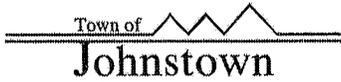


TOWN COUNCIL

MEETING

PACKET

November 2, 2015



Agenda
Monday, November 2, 2015
Town Hall, Council Chambers
450 So. Parish Avenue
7:00 PM



MISSION STATEMENT-*"The mission of the government of the Town of Johnstown is to provide leadership based upon trust and integrity, commitment directed toward responsive service delivery, and vision for enhancing the quality of life in our community."*

Members of the audience are invited to speak at the Council meeting. Public Comment (item No. 5) 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. If you wish to speak at the Town Council meeting, please fill out a sign-up sheet and present it to the Town Clerk.

- 1) **CALL TO ORDER**
 - A) Pledge of Allegiance
- 2) **ROLL CALL**
- 3) **AGENDA APPROVAL**
- 4) **RECOGNITIONS AND PROCLAMATIONS**
- 5) **PUBLIC COMMENT (three-minute limit per speaker)**

*The "Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any Council member wishes to have an item discussed or if there is public comment on those ordinances marked with an *asterisk. The Council member may then move to have the subject item removed from the Consent Agenda for discussion separately.*

- 6) **CONSENT AGENDA**
 - A) Town Council Meeting Minutes – October 19, 2015
 - B) Professional Services Agreement for Geotechnical Services for the Central Weld County Water District (CWCWD) Emergency Connection Project – Ground Engineering Consultants, Inc.
 - 7) **STAFF REPORTS**
 - 8) **OLD BUSINESS**
 - 9) **NEW BUSINESS**
 - A) Consider Hotel Restaurant Liquor License Renewal for Ajuua Mexican Restaurant
 - B) ***Public Hearing**- Encore Preliminary Site Development Plan and Design Guidelines
 - C) Consider Appointment to Planning and Zoning Commission
 - D) Consider Award of Contract to Velocity Plant Services for Installation of New Pumps at Low Point Wastewater Treatment Plant
 - 10) **COUNCIL REPORTS AND COMMENTS**
 - 11) **MAYOR'S COMMENTS**
 - 12) **ADJOURN**
-



NOTICE OF ACCOMODATION

If you need special assistance to participate in the meeting, please contact the Town Clerk at (970) 587-4664. Notification at least 72 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to the meeting.

AGENDA ITEMS 6A-B

CONSENT

AGENDA

- **Council Minutes – October 19, 2015**
- **Professional Services Agreement
(Geotechnical Services)
(CWCWD Emergency Connection)
(Ground Engineering Consultants, Inc.)**

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: November 2, 2015

ITEM NUMBER: 6A-B

SUBJECT: Consent Agenda

ACTION PROPOSED: Approve Consent Agenda

PRESENTED BY: Town Clerk

AGENDA ITEM DESCRIPTION: The following items are included on the Consent Agenda, which may be approved by a single motion approving the Consent Agenda:

- A) Town Council Minutes-October 19, 2015
- B) *Professional Service Agreement for Geotechnical Services for the Central Weld County Water District (CWCWD) Emergency Connection Project – Ground Engineering Consultants, Inc.

*Proposals for the geotechnical work for the CWCWD Emergency Connection project were solicited from five engineering firms. Proposals were received from four (4) of the firms for a subsurface investigation and report to aid the engineering firm of MSK Consulting, LLC in preparation of their design plans. The scope of work involves drilling three (3) borings and performing laboratory tests on soil samples taken. Based upon a review of the proposals by the Town's Public Works Director, it is recommended that the contract for the geotechnical work be awarded to Ground Engineering Consultants, Inc. (lowest proposal submitted) in an amount not to exceed \$3,200 and authorize the Mayor to sign the agreement. The professional services agreement is the Town's standard agreement prepared by the former Town Attorney. According to the Town Treasurer, sufficient funds are available for the work.

LEGAL ADVICE: The entire Consent Agenda may be approved by a motion of the Town Council approving the Consent Agenda, which automatically approves each and every item listed on the Consent Agenda. If a Council member wishes to have a specific discussion on an individual item included with the Consent Agenda, they may move to remove the item from the Consent Agenda for discussion.

