but should be supported by substantial or corbels, or they should be anchored to the ground.
- b. Exposed chimneys should be of a material that is complementary to the Architectural style of the home.

5.4.9 Building materials and colors should create visual depth and detail.

- a. Strong textures and rich earth-tone colors are encouraged.
- b. Materials and colors should be in keeping with the Architectural style of the home.
- c. A variety of materials should be used to add interest. However, frequent changes in materials and colors should be avoided.
- d. Exterior selections should be compatible with adjacent homes.

5.4.10 Roof material and colors should reflect the Architectural style of the home.

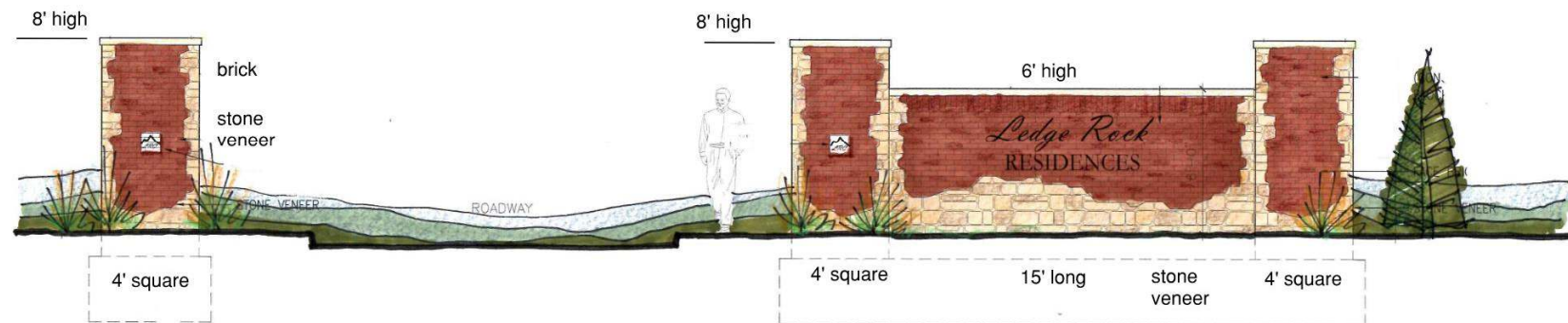
- a. Roofs – LRDRRC approval required. All roofs shall be, at a minimum, a 25-year warranty composition shingled roof. Weathered wood or comparable color only as approved by the LRDRRC.

5.4.11 Siding – Exterior Facade

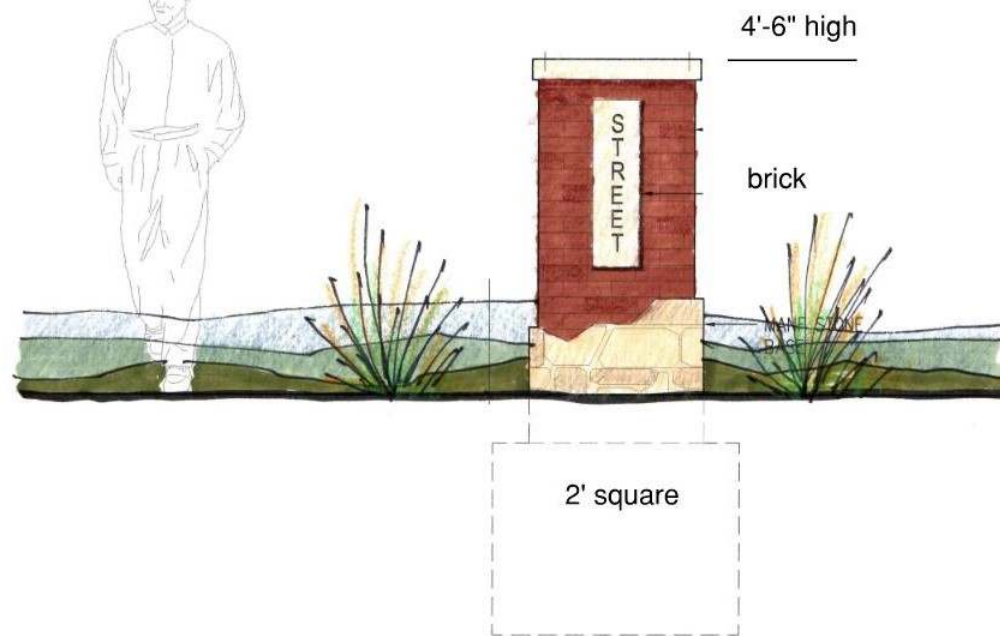
- a. Cement composite siding or stucco. Prefinished or painted minimum or equivalent, 20% pigment and 8" maximum reveal. Vertical siding only as accent or complementary to specific styles. Use only earth tone colors unless approved by developer Front façade to incorporate minimum 30% masonry – stone or brick.

5.4.12 Building Square Footage

- a. Square Footage – No dwelling shall be erected, altered or permitted to remain on any lot unless the finished floor space area thereof, exclusive of basement, open porches, garages, and attached out buildings, and based on exterior measurements, is not less than:
 - a. 1,200 square feet for a one-story dwelling.
 - b. 1,500 square feet for a multi-level dwelling.



5.4.13 Monument Signs at Single Family Neighborhood Entries



5.4.14 Residential Road Marker and Typical Street Sign

Section 5.5 Single Family Residential Improvement Guidelines

Note: Not approved or regulated by Town of Johnstown

5.5.1 Introduction

- a. **Basis for Guidelines** – These Residential Improvement Guidelines and Site Restrictions (“Guidelines”) are intended to assist homeowners/owners in The Ledge Rock Center Subdivision Filing No. 1, and Ledge Rock Center Metropolitan District No. 4 (“Property”) in the design of their homes, landscaping and other improvements to their property as provided for in the Declaration of Covenants, Conditions and Restrictions for the Ledge Rock Center Subdivision Filing No. 1 and Ledge Rock Center Metropolitan District No. 4 (collectively, the “Declaration”) and to list the rules and regulations adopted by the Declarant and/or District with respect to the use of residential sites. **THE DECLARATION FOR THE PROPERTY REQUIRES PRIOR APPROVAL FROM THE ARCHITECTURAL CONTROL COMMITTEE BEFORE ANY IMPROVEMENT TO PROPERTY.** “Improvement” is very broadly defined in the Declaration. For instance, an “Improvement” would include any landscaping or change of the grade of property; the construction or installation of any accessory building, patio, deck, pool or hot tub; the demolition or removal of any building or other improvement; and any change of exterior appearance of a building or other improvement. In order to assist homeowners, the Declaration authorizes the Ledge Rock Design Review Committee (“LRDRC”) to establish guidelines and to establish certain pre-approved designs for several types of improvements to property and to exempt certain improvements to property from the requirement for approval. This booklet contains the guidelines established by the LRDRC with respect to residential property. Throughout this document the term “Property” shall refer to a residential site.

5.5.2 Effect of Declaration

- a. The Declaration and applicable Supplemental Declarations govern property within The Ledge Rock Center Subdivision Filing No. 1, and Ledge Rock Center Metropolitan District No. 4. Copies of the Declaration are delivered to new homebuyers when they purchase their homes and are available at any time at the LRDRC office. Each homeowner should review and become familiar with the Declaration. Nothing in these Guidelines can supersede or alter the provisions or requirements of the Declaration and, if there is any conflict or inconsistency, the Declaration shall control. Provisions relating to the use of Property and to Improvements are found in the Declaration.

5.5.3 *Effect of Governmental and Other Regulations*

Use of Property and Improvements must comply with applicable building codes and other governmental requirements and regulations. Approval by the LRDRRC will not constitute assurance that Improvements comply with applicable governmental requirements or regulations or that a permit or approvals are not also required from applicable governmental bodies. For general information about municipality and governmental requirements, homeowners must contact the Town of Johnstown.

5.5.4 *Utilities*

In making Improvements, homeowners are responsible for locating all water, sewer, gas, electrical, cable television or other utility lines or easements. Homeowners should not construct any Improvements over such easements without the consent of the utility involved and homeowners will be responsible for any damage to any utility lines. All underground utility lines and easements can be located by contacting the following entities:

- i. Know What's Below by dialing 811

5.5.5 *Goals of Guidelines*

Compliance with these Guidelines and the provisions of the Declaration will help preserve the inherent Architectural and aesthetic quality of the Property. It is important that the Improvements be made in harmony with and not detrimental to the rest of the community. A spirit of cooperation with the LRDRRC and neighbors will go very far in creating an optimum environment which will benefit all homeowners. By following these Guidelines and obtaining approvals for Improvements from the LRDRRC, homeowners will be protecting their financial investment and will help ensure that Improvements are compatible with standards established for the Property. If questions arise as to the correct interpretation of any terms, phrases or language contained in these Guidelines, the LRDRRC's interpretation thereof shall be final and binding.

Section 5.6 Single Family Site Restrictions, Specific Types of Improvements, and Town Review and Permits

Following is a list of restrictions and improvement guidelines. **UNLESS OTHERWISE SPECIFICALLY STATED (SEE SECTION 2.10), DRAWINGS OR PLANS FOR A PROPOSED IMPROVEMENT MUST BE SUBMITTED TO THE LRDRRC AND THE WRITTEN APPROVAL OF THE LRDRRC OBTAINED BEFORE THE IMPROVEMENTS ARE MADE.**

Drawings digitally submitted must be high resolution. In some cases, where it is specifically so noted, a homeowner may proceed with the improvement without advance approval by the LRDRRC if the homeowner follows that stated guideline. In some cases, where specifically stated, a type of improvement is strictly prohibited. If an improvement is not listed below, LRDRRC approval is required.

- A. Additions and Expansions - LRDRRC approval required. Additions or expansions to homes will require submission of detailed plans and specifications. (See also Building Plans).
- B. Advertising – See Signs.
- C. Air Conditioning Equipment - LRDRRC approval required regarding the type and placement of unit unless installed by original builder of home.
- D. Antennae – Not permitted. No exterior radio antennae, television antennae or other antennae may be erected. Satellite dishes are allowed provided they do not exceed 21” in diameter and placement of such satellite is approved by LRDRRC (See also Satellite), except those permitted per FCC rules that may supersede.
- E. Basketball Backboards, Portable and Permanent Backboards - LRDRRC approval required for every type of basketball goal. Portable/freestanding and garage mounted backboards are not allowed. Permanently installed basketball pole may be approved if reasonably placed, and based upon, but not limited to, the following considerations: proximity of goal to the property lines, proximity to the neighbor’s living area, landscaping and vehicles.
- F. Boats – See Vehicles.
- G. Building Code - All residential structures must conform to the applicable building code of the Town of Johnstown. Approval by the LRDRRC of plans does not imply compliance with any building code or ordinances. The homeowner and builder, as applicable, shall be required to obtain a building permit from the Town of Johnstown and obtain the necessary inspections for a certificate of occupancy.
- H. Campers – See Vehicles.
- I. Car Covers or Carports – Not permitted.

- J. Colors - All colors and color combinations must be approved by the LRDRRC. Repainting when existing color is changed shall require approval by the LRDRRC. All projections including, but not limited to, chimney ties, vents, gutters, down spouts, utility boxes, porches, railings and exterior stairways shall closely match the permanent color of the surface from which they project or shall be of an approved trim color. Duplicate color schemes shall not be allowed on adjacent lots, or lots across the street from each other.
- K. Commercial and/or Oversized Vehicles - A commercial vehicle is defined as, but not limited to, a vehicle that has a business name or logo and/or has equipment attached to it or is used for the purpose of providing services to an individual, organization, corporation, or other entity. An oversized vehicle is defined as a vehicle that cannot be parked within the garage. **All commercial vehicles must be parked in the garage.** Oversized vehicles or commercial vehicles that do not comply with the garage parking requirement must have LRDRRC approval to be parked in the driveway. Such approval will be based upon, but not limited to, no more than one vehicle, effect on curb appeal, effect on safety, and effect on street traffic. No vehicle, whether commercial or oversized, shall be parked in such a manner that it blocks the sidewalk. (See also Vehicles.)
- L. Decks - LRDRRC approval required. Must be wood or other material similar to material of the residence and must be treated or painted a similar or in what is generally accepted as a complementary color to the residence. Must be installed as an integral part of the residence and patio area. Must be located so as not to obstruct or greatly diminish the view, or create an unreasonable level of noise for adjacent property owners.
- M. Dog Houses, Runs and Pet Enclosures - LRDRRC approval required. Must be screened from view of street and/or public view.
- N. Drainage – LRDRRC approval required for any changes affecting drainage. There can be no interference or modification of the final governmental approved drainage and grading plan over any property. When landscaping is installed, it is very important to ensure that water drains away from the foundation and driveways of the house and that the flow patterns prevent water from flowing under or ponding near or against the house foundation, walkways, sidewalks, and driveways. Water should flow over walkways, sidewalks or driveways, into the street gutters. The LRDRRC may require a report from a drainage engineer at the homeowner's sole expense as part of the landscaping or improvement plan approval.
- O. Driveways – There shall be no expansion or extension of driveways without prior LRDRRC approval.
- P. Elevation Treatments – LRDRRC approval required. Architectural design shall incorporate a consistent level of Architectural interest in all elevations.
- Q. Entrances (Front) – Astro-turf is not allowed on walks, front steps or decks. Storm/Screen doors may be installed as long as color of such door compliments existing paint colors.
- R. Evaporative Coolers – Not allowed. (See also Air Conditioning Equipment.)
- S. Exterior Lighting – See Lights and Lighting.

- T. Fireplaces - Gas fireplaces must either be housed within the exterior wall or, if protruding to the outside, they must be housed and vented in chase/chimney-like structure to the roof and finished with a decorative top in keeping with the Architecture of the home.
- U. Gardens –LRDRC approval required. (See also Landscaping.)
- V. Hot Tubs – LRDRC approval required. Must be an integral part of the deck or patio area and of the rear or side yard landscaping. Must be installed in such a way that is not immediately visible to adjacent property owners and does not create an unreasonable level of noise for adjacent property owners. Top of the hot tub or enclosure shall not extend above fence height and/or screened from public view accordingly.
- W. Household Pets – No animals, livestock, poultry, venomous reptiles or bees of any kind shall be raised, bred, kept or boarded upon any lot, except that of dogs, cats or other household pets as the same may be defined and determined by the Governing Board may be kept on any portion of the Property, provided the same are not kept, bred or maintained for any commercial purposes. The Governing Board may, in its sole discretion, limit the number, size and weight of household pets which may be kept upon any lot. However, each Owner shall have the right to keep a maximum of two (2) household pets on any Lot. Household pets shall be subject to any and all Rules or Regulations adopted by the Governing Board and all applicable governmental ordinances and laws. Each homeowner with a pet shall be responsible for cleanup and removal of such pet's excrement upon the Common Elements and any Property.
- X. Junk Vehicles – See Vehicles.
- Y. Lattice Work – LRDRC approval required.
- Z. Lights and Lighting – Conventional style with illumination patterns that do not cause a nuisance to neighboring properties. The lighting must be dark sky compliant.
- AA. Overhangs/Awnings (Cloth or Canvas) – LRDRC approval required. The color must be the same color as, or generally recognized as, a complementary color to the exterior of the residence. The covering may be used over a patio only. Aluminum or fiberglass awnings are not allowed.
- BB. Painting – All houses shall be kept well painted in the color approved with original plans or, if changed, as approved by the LRDRC. Changes in paint colors require LRDRC approval. (See also Colors.)
- CC. Patio Covers – LRDRC approval required. Must be constructed of wood or material generally recognized as complementary to the home and similar or generally recognized as complementary in color to the colors of the home.
- DD. Patios (Enclosed) – See Additions and Expansions.
- EE. Patios (Open) – LRDRC approval required. Patios must be an integral part of the landscape plan and must be located so as not to create an unreasonable level of noise for adjacent property owners. Must be similar to and

- generally accepted as a complementary color and design of the residence. Must be located so as not to block any existing drainage pattern on the Property.
- FF. Paving – LRDRRC approval required regardless of whether paving is for walks, driveways, porches, patio areas or other purposes and regardless of whether concrete, asphalt, brick, flagstone, stepping stones, pre-cast patterned or exposed aggregate concrete pavers are used as paving material. Must be located so as not to block any existing drainage pattern on the Property and must be a minimum of 3 feet from property lines.
- GG. Playhouses/Play Equipment/Sports Equipment – LRDRRC approval required. General guidelines for play houses or swing sets to be less than eight feet (8') in height at the peak and less than 120 square feet of interior floor space. Basic design, materials and colors must match the residence, and must be incorporated into, and at least partially screened by the landscape features. See also Section 2.7, Basketball Backboards, Portable and Permanent Backboards.
- HH. Pools – LRDRRC approval required.
- II. Radio Antennae – Not allowed, except those permitted per FCC rules that may supersede.
- JJ. Rooftop Equipment – Not allowed.
- KK. Satellite Dishes – Microwave and/or satellite television dishes are permitted as long as they are twenty one inches (21") in diameter or smaller and must be screened from view with a privacy wall or fence approved by the LRDRRC, except those permitted per FCC rules that may supersede.
- LL. Sauna – See Additions and Expansions and Hot Tubs.
- MM. Seasonal Decorations – Permitted with the following qualifications and conditions:
- a. Christmas decorations shall not be displayed prior to Thanksgiving and must be removed by January 10th of the following year.
 - b. No roof figures, animated figures or audible music shall be allowed.
 - c. Other holiday decorations should be removed within two (2) weeks of celebrated holiday.
 - d. No decorations shall be displayed in such a manner as to be offensive to the neighborhood or create a public nuisance.
 - e. Up to three lawn figures are allowed, appropriate for the recognized holiday and subject to above restrictions.
- NN. Signs – No sign shall be located on any lot except reasonably sized signs offering the lot for sale and except builder or supplier signage during the period of construction, or unless approval for such other sign or signs is obtained in writing from the LRDRRC, said LRDRRC reserving the right to disapprove all such requests for signs except those described above. Builder signs must be removed from the lot within two (2) weeks from date of closing.
- OO. Solar Energy Devices – LRDRRC approval required for all passive and active solar systems. Shall be designed to appear as an integral part of the roof. No exterior plumbing may be visible.
- PP. Spas – See Hot Tubs.