FINANCIAL ADVICE: N/A

RECOMMENDED ACTION: Approve Consent Agenda

SUGGESTED MOTION:

For Approval: I move to approve the Consent Agenda.

For Denial:

Reviewed:


Town Manager

**COUNCIL
MINUTES**

The Town Council of the Town of Johnstown met on Monday, October 19, 2015 at 7:00 p.m. in the Council Chambers at 450 S. Parish Avenue, Johnstown.

Mayor Romanowski led the Pledge of Allegiance.

Roll Call:

Those present were: Councilmembers James, Lebsack, Mellon, and Mitchell

Those absent were: Councilmember Molinar Jr.

Also present: Avi Rocklin, Town Attorney, Roy Lauricello, Town Manager John Franklin, Town Planner, Tom Hellen, Public Works Director, Brian Phillips, Police Chief and Diana Seele, Town Clerk/Treasurer

Agenda Approval

Councilmember Lebsack made a motion seconded by Councilmember Mellon to approve the Agenda as submitted. Motion carried with a unanimous vote.

Consent Agenda

Councilmember James made a motion seconded by Councilmember Mitchell to approve the Consent Agenda with the following items included:

- October 5, 2015 - Town Council Meeting Minutes
- Payment of Bills
- September Financial Statements
- 2nd Reading – Ordinance No. 2015-138, An Ordinance Amending Section 2-74 of the Johnstown Municipal Code to Increase the Maximum Fine, Modify the Additional Fine and Expand the Disposition of Proceeds for the Additional Fine

Motion carried with a unanimous vote.

New Business

A. Consider 3.2% Beer Retail License (Off Premises) Renewal for 7-Eleven Store No. 34316A
Councilmember James made a motion seconded by Councilmember Young to approve the 3.2% Beer Retail License (Off Premises) renewal for 7-Eleven Store 34316A. Motion carried with unanimous vote.

B. Consider Resolution No. 2015-14, Supporting Johnstown Fire Protection District's Ballot Issue 4A on the November 3rd Coordinated Election Ballot – Councilmember Mitchell made a motion seconded by Councilmember Mellon to approve Resolution No. 2015-15. Motion carried with a unanimous vote.

C. Consider First Amendment to Agreement to Provide Building Department Services – The first amendment to the Agreement allows the contract Building Official, Ken Kidd to retain a subcontractor for up to and including 20 hours per week at the rate of \$40.00 per hour. The subcontractor is required to have the requisite skills and certifications to perform the building

official services and be fully insured. Mr. Kidd will manage and pay the subcontractor with funds received from the Town. Councilmember Lebsack made a motion seconded by Councilmember James to approve the First Amendment to Agreement to Provide Building Department Services and authorize the Mayor to sign it. Motion carried with a unanimous vote.

There being no further business to come before Council the meeting adjourned at 7:40 p.m.

Mayor

Town Clerk/Treasurer

AGREEMENT

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT entered into this 2nd day of November, 2015, by and between THE TOWN OF JOHNSTOWN, COLORADO, hereinafter referred to as "Town," and Ground Engineering Consultants, Inc., hereinafter referred to as "Consultant."

WHEREAS, the Town needs geotechnical services including soil borings and laboratory tests for the design of a water main and meter vault project on Weld County Road 17 & 42, and;

WHEREAS, Consultant has the background, expertise, and education to provide such services.

NOW, THEREFORE, in consideration of the mutual covenants and stipulations hereinafter set forth, it is agreed as follows:

The Consultant will provide geotechnical services, more specifically defined as follows:

1. **Scope of Services.** Consultant shall perform professional services as outlined in the proposal dated September 10, 2015 and attached as Exhibit B.
2. **Term of Agreement.**
 - A. Consultant will proceed with the performance of the services called for in the attached proposal dated September 10, 2015 and attached as Exhibit B, and shall comply with the requirements of Exhibit A.
 - B. In providing these services, Consultant will work directly with the Town Public Works Director and under his direction.
3. **Compensation.** The Town agrees to pay Consultant the fee as outlined on the attached Exhibit B, an amount not to exceed \$3,200. Payment for services will be provided to Consultant within thirty (30) days of Consultant's providing a detailed statement to the Town.
4. **General Terms.**
 - A. Consultant agrees to indemnify and hold harmless the Town and its officers, employees and agents from any and all claims, losses, injuries, damages and lawsuits and expenses, including reasonable attorney's fees arising out of or resulting from the negligent acts or omissions of Consultant or its subcontractor in the performance of services as set forth in this Agreement.
 - B. **Modifications.** This Agreement may not be modified, amended, or otherwise altered unless mutually agreed upon in writing by the parties hereto.

C. **Independent Contractor**. Consultant and its employees and agents shall be considered for all purposes of this Agreement to be independent contractors and not employees or agents of the Town, and therefore, benefits such as medical, workers compensation, etc., shall not be available to Consultant.

D. **Non-Appropriation of Funds**. Pursuant to Section 29-1-110, C.R.S., as amended, financial obligations of the Town payable as set forth herein, after the current fiscal year, are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available. This Agreement shall be terminated effective January 1 of the first fiscal year for which funds are not appropriated.

E. **Neutrality**. The Consultant assures that it will establish safeguards to prohibit its employees, agents, or servants from using this agreement for any purpose which causes or lends itself to create an appearance of impropriety. Said employees, agents, or servants shall not seek any personal benefits of private gain for themselves, their families, or others.

No member of Town government, whether individual officers or employees, shall be admitted to any personal share, or afforded any pecuniary gain, remuneration, or part of this Agreement or any benefit that may arise therefrom.

F. **Conflicts of Interest**. During the term of this Agreement, the Consultant shall not perform similar services for persons, firms, or entities which have the potential to create a conflict of interest unless this is disclosed to and approved by the Town in writing.

G. **Governing Law**. Unless otherwise agreed in writing, this Agreement and the interpretation thereof shall be governed by the laws of the State of Colorado and Municipal Code of the Town of Johnstown.

H. **Severability**. Should any provision of this Agreement be determined by a court of competent jurisdiction to be unconstitutional or otherwise null and void, it is the intent of the parties hereto that the remaining provisions of this Agreement shall be of full force and effect, unless such determination is so material as to render the main purpose of this Agreement unworkable.

I. **Transfer and Assignment**. The Consultant shall not assign or transfer its interest in this Agreement without the written consent of the Town. Any unauthorized assignment or transfer shall render this Agreement null, void, and of no effect as to the Town.

5. **Insurance**

- A. The Consultant agrees to obtain and maintain, at the Consultant's expense, such insurance as will protect the Consultant from claims under the Workmen's Compensation Act, and such comprehensive general liability insurance and automobile liability insurance as will protect the Consultant from all claims for bodily injury, death, or property damage which may arise from the performance by the Consultant, or by the Consultant's employees, of the Consultant's functions and services required under this Agreement. The amounts of liability insurance shall not be less than \$150,000.00 per person/\$600,000.00 per accident and \$600,000.00 property damage. Consultant shall provide a Certificate of Insurance in accordance with the above requirements upon execution of this contract.

- B. The Consultant shall be responsible for all damages, including all normally foreseeable damages, resulting from negligent errors and omissions of the Consultant.

6. **Termination**. Either party to this Agreement may terminate this Agreement with or without good cause shown by giving the other thirty (30) days notice in writing. Upon delivery of such notice by the Town to the Consultant, and upon expiration of the 30-day period, the Consultant shall discontinue all services in connection with the performance of this Agreement. As soon as practicable after receipt of notice of termination, the Consultant shall submit a statement showing in detail the services performed under this Agreement to the date of termination.

The Town shall then pay the Consultant promptly that proportion of the prescribed charges which the services actually performed under this Agreement bear to the total services called for under this Agreement, less such payments on account of the charges as have been previously made. Copies of all completed or partially completed work prepared under this Agreement shall be delivered to the Town when and if this Agreement is terminated.