- QQ. Statues – Statues and lawn ornaments are not allowed in the front yards. Statues in rear or side yards shall not exceed five feet (5') in height.
- RR. Swamp Coolers – Not allowed.
- SS. Swing Sets – See Play and Sports Equipment.
- TT. Television Antennae – Not allowed.
- UU. Temporary Structures – Not allowed.
- VV. Temporary Vehicles – No cars which are being repaired, restored or otherwise being worked on may be kept on any lot unless in an enclosed garage.
- WW. Trailers – See Vehicles.
- XX. Trees – See Landscaping Plans.
- YY. Vehicles – No lot shall be used as a parking or storage area for vehicles or materials of any kind, other than personally owned automobiles of the homeowner.
- a. No campers, trailers, motor homes, buses, tractor/trailers, RVs or boats shall be stored or parked on the Property in excess of three (3) consecutive days, except if stored in an enclosed garage or within fully screened, fenced areas (for which the vehicle, boat or camper in question shall not exceed the height of the fence), as approved by the LRDRRC. For clarification, it is not acceptable to move any campers, trailers, motor homes, buses, tractor/trailers, RVs or boats and repark every three (3) days to avoid enforcement of this provision. In addition, no trucks, mobile homes, commercial vehicles, unused vehicles, snowmobiles, all terrain vehicles or motorcycles shall be kept, placed, stored or maintained upon a lot in such a manner that such vehicle is visible from neighboring properties or any road. For purposes of this section, a three fourths (3/4) ton or smaller vehicle, commonly known as a “pick-up truck” shall not be deemed a “truck” or “commercial vehicle”.
 - b. No motor vehicles of any kind, including cars, trucks, trailers, motorcycles, or the like, may be stored, junked, or otherwise maintained anywhere on the lot or any other portion of the Property in any idle or unworkable condition.
 - c. No motor vehicle or machine will be overhauled or rebuilt on any portion of the lot, unless entirely enclosed in a garage or other improvement approved by the LRDRRC, in its sole discretion.
 - d. Except as otherwise provided, only those vehicles and machines in good running condition, which are currently licensed and registered are permitted on any portion of the Property.
- ZZ. Vents – LRDRRC approval required for all exhaust vents including but not limited to dryer, cook-tops or range-hoods, gas fireplaces and plumbing vents must comply with LRDRRC approved standards upon review on a case by case basis.
- AAA. Walls (Retaining) – LRDRRC approval required.
- BBB. Wells – Not permitted upon any lot.



Town of Johnstown

PLANNING & ZONING COMMISSION AGENDA MEMORANDUM

| | |
|----------------------|---|
| ITEM: | Public Hearing for the Ledge Rock Outline Development Plan (ODP) and Design Guidelines |
| DESCRIPTION: | Proposed ODP and Design Guidelines Amendment for 221 acres of Mixed-Use Development |
| LOCATION: | South of CO Hwy 60, at the High Plains Blvd. intersection |
| APPLICANT: | Ledge Rock Center, LLC |
| STAFF: | Kim Meyer, Planning & Development Director |
| HEARING DATE: | January 12, 2022 |

EXECUTIVE SUMMARY

The project request is to create a new Outline Development Plan (ODP) and Design Guidelines for a mixed-use center, including higher intensity retail / commercial uses, multiunit residential, as well as single family neighborhoods. This ODP will supersede prior plans for the site.

PROCESS NOTES

An ODP is a high-level “master planning” document that provides guidance on land uses, some development standards if they deviate from typical town codes or regulations, and ensure overall feasibility of the proposed intensity and density of a development with a review of an initial traffic report, a master drainage plan, overall circulation plans, understanding of property encumbrances - all of which require further detail be forthcoming as future development plans are known and reviewed/approved by the Town.

This project will need additional review and hearings to review proposed subdivisions, roadway and utility designs, drainage and stormwater design, architecture and landscape design, and other development details.

ATTACHMENTS

- 1- Vicinity Map
- 2- Proposed Ledge Rock Outline Development Plan
- 3- Proposed Ledge Rock Design Guidelines

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PROPERTY DATA

Zoning / Land Use: Proposed PUD-MU / Existing Ag and Developing Oil & Gas (S&B Well Site)
Current PUD-MU, PUD-B, and PUD-R

Surrounding Zoning / Land Use:

North: PUD-MU – Agricultural and Larimer County Rural Residential
East: Weld County ‘A’ Ag
South: Weld County ‘A’ Ag
West: I-25 and PUD-MU – Welty Ridge ODP (undev)

Floodplain: No

Oil & Gas: An existing oil well located in the center of the property.

PROPERTY BACKGROUND

Historically, the use of this property has been as an agricultural site used for farming. The east quarter-section was annexed into the Town of Johnstown in 2003 as the Ridgeview Ranch Annexation with a PUD-B and PUD-R zoning designation by Ordinance Nos. 2003-706 and 2003-707. An ODP land use and traffic pattern were established at that time. The western portion of the PUD/ODP site was annexed in 2008 as the Johnstown Commercial Annexation with PUD-MU zoning, but no known ODP was approved for that parcel. That quarter section was recently subdivided as the Oxy Land Subdivision, of which this ODP applies to Lot 2 and 4.

Surrounding land uses are primarily agricultural. To the north, additional mixed-use development is anticipated in the “Vista Commons” property, and the Rockbury Ridge residential subdivision also sites to the north. South of the westernmost section of the ODP is a developing oil and gas well site; this should be completed and in production within the next 12-18 months.

SUBMITTAL AND REFERRALS

Based upon the changes proposed, this ODP submittal included the proposed ODP plan set, as well as the updated design guidelines, and master engineering (i.e., grading, drainage, utility) and traffic studies that help the Town assess the feasibility of the intensity and density proposed within the project. These supplemental pieces are not “approved” with the ODP, but provide a baseline of information so the Town can better assess the impact on our services and systems. The project was referred to and reviewed by:

- Public Works Department
- FHU (Town Traffic Engineer)
- IMEG (Town Engineer)
- Front Range Fire and Rescue
- CDOT
- LTWD

PROJECT OVERVIEW

The proposed ODP provides for a large “bubble” land use plan that creates seven (7) Planning Areas indicating a range of uses, densities for residential, and potential square feet (intensity) of commercial. The ODP also notes conceptual layouts for high-level (not detailed) street layouts, grading & stormwater/drainage feasibility, and major utilities. These all must undergo significant additional design, scrutiny, and revisions to reach final approvals with future, more detailed development plans.

Of note is the proposed southern extension of High Plains Boulevard (a major 4-lane arterial) along the project frontages (about ½ mile), and the likely expansion of that intersection at Hwy 60 with turn lanes and eventual signalization, an east-west collector that starts to create potential connectivity of this area

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with future development to the east, and a future street connection back to Hwy 60, along the eastern boundary. An intersection and potential signal in this area is in conformance with the 2003 CDOT Access Control Plan for Hwy 60. All these improvements would occur incrementally, as development of the overall project is phased and constructed. Stormwater would be designed and managed as one complete system for the full PUD.

Planning Area – Acreage & Use

| <i>Planning Area</i> | <i>Acres</i> | <i>Use</i> | <i>Density / Intensity</i> | <i>Maximum Units</i> |
|----------------------|--------------|--------------------|----------------------------|----------------------|
| 1 | 77.4 | Commercial/Retail | 606,621 SF | |
| 2 | 31.8 | Commercial/Retail | 249,285 SF | |
| 3 | 6.3 | Commercial/Retail | 40,077 SF | |
| 4 | 23.3 | MultiFamily | Max 25 DU/Ac | 583 DU |
| 5 | 24.2 | MultiFamily | Max 25 DU/Ac | 605 DU |
| 6 | 18.9 | Single Family Lots | 2-5 DU/Ac | 95 Homes |
| 7 | 39.4 | Single Family Lots | 2-4 DU/Ac | 158 Homes |

These Planning Areas are capped at a total of 1,440 residential units / homes, and one million (1,000,000) square feet of commercial space within all areas combined. There is the ability to move some of the density and intensity from one area to another, or modify the size/shape of a planning area, by administrative approvals, to allow for changes in design as future development plans are proposed and more is known about final engineering and design needs to meet Town standards.

The Design Guidelines (DGs) were created as a separate document and would govern various elements of the development from permitted land uses, to commercial setbacks, to a unified commercial signage program. This is a large document (87 pages) with significant detail. In areas where the guidelines do not address an issue, the answer would default to Town code, guidelines, and standards. The DGs do also allow for future development of individual lots and sites (i.e., a restaurant on an approved lot / pad site, an apartment complex) to be administratively approved (staff only). Major subdivisions, an amended ODP, and final development plans for the overall site would still be subject to hearings, in accordance with current Town processes.

With the intent of creating a high-quality development, the Design Guidelines cover some basic site design principles including, signage, landscaping, and architectural elevations and features.

STAFF ANALYSIS

The proposed PUD ODP will allow for a variety of uses to be in proximity to each other creating a unique live/work environment with a variety of residential, retail, commercial, industrial and education uses. Staff is very supportive of the overall master planned concept, which is in alignment with the comprehensive plan for this area, and the PUD-MU zoning district.

The ODP sheets are largely acceptable. Staff notes that the myriad of access points notes on that ODP do not meet current Town standards for access spacing along major arterials and highways – these will be further reviewed and analyzed with more detailed development plans and traffic studies. That is a

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“conceptual” sheet, and Staff wants to reiterate that street locations, classifications, and accesses will be determined at a future date.

Design Guidelines are largely comparable to the 2534, Johnstown Plaza, and Encore PUD developments, and appear to work hard toward creating a good design foundation for the development. There are some concerns Staff still has, however. One is a noted lack of detailed commercial/retail uses permitted or prohibited (Section 3, pg 2). The DGs reference “Town Code,” but we are aware of the current datedness of the town’s code (being updated in 2022), which means the uses remain ill-defined. Staff would have to assume that would mean any use permitted in any commercial zone in Town. There are also some oddly varied standards from Town code and standards, for example:

- Parking space depth (Section 2, Pg 12)
 - 18’ proposed vs 20’ town code
 - Staff could support up to 25% being compact space at 18’ depth.
 - “Preferred” vs required standards on landscaping in parking – doesn’t meet “preferred” Town Code.
- Signage (Section 2, pg 7 and Section 3, Pg 12)
 - Primary development signage up to 80-feet tall. Current tallest along I-25 approved by the Town as been 70-feet. Staff would prefer that become our ultimate maximum height. This height is only permitted as part of a PUD master sign program that limits overall signs.
 - Also two (2) such signs are proposed within ¼-mile of each other along that I-25 frontage.
 - Permits commercial lettering as large as 6-foot letters, and up to 10% of the façade – Pad sits, small inline tenants. (Section 3, pg 14+) Seven (7) foot tall & 10% for Major & Anchor Tenants, This seems excessive, and Staff has requested examples of what this looks like on an elevation or in a photos to better understand the proposal.
 - Marquee signs, as defined in the DGs, seems to explain signage above a roofline, which is not permitted by Town Sign Code. Again, graphics to clarify may be helpful.

On several of these items, Staff believes these should be consistent throughout the Town – for enforcement, administration, and overall equity, and default to town code; or be modified such that they provide the “as good or better” standard applied to PUDs, “Is it better than we could get with straight zoning and strict application of the code?” Recommended conditions of approval have been added to this effect.

In most other respects, these DGs are excellent, and Staff believes they will serve the development and the community well, and offer a diverse and attractive mixed-use center for the Town at this high-visibility Gateway. Staff has no further concerns related to this ODP and the DGs.

INFRASTRUCTURE

There currently is no Town water and waste water infrastructure to the site. Based on review of submitted documents and reports, Staff and our engineers believe that there is adequate capacity for the uses and densities being proposed within this ODP. Utility plans, grading plans, and circulation plans are fairly conceptual in nature at this ODP level, and will be more fully developed with continuation through the Town development review process.

NOTICE

Notice for the Planning & Zoning Commission hearing was published in the local paper of widest circulation, the Johnstown Breeze, on Thursday, December 23, 2021. This notice provided the date, time, and location of the Planning and Zoning Commission hearing, as well as a description of the project. Notices were mailed to all property owners within 500 feet of the property in question. This notice included a map of the proposed annexation and zoning. No neighborhood meeting has been held. As of the date of this staff report, Staff has received no comments from neighboring property owners or the public.

RECOMMENDED PLANNING AND ZONING COMMISSION FINDINGS AND MOTIONS

Findings:

1. The proposed ODP amendment is in alignment with the current Johnstown Area Comprehensive Plan and its Future Land Use Plan.
2. The proposed ODP amendment appears serviceable by Town systems, services, and utilities, with required improvements that will be reflected in future development and construction plans.
3. The proposed ODP amendment is in compliance with all Town codes, regulations, and standards and specifications.

Recommended Motion

Based on the application received, associated submittal materials, and the preceding analysis, the Planning & Zoning Commission finds that The Ledge Rock ODP furthers the *Johnstown Area Comprehensive Plan* goals, and is compatible with all other applicable Town standards and regulations, and therefore moves to recommend to the Town Council **Approval** of The Ledge Rock ODP based upon the findings as stated in this staff report, with the following condition:

1. Revise areas noted in Design Guidelines related to uses, signage dimensions and types, and parking design standards, in collaboration with Town Staff.

Alternate Motions

- A. Motion to Approve with no Conditions: "I move that the Commission recommend to Town Council approval of The Ledge Rock ODP as presented"
- B. Motion to Deny: "I move that the Commission recommend to the Town Council denial of The Ledge Rock ODP based upon the following findings..."

Respectfully Submitted:



Kim Meyer
Planning & Development Director

The Community That Cares
Johnstown.Colorado.gov

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: February 7, 2022

SUBJECT: **Public Hearing - First Reading** – Ordinance 2022-225, An Ordinance Authorizing the Conveyance of Real Property located at Lot 2, Oxy Land Subdivision, in the Northwest ¼, Section 11, Township 4 North, Range 68 West of The 6th P.M., Town of Johnstown, County of Weld, State of Colorado, Consisting of Approximately 33.22 Acres, to Ledge Rock Center, LLC

ACTION PROPOSED: Consider First Reading of Ordinance No. 2022-225

ATTACHMENTS:

1. Ordinance No. 2022-225
2. Exhibit to Ordinance - Agreement Concerning Purchase and Sale of Real Property for Ledge Rock Center Commercial

PRESENTED BY: Avi Rocklin, Town Attorney

AGENDA ITEM DESCRIPTION: Ledge Rock Center, LLC (“Developer”) and Ledge Rock Center Commercial Metropolitan District (“District”) have requested that the Town cooperate in the development of Ledge Rock Center Commercial, a commercial retail center to be located at the southeast corner of Interstate 25 and State Highway 60 (“Project”), by conveying approximately 33 acres of land located at the southeast corner of Interstate 25 and State Highway 60 (“Property”) owned by the Town to the Developer for nominal consideration. The Property was conveyed to the Town by Kerr-McGee Oil & Gas Onshore LP (“Kerr-McGee”) pursuant to the Oil and Gas Operator Agreement and Encroachment License executed between the Town and Kerr-McGee on or about December 16, 2019.

The terms and conditions of the proposed conveyance of the Property are set forth in the Agreement Concerning Purchase and Sale of Real Property for Ledge Rock Center Commercial (“Agreement”) that is attached to the Ordinance. The Agreement would be executed, if at all, upon the effective date of the Ordinance.

The Agreement contains the following material terms:

- The Town will convey the Property to the District within three (3) business days after the District’s first issuance of bonds (“Conveyance Date”);
- The Developer will convey the public portions of the Property to the District within four (4) months of the Conveyance Date;

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- The Developer is required to complete the public improvements associated with the Property within five (5) years of the Conveyance Date absent written consent of the Town Council for an extension;
- Neither the District nor the Developer may encumber the public portions of the Property with a mortgage or other lien;
- The Developer may encumber the private portions of the Property when the Developer is prepared to commence construction of the vertical improvements upon written consent of the Town Manager;
- The District is not entitled to convey the Property to a third-party;
- The Developer may convey the private portions of the Property to third parties on the condition that the purchaser apply for a building permit within 6 months of the purchase and commence construction within 3 months of the issuance of the building permit.
- If the District or the Developer fail to comply with the terms of the Agreement, the defaulting party will be required to pay the Town the fair market value of the property at the time of such failure. The Developer may also lose the right to receive funds from the bond proceeds for the private improvements.

Additional terms and conditions related to the Town's participation in the Project as well as the Developer's and the District's rights and obligations related thereto are set forth in the Development and Reimbursement Agreement, Ledge Rock Center Commercial, Johnstown, Colorado that was approved by the Town Council on or about January 3, 2022.