7. **Addresses of Notices and Communications**. All notices and communications under this Agreement to be mailed or delivered to Consultant shall be to the following address:

Name: Ground Engineering Consultants, Inc.

Address: 41 Inverness Drive East

City, State, Zip: Englewood, CO 80112

All notices and communications pertaining to this Agreement shall be mailed or delivered to the Town at the following address:

Town of Johnstown

Attn: Town Manager

P.O. Box 609

Johnstown, CO 80534

8. **Successors and Assigns.** The terms and conditions of this Agreement shall be binding upon Consultant, its successors, and assigns.
9. **Assignment and Subcontract.** Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public body which may be a party hereto, nor shall it be construed as giving any rights or benefits hereunder to anyone other than the Town and the Consultant.

DONE AND DATED this _____ day of _____, 201__.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Mark Romanowski, Mayor

CONSULTANT:

By: Brian H. Reck
Title: Senior Project Manager

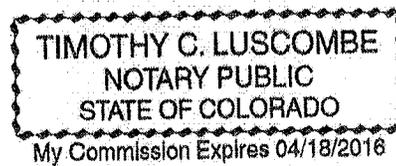
STATE OF COLORADO)
)ss

COUNTY OF Adams)

SUBSCRIBED AND SWORN to before me this 8th day of October,
2015, by BRIAN H. RECK as the Senior Project Manager of GROUND
ENGINEERING CONSULTANTS, INC.

WITNESS my hand and official seal.

My commission expires: 4/18/2016



Notary Public

EXHIBIT A
**REQUIRED PROVISIONS FOR CONTRACT FOR SERVICES
PROHIBITING EMPLOYMENT OF ILLEGAL ALIENS**

Contractor shall not:

1. Knowingly employ or contract with an illegal alien to perform work under this public contract for services; or
2. Enter into a contract with a subcontractor that fails to certify to the Contractor that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this public contract for services.

Contractor has confirmed the employment eligibility of all employees who are newly hired for employment to perform work under the public contract for services through participation in either the e-verify program or the Department of Labor and Employment program.

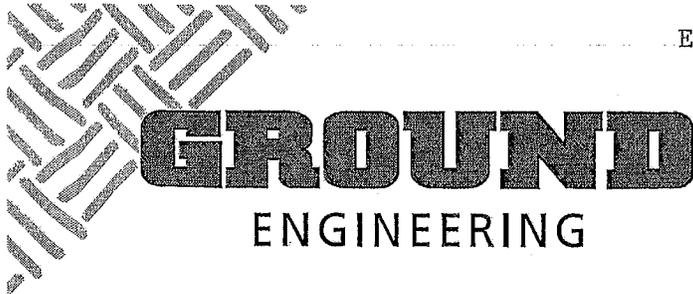
Contractor is prohibited from using either the e-verify program or the Department of Labor and Employment program procedures to undertake pre-employment screening of job applicants while the public contract for services is being performed.

If Contractor obtains actual knowledge that a subcontractor performing work under the public contract for services knowingly employs or contracts with an illegal alien, the Contractor shall be required to:

1. Notify the subcontractor and the contracting state agency or political subdivision within three days that the Contractor has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and
2. Terminate the subcontract with the subcontractor if within three days of receiving the notice required pursuant to subparagraph 1 of this subparagraph the subcontractor does not stop employing or contracting with the illegal alien; except that the Contractor shall not terminate the contract with the subcontractor if during such three days that subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.

Contractor shall comply with any reasonable request by the Department made in the course of an investigation that the Department of Labor and Employment is undertaking pursuant to the authority established in subsection (5) of Section 8-17.5-102 of the Colorado Revised Statutes.

IF CONTRACTOR VIOLATES ANY OF THE AFOREMENTIONED REQUIREMENTS, THE TOWN MAY TERMINATE THE CONTRACT FOR BREACH OF CONTRACT. IF THIS CONTRACT IS SO TERMINATED, CONTRACTOR SHALL BE LIABLE FOR ACTUAL AND CONSEQUENTIAL DAMAGES TO THE TOWN OF JOHNSTOWN.



GROUND

ENGINEERING

September 10, 2015

Subject: Proposal for Professional Services,
Geotechnical Evaluation, **CWCWD Emergency
Connection Water Line and Vault**, County
Road 17, Johnstown, Colorado.

Proposal Number 1509-1790

Tom Hellen
c/o Town of Johnstown Town Clerk
Town of Johnstown
450 S. Parish Avenue
Johnstown, Colorado 80534

GROUND Engineering Consultants, Inc. (GROUND) is pleased to submit a proposal to conduct a geotechnical evaluation in support of design and construction of the proposed waterline and vault to be installed along the western side of County Road 17 north of County Road 42 near Johnstown, Colorado. We understand that the proposed improvements will include approximately 700 feet of 10-inch diameter PVC water line, a backflow preventer and a 12-foot by 12-foot, pre-cast concrete vault. We assume that the water line will be installed at depths of about 6 to 10 feet below grade. Also, we understand that net grade changes along the alignment will be minimal.

Based on the provided information, and our experience with similar projects, we propose the following:

Scope of Services

- Contact Colorado 811 with regard to buried utility lines near the proposed test hole locations.
- Drill three (3) test holes to depths of about 20 feet at the approximate locations requested with a conventional, truck-mounted drilling rig to evaluate the subsurface profile and to obtain samples for laboratory testing. Final test hole depths will be determined in the field, however, as the subsurface profile becomes evident.

**CWCWD Emergency Connection Water Line and Vault
Johnstown, Colorado**

- Conduct a geotechnical laboratory testing program to evaluate relevant engineering characteristics of the earth materials encountered in the test holes. Testing will include
 - Moisture content and in-place (dry) density
 - Grain size distribution
 - Swell / Consolidation potential
 - Water Soluble Sulfates
 - Unconfined compressive strength
 - pH
 - Electrical Resistivity
 - Moisture-density relationship (Proctor) values

- Analyze the results of the field and laboratory investigations to develop geotechnical conclusions and design parameters regarding excavation conditions, vault support, lateral earth pressures, pipe support, backfilling and soil corrosivity.

- Prepare a report summarizing the data obtained, and present our findings and conclusions. An electronic copy (PDF format) of the report will be provided. Hard/paper copies are available upon request.

Fees

GROUND can complete the above-outlined scope of services for a lump sum fee of **\$3,200** which includes the costs of the drilling contractor.

This fee assumes normal work day (Monday to Friday) operations. Additional fees may apply for night, weekend, and/or holiday work.

If other additional services are requested beyond the scope of services outlined above, we propose that our fees for the additional services be in accordance with the hourly and unit costs presented in the *Fee Schedule* on Page 5 of this proposal. For this project, a rate of \$105 per hour will apply to a project engineer or geologist, \$150 per hour for a professional engineer or geologist, and \$175 per hour for a company principal. GROUND will not proceed with any additional services or out-of-scope activities, however, without your prior approval and authorization.

**CWCWD Emergency Connection Water Line and Vault
Johnstown, Colorado**

Please review the *General Conditions* on Page 6 of this proposal, which contain a limitation of GROUND's liability. Also note that GROUND reserves the right to alter the scope items if deemed necessary and withhold data and reports until we have received a signed proposal.

Exclusions

- We assume that the site will be accessible to a conventional, truck-mounted drilling rig.
- Our scope does not include snow removal, construction of access routes or drilling pads or any other measures necessary to obtain physical access to the test hole locations.
- Neither does our scope include fees associated with obtaining permits to complete our field services or to respond to municipal or other agency review of our report. (We have assumed that because the water line alignment and test hole locations are not on County Road 17 that no permits are required to work in the right-of-way.)
- We have assumed that no traffic control will be required because the water line alignment and test hole locations are not on County Road 17.
- We have assumed that the test hole locations and elevations will be surveyed by others on the project team, as necessary. GROUND can provide a cost estimate for surveying upon request.