Section 19.4 of the Home Rule Charter of the Town of Johnstown provides that the Town may receive bequests, gifts and donations of all kinds of property with the power to manage, sell, lease or otherwise dispose or provide for the disposition of same. Section 11-7 of the Johnstown Municipal Code provides that the Town may sell or dispose of real property and public buildings, used or held for any purpose, by ordinance upon such terms and conditions as Town Council deems to be in the best interests of the Town.

LEGAL ADVICE:

The Town Attorney prepared Ordinance No. 2022-225.

FINANCIAL ADVICE:

N/A

RECOMMENDED ACTION: Approve Ordinance No. 2022-225

SUGGESTED MOTIONS:

For Approval: I move to approve Ordinance No. 2022-225, an Ordinance Authorizing the Conveyance of Real Property located at Lot 2, Oxy Land Subdivision, in the Northwest ¼, Section 11, Township 4 North, Range 68 West of The 6th P.M., Town of Johnstown, County of Weld, State of Colorado, Consisting of Approximately 33.22 Acres, to Ledge Rock Center, LLC.

For Denial: I move to deny approval of Ordinance No. 2022-225.

Reviewed and Approved for Presentation,



Town Manager

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2022-225

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF REAL PROPERTY LOCATED AT LOT 2, OXY LAND SUBDIVISION, IN THE NORTHWEST ¼, SECTION 11, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M., TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO, CONSISTING OF APPROXIMATELY 33.22 ACRES, TO LEDGE ROCK CENTER, LLC

WHEREAS, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

WHEREAS, the Town Council is vested with authority to administer the affairs of the Town; and

WHEREAS, the Town owns real property located at Lot 2, Oxy Land Subdivision, in the Northwest ¼, Section 11, Township 4 North, Range 68 West of the 6th P.M., Town of Johnstown, County of Weld, State of Colorado, consisting of approximately 33.22 acres (“Property”); and

WHEREAS, the Property was conveyed to the Town pursuant to that certain Oil and Gas Operator Agreement and Encroachment License executed between the Town and Kerr-McGee Oil & Gas Onshore LP on or about December 16, 2019, and recorded at Reception Number 4553635 on December 27, 2019, in the Weld County Clerk and Recorder’s Office; and

WHEREAS, the Ledge Rock Center Commercial Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado and Ledge Rock Center, LLC, a Kansas limited liability company (“Developer”), desire to develop the Property, along with other real property, as a commercial retail center to be known as the Ledge Rock Center containing approximately 785,000 square feet of new retail uses (“Project”); and

WHEREAS, to facilitate the development of the Project, the Developer has requested that the Town convey the Property to the Developer for nominal consideration; and

WHEREAS, Colorado municipalities are entitled to encourage new and expanded retail development through inducements and incentives; and

WHEREAS, the Town has determined the Project will serve a public use and promote the health, safety, prosperity, security and general welfare of the citizens of the Town; and

WHEREAS, Section 19.4 of the Home Rule Charter of the Town of Johnstown provides that the Town may receive bequests, gifts and donations of all kinds of property with the power to manage, sell, lease or otherwise dispose or provide for the disposition of same; and

WHEREAS, Section 11-7 of the Johnstown Municipal Code provides that the Town may sell or dispose of real property and public buildings, used or held for any purpose, by ordinance upon such terms and conditions as Town Council deems to be in the best interests of the Town; and

WHEREAS, based on the foregoing, including the anticipated economic benefits and additional employment opportunities presented by the location of the Project in the Town, and after due consideration, the Town Council desires to accommodate the Developer's request and convey the Property to the Developer for nominal consideration upon the terms and conditions set forth in the Agreement Concerning Purchase and Sale of Real Property for Ledge Rock Center Commercial, attached hereto and incorporated herein by reference as Exhibit 1; and

WHEREAS, the Town Council further finds, determines and declares that this Ordinance is promulgated under the general police power of the Town for the benefit of the public health, welfare, peace, safety and property and that adoption of the Ordinance is in the best interests of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, AS FOLLOWS:

Section 1. The Town Council hereby authorizes the conveyance of the real property located at Lot 2, Oxy Land Subdivision, in the Northwest ¼, Section 11, Township 4 North, Range 68 West of the 6th P.M., Town of Johnstown, County of Weld, State of Colorado, consisting of approximately 33.22 acres, to Ledge Rock Center, LLC, a Kansas limited liability company, in accordance with the terms and conditions of the Agreement Concerning Purchase and Sale of Real Property for Ledge Rock Center Commercial attached hereto as Exhibit 1.

Section 2. Subsequent to the effective date of this Ordinance, the Town Council hereby authorizes the Mayor to execute the Agreement Concerning Purchase and Sale of Real Property for Ledge Rock Center Commercial on behalf of the Town.

Section 3. This Ordinance shall be interpreted and construed to effectuate its meaning and purpose. If any section, clause, phrase, word or other provision of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this Ordinance or the validity of this Ordinance as an entirety, it being the legislative intent that this Ordinance shall stand, notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 4. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado ("Charter") and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Charter. Copies of the entire Ordinance are available at the office of the Town Clerk.

INTRODUCED AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this ____ day of _____, 2022.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this ____ day of _____, 2022.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

EXHIBIT 1

AGREEMENT CONCERNING PURCHASE AND SALE OF REAL PROPERTY FOR LEDGE ROCK CENTER COMMERCIAL

THIS AGREEMENT CONCERNING PURCHASE AND SALE OF REAL PROPERTY FOR LEDGE ROCK CENTER COMMERCIAL (“Agreement”) is made and entered into on this ____ day of _____, 2022, by and between THE TOWN OF JOHNSTOWN, COLORADO, a home-rule municipality of the Counties of Larimer and Weld, State of Colorado (“Town”), LEDGE ROCK CENTER, LLC, a Kansas limited liability company (“Developer”), and LEDGE ROCK CENTER COMMERCIAL METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the state of Colorado (“District”) (collectively, the “Parties”).

RECITALS

WHEREAS, the Town is the owner of a parcel of land known as Lot 2, Oxy Land Subdivision, located in the Northwest ¼, Section 11, Township 4 North, Range 68 West of the 6th P.M., Town of Johnstown, County of Weld, State of Colorado, and recorded at Reception Number 4785196, on December 15, 2021 in the Weld County Clerk and Recorder’s Office, consisting of approximately 33.22 acres (“Property”); and

WHEREAS, the District and Developer intend to develop the Property, along with other real property, as a commercial retail center to be known as the Ledge Rock Center containing approximately 785,000 square feet of new retail uses (“Project”); and

WHEREAS, in consideration of the Developer’s agreement to convey the Property, excepting the portions of the Property upon which Private Improvements will be constructed, to the District at no cost to the District, and to facilitate the development of the Project, the Developer has requested that the Town convey the Property to the Developer for nominal consideration; and

WHEREAS, Colorado municipalities are entitled to encourage new and expanded retail development through inducements and incentives; and

WHEREAS, the Town has determined the Project will serve a public use and promote the health, safety, prosperity, security and general welfare of the citizens of the Town; and

WHEREAS, in furtherance of the development of the Project, on or about January 3, 2022, the Town, the District and the Developer entered into that certain Development and Reimbursement Agreement for Ledge Rock Center Commercial, Johnstown, Colorado, recorded at Reception Number _____, on _____, 2022 in the Weld County Clerk and Recorder’s Office (“Development Agreement”); and

WHEREAS, pursuant to the Development Agreement, and the District’s and Developer’s representations made therein regarding the construction and installation of the Project on the Property, the Town agreed to negotiate a purchase and sale agreement with the Developer and the District regarding conveyance of the Property; and

WHEREAS, based on the foregoing, including the anticipated economic benefits and additional employment opportunities presented by the location of the Project in the Town, the Town desires to accommodate the Developer's request for conveyance of the Property to the Developer for nominal consideration; and

WHEREAS, pursuant to C.R.S. § 29-1-203, the Parties are authorized to enter into cooperative agreements and contracts for certain specified purposes, and intend that, as between the Town and the District, this Agreement constitute such an intergovernmental agreement with respect to the conveyance of the Property; and

WHEREAS, capitalized terms used herein not otherwise defined shall have the meaning set forth in the Development Agreement; and

WHEREAS, to effectuate the foregoing, the Parties desire to enter into this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the terms, conditions and covenants set forth in this Agreement and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Recitals. The Recitals set forth above are incorporated herein by reference.
2. Conveyance. Based upon the terms and conditions set forth herein, within three (3) business days of the District's first issuance of Bonds, the Town shall convey the Property to the Developer by special warranty deed, in substantially the same form as attached hereto and incorporated herein by reference as Exhibit A ("Conveyance Date"). If the District has not issued Bonds by June 30, 2022, then, unless the Town consents to an extension of time, this Agreement shall terminate and the Town shall not be obligated to convey the Property to the District.
3. Completion of Public Improvements. As a material term of this Agreement, the District and Developer agree to complete construction of the Public Improvements required for commercial use of the Property, the scope of which shall be agreed upon by the Parties, within five (5) years of the Conveyance Date. If, after due diligence, the District and Developer anticipate that they will not be able to complete the Public Improvements within the five (5) year period, within at least three and one-half years (3.5) from the Conveyance Date, the District and Developer may submit a written request to the Town for an extension of time to complete the Public Improvements along with an explanation of the reason for the request. The Town shall review the request and, if agreeable, at the Town's discretion, provide written consent to the extension of time in the form of an amendment to this Agreement. If the request is based on good cause, as determined by the Town, the Town's approval shall not be unreasonably withheld, delayed or conditioned.
4. Conveyance of Property to District. As a material term of this Agreement, the Developer agrees to convey the Property to the District, excepting the portions of the Property upon which Private Improvements will be constructed, within four (4) months of the Conveyance Date. The Developer further agrees to convey the Property to the District at no cost.

5. Restrictive Covenants. Absent written consent of the Town in the form of an amendment to this Agreement recorded in the Weld County Clerk and Recorder's Office, except as otherwise set forth herein, the Developer and the District and shall not:

- a. Convey the Property to a third-party, except that the Developer may convey the Property to the District as set forth herein;
- b. Secure any financing for Public Improvements with a mortgage or other encumbrance on the Property except for any PILOT which may exist on the Property; or
- c. Secure any financing for Private Improvements with a mortgage or other encumbrance on the Property except for (i) financing by a third-party who purchases portions of the Property pursuant Paragraph 6; or (ii) financing approved by the Town pursuant to Paragraph 7. Without limiting the Town's rights, the Town commits and affirms that, if the Town determines that the Developer is making substantial progress toward development of the Property, upon the written request of the Developer, the Town would be inclined to agree to release the foregoing restriction with respect to the Private Property.

6. Conveyance of Portions of the Property to Third-Party Retailers. Notwithstanding the foregoing, the Town understands and agrees that, as the Project develops, the Developer may desire to convey portions of the Property proposed for pad sites to third-parties for Private Improvements and the construction of buildings for commercial use. Such conveyance shall be subject to the following:

- a. Conditions of Sale. The Developer shall only be entitled to convey portions of the Property proposed for pad sites on the condition that the purchase and sale agreement between the Developer and the third-party purchaser contain provisions requiring that the third-party purchaser submit an application to the Town for a building permit within six (6) months of the acquisition of the property and commence construction of the Private improvements within three (3) months of the issuance of a building permit, except that, for good cause, the purchaser may provide a written request for an extension of either of the deadlines to the Town Manager at least thirty (30) days before the expiration of such deadline and the Town Manager may, at the Town Manager's discretion, extend the deadline upon a finding of good cause, which consent shall not be unreasonably withheld, delayed or conditioned if the request is based on good cause. If those conditions are not satisfied, the purchase and sale agreement shall provide that the third-party purchaser be required to reconvey the property to the Developer and that the Developer be required to accept reconveyance of the property from the third-party. The Developer shall also prohibit the third-party purchaser from selling the property to a different purchaser absent the Developer's consent and the new purchaser's assumption of the development obligations set forth above. Prior to the sale of the property by the Developer to a third-party, the Developer shall provide the portions of the purchase and sale agreement containing the above-conditions to the Town for review and

approval.

- b. Developer Funds. Upon the sale of property to a third-party, the Developer shall not be entitled to Developer Funds, as defined in the Escrow Agreement, for such portion of the Property absent written approval of the Town Manager, at the Town Manager's discretion. To determine whether to allow disbursement of Developer Funds, the Town Manager may request, among other information, documentation evidencing: (i) the identity of the purchaser of the property and the anticipated retail use; (ii) the anticipated construction schedule and date by which the purchaser intends to be open for retail business; and (iii) as between the Developer and the third-purchaser, the financial terms of the construction of the Private Improvements.

7. Encumbrance on Private Property.

- a. Pad Sites. Notwithstanding the foregoing, as provided in this Paragraph 7, the Developer may mortgage or encumber portions of the Property proposed for pad sites for Private Improvements when the Developer is prepared to commence construction of the Private Improvements on such pad site(s). In such case, the Developer shall provide written notice to the Town Manager. The Town Manager shall review and, if acceptable, at the Town Manager's discretion, provide written consent to the mortgage or encumbrance. The Town Manager's approval shall not be unreasonably withheld, delayed or conditioned.
- b. Consent to Encumber Lots 7, 8, 9 and 10. Developer has indicated that, as of the effective date of this Agreement, it intends to commence construction of the Public Improvements and thereafter the Private Improvements associated with Lots 7, 8, 9 and 10 ("Lots"), as such Lots are shown and depicted on Exhibit B attached hereto and incorporated herein by reference. The Town hereby provides consent for the mortgage or encumbrance of those Lots.

8. Consent to Transfer. Upon the conveyance of the Property from the Developer to the District, the District shall not be entitled to transfer or convey the Property to the Developer or to a third party absent the written consent of the Town.

9. Remedy. If the Developer and/or the District fail to comply with any term or conditions of this Agreement, the Developer and/or the District, as the case may be, shall be liable to the Town for the fair market value of the Property at the time of such failure, determined by an independent appraisal obtained at the Developer's expense. The Town shall be entitled to any and all other remedies available, including the right, at its discretion, to seek to rescission of the conveyance and transfer of the Property in violation of the terms of this Agreement. The Parties acknowledge that the Escrow Agreement will contain a cross default provision that will suspend the distribution of any Developer Funds until such time as any default by the Developer or the District under this Agreement has been cured.

10. References to Property. Each and every reference herein to the “Property” shall mean and include the whole of the Property or portions thereof.

11. Consent of the Town. Except as otherwise provided herein, the requirement to obtain the consent of the Town shall mean the consent of the Town Council of the Town of Johnstown.

12. Mediation. If a dispute arises under this Agreement that the Parties are not able to mutually resolve, prior to commencing litigation, the non-breaching Party shall first submit the matter to mediation conducted by a neutral mediator. The Parties shall attempt to agree upon a mediator and shall endeavor to find a mediator having experience in construction-related matters. If the Parties are unable to agree upon a mediator, either Party may apply to the Judicial Arbitrator Group in Denver, Colorado, for appointment of a mediator. The cost of the mediation shall be shared equally by the Parties.

13. Governing Law and Venue. This Agreement and the interpretation thereof shall be governed by the laws of the State of Colorado. Venue for any claim, proceeding or action arising out of this Agreement shall be in the County of Weld, State of Colorado.

14. Severability. If any term, provision, covenant or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement shall continue in full force and effect so long as enforcement of the remaining provisions would not be inequitable to the Party against whom they are being enforced under the facts and circumstances then pertaining or substantially deprive such Party of the benefit of its bargain under this Agreement. The Parties shall cooperate in reforming this Agreement to the extent required to most fully effect the intent of any such invalid, void or unenforceable term, provision, covenant or condition.

15. Recordation. This Agreement shall be recorded in the Weld County Clerk and Recorder’s Office.

16. Runs with the Land. The terms and provisions of this Agreement shall constitute covenants running with the land (the Property) and shall be binding upon and inure to the benefit of the respective successors, assigns, transferees, personal representatives and heirs of the Parties hereto.

17. Costs and Attorneys’ Fees. If the Developer or the District breaches this Agreement, the Developer or the District, as the case may be, shall pay the Town’s reasonable costs and expenses, including attorney’s fees, incurred in the enforcement of the terms, conditions and obligations of this Agreement.

18. Entire Agreement. This Agreement constitutes the entire agreement and understanding between the Parties related to the subject matter contained herein and supersedes all prior agreements or understandings.

19. No Presumption. Each Party acknowledges that it has obtained, or has had the opportunity to obtain, the advice of legal counsel of its own choosing in connection with the negotiation and execution of this Agreement and with respect to all matters set forth herein. In the

event of any dispute, disagreement or controversy arising from this Agreement, the Parties shall be considered joint authors and no provision shall be interpreted against any Party because of authorship.

20. Findings. The Town hereby finds and determines that execution of this Agreement is in the best interests of the public health, safety and general welfare of the citizens of the Town. The District hereby finds that this Agreement is in the best interests of the District.

21. Further Assurances. Each Party shall execute and deliver to the others all such other further instruments and documents as may be reasonably necessary or requested by another Party to confirm or clarify the intent of the provisions of this Agreement, and to carry out and effectuate this Agreement in order to provide and secure to the other Parties the full and complete enjoyment of their rights and privileges under this Agreement.

22. Authority. The signatories to this Agreement affirm and warrant that they are fully authorized to enter into and execute this Agreement, and all necessary actions, notices, meetings and/or hearings pursuant to any law required to authorize their execution of this Agreement have been made.