Schedule

We propose to initiate the investigation within 4 days of being given notice to proceed. We anticipate that preliminary information will be available within about 3 weeks after notice to proceed, and the final report should be completed in approximately 4 to 5 weeks.

GROUND will attempt to adhere to this schedule, however, this remains dependent upon favorable weather conditions, site access and buried utility locations. In any event, we will notify you of our progress and pertinent information, as it becomes available.

CWCWD Emergency Connection Water Line and Vault
Johnstown, Colorado

Authorization

If you have any questions, concerns or comments regarding this proposal, please contact this office. The proposal remains valid for 90 days from the above date. If this proposal meets your approval, return a signed copy to GROUND. We will execute it and return a copy to you. We appreciate this opportunity to work with you on this project.

Sincerely,

GROUND Engineering Consultants, Inc.

Brian H. Reck, P.G., C.E.G., P.E.

Agreed to this _____ day of _____, 2015

Town of Johnstown by: _____

Please print name

GROUND Engineering Consultants, Inc. by: _____

Please print name

AGENDA ITEM 9A

**HOTEL/RESTAURANT
LIQUOR LICENCE
RENEWAL
(Ajuua Mexican Restaurant)**

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: November 2, 2015

ITEM NUMBER: 9A

SUBJECT: Consider Hotel and Restaurant Liquor License Renewal for Ajuua Mexican Restaurant

ACTION PROPOSED: Approve Hotel and Restaurant Liquor License

PRESENTED BY: Town Clerk

AGENDA ITEM DESCRIPTION: Mr. Liberato Garcia, Managing Partner, has submitted a renewal application to the Town Clerk for a hotel and restaurant liquor license (malt, vinous and spirituous) for the Ajuua Mexican Restaurant located at 257 Johnstown Drive Unit 104, Johnstown. The required fees have been submitted to the Town. According to the Johnstown Police Department, the establishment has cooperated with law enforcement officials and there have been no violations of the liquor code during the last licensing period.

The Town Council acts as the Local Licensing Authority and is responsible for reviewing and issuing liquor licenses.

LEGAL ADVICE: N/A

FINANCIAL ADVICE: N/A

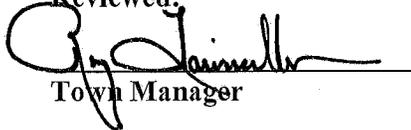
RECOMMENDED ACTION: Approve the hotel and restaurant liquor license renewal

SUGGESTED MOTIONS:

For Approval: I move to approve the hotel and restaurant liquor license renewal for Ajuua Mexican Restaurant.

For Denial: I move to deny approval of the hotel and restaurant liquor license renewal for Ajuua Mexican Restaurant.

Reviewed:


Town Manager

**RENEWAL
APPLICATION**

LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

Fees Due	
Renewal Fee	500.00
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Amount Due/Paid	

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

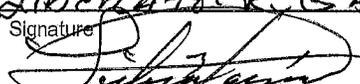
PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name AJUUA JUNIOR LLC		DBA AJUUA MEXICAN RESTAURANT		
Liquor License # 35316990000	License Type HOTEL & RESTAURANT	Sales Tax License # 35-31699-0000	Expiration Date 12-8-2015	Due Date 12-8-2015
Street Address 257 Johnstown Center Drive Unit 104 Johnstown, CO 80534				Phone Number 970-587-2909
Mailing Address <u>257 Johnstown Center Drive Unit 104 Johnstown Co 80534</u>				
Operating Manager Liberato R. Garcia	Date of Birth 3-23-49	Home Address <u>221 Garfield Lane Erie Co 80516</u>		Phone Number 303-579-6845
<p>1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Is the premises owned or rented? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented* *If rented, expiration date of lease <u>10/25</u></p> <p>2. Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.</p> <p>3. Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>4. Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>5. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>6. SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS: Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and attach a copy of their driver's license, state-issued ID or valid passport.</p>				

AFFIRMATION & CONSENT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business <u>Liberato R. Garcia</u>	Title Manager
Signature 	Date <u>10/21/15</u>

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

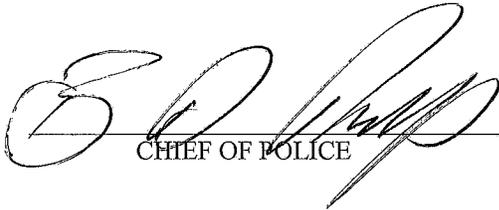
Local Licensing Authority For	Date
Signature	Title
	Attest

**POLICE
REPORTS**

TOWN OF JOHNSTOWN POLICE DEPARTMENT

Information 3.2% Beer or Liquor Application

- Name and address of Applicant} Ajuua Jr. LLC
257 Johnstown Center Drive #104
Johnstown, CO 80534
1. Trade Name and Address} Ajuua Jr. LLC
257 Johnstown Center Drive #104
Johnstown, CO 80534
2. Date of Application: 9/25/2014
3. Type of Application: Hotel & Restaurant License
4. Documents Accompanying Application
- A. Local and State License Fees} Submitted with application
 - B. Evidence of Correct Zoning} CBD
 - C. Building Plans and or Sketch of Interior} N/A
 - D. Distance from School as per State} N/A
 - E. Deed or Lease or Assignment of Lease or Ownership} Leased
5. Evidence of Public Notice
- A. Posting of Premises} N/A
 - B. Legal Publication } N/A
6. Investigation: Police Department Case#}
- A. Applicant has made application for renewal of their Hotel & Restaurant License
 - B. Ajuua Jr. LLC has operated legally during its last license period.
 - C. Cooperation with law enforcement has been good.
8. Findings of fact:
- A. Ajuua Jr. LLC presently holds license 35316990000 that expired December 8, 2014
 - B. The required fees were submitted.
 - C. It is my recommendation that the renewal be approved.


CHIEF OF POLICE

10/22/15
DATE

**JOHNSTOWN POLICE DEPT.
LIQUOR LICENSE RENEWAL INFORMATION SHEET**

APPLICANT: **Ajuua Junior LLC**

ADDRESS: **257 Johnstown Center Drive Unite 104**

TYPE LICENSE: **Hotel & Restaurant License**

POLICE CALLS FOR SERVICE AT THIS LOCATION:

LIQUOR VIOLATIONS AT THIS LOCATION:

ARRESTS DUE TO ALCOHOL AT THIS LOCATION:

JPD RECOMMENDATION FOR RENEWAL: YES XXX NO _____

REPORTING OFFICER: 

DATE: 10/22/15

ADDITIONAL INFORMATION: 2 ATTENDED 8/12/14 TRAINING

AGENDA ITEM 9B

**PRELIMINARY
SITE DEVELOPMENT PLAN
AND
DESIGN GUIDELINES
(Encore)
(Miracle on 34, LLC)
(*Public Hearing)**

*** PUBLIC HEARING PROCEDURE – *Encore Preliminary Site Development Plan and Design Guidelines***

1. Open public hearing.
2. Receive information from staff.
3. Ask to hear from anyone who supports the Encore Preliminary Site Development Plan/Design Guidelines.
4. Ask to hear from anyone who opposes the Encore Preliminary Site Development Plan/Design Guidelines.
5. Close the public hearing.
6. Ask for discussion.
7. Make decision and/or motion from Council.
 - a. Need motion to approve or deny the preliminary site development plan/design guidelines.

(SUGGESTED MOTIONS):

For Approval:

I move to approve the Encore Preliminary Site Development Plan and Design Guidelines (subject to the following conditions...).

For Denial:

I move to deny approval of the Encore Preliminary Site Development Plan and Design Guidelines.

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: November 2, 2015

ITEM NUMBER: 9B

SUBJECT: *Public Hearing- Encore Preliminary Site Development Plan and Design Guidelines

ACTION PROPOSED: Consider Encore Preliminary Site Development Plan and Design Guidelines

PRESENTED BY: Mr. John Franklin, Town Planner

AGENDA ITEM DESCRIPTION: The applicant, Miracle on 34, LLC has submitted a request for approval of a Preliminary Plat for a 309±-acre parcel of land generally located north of US Hwy 34 between High Plains Blvd. (Larimer County Road 3) and Colorado Blvd. (Larimer County Road 1/Weld County Road 13).