23. Headings. The paragraph headings herein are for the convenience and reference of the parties and are not intended to define or limit the scope or intent of this Agreement.

24. Counterparts. This Agreement may be executed in multiple counterparts, each of which will be deemed to be an original and all of which taken together will constitute one and the same agreement.

25. Effective Date. This Agreement shall be effective on the date set forth above in the opening paragraph.

[Remainder of page intentionally left blank.]

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the set forth above.

LEDGE ROCK CENTER, LLC, a Kansas
limited liability company

By: _____
Its: President
Date: _____

STATE OF COLORADO)
)
) ss.
COUNTY OF)

The foregoing Agreement Concerning Purchase and Sale of Real Property for Ledge Rock Center Commercial was acknowledged before me this ____ day of _____, 20____, by _____, as _____ of Ledge Rock Center, LLC, a Kansas limited liability company.

Witness my hand and official seal.

My commission expires:

Notary Public

LEDGE ROCK CENTER COMMERCIAL METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the state of Colorado

By: _____
 Its: President
 Date: _____
 Attest: _____

Secretary

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing Agreement Concerning Purchase and Sale of Real Property for Ledge Rock Center Commercial was acknowledged before me this ____ day of _____, 20____, by _____, as President and Secretary Ledge Rock Center Metropolitan District, a quasi-municipal corporation of the state of Colorado.

Witness my hand and official seal.

My commission expires:

Notary Public

THE TOWN OF JOHNSTOWN,
a home-rule municipality of the
State of Colorado

Date: _____ By: _____
Gary Lebsack, Mayor

ATTEST:

Diana Seele, Town Clerk

EXHIBIT A
SPECIAL WARRANTY DEED

THIS DEED, made this ___ day of _____, 2022, between the TOWN OF JOHNSTOWN, a Colorado home rule municipality located in County of Weld, State of Colorado (“**Grantor**”), and LEDGE ROCK CENTER, LLC, a Kansas limited liability company (“**Grantee**”):

GRANTOR, for the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto Grantee, its heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Weld, State of Colorado, described as follows:

Lot 2, Oxy Land Subdivision, located in the Northwest ¼, Section 11, Township 4 North, Range 68 West of the 6th P.M., Town of Johnstown, County of Weld, State of Colorado, consisting of approximately 33.22 acres.

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto the Grantee, its heirs and assigns forever. The Grantor, for itself, its heirs and personal representatives or successors, does covenant and agree that it will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the Grantee, its heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor. Said warranty is subject to rights-of-way, easements, covenants, plats, agreements and other restrictions of record as of the date of this Deed and any other exceptions or exclusions or rights of third parties not shown by the public records of which Grantee has actual knowledge, and subject to the inclusions of the property within any special taxing district. The singular shall include the plural and the plural the singular and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, Grantor has executed this Deed on the date set forth above.

TOWN OF JOHNSTOWN

By: _____
 Title: Gary Lebsack, Mayor

STATE OF COLORADO)
)ss.
 COUNTY OF WELD)

The foregoing instrument was acknowledged before me by Gary Lebsack, Mayor of the Town of Johnstown this _____ day of _____, 2022.

Witness my hand and official seal.

My commission expires_____.

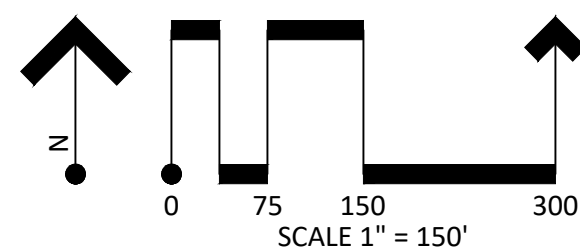
 Notary Public

EXHIBIT B
DEPICTION OF LOTS

[Attached]

WEST LEDGE ROCK CENTER SUBDIVISION FILING NO. 1

A REPLAT OF
LOT 2 , OF PLAT OF OXY LAND SUBDIVISION,
SITUATED IN THE NORTHWEST ONE-QUARTER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO



PURPOSE STATEMENT

THIS SURVEY SUBDIVIDES LOT 2, OF PLAT OF OXY LAND SUBDIVISION.

OWNER CERTIFICATE:

KNOW ALL MEN BY THESE PRESENTS THAT I/WE, _____, BEING THE OWNER(S), MORTGAGE OR LIEN HOLDER OF CERTAIN LAND IN EVANS, COLORADO, DESCRIBED AS FOLLOWS: BEGINNING _____, CONTAINING _____ ACRES MORE OR LESS: HAVE BY THESE PRESENTS LAID OUT, PLATTED AND SUBDIVIDED THE SAME INTO LOTS AND BLOCKS, AS SHOWN ON THIS PLAT, UNDER THE NAME AND STYLE OF WEST LEDGE ROCK CENTER SUBDIVISION FILING NO. 1, AND DO HEREBY DEDICATE TO THE PUBLIC ALL WAYS AND OTHER PUBLIC RIGHTS-OF-WAY AND EASEMENTS FOR PURPOSES SHOWN HEREON. EXECUTED THIS _____ DAY OF _____, 201 _____

OWNER(S), MORTGAGE OR LIEN HOLDER _____

LEGAL DESCRIPTION:

THE NW 1/4 OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO

EXCEPTING THEREFROM THOSE PARCELS CONVEYED BY THE FOLLOWING DEEDS:

RECORDED FEBRUARY 19, 1902 IN BOOK 200 AT PAGE 117 AND AUGUST 2, 1902 IN BOOK 190 AT PAGE 81 AND OCTOBER 26, 1917 IN BOOK 485 AT PAGE 469 AND APRIL 28, 1930 IN BOOK 894 AT PAGE 33 AND JULY 20, 1937 IN BOOK 1013 AT PAGE 205 AND APRIL 25, 1939 IN BOOK 1041 AT PAGE 274 AND MAY 10, 1957 AT RECEPTION NO. 1254276 AND MARCH 22, 1961 AT RECEPTION NO. 1351459 AND JANUARY 29, 2021 AT RECEPTION NO. 4676830 AND MARCH 8, 2021 AT RECEPTION NO. 4690405.

SURVEYOR'S NOTES:

- ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY POINT CONSULTING, LLC. FOR INFORMATION REGARDING BOUNDARY, EASEMENTS AND TITLE, POINT CONSULTING, LLC RELIED UPON THE FOLLOWING TITLE COMMITMENT PREPARED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY: ORDER NO. FCC25188854-3, EFFECTIVE DATE OF DECEMBER 21, 2021 AT 5:00 P.M.
- PUBLISHED PROPERTY ADDRESS: 22764 I-25 FRONTAGE ROAD, JOHNSTOWN, CO 80534.
- THE SUBJECT PROPERTY CONTAINS 1,447,024 SQUARE FEET OR 33.219 ACRES, MORE OR LESS.
- UNIT OF MEASURE: DISTANCES SHOWN HEREON ARE U.S. SURVEY FOOT.
- BASIS OF BEARINGS: BEING THE EAST SECTION LINE OF THE NORTHWEST ONE-QUARTER SECTION 11, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN AS MEASURED BETWEEN THE MONUMENTS FOUND AND SHOWN HEREON AS N 00°26'18" W.

CERTIFICATE OF APPROVAL BY THE CITY CLERK:

THIS PLAT IS HEREBY APPROVED BY THE CITY CLERK OF EVANS, COLORADO, THIS _____ DAY OF _____, 201 _____

CITY CLERK _____

SURVEYING CERTIFICATE:

I, ADAM R. ZETTMLOYER, BEING A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE PLAT OF WEST LEDGE ROCK CENTER SUBDIVISION FILING NO. 1 BEING A SUBDIVISION OF LOT 2, OF PLAT OF OXY LAND SUBDIVISION WAS MADE BY ME OR UNDER MY SUPERVISION.

DATED THIS _____ DAY OF _____, 2021.

ADAM R. ZETTMLOYER, PLS
COLORADO LICENSE NUMBER 38570
FOR AND ON BEHALF OF
POINT CONSULTING, LLC
8460 W KEN CARLY AVE
LITTLETON, CO 80128
(702) 258-6836
azettlemoyer@pnt-llc.com



VICINITY MAP

Scale 1" = 3,500'

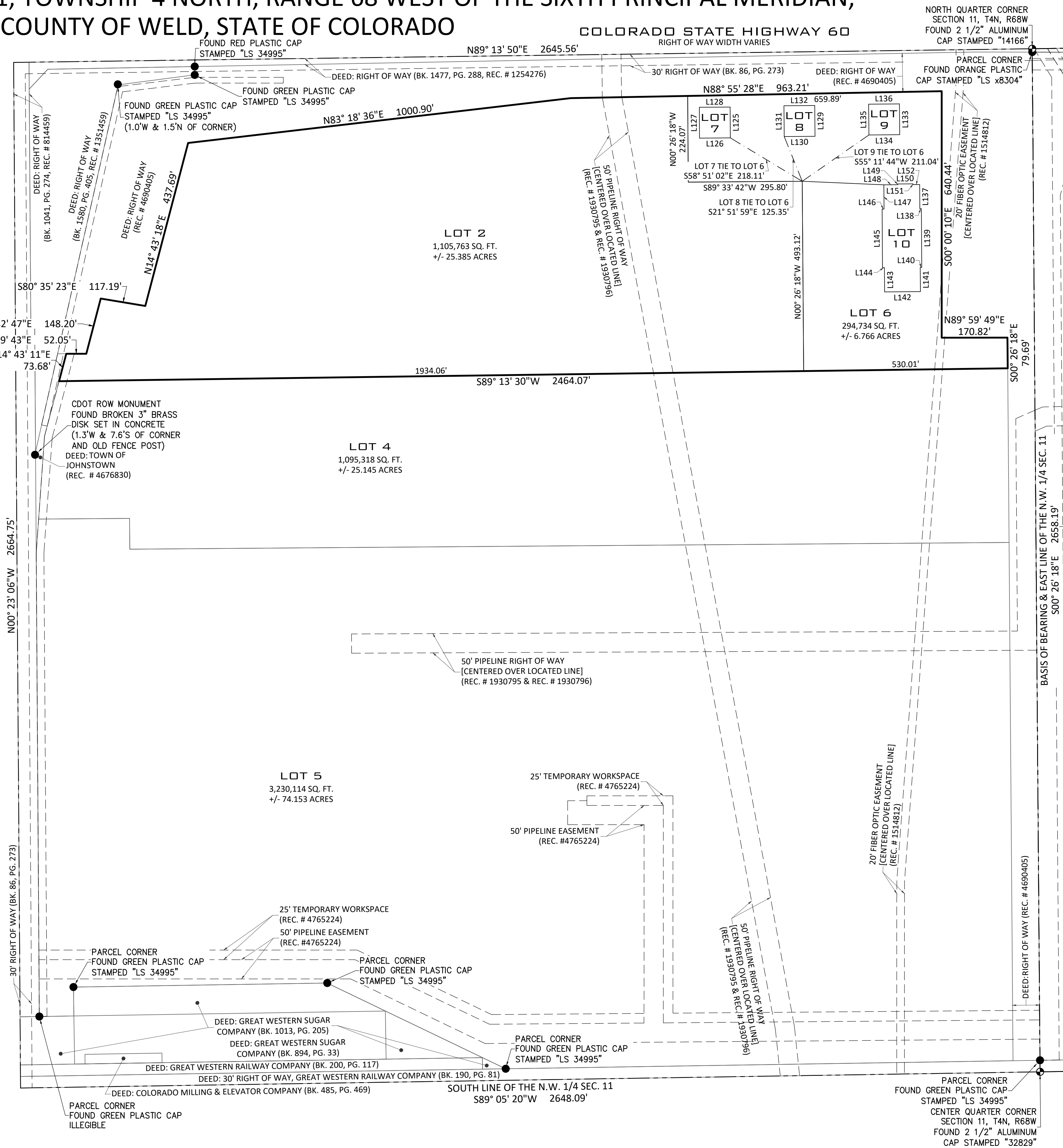
- SET 24" #5 REBAR & ALUMINUM CAP "SURVEY LS 38570"
- ⊙ SET NAIL & ALUMINUM TAG "SURVEY LS 38570"
- FOUND GOVERNMENT CORNER
- FOUND IRON PIPE
- FOUND REBAR

--- SECTION LINE
--- BOUNDARY LINE
--- LOT LINE
--- ADJACENT BOUNDARY LINE
--- EASEMENT LINE

| LINE TABLE | | |
|------------|--------|-------------|
| TAG # | LENGTH | DIRECTION |
| L125 | 80.00' | S00°26'18"E |
| L126 | 80.00' | S89°33'42"W |
| L127 | 80.00' | N00°26'18"W |
| L128 | 80.00' | N89°33'42"E |
| L129 | 80.00' | S00°26'18"E |
| L130 | 80.00' | S89°33'42"W |
| L131 | 80.00' | N00°26'18"W |
| L132 | 80.00' | N89°33'42"E |
| L133 | 80.00' | S00°26'18"E |
| L134 | 80.00' | S89°33'42"W |
| L135 | 80.00' | N00°26'18"W |
| L136 | 80.00' | N89°33'42"E |
| L137 | 63.00' | S00°26'17"E |
| L138 | 4.00' | N89°33'42"E |

| LINE TABLE | | |
|------------|---------|-------------|
| TAG # | LENGTH | DIRECTION |
| L139 | 152.25' | S00°26'18"E |
| L140 | 4.00' | S89°33'42"W |
| L141 | 63.00' | S00°26'17"E |
| L142 | 93.00' | S89°33'42"W |
| L143 | 63.00' | N00°26'17"W |
| L144 | 5.00' | S89°33'42"W |
| L145 | 152.25' | N00°26'18"W |
| L146 | 5.00' | N89°33'42"E |
| L147 | 63.00' | N00°26'18"W |
| L148 | 36.21' | N89°33'42"E |
| L149 | 2.00' | N00°26'17"W |
| L150 | 39.50' | N89°33'43"E |
| L151 | 2.00' | S00°26'18"E |
| L152 | 17.29' | N89°33'44"E |

| INTERIOR LOT TABLE | |
|--------------------|------------------|
| LOT # | LOT AREA |
| LOT 7 | 6,400.0 SQ. FT. |
| LOT 8 | 6,400.0 SQ. FT. |
| LOT 9 | 6,400.0 SQ. FT. |
| LOT 10 | 27,326.5 SQ. FT. |



DRAFT-MINOR RESUBDIVISION PLAT-DRAFT
WEST LEDGE ROCK CENTER
SUBDIVISION FILING NO. 1
WELD COUNTY, COLORADO

DATE
01.24.2022

DESCRIPTION
ORIGINAL PREPARATION

SUBDIVISION PLAT

JOB NO. 21.022
SHEET 1/1

POINT CONSULTING, LLC
8460 W KEN CARLY AVE #101
LITTLETON, CO 80128
720-258-6836
www.pnt-llc.com
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
LAND SURVEYING

PROJECT COORDINATION
HEADED BY JIM SHIFTON
FOR AND ON BEHALF OF
POINT CONSULTING, LLC





Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: February 7, 2022

SUBJECT: Executive Summary from Broadband Study

ACTION PROPOSED: Authorization to Develop of an MOU with Allo Communications For Community Broadband

ATTACHMENTS: 1. Broadband Recommendation Executive Summary

PRESENTED BY: Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:

In May 2021, the Towns of Johnstown, Berthoud, Mead, and Milliken embarked on a joint broadband financial feasibility and needs assessment study. The focus was to evaluate current service providers and the ability to create a municipal broadband system or recruit other providers to enter into our service territories to provide internet and other fiber based services that adequately met the needs of our respective communities. The team, beyond the Towns also consisted of Magellan Advisors and Peak Enterprises operating as the consultant responding to the RFP and the owner's representative respectively.

In October 2021, the Towns along with Magellan and Peak met to present the findings to the elected bodies of the four Towns. The recommendations included exploring and interviewing three (3) entities who could provide the fiber based services our community deserves. The recommendation did not support a municipal fiber/broadband service.

Collectively the local governments supported moving forward with the interviews and then reporting back to each governing body following those interviews. The entities interviewed were Allo Communication, Highline Telecommunications, and Loveland Pulse. Enclosed for your review is a short overview of the study and a recommendation to begin engaging with one of the three finalist to structure an agreement to install broadband in the community.

The recommendation specifically requests permission to allow Town Staff from each of the four Towns to develop an MOU with Allo Communications based on the fact that it met key elements

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we considered in the evaluation of determining an adequate provider to partner with. Upon completion of the MOU, it will be brought back to the Town Council for formal consideration.

LEGAL ADVICE:

Not Applicable

FINANCIAL ADVICE:

Not Applicable

RECOMMENDED ACTION: Authorize Town Staff to begin engaging with Allo Communications to develop and MOU for broadband deployment in Johnstown.

SUGGESTED MOTIONS:

For Approval: I move to authorize the Town Manager to develop an MOU with Allo Communications for broadband deployment in the Town of Johnstown to be considered at a future Town Council meeting.

For Denial: I move to deny authorization of the Town Manager to develop an MOU with Allo Communications for broadband deployment in the Town of Johnstown.

Reviewed and Approved for Presentation,



Town Manager

BROADBAND RECOMMENDATION

Bringing Fiber based, reliable, high-speed internet to
the “4 Towns”

Tim Scott

President - Peakview Enterprises – Owner’s Representative to “4 Towns”
January 2022

4 Towns Regional Broadband Project



The Towns of Berthoud, Johnstown, Mead and Milliken have worked diligently over the last 6 months of 2021 to understand what options may be possible to bring fiber based, reliable, and affordable, internet service to their communities. In addition to understanding the basic technology requirements, a plan was developed that included surveying community members across all 4 Towns to understand current experience and satisfaction with existing Internet options. Additionally, a high-level design and associated cost plan to determine the level of investment required to bring fiber-based services across all 4 Towns was created. All 4 Towns agreed that more competition and a fiber-based approach within the telecommunication sector for their communities would bring improved outcomes for residents, businesses, and community organizations.

More specifically, the Towns agreed upon four primary objectives:

1. **Inclusivity:** To provide the opportunity for high-speed broadband service to all residents, businesses, schools, local government, non-profit organizations, healthcare service providers, and multi-tenant properties within the four (4) communities and possibly the areas between the four Towns that are unincorporated.
2. **High Speed:** Requires at least 1 Gigabit symmetrical (upload and download) broadband connection for residential (and up to 10 Gigabit symmetrical broadband connection for non-residential) with the ability to potentially grow into faster services over time. A need to accommodate both smart city applications and triple-play services were also identified as key needs for any new provider.
3. **Reliable:** The service needs to be dependable as it will have many uses requiring high availability. Some examples are businesses - both storefront and home, residents, students, and healthcare professionals. A focus on redundancy should be a key element to ensure reliability.
4. **Reasonable cost:** The monthly charges for such service should be reasonable and affordable to ensure the needs of each community are met.

The community survey results, and details surrounding the design / engineering plans, as well as cost projections are all available on request from the Town of Johnstown.

The four Towns with very close proximity to each other provide an opportunity for any provider to look at aggregating demand across nearly 20,000 homes and businesses on the Front Range of Colorado. The Northern Colorado area, which includes these 4 Towns is one of the fastest growing markets in the US and within 40 minutes of the Denver metro market. A preliminary engineering analysis was completed on the fiber to the premise network needed to provide high-speed internet and other services to 100% of homes and businesses. Key statistics in this analysis include fiber distribution mileage needed for construction, fiber backbone mileage to interconnect the markets to one another and estimation of shelter, cabinet and equipment costs. Essentially, these costs together provide a total capital cost estimate to build the network, based on engineer's estimates.

Total Passings & Distribution Mileage

| Town | Fiber Distribution Mileage | Total Passings | Homes Per Mile |
|------------------|----------------------------|----------------|----------------|
| Berthoud | 94.3 | 6,283 | 67 |
| Johnstown | 109.8 | 6,854 | 62 |
| Mead | 77.4 | 3,113 | 40 |
| Milliken | 59.4 | 3,441 | 58 |
| Total | 340.9 | 19,691 | 58 |

Preliminary Summary of Capital Costs

| Fiber Distribution | Fiber Drops | Electronics | Vehicles & Stock | Total Capital | Cost Per Home Passed |
|---------------------|--------------|-------------|------------------|---------------|----------------------|
| \$10,371,394 | \$3,392,820 | \$1,240,000 | \$650,000 | \$15,654,214 | \$2,492 |
| \$12,081,581 | \$3,701,160 | \$1,240,000 | \$650,000 | \$17,672,741 | \$2,578 |
| \$8,512,144 | \$1,681,020 | \$960,000 | \$425,000 | \$11,578,164 | \$3,719 |
| \$6,531,338 | \$1,858,140 | \$960,000 | \$425,000 | \$9,774,478 | \$2,841 |
| \$37,496,456 | \$10,633,140 | \$4,400,000 | \$2,150,000 | \$54,679,596 | |

Key Expectations and Asks of any new Provider included:

- A turnkey solution from a leading broadband provider to build, own, operate a regional fiber to the home network; making it accessible to 100% of homes, businesses and community organizations across the 4 Towns.
- A commitment to meeting this requirement within 3 years with a buildout plan that enables each Town to begin receiving services within the first 18 months or sooner.
- Consistent and uniform pricing for high-speed internet services across the 4 Towns, with the understanding that the provider must respond to competitive pressures from other providers and which may influence pricing to some degree.
- Tiered, competitive packages up to 1 gigabit for residential services in the first 3 years.
- 10 gigabit services available to residential customers after year 3 or sooner.
- Competitive Small and Medium Business (SMB) packages at competitive rates but with higher speeds and reliability than existing "business class" SMB services.
- Enterprise class internet and transport services to serve large businesses, schools, hospitals, libraries and other community anchor institutions.
- High-quality customer service with demonstrable quality, Net Promoter Score (NPS) or other service metrics.
- The ability to wholly fund the project without any required funding participation from the 4 Towns.

- Successful references including community engagement, ideally already active within Colorado.

What the 4 Towns Can Provide:

- Streamlined permitting processes to support a large-scale underground fiber construction project to ensure that permitting does not delay production.
- A single point of contact for all permitting, construction coordination, locates, community engagement, notification, inspections and restoration.
- Community engagement and outreach to support education on the project and the project.
- Existing data in GIS, including parcel maps, existing utilities, rights of way, city property and related information.
- City property for location of points of presence, fiber distribution hubs, cabinets and other provider facilities.
- Franchise agreement as applicable.

Reaching out to Providers and Recommendation:

Following our release of information regarding the Town's objectives, and summary survey results with estimated project costs, during the Summer of 2021, preliminary discussions with interested providers were held with 11 separate entities including the Town's current providers. Of these providers, 5 demonstrated a solid understanding of the 4 Town's objectives and had applicable experience delivering community, fiber-based internet solutions. All 5 had slightly different go-to market approaches with differing strengths and weaknesses. Following further dialogue with these 5 providers, digging deeper into their planned community approach, as well as reviewing their desire and capacity to fund the whole project three entities were identified as well positioned to meet the goals and objectives of the 4 Towns. In October 2021, Allo Communications, Highline Telecommunications, and Loveland Pulse were presented to the elected officials of each of the 4 Towns and recommended to be shortlisted to visit in-person with Town leadership and further determine their interest and ability to execute on the 4 Towns desired broadband plans.

During late November and early December 2021 in-person meetings were held with these 3 providers and whilst all communicated a strong desire to work with the 4 Towns, it was clear that Allo Communications presented the strongest case to be considered as a new fiber based, community provider of triple play and help the Town implement desired smart city services across the 4 communities.

Some of the strong attributes that Allo Communications presented included:

- Track record of success in northern Colorado delivering cost competitive, triple play services and smart city applications in other similar sized communities.
- Demonstration of excellent customer service, NPS success, and community engagement.
- A willingness and capability to fund the capital requirements to build out the new fiber network and the operational know-how to successfully manage the new network.
- Strong technical capacity including the ability to complete a final design.
- Commitment to complete network construction within Town's desired timeframes and to equally build out, market, and connect equitably across the 4 Towns.

- With global shortages of materials required to construct fiber networks, Allo were also able to demonstrate a commitment to ensure material supply and delivery would not be a limiting factor to the construction of the new network.

Recommendation:

Town Administrators from the “4 Towns” all concur that an agreement should be sought with Allo Communications and input from private sector partners, both Peakview Enterprises (Owner’s Representative) and Magellan Advisors (Broadband Study Responder) support this recommendation.

Next steps:

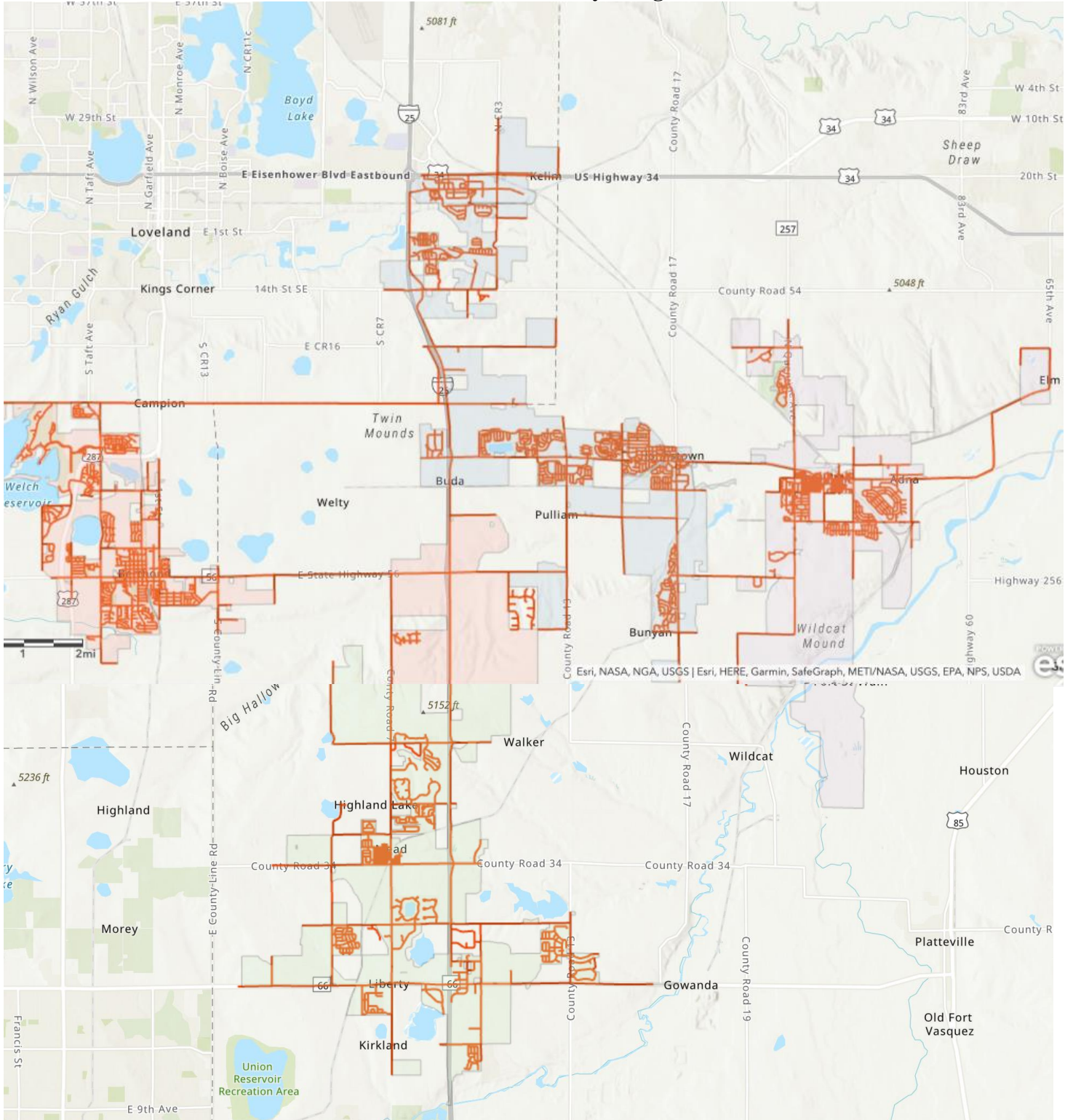
Each of the Town representative facilitating the Broadband Study and this Summary and its recommendation as applicable. Collectively with the elected officials we desire to seek consensus authorizing for the Town representatives to begin discussions with Allo and confirm a simple Agreement (such as an MOU) between Allo and each of the 4 Towns to be presented to the governing bodies of each Town. This should be a simple Agreement as no Town commitments, monetary or otherwise, are being made and granted to Allo. The execution of a Franchise agreement with Allo would also happen as required.

It is expected that this Agreement could be completed for Town Council/Board consideration by end of March 2022. In parallel to this, Allo would complete their own expected final design and costs of the project at their own expense. Assuming these timelines are met, following final design review, agreement on a project timeline with final market pricing, and establishment of the permitting process, construction could begin as early as Summer 2022. Full construction should be complete within 18-24 months from commencement.

Allo highlights:

- Lincoln, Nebraska headquarters serving 27 communities across NE, CO and AZ.
- Well capitalized with a significant investment from SDC Capital Partners, LLC, headquartered in New York, focused on applicable IT and communications infrastructure investments.
- Presence in Northern Colorado with initiatives in Fort Morgan, Breckenridge, Hudson and soon Greeley.
- Good fiber-based internet options with competitive pricing supported by IP voice and IPTV bundle options with a strong channel lineup.
- Excellent technical team and operational know-how.
- Solid customer care, community engagement, and applicable marketing activities.

4 Towns Preliminary Design





Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: February 7, 2022

SUBJECT: Request for Acceptance of the Dedication of 2.5 Shares Capital Stock in the Consolidated Hillsborough Ditch Company in Exchange for 150 AF Water Credits in the Platte Land and Water, LLC Water Bank Held by the Town of Johnstown

ACTION PROPOSED: Consider Authorization to Sign the Water Dedication and Water Bank Agreement to Provide Hillsborough Water Consisting of 2.5 Shares and Providing for 150 AF Water Credit

ATTACHMENTS: 1. Letter to Tim Walsh Dated September 29, 2021

PRESENTED BY: Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:

In September 2021, Council was presented in the informational packet with a letter which would accept 2.5 Shares of Hillsborough Water in exchange for 150 AF of water credit. This volume allocates 60 AF per share. A copy of this letter is attached. During the Council Meeting, there were no objections to this request and Council was generally supportive of this acceptance considering many factors. A key factor included the fact that the Town is currently preparing a change case for water and these shares would be included in that upcoming change case. The water acceptance request also proposed storage rights for water, but considering the Hillsborough does not currently have storage rights, it was recommended that the Town pass on this option.

While this offer and consideration is unique and outside of our normal course of action, Town Staff does not intend to provide for additional opportunities of this nature considering our current need to complete an updated operating agreement with the Home Supply Ditch Company. Notwithstanding this pending agreement with the Home Supply Company, the Town's Water Engineers also support acceptance of this water in this condition.

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There is a risk/reward for acceptance of these shares in this current condition. Following a change case, the actual yield provided in the decree may be more or less than the 60 AF per share allocated. If the yield is more, the Town would receive the benefit of the excess water yield. Conversely, if the yield was less, the entity dedicating the water would receive the benefit of the 60 AF of water per share. In the interim, the Town would backfill the water need until the decree is completed. In our portfolio of water, there is sufficient firm water yield to meet this demand.

Approval of this agenda item would authorize creation of the water bank and establish 150 AF of water credit for the developer to use pending approval of any Water Sewer Service Agreement. Generally, the Town Manager signs the establishment of Water Dedication and Water Bank. Since the water bank is being established with water our Town Code does not address, this item is presented to Council for formal consideration.

LEGAL ADVICE:

The Town Attorney reviewed the Water Dedication and Water Bank Agreement.

FINANCIAL ADVICE:

Not Applicable

RECOMMENDED ACTION: Authorize the Town Manager to sign the Water Bank Agreement and provide for 150 AF of water credit.

SUGGESTED MOTIONS:

For Approval: I move to authorize the Town Manager to sign the Water Dedication and Water Bank Agreement Between the Town of Johnstown and Platte Land & Water LLC and provide for 150 AF water credit.

For Denial: I move to deny authorization for the Town Manager to sign the Water Dedication and Water Bank Agreement Between the Town of Johnstown and Platte Land & Water LLC and provide for 150 AF water credit.

Reviewed and Approved for Presentation,



Town Manager



Town of Johnstown

September 29, 2021

Mr. Tim Walsh, President
Platte Land and Water LLC
201 University Blvd Suite 710
Denver, CO 80206

RE: Request for Acceptance of the Dedication of 2.5 Shares Capital Stock in the Consolidated Hillsborough Ditch Company in Exchange for Water Credits in Platte Land and Water, LLC Water Bank Held by the Town of Johnstown

Dear Mr. Walsh,

I hope this letter finds you well. We apologize for the delayed response regarding your July 7, 2021 letter related to the above stated request. After a discussion with the Town's water resource professionals and a review of your request, the Town is receptive to offering the following alternative as a solution for accepting the 2.5 shares capital stock in the Consolidated Hillsborough Ditch Company in exchange for 150 acre-feet of water credits, which may be applied for the development of property. This action is subject to approval by the Mayor and Town Council as per the Johnstown Municipal Code.

Your inquiry also contemplates the ability to utilize water storage to compliment the water and considers the ability of increasing the availability of water by 50 acre-feet assuming that the water storage is available. This too would also be used for development of property within Town. While the Town is receptive to this idea, we currently cannot provide this additional yield and use of the water storage as a credit. This is simply because of the fact that the water would need to be changed and available for water storage in the final decree. If a water court change case is successful and does permit for the storage of water, we would be receptive to revisiting this request at that time.

If Platte Land and Water, LLC chooses not to dedicate the 2.5 Consolidated Hillsborough Ditch Company to the Town, this proposal would not be accepted by the Town. Please note this proposal is subject to Town Council approval. I am hopeful that this answers your questions. If this letter requires further dialogue, please contact me at your convenience.

Regards,


Matt LeCerf
Town Manager

cc: Tom Williamsen, Helton & Williamsen
Dan Gillham, Helton & Williamsen
Tod Matuga, Platte Land & Water
Eric McCarty, Front Range Land & Water Consulting, LLC

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johnstown.colorado.gov

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WATER DEDICATION AND WATER BANK AGREEMENT
BETWEEN TOWN OF JOHNSTOWN AND
PLATTE LAND & WATER, LLC

This Water Dedication and Water Bank Agreement (“Agreement”) is made and entered into on this ____ day of _____, 202__, by and between the Town of Johnstown, Colorado, a Colorado home rule municipal corporation (“Town”), and Platte Land & Water, LLC, a Delaware limited liability company (“PLW”).

RECITALS

WHEREAS, PLW is the owner of real property situated in the Town of Johnstown, County of Weld, State of Colorado, the description of which is set forth on **Exhibit A** attached hereto and incorporated herein by this reference (the “Property”); and

WHEREAS, PLW or a successor in interest may seek to develop the Property (“Development”) in the future; and

WHEREAS, Article IV of Chapter 13 of the Johnstown Municipal Code requires PLW to dedicate water in a sufficient amount to satisfy the water demands projected for all proposed uses within the Development; and

WHEREAS, PLW is also the owner of two and one-half (2.5) shares of The Consolidated Hillsboro Ditch Company (“Water Shares”) represented by Certificate Number 949 (the “Stock Certificate”), a copy of which is attached hereto as **Exhibit B** and incorporated herein by this reference; and

WHEREAS, the Water Shares equate to 150 acre-feet of raw water credit; and

WHEREAS, PLW desires to dedicate the Water Shares to the Town to be used to satisfy the raw water demands of the Development, or a portion thereof, and to create a water bank, to be known as the “PLW Held Farm Water Bank,” in the form attached hereto as **Exhibit C** and incorporated herein by reference, and include the corresponding 150 acre-feet of raw water credit into the PLW Held Farm Water Bank; and

WHEREAS, PLW further desires to continue to dedicate raw water to the Town to be included in the PLW Held Farm Water Bank upon the additional acquisition of raw water and to create a mechanism to accomplish such transactions; and

WHEREAS, the Town agrees to accept the dedication of the Water Shares and, from time to time, the dedication of additional raw water and, upon each such dedication, to include the corresponding raw water credit in the PLW Held Farm Water Bank; and

WHEREAS, to effectuate and memorialize the foregoing, the parties desire to enter into this Agreement.

AGREEMENT

1. **Water Dedication.** Subsequent to the execution of this Agreement, PLW shall dedicate the Water Shares to the Town and shall assign the Stock Certificate to the Town pursuant to a stock assignment substantially in the form attached to this Agreement as **Exhibit D.**

2. **PLW Held Farm Water Bank.** Upon dedication of the Water Shares to the Town, the Town shall add 150 acre-feet of raw water credit to the PLW Held Farm Water Bank, which raw water credit may be used to satisfy projected water demands within the Development or a portion thereof.

3. **Subsequent Water Dedications.** At any date subsequent to the execution of this Agreement, PLW may dedicate additional raw water to the Town, of a type acceptable to the Town, to be included in the PLW Held Farm Water Bank, which raw water credit shall thereafter be available to satisfy projected water demands within the Development or a portion thereof. The Town shall determine the raw water credit attributable to such subsequent raw water dedications. Upon each such dedication, the Town and PLW shall execute the form of Acknowledgment of Raw Water Credit attached hereto and incorporated herein by reference as **Exhibit E.**

4. **Use of Raw Water Credits in PLW Held Farm Water Bank.**

a. Prior to issuance of any building permits for commercial or industrial development or recordation of a final plat for residential lots in any phase in the Development, the Town and PLW shall enter into a water and sewer service agreement setting forth the raw water demands for the portion of the Development that is the subject of the water and sewer service agreement and, if raw water credit is available, allocate water from the PLW Held Farm Water Bank to those uses.

b. Absent written notice from PLW and written approval from the Town, which approval shall not be unreasonably withheld, the water contained in the PLW Held Farm Water Bank shall not be allocated to any other properties or development or other use in the Town.

c. For the avoidance of doubt, the Town shall not authorize the water in the PLW Held Farm Water Bank to be used outside the municipal boundaries of the Town.

5. Water Court Transfer Fees. PLW recognizes and agrees that, at the time of execution of water and sewer service agreements allocating water from the PLW Held Farm Water Bank, PLW shall be required to pay the Water Court Transfer Fees as that term is defined in and required by the Johnstown Municipal Code.

6. Binding Effect. This Agreement shall benefit PLW, PLW's heirs, successors, assigns and transferees and any other person or entity acquiring or purchasing any interest in any of the Property.

7. Governing Law and Venue. This Agreement shall be governed by the laws of the State of Colorado and Municipal Code of the Town of Johnstown. Venue for any claim, proceeding or action arising out of this Agreement shall be in Weld County, Colorado.

8. No Presumption. Each party acknowledges that it has obtained, or has had the opportunity to obtain, the advice of legal counsel of its own choosing in connection with the negotiation and execution of this Agreement and with respect to all matters set forth herein. In the event of any dispute, disagreement or controversy arising from this Agreement, the parties shall be considered joint authors and no provision shall be interpreted against any party because of authorship.

9. Entire Agreement. This Agreement constitutes the entire agreement and understanding between the parties and supersedes all prior agreements or understandings. Any amendment to this Agreement must be in writing and signed by the parties.

10. Headings. The paragraph headings herein are for the convenience and reference of the parties and are not intended to define or limit the scope or intent of this Agreement.

[Remainder of page intentionally left blank.]

IN WITNESS WHEREOF, and agreeing to be fully bound by the terms of this Agreement, the parties have set their hands below.

PLATTE LAND & WATER, LLC,

a Delaware limited liability company

By: _____

Name: Timothy B. Walsh

Title: President

STATE OF _____)

) ss.

COUNTY OF _____)

SUBSCRIBED AND SWORN to before me this ____ day of _____, 202__, by Timothy B. Walsh, as President of Platte Land & Water, LLC, a Delaware limited liability company.

WITNESS my hand and official seal.

My commission expires:

Notary Public

TOWN OF JOHNSTOWN, COLORADO

a Colorado Home Rule Municipal Corporation

By: _____

Matthew LeCerf, Town Manager

ATTEST:

By: _____

Diana Seele, Town Clerk

EXHIBIT A**(Property)**

THE N 1/2 OF THE SW 1/4 AND THE SE 1/4 OF THE SW 1/4 OF SECTION 4, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO;

EXCEPTING THAT CERTAIN PARCEL OF LAND DESCRIBED IN DEED RECORDED AUGUST 23, 1926 IN BOOK 807 AT PAGE 76 IN THE SW1/4 OF SECTION 4, TOWNSHIP 4 NORTH, RANGE 67 WEST OF THE 6TH P. M., WELD COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY OF THE GREAT WESTERN RAILWAY, WHICH POINT IS LOCATED 123 FEET EAST AND 540 FEET SOUTH OF THE NORTHWEST CORNER OF THE SW1/4 OF SAID SECTION 4; THENCE SOUTH ALONG SAID RIGHT OF WAY LINE 123 FEET DISTANCE FROM AND PARALLEL TO THE WEST LINE OF SAID SECTION, FOR A DISTANCE OF 230 FEET, THENCE EAST FOR A DISTANCE OF 15 FEET, THENCE NORTH 138 FEET DISTANT FROM AND PARALLEL TO THE WEST LINE OF SAID SECTION, FOR A DISTANCE OF 230 FEET; THENCE WEST FOR A DISTANCE OF 15 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT THAT PORTION AS CONVEYED IN DEED RECORDED AUGUST 1, 1904 IN BOOK 218 AT PAGE 175,

ALSO EXCEPT THAT PORTION CONVEYED IN DEED RECORDED APRIL 8, 1905 IN BOOK 228 AT PAGE 4.

EXHIBIT B
(Copy of the Water Certificate)

| | | |
|--|---|------------------|
| No. 949 | The Consolidated Millshoro Ditch Co. CAPITAL STOCK, \$11,800. | ---2.5--- Shares |
| This Certifies that <u>Platte Land & Water, LLC</u> | | |
| is the <u>owner</u> of <u>two and one-half</u> Shares of the Capital Stock of | | |
| The Consolidated Millshoro Ditch Company | | |
| <i>transferable only on the books of the Corporation by the holder hereof, or by attorney, upon surrender of this Certificate properly endorsed.</i> | | |
| In Witness Whereof. The said Corporation has caused this Certificate to be signed by its duly authorized officers and to be sealed with the seal of the Corporation at Johnstown, Colorado, this <u>8th</u> day of <u>January</u> , A. D. 19 <u>2021</u> | | |
| <i>Margaret S. Vetter</i> Secretary | <i>Dean Binda</i> President | |

EXHIBIT C
(PLW Held Farm Water Bank)

EXHIBIT D
(Form of Stock Assignment)

STOCK ASSIGNMENT
(The Consolidated Hillsboro Ditch Company – Certificate No. 949)

FOR VALUE RECEIVED, PLATTE LAND & WATER, LLC, a Delaware limited liability company (“Grantor”), hereby grants, transfers and assigns unto the TOWN OF JOHNSTOWN, COLORADO, a Colorado home rule municipal corporation (“Grantee”), all of Grantor’s right, title and interest in two and one-half (2.5) shares of the Capital Stock of The Consolidated Hillsboro Ditch Company (the “Company”) represented by Stock Certificate No. 949 (the “Water Shares”), which stock is standing in the name of the undersigned on the books and records of the Company. Grantor hereby authorizes and empowers the secretary of the Company to cancel said certificates and issue new certificates for the Water Shares to Grantee and to effectuate this transfer on the books of the Company.

Signed this _____ day of _____ 202__.

PLATTE LAND & WATER, LLC,
a Delaware limited liability company

By: _____
Name: Timothy B. Walsh, President

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____ 202__, by Timothy B. Walsh, President of Platte Land & Water LLC, a Delaware limited liability company.

Witness my hand and official seal.

My commission expires: _____

Notary Public

EXHIBIT E
(Acknowledgement of Raw Water Credit)

ACKNOWLEDGEMENT OF RAW WATER CREDIT

RECITALS

WHEREAS, on or about _____, 202____, the Town of Johnstown, Colorado, a Colorado home rule municipal corporation (“Town”), and Platte Land & Water, LLC, a Delaware limited liability company (“PLW”), entered into a Water Dedication and Water Bank Agreement (“Agreement”); and

WHEREAS, pursuant to the Agreement, PLW desires to dedicate additional raw water to the Town to be included in the PLW Held Farm Water Bank; and

WHEREAS, the Town desires to accept such additional dedication and provide a raw water credit in the PLW Held Farm Water Bank in the amount set forth below.

ACKNOWLEDGEMENT

1. PLW hereby dedicates, and the Town hereby accepts the dedication, of _____ (____) shares of _____ represented by Certificate Number(s) _____ (“Water Shares”).

2. The Water Shares equate to _____ acre-feet of raw water credit (“Water Credit”).

3. Upon the issuance of a new stock certificate in the name of the Town of Johnstown, the Town shall include the Water Credit into the PLW Held Farm Water Bank.

4. A revised copy of the PLW Held Farm Water Bank is attached hereto.

PLATTE LAND & WATER,

a Delaware limited liability company

By: _____

Name:

Title:

TOWN OF JOHNSTOWN, COLORADO

a Colorado Home Rule Municipal Corporation

By: _____

Matthew LeCerf, Town Manager



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

| | |
|-------------------------|--|
| AGENDA DATE: | February 7, 2022 |
| SUBJECT: | Downtown Johnstown Parklet Program Update |
| ACTION PROPOSED: | Consider and vote on the two options regarding the Parklet Program and awarded CDOT grant funds. |
| ATTACHMENTS: | None |
| PRESENTED BY: | Sarah Crosthwaite, Economic Development Manager |

AGENDA ITEM DESCRIPTION:

Town staff presented to Council during a work session on November 29, 2021 regarding the proposed parklet program, business feedback, and consideration to move forward with the project. As a brief summary, staff reached out to 43 businesses in the downtown corridor that would be impacted by the proposed Parklet Program. Out of the 43 businesses, staff received 4 responses with a total of 75% of recipients reading the email. Two of the responses requested a parklet while the remaining two provided feedback regarding their concerns to parking and pedestrian safety. Council advised staff to explore other options for the parklets such as location, frequency of usage, and/or terminating the project as a whole. Council also asked staff to bring the parklet program item for a Council vote during a regularly scheduled Council meeting. Since November, staff has been working with CDOT on revising the parklet program and has since received approval from the grant review committee. Staff would like to now present two options to Council regarding the proposed Parklet Program and allow Council to vote on the matter.

Option 1: Parklet Event Program Concept

In this option, Town staff would move forward with the CDOT grant the Town was awarded which totaled to \$70,000 and a Town match of \$7,000 and create a Parklet Event Program. The program would include the following:

- Any and all public events held in the downtown corridor would have access to request parklets which would be installed by Town staff.
- Parklets would be installed for FREE by the request of the event applicant prior to the event
- The parklets would only be available during the event and removed upon the conclusion of the event.

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- The parklets as per the stipulation from CDOT must be open to the public during the event and not be reserved for any one specific private use.
- The maintenance, repair, assembly, disassembly, and storage of the parklets would be the responsibility of the Town.
- The Town would work with the previously selected vendor Mod Street to design parklets that are flexible in sizing to accommodate the various events held in the downtown corridor.
- The parklets would include outdoor furniture, shading, decorative elements, and general signage.
- Please keep in mind that our original date of completion and submittal of receipts/paid invoices to CDOT in order to collect the grant funds is February 7, 2022. Town staff has asked CDOT for an extension and is awaiting approval. Staff will not move forward with the proposed Parklet Event program should the extension not be granted.

Option 2: Termination of the proposed Parklet Program and forfeiture of the awarded CDOT grant funds

In this option, the Town Council would vote to abandon any and all proposed parklet program concepts and request staff to notify CDOT that the grant funds will be forfeited on behalf of the Town. Staff would like Council to provide a final directive on the proposed Parklet Event Program concept and instructions regarding the awarded CDOT grant funds from the Revitalize Main Street program.

LEGAL ADVICE:

N/A

FINANCIAL ADVICE:

The Town was awarded a \$70,000 grant from CDOT and will provide a 10% Town match of \$7,000. The Town's total budget for the parklet project is not to exceed \$77,000.

RECOMMENDED ACTION: Approve Option 1: Parklet Event Program concept and utilization of the awarded CDOT grant funds from the Revitalize Main Street program.

SUGGESTED MOTIONS:

For Approval: I move to approve the Parklet Event program concept and utilize the awarded CDOT grant funds from the Revitalize Main Street program.

For Denial: I move to deny the Parklet Event program concept and forfeit the awarded CDOT grant funds from the Revitalize Main Street program.

Reviewed and Approved for Presentation,



Town Manager

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Town of Johnstown

MEMORANDUM

TO: Honorable Mayor Gary Lebsack and Town Council Members

FROM: Matt LeCerf, Town Manager

DATE: February 7, 2022

SUBJECT: Letford Elementary School Inventory

Introduction: In 2019, the Town and the RE-5J School District entered into an agreement whereby the Town donated approximately 10 acres of property within the Clearview Subdivision for the new Elwell Elementary School site. In exchange for this property, the Town would be donated back the current Letford Elementary School property. In general, the Town would have the ability to retain any portion of the structure(s) on the property that it desires. It is the understanding from onsite meetings, that Sampson Construction will demolish the building at no cost to the Town given some asbestos mitigation efforts that need to be completed. Below is an overview of the initial inventory of the property completed by the Town, Sampson Construction, BHA Design, RBB Architects, and RLH Engineers on November 19, 2021

Facility Type: Preschool Playground

Recommendation: Retain Facility in Place

Other Notes: The playground surface is currently pea gravel, which not ADA compliant. The Town will as some point need to remove the pea gravel and resurface the playground with an ADA pour in place application. The Town has requested to keep the sidewalk in place on the West side of the preschool playground as shown in the photo below, which will help to ensure ADA compliance. It is recommended to also keep the fencing currently in place around the playground for safety of the youth.

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Facility Type: Modular Unit

Recommendation: Demolish

Other Notes: It is recommended to keep the sidewalk at this location in place.



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Facility: Baseball Fields and Little League Football

Recommendation: Retain Facilities in Place

Other Notes: There needs to be an exploration as to the merits of keeping the field goal posts. Are they still actively being used by pee wee football? Some of the fencing is deteriorating. Contact was made with TRPR and they do not use the facility although they did note families and some structured groups use it as a practice facility. The Town may want to gauge the interest of the YMCA if they have a viable use of this portion of the property in its current condition to meet youth activities.



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Facility: Large Playground Facility

Recommendation: Retain Facilities in Place

Other Notes: Surface is currently a pea gravel which not ADA compliant. The Town will need to explore removing the pea gravel itself and resurfacing with an ADA pour in place application. This facility is in good condition.



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Facility: Sheds on Property

Recommendation: Demolish Shed on Left and Retain Shed on Right Side of Property

Other Notes: The shed recommended for retention can be used to house mowing equipment and ancillary equipment necessary to maintain the park area throughout the spring, summer and fall seasons. This can help for efficiencies when mobilizing crews in this area.



Facility: Gymnasium

Recommendation: Demolish

Other Notes: The facility is extremely small and lacks effective future programming of the space. The general discussions with the contractor and architect suggest that the Town may expend more dollars in maintenance under shorter terms when compared to building a new facility in its entirety.



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Facility: Cafeteria

Recommendation: Demolish

Other Notes: The space is extremely small, and with the exception with the semi-circle area, all of the remaining facility within the cafeteria is original to the building. Similar to the gymnasium facility, it is suggested that funds may be expended quite rapidly and add a significant financial burden to general upkeep given the age of this facility.



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Executive Summary: Below is an overview of the general inventory taken at Letford Elementary School. A few additional items to note:

- Parking Lot. It is the intention to keep the parking lot as is as you enter the front of the facility. We will also retain the Statue of Liberty, unless there are other obligations and responsibilities directly required by RE5J to retain ownership of this art piece.
- It will be beneficial to do a complete tree inventory to assess the condition of the trees. They are predominantly Honey Locusts and appear to be in good healthy condition, it but would be good to make sure.
- As detailed below, it is recommended that the building be demolished, with the exception of the playground facilities, the ball fields, and one shed. In discussions in general with the architect and contractor, while they can certainly accommodate any additional changes Council or the Community would like, there are a couple of issues we need to be concerned about with respect to the age of this facility. The first is potential existence of asbestos in the building. The second is an unnecessary financial burden that might be associated with retaining some of this facility. And finally, as part of any demolition the Town will need to act fast to actually enclose the areas that are exposed, to minimize liability upon leaving access points open and uncontrolled. This capital outlay could be significant and be outweighed on a cost benefit analysis versus building something new and having long-term reliability and meet the full programming needs in a new facility.

If it is the desire of the Council to retain any portion of this facility, it would be recommended to request that the architect does some sort of cost benefit analysis and general evaluation of what should be saved, could be saved, and how quickly the facility could be secured moving forward. An estimated cost for something of this nature is estimated at \$50,000.

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2022 - _____

AN ORDINANCE AMENDING CHAPTER 6 OF THE JOHNSTOWN MUNICIPAL CODE TO INCLUDE ARTICLE XII, SPECIAL EVENT PERMITS

WHEREAS, the Town of Johnstown, Colorado is a municipal corporation duly organized and existing under its Home Rule Charter adopted pursuant to Article XX of the Constitution of the State of Colorado; and

WHEREAS, the Town Council is vested with authority to administer the affairs of the Town; and

WHEREAS, Chapter 6 of the Johnstown Municipal Code regulates licensing and permitting in the Town; and

WHEREAS, Town staff recommends that the Town Council amend Chapter 6 to adopt policies and procedures regulating special events, including parades, athletic contests and other outdoor events, because such events require the temporary closure of streets, roads, highways, sidewalks or bike and pedestrian lanes or paths that are normally open to the public or require the modification of normal traffic uses of any street, road or highway in the Town; and

WHEREAS, based on Town staff's recommendation, the Town Council desires to adopt policies and procedures regulating special events; and

WHEREAS, the Town Council finds that it is in the best interest of the Town of Johnstown to amend Chapter 6 of the Johnstown Municipal Code to include Article XII, Special Event Permits.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, AS FOLLOWS:

Section 1. Chapter 6 of the Johnstown Municipal Code shall be amended to include Article XII, Special Event Permits, and shall read as follows:

ARTICLE XII SPECIAL EVENT PERMITS

Sec. 6-220. Purpose.

This Article establishes standards for the issuance of permits for special events in the Town.

Sec. 6-221. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

Applicant means any person or organization who applies for a special event permit.

Permit or special event permit means a permit issued for a special event.

Permittee means any person or organization issued a special event permit by the Town Clerk.

Special event means a parade, athletic contest or other outdoor event requiring temporary closure of streets, roads, highways, sidewalks or bike and pedestrian lanes or paths that are normally open to the public, or the changing, restricting or adapting of the normal traffic uses of any street, road or highway in the Town.

Street or *highway* has the same meaning as defined in the Model Traffic Code and other ordinances appearing in this Code and includes bike and pedestrian lanes or paths.

Sec. 6-222. Permit required.

Any person or organization desiring to conduct a special event shall first obtain a permit from the Town Clerk. A permit shall not be required for a special event that does not involve the closure of any streets, roads, highways, sidewalks or bike and pedestrian lanes or paths that are normally open to the public. Funeral processions shall not be considered special events.

Sec. 6-223. Application procedure and fee.

- (a) Any person or organization desiring to conduct a special event shall apply for a special event permit by submitting an application to the Town Clerk, on a form supplied by the Town Clerk. Applications must be submitted not less than forty-five (45) business days nor more than six (6) months before the special event date.
- (b) If the applicant is not an organization qualified for exemption from the payment of Town sales and use taxes, the application for a special event permit shall be accompanied by a nonrefundable application fee in an amount set forth in the Town Fee Schedule.
- (c) Upon receipt of a complete application and fee, if applicable, the Town Clerk shall approve, conditionally approve or deny an application for the reasons specified in this Article.

Sec. 6-224. Grounds for denial of application.

The Town Clerk shall approve an application for a special event permit unless the Town Clerk determines that:

- (1) Information contained in the application, or supplemental information requested from the applicant, is found to be false in any material detail,
- (2) The applicant fails to complete the application form after having been notified of the additional information or documents required;
- (3) Another special event permit or application has been received prior in time, or has already been approved, to hold another special event at the same time and place requested by the applicant, or so close in time and place as to cause undue traffic congestion;
- (4) The time, route or size of the special event will substantially interrupt the safe and orderly movement of traffic on or contiguous to the event site or route or will disrupt the use of a street or highway at a time when it is usually subject to traffic congestion;
- (5) The size, nature or location of the special event will present a substantial risk to the public health, safety or welfare, participants in the event or other persons;
- (6) The location of the special event will substantially interfere with any construction or maintenance work scheduled to take place upon or along the Town streets or a previously granted encroachment permit;

- (7) The special event will occur at a time when a school is in session on a route or at a location adjacent to the school or class thereof, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class;
- (8) The special event involves the use of hazardous, combustible or flammable materials which could create a fire hazard;
- (9) The special event will violate an ordinance or statute; or
- (10) The issuance of the special event permit is not in the best interest of the public health, safety or welfare.

Sec. 6-225. Permit conditions and requirements.

The Town Clerk may condition the issuance of a special event permit by imposing conditions and requirements, including but not limited to the following:

- (1) Approval of any other jurisdiction in addition to the Town that may be part of the proposed special event;
- (2) Submission of a traffic control plan to be approved by the Town Clerk and the Johnstown Police Department;
- (3) All required traffic control shall be done at the permittee's expense;
- (4) A written operational plan regarding the management of the special event;
- (5) Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the special event to only a portion of a street or highway;
- (6) Requirements for the use of traffic cones, barricades or other traffic-control devices to be provided, placed and removed by the permittee at its expense;
- (7) Requirements for provision of first aid or sanitary facilities, including portable toilets;
- (8) Requirements for arrangement of supplemental fire protection and emergency medical services personnel to be present at the special event at the permittee's expense;
- (9) Requirements for use of special event monitors and providing notice of permit conditions to event participants and affected property owners;
- (10) Restrictions on the number and type of vehicles as may be required for fire safety by the Front Range Fire Rescue Fire Protection District and/or the Loveland Fire Rescue Authority;
- (11) Requirements for use of garbage containers, cleanup and restoration of Town property;
- (12) Restrictions on the use of amplified sound; and/or
- (13) Requirements for public liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and/or property damage arising from the special event. The Town Clerk shall determine whether to require such insurance and the amount of any required insurance.

Sec. 6-226. Appeal procedure.

The applicant shall have the right to appeal the denial of the issuance of a permit or a permit condition. A notice of appeal shall be filed with the Town Manager's office, setting forth the grounds for the appeal, within five (5) business days after the Town Clerk provides written notice of denial of the issuance of the permit or the permit condition. The Town Manager shall thereafter determine whether to

sustain, reverse or modify the Town Clerk's decision. In so doing, the Town Manager may conduct a hearing. The Town Manager shall endeavor to render a decision in a timely manner that provides the applicant at least three (3) days' notice prior to the date and time of the proposed special event. If the Town Manager determines that circumstances do not permit the rendering of a decision in such time period, the Town Manager shall notify the applicant in writing and the applicant may thereafter seek judicial review of the permit denial or condition with no further administrative review. The Town Manager's decision shall be final, subject only to such judicial review as permitted by law.

Sec. 6-227. Permit issuance.

If the Town Clerk determines that a permit should be granted, the Town Clerk shall issue the special event permit once the permittee has agreed in writing to comply with all terms and conditions of this Article.

Sec. 6-228. Rules and regulations.

The Town Clerk may, with approval of the Town Manager, adopt rules and regulations not inconsistent with the provisions of this Article governing special events. Such rules and regulations shall be on file and available for public examination in the office of the Town Clerk. The failure to comply with any rule or regulation promulgated under this Article, as such rules and regulations may be amended from time to time, shall be deemed a violation of this Article.

Sec. 6-229. Indemnification.

Prior to the issuance of a special event permit, the Town Clerk shall require the permittee and authorized officer of the sponsoring organization, if any, to sign an agreement providing that, unless subsequently waived by the Town in writing, the permittee shall reimburse the Town for any cost incurred by the Town in repairing damage to Town property resulting from the permitted special event. The agreement shall also provide that the permittee shall, unless subsequently waived by the Town in writing, defend the Town against, and indemnify and hold the Town harmless from, any liability to any persons resulting from any damage or injury occurring in connection with the permitted special event.

Sec. 6-230. Duties of permittee.

- (a) The permittee shall comply with all terms and conditions of the special event permit.
- (b) The permittee shall ensure that the person leading a parade or other special event along a route, or the person in charge of any other special event, is familiar with all the provisions of the permit and carries the special event permit on his or her person for the duration of the event.
- (c) Immediately following the completion of the special event, the permittee shall ensure that the area used for the event is cleaned and restored to the same condition as existed prior to the event.

Sec. 6-231. Revocation of permit.

- (a) The Town Clerk may, at any time prior to the special event, revoke or terminate a special event permit to protect the public health, safety or welfare or if conditions have changed since issuance of the permit in a manner that would have required denial of the issuance of the permit in the first instance.
- (b) The Town Manager or the Town Clerk may revoke or terminate the special event permit during the course of the special event if continuation of the event presents a clear and present danger to the participants or the public.

Sec. 6-232. Violations.

- (a) It is unlawful for any person to sponsor or conduct a special event unless a permit has been issued for the event. It is unlawful for any person to participate in a special event with the knowledge that the sponsor of the event has not been issued a permit.
- (b) It is unlawful for any person to interfere with or disrupt a special event.
- (c) The special event permit authorizes the permittee to conduct only the special event described in the permit in accordance with the terms and conditions of the permit. It is unlawful for the permittee to knowingly violate the terms and conditions of the permit, or for any special event participant with knowledge of the permit to knowingly violate the terms and conditions of the permit.
- (d) Any person who violates any provision of this Article may be punished in accordance with the provisions of Article IV of Chapter 1 of the Code.
- (e) No remedy provided herein shall be exclusive, but the same shall be cumulative. The taking of any action permitted by this Article shall not preclude or prevent the taking of other action, including the filing a charge or conviction of a violation of this Article in the Municipal Court.

Section 2. Severability. If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

Section 3. Code revisions. Minor changes such as the format and other changes to unify the revised Code may be necessary. The Town Clerk is hereby authorized to make such changes, provided that neither the intent nor substantive content will be altered by such changes.

Section 4. Publication; Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado ("Charter") and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Charter. Copies of the entire Ordinance are available at the office of the Town Clerk.

INTRODUCED AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this _____ day of _____, 2022.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the
Town Council of the Town of Johnstown, Colorado, this ____ day of _____,
2022.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor



Town of Johnstown

MEMORANDUM

TO: Honorable Mayor Lebsack & Town Council Members

FROM: Sarah Crosthwaite, Economic Development Manager

CC: Matt LeCerf, Town Manager

DATE: February 7, 2022

SUBJECT: Downtown Johnstown Façade Grant Update

Enclosed for your review are proposed updates to the existing Downtown Johnstown Façade Grant Program description and application. Town staff has met with several stakeholders and internal departments to identify updates and changes to the program that will hopefully increase accessibility of the funds and scope for eligible projects.

The following changes are being proposed to the façade grant program description:

- Façade improvements; a building can only apply every 10 years for façade improvements that have been previously awarded through grant funds
- Signage, a business can only apply once for a signage grant for the lifetime of the business
- All projects must be completed within 6 months or by December 31st of the same calendar year; whichever comes first
- Business license must be on file prior to submitting a grant application
- Priority will be given to projects that incorporate several eligible improvements, structures, owners, and businesses (see purpose section on program description)
- Eligible expenses now include; preference for energy efficiency upgrades, creation of outdoor space/patio, murals, ADA access (see eligible improvements section on program description)
- Businesses are now encouraged to contact the Johnstown Museum to learn about the history of their buildings and appropriate historic preservation
- Business must submit 'after' photos of the complete project prior to receiving a reimbursement check

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The following changes are being proposed to the façade grant application:

- Required documents list has been modified and incorporated into the grant application form which includes project narrative/description and property owner signature
- Itemization of project costs has been added
- Applicant and owner authorization has been modified to ensure compliance of grant program rules, eligibility, and intent.

Staff is asking Council to review the enclosed items and provide feedback to the Town Manager regarding the proposed changes by February 14, 2022. Staff is anticipating to bring a final draft of the changes to the next Council Meeting on February 23, 2022 for consideration and vote.



Town of Johnstown

FAÇADE GRANT PROGRAM DESCRIPTION

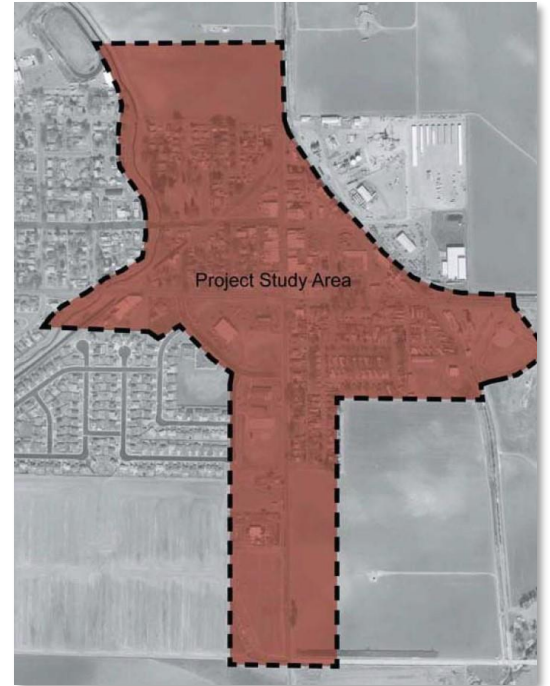
PURPOSE

The Façade Grant Program is a reimbursement grant program provided to a business and/or property owner for the improvement of existing commercial buildings throughout the Downtown corridor (refer to project study area map). The grant program is intended to serve as a catalyst for significant aesthetic improvements to eligible commercial properties in Downtown Johnstown.

The Town encourages and will prioritize catalytic façade improvements and renovation projects that include a combination of several of the following: structural façade improvements, paint, awnings, signs, addition of architectural detail to façade, façade tile or stone accents, decorative entry walkway area, outside dining with decorative fencing, outside decorative lighting and new energy efficient windows. Larger projects that include multiple structures, owners, and businesses may also be prioritized.

WHAT YOU NEED TO KNOW

- Façade grants are awarded on a 50/50 matching basis, with a maximum of \$10,000 per building/façade. A single building can only apply every 10 years for façade improvements that have been previously improved through grant funds.
- Signage grants are awarded on a 50/50 matching basis, with a maximum of \$1,000 per business. A single business can only apply once for the lifetime of the business.
- Owners of vacant buildings shall be eligible if the owner's purpose is to rehabilitate the building to attract new commercial tenants.
- Façade and signage grant projects, including submission for proof of payment must be completed within 6 months or by December 31st of the same calendar year; whichever comes first. Extensions may be granted on a case-by-case basis. It is the responsibility of the applicant to request an extension. The Town aims to fund as many projects as possible and will not earmark funds with applicants who are not completing their projects within the stated timeframe.
- If applicable, business must have a current business license on file prior to submitting a grant application. Grant applications WILL NOT be accepted without a business license on file with the Town Clerk office.
- All real property taxes must be paid in full.



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HOW TO APPLY

The applicant will complete and sign the application and submit all supporting documentation to the Economic Development Department at scrosthwaite@johnstownco.gov. PDF or digital scans of documents are preferred. Incomplete or partial submissions WILL NOT be accepted.

Submitting an application is not a guarantee of a grant award and the Town may terminate the Program at any time, for any reason, or when available funds are depleted. Please do not apply for the façade and/or signage grant if you plan to close or sell the business/property.

REQUIRED DOCUMENTS

Please keep in mind each project is unique and additional documentation or details may be requested to assist Town Staff in reviewing your proposed project and application. At minimum, the following is required:

- Signed and completed application form
- Current W-9
- Plans, drawings, or renderings (as appropriate) of proposed renovations (scaled with dimensions)
- Color photographs of the existing conditions of the building; including the area for improvement
- Contractor and/or material bids (no more than 30 days old)

REVIEW & AWARD PROCESS

The Town will review completed applications on a first-come, first-serve basis and award applicants at the sole discretion of the Town, based on the submitted documentation and any other factors the Town deems to be relevant. If an applicant is awarded grant funds, they will receive a grant award determination letter. The applicant may begin the project once a grant award determination letter and required Town permits and approvals have been issued. The Town may, but is not required to, provide a reason for any denial of an application or for the determination of the amount of the grant award. Grants are subject to availability of Town funds, based on the annual approved budget, and prior grant awards. Awarded applicants will have demonstrated the following in their submission:

- ✓ Improvements to the exterior appearance of a building
- ✓ Historical preservation that is appropriate and in compliance with the Downtown Design Guidelines
- ✓ Individual elements (i.e.- awning, signage, painting) may be deemed eligible, but more holistic and permanent façade, or building rehabilitation projects will be prioritized for funding (refer to program purpose)
- ✓ All projects must meet Town codes, standards, and regulations, and receive appropriate permits and approvals prior to commencement of the project.

ELIGIBLE & INELIGIBLE IMPROVEMENTS

Eligible improvements include costs associated with the physical rehabilitation of the front facing exterior of the property. Exceptions regarding “front facing” can be made on a case-by-case basis. All renovation and rehabilitation projects must comply with and meet the intent of the Downtown Design Guidelines. Applicants interested in learning about the history of their building are encouraged to contact the Johnstown Museum at museumdirector@johnstownhistoricalsociety.org.

Eligible Improvements:

- Removal of false fronts and restoration of original storefronts (provide photos of historic storefront)
- Repair of cornices, soffits, and trim
- Repair or replacement of windows and doors with historically-compatible materials and design (preference will be given to energy efficiency upgrades)
- Repair of historically-appropriate façade materials
- Repair and stabilization of foundations, if related to façade improvements
- Installation or replacement of gutters
- Masonry repointing
- Repair or replacement of roofing with historically-appropriate materials
- New cloth or metal awnings
- Exterior painting of full façade(s)
- Demolition of non-historic or incompatible elements
- Alley entrances and façades, where the entrance is for public access
- New permanent signage that enhances Downtown character and streetscape
- Creation of outdoor space/patio
- Murals, if they are professionally done, provide an important aesthetic improvement, and DO NOT advertise and/or promote a specific business or service.
- Creation of ADA accessible customer entrances, not intended for private entrances or residences.
- Labor costs performed by a licensed contractor/business

Ineligible Improvements:

- Work undertaken due to normal wear and tear, including but not limited to: painting of doors, sills, or trim (unless part of a larger rehabilitation project), or roof replacement with asphalt shingles
- Routine or periodic maintenance; such as cleaning, touch-up painting, minor repairs, redecorating or purely cosmetic changes that do not enhance the property's character
- Soft costs and permit fees; such as appraisals, architectural, engineering or design fees, legal, accounting or realtor fees, loan fees, or sales and marketing
- Labor costs that are performed by the applicant
- New additions or enlargements, except as required by building or fire codes and/or outdoor spaces/patios.
- Outbuildings
- Skylights
- Security features
- Any work completed prior to grant award determination

AWARD PAYMENT

The applicant is responsible for contacting the Economic Development Department once the project is complete. The project, including submission for proof of payment must be completed within 6 months of the project date approval. The applicant must provide proof of payment (i.e., stamped paid invoices, cancelled checks, receipt of purchase) for all eligible improvements listed on the grant application. All improvements must fully follow the plans and renderings approved by the Town, and pass all applicable permit and other inspections by Town Staff. The applicant must also submit colored "after" photos of the improvements completed. If improvements are deemed in compliance, the applicant will receive a reimbursement check. Grant awards will only be revised if costs of improvements are less than what was awarded.

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Town of Johnstown

DOWNTOWN FAÇADE GRANT PROGRAM APPLICATION

REQUIRED DOCUMENTS *(incomplete or partial submissions will not be accepted)*

- ☐ Signed and completed Program Application & W-9 ☐ Color photos of existing conditions
- ☐ Plans/drawings/renderings, to scale with dimensions ☐ Contractor bids (no more than 30 days old)

PROPERTY INFORMATION

Address: _____

Business Name: _____

Business Open Date: _____

APPLICANT INFORMATION

Name: _____

Telephone: _____

E-mail: _____

PROPERTY OWNER INFORMATION *(if different)*

Name: _____

Telephone: _____

E-mail: _____

PROJECT

I am applying for the following grant(s): ☐ Façade Improvements ☐ Signage

Please provide a short description of the proposed project and improvements:

Estimated Start Date: _____

Estimated Completion Date: _____

(Project must be completed within 6 months of the project start date approval or by December 31st of the same calendar year; whichever comes first)

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ITEMIZATION OF PROJECT COSTS

| Description of cost | Cost estimate |
|---------------------|---------------|
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| Total | \$ |

*Please attach additional sheets if needed

GRANT REQUEST

Total cost of façade improvements (attach bids) \$ _____

Grant amount requested (max 50% of total cost/ \$10,000) \$ _____

Total cost of signage (attach bids) \$ _____

Grant amount requested (max 50% of total cost /\$1,000) \$ _____

APPLICANT AND OWNER AUTHORIZATION

I hereby acknowledge that I have read the Program Description and meet the eligibility requirements. I understand my participation in the façade improvement grant program is contingent upon my full compliance with all requirements. I understand that I am responsible to provide matching funds for at least 50% of the total project costs and that awarded grant funds are paid following completion of the work and submission of verified receipts and/or invoices. I understand that I must adhere to all Town codes and design standards, and receive required permits and approvals from the Town prior to commencement of the project. I also certify that if I am not the property owner that I have obtained approval from the property owner to complete the project improvements.

Applicant Signature: _____ **Date:** _____

I hereby authorize the applicant to carry out the improvements as detailed in the grant application form and contractor bids on my property.

Property Owner Signature (if different): _____ **Date:** _____

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Town of Johnstown

Building Permit Statistics

December, 2021

Single Family Residential

Issued ytd 184

Commercial

*New Building Issued ytd 16

Other Residential

(basements/alterations/additions)

Issued ytd 189

Other Commercial

* (tenant finish/alterations/additions)

Issued ytd 30

Fees collected at permit issuance**Residential YTD****Commercial YTD**

| | | |
|--------------------------------------|----------------|----------------|
| Construction Valuation | (\$60,391,951) | (\$60,525,576) |
| Building permit fees | \$579,028 | \$488,047 |
| F&F or <u>F&F Credit</u> | \$0 | \$5,000 |
| Paving | \$0 | \$0 |
| Water Upgrade | \$375 | \$0 |
| Water & Sewer Reimbursement | \$4,893 | \$0 |
| Raw Water Development Fee | \$1,295,366 | \$215,500 |
| Water Meter | \$91,020 | \$7,551 |
| Water Tap | \$1,184,408 | \$236,931 |
| Sewer Tap | \$971,520 | \$78,130 |
| Regional Sewer Development fees | \$883,500 | \$0 |
| Sewer Inspection Fee | \$18,400 | \$1,100 |
| Park | \$92,000 | \$0 |
| Use Tax | \$1,015,222 | \$602,240 |
| Larimer Use Tax | \$102,343 | \$99,250 |
| Open Space Impact Fee | \$219,696 | \$0 |
| Library Impact Fee | \$211,232 | \$0 |
| Public Facilities Impact Fee | \$280,392 | \$251,998 |
| Police Facilities Impact Fee | \$134,872 | \$88,375 |
| Transportation Facilities Impact Fee | \$510,968 | \$847,713 |
| Traffic Signal | \$837 | \$0 |
| School District Fee | (\$102,284) | N/A |

TOTAL FEES (YTD)

\$7,596,072

\$2,921,835

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Building permits issued for individual dwelling units - 1991 to (date)

| Single family, duplex, 4-plex | | | | | |
|-------------------------------|--------|-----------|--|-------|------------------|
| Year | Issued | Month avg | | Year | Issued Month avg |
| *1961 - 90 | 165 | 0.0 | | 2016 | 132 11.00 |
| 1991 | 2 | 0.17 | | 2017 | 140 11.67 |
| 1992 | 5 | 0.42 | | 2018 | 126 10.50 |
| 1993 | 7 | 0.75 | | 2019 | 87 7.25 |
| 1994 | 47 | 3.92 | | 2020 | 108 9.75 |
| 1995 | 106 | 8.83 | | 2021 | 184 15.33 |
| 1996 | 145 | 12.00 | | | |
| 1997 | 143 | 11.92 | | | |
| 1998 | 175 | 14..58 | | | |
| 1999 | 145 | 12.08 | | TOTAL | 5290 |
| 2000 | 134 | 11.92 | | | |
| 2001 | 152 | 12.67 | | | |
| 2002 | 262 | 21.92 | | | |
| 2003 | 284 | 24.17 | | | |
| 2004 | 331 | 27.67 | | | |
| 2005 | 375 | 31.33 | | | |
| 2006 | 180 | 15.75 | | | |
| 2007 | 160 | 133.42 | | | |
| 2008 | 97 | 8.00 | | | |
| 2009 | 89 | 7.42 | | | |
| 2010 | 124 | 10.33 | | | |
| 2011 | 184 | 15.34 | | | |
| 2012 | 310 | 25.84 | | | |
| 2013 | 378 | 31.50 | | | |
| 2014 | 272 | 22.67 | | | |
| 2015 | 162 | 13.50 | | | |
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| JONES MEMORIAL LIBRARY CASH FLOW REPORT - DEC 2021 | | | Y-T-D | 2021 BUDGET | | Notes |
|--|-------------------------------|---------------|-----------------|-----------------|---------|---------------------------------|
| | | | | | | Item #22. |
| BEGINNING CHECKING BALANCE | | \$ 110,784.84 | \$ - | \$ 20,000.00 | To Date | |
| INFLOWS | Donations/Grants | \$ 6.00 | \$ 700.45 | \$ 3,500.00 | | |
| | Interest | \$ 5.91 | \$ 2,230.00 | \$ 60,000.00 | | |
| | Misc Income | \$ 623.38 | \$ 2,529.82 | \$ 7,500.00 | | |
| | Investments | \$ - | \$ - | \$ - | | |
| | Town of Johnstown | \$ 94,804.75 | \$ 1,258,449.74 | \$ 1,138,005.00 | | |
| | High Plains Library District | \$ - | \$ 550,267.28 | \$ 550,267.00 | | |
| | Transfer from Reserve Account | \$ - | \$ 122.95 | \$ - | | |
| INFLOWS TOTAL | | \$ 95,440.04 | \$ 1,814,300.24 | \$ - | | |
| TOTAL AVAILABLE FUNDS | | \$ 206,224.88 | | \$ 1,779,272.00 | | |
| OUTFLOWS | Advertising | \$ 1,508.00 | \$ 21,359.48 | \$ 22,000.00 | | |
| | Audio/CD -4 | \$ 149.21 | \$ 5,498.04 | \$ 12,000.00 | 158 | |
| | Books - 306 | \$ 4,847.62 | \$ 38,588.77 | \$ 50,000.00 | 2976 | Milliken \$20.70 |
| | Collection Fees/Bad Debts | \$ - | \$ - | \$ 2,000.00 | | (M - \$5000 in bks. HPLD grant) |
| | Computer Expenses | \$ - | \$ 1,897.93 | \$ 5,000.00 | | |
| | Equipment & Furniture | \$ - | \$ 15,533.74 | \$ 45,000.00 | | Milliken - \$6829.40 |
| | Insurance, Bldg. Contents | \$ - | \$ - | \$ 5,000.00 | | |
| | Investments | \$ - | \$ 1,125,000.00 | \$ 684,772.00 | | |
| | Legal Fees/Consulting Fees | \$ - | \$ 148.00 | \$ 10,000.00 | | |
| | Maintenance | \$ 5,967.90 | \$ 52,249.23 | \$ 60,000.00 | | |
| | Memberships/Licenses | \$ 142.56 | \$ 626.89 | \$ 2,500.00 | | *Bessie Minor grant |
| | Outreach/PCC | \$ - | \$ 7,194.91 | \$ 10,000.00 | | \$1,065 |
| | Professional Enrichment | \$ - | \$ 737.46 | \$ 5,000.00 | | |
| | *Programming/Gifts \$1031.82 | \$ 229.81 | \$ 12,553.44 | \$ 15,000.00 | | Milliken - \$265.38 |
| | Salaries/Bonuses/Perks | \$ 96,063.92 | \$ 349,690.69 | \$ 450,000.00 | | |
| | Subscriptions, Periodicals | \$ 483.60 | \$ 2,949.64 | \$ 5,000.00 | | |
| | Supplies, Janitorial | \$ 27.65 | \$ 854.60 | \$ 3,000.00 | | |
| | Supplies, Library | \$ 332.04 | \$ 4,589.65 | \$ 12,000.00 | | Milliken - \$281.75 |
| | Telephone | \$ 335.34 | \$ 5,865.62 | \$ 8,000.00 | | |
| | Utilities | \$ 2,045.28 | \$ 31,669.67 | \$ 40,000.00 | | |
| | Video/DVD - 14 | \$ 267.44 | \$ 4,085.52 | \$ 10,000.00 | 174 | Milliken - \$14.25 |
| | Worker's Comp. | \$ 367.15 | \$ 367.15 | \$ 3,000.00 | | **Interior Refresh |
| | **Capital Improvement | \$ 19,925.00 | \$ 78,673.92 | \$ 320,000.00 | | \$23,436.00 |
| | Transfers | \$ - | \$ - | \$ - | | **Landscaping |
| OUTFLOWS TOTAL | | \$ 132,692.52 | \$ 1,760,134.35 | \$ 1,779,272.00 | | \$19,727.92 |
| ENDING CHECKING BALANCE | | \$ 73,532.36 | | | | **Mechanical Upgrades |
| | | | | | | \$35,510.00 |

| | | | | | | Notes | |
|-----------------------------------|----------------------------------|-----------------|--------------|--|--|-------|-----------|
| BEGINNING PETTY CASH BALANCE | | \$ 1,207.84 | | | | | Item #22. |
| | Programming | \$ - | | | | | |
| ENDING PETTY CASH BALANCE | | \$ 1,207.84 | | | | | |
| | | | | | | | |
| BEGINNING RESERVE ACCOUNT BALANCE | | \$ - | Y-T-D | | | | |
| | Interest | \$ - | acct. closed | | | | |
| ENDING RESERVE ACCOUNT BALANCE | | \$ - | | | | | |
| | COLORADO TRUST INVESTMENT | | Y-T-D | | | | |
| BEGINNING BALANCE | | \$ 5,182,580.32 | | | | | |
| | Income - 0.0478% | \$ 210.21 | \$ 2,161.63 | | | | |
| | Contribution | \$ - | | | | | |
| ENDING BALANCE | | \$ 5,182,790.53 | | | | | |

The regular meeting of the Glenn A. Jones, M.D. Memorial Library Board was called to order at 7:05 pm by Chad Young. Debi Sauer, Jenna Hall, Corina Strickland, Sheryl Ballard and Director Kristi Plumb were also in attendance.

The November 2021 minutes were approved. The financial reports for November and December were reviewed, ending with the approval of December as follows:

| | | | |
|----------------------------|---------------|------------------------------|-------------|
| December beginning balance | \$ 110,784.84 | Petty Cash beginning balance | \$ 1,207.84 |
| Inflow | 95,440.04 | | -0- |
| Outflow | 132,692.52 | | -0- |
| Transfers | -0- | | -0- |
| Ending balance | \$ 73,532.36 | | \$ 1,207.84 |
| CO Trust: \$ 5,182,790.53 | | | |

Treasurer Debi was concerned with the 'blurriness' of The Johnstown Breeze advertisement. Kristi will reach out.

Director's Report: Artist-in-Residence: In December 2021-Aspen Mansfield, a 16 year-old Anime artist, shared her creations. To start the new year, Jason Hatch has filled the case with his Coleman and Jeep memorabilia.

Building: Kristi led Dustin Mallory from FP on the one year warranty walk through, marking areas of concern. The 'Accessibility Project' (coined by Kristi), which consists of improving entrance doors, as well as defining the Makerspace, is scheduled to begin April 4th. Kristi will invite Colton from FP on another walk-about to re-think the Makerspace design. Dylann will be joining this walk-about and attending February's board meeting to consult and share her research and vision of the Makerspace before plans are finalized. Impact fees received from the Town will be used to reimburse the monies used for the construction of the Outdoor Classroom. Snow removal is an issue – Chad will inquire.

Milliken: Closed December 24 – January 3 because Coffee Shop took a break. April 2nd - one year anniversary plans- bounce house? Balloons? Face painting?

Outreach: Elementary Art Show returns after a two-year hiatus on April 8th-29th! Partnering with PRE to host 'I Love to Read' family event on February 24th. 115 Santa letters were answered by Staff! Chautauqua event coming in August.

Passes: Activity passes are popular! Amy continues to solicit and will add Dinosaur Ridge, Firefighter Museum and the Nature and Science Museum to the list which already includes: Denver Zoo, Molly Brown House, Museum of Discovery, Gardens at Spring Creek, Greeley History Museums, and Longmont Museum. The Gardens at Spring Creek are renewing 2022 for free, so a \$500 donation will be going their way.

Programming: Children's programs are well attended, but numbers have dropped due to the registration requirement. Staff continues to create enticing activities for ALL! Tween Time (3-5 grades) and Mini-Makers (K-2) are VERY popular!

2022 Goals: Bring more patrons back into both locations. Update Employee Handbook.

2021 Highlights: Milliken opened/4 vaccine clinics/Adventure passes initiated/Milliken Food Pantry drop-off location/Christmas Caring gift collection/1187 for SRP/garden box produce donated/hired and operating with full staff/retired flags collected/Mini-Makers/Tween Time/new community partnerships/TopGolf gathering!

Meeting adjourned at 8:45 pm. Next meeting will be February 15, 2022.

| | |
|---|-----------------------|
| November/December statistics: Johnstown—door count: 6046/6264 | circulation—6980/6373 |
| Milliken—door count: 295/226 | circulation—329/326 |

Respectfully submitted, Sheryl Ballard, secretary