Surrounding land uses include the following: north – agriculture and estate residential, south – US Hwy 34, east – agriculture, LCR 1 and west – High Plains Blvd. and agriculture. The property slopes gradually to the south and east and is currently used for agricultural and rural residential purposes. The zoning is Planned Unit Development- Mixed Use. The development is subject to the Miracle on 34 Annexation Agreement (Approved in 2006). The Preliminary Plat was approved in December 2014, but the consideration of the Preliminary Site Development Plan and Guidelines was deferred to allow additional time for staff and Planning and Zoning Commission review.

At the September 23, 2015 Planning and Zoning Commission meeting, the Commissioners held a public hearing and voted unanimously to approve the Encore Preliminary Site Development Plan and Design Guidelines.

LEGAL ADVICE: N/A

FINANCIAL ADVICE: N/A

RECOMMENDED ACTION: The Planning and Zoning Commission has recommended approval of the Encore Preliminary Site Development Plan and Design Guidelines.

SUGGESTED MOTIONS:

For Approval: I move to approve the Encore Preliminary Site Development Plan and Design Guidelines (subject to the following conditions...).

For Denial: I move to deny approval of the Encore Preliminary Site Development Plan and Design Guidelines

Reviewed:


Town Manager

**PLANNING AND ZONING
COMMISSION**

SUMMARY MINUTES

**SUMMARY MINUTES
PLANNING & ZONING COMMISSION
WEDNESDAY, SEPTEMBER 23, 2015
COUNCIL CHAMBERS
450 S. PARISH AVE.**

1. **CALL TO ORDER:** *Chair Longdo opened the meeting at 7:00 p.m.*
2. **ROLL CALL:** *Present were Commissioners Tepper, Eady, Longdo, Kingsolver, Dowling and Montez.*
3. **PUBLIC COMMENTS REGARDING ITEMS NOT ON THE AGENDA:** *None*

4. PUBLIC HEARINGS:

A. Continued Public Hearing - Final PUD Site development Plan for Clearview Filing No. 5 Multi-Family: *Chair Longdo opened the hearing at 7:05 p.m. Town Planner Franklin introduced the item and presented the staff recommendation. Presenting the request was Charles Smith Attorney with Brownstein Hyatt Farber and Schreck, representing Clearview Investments and Clearview Holdings, he will refer to as 'Clearview'. Mr. Smith also introduced Carolynne White of his firm and Andy Gerk representing Clearview. Mr. Smith introduced Architect Taylor Meyer of VFLA (Vought Frye Larson) who presented the revised architecture for the 6-unit buildings. Architect Doug Van Lerberghe, Kephart Architects, Inc. presented the revised architecture for the 8-unit buildings. Morgan Kidder, Project Manager with Journey Homes discussed site grading at the tot lot.*

Commissioner questions:

Carlson Blvd. signal

Use of Lot 8? (Landscaped open space)

Tot lot fence openings width? (Less than 6")

Why one end of 8-unit has less stone? (For utilities)

Did applicant have prior meetings with HOA on multi-family? (No)

What are the anticipated rents? (\$1300-1700)

Public Comment:

Kendra Larson, 3335 Tupelo Lane:

Opposed to project. Will generate more cars and impact traffic safety. Problems with Carlson Blvd. and Hwy 60 intersection today. Opposed to a fenced off development.

Julia Mavros, 3344 Tupelo Lane:

Opposed to project. Was told by Journey Homes it was to be a school. Traffic and speeding are concerns. School overcrowding. Property values – level of rents?

Other undeveloped land uses?

Lesli, Hillman, 3245 Tupelo Lane:

Opposed to project. Too close to homes. Tot lot is too close to Hwy. Traffic accidents at Hwy 60 and Carlson Blvd. Lack of day care in community. CDOT warrants. What will be route of construction traffic? Why wrought iron vs vinyl fencing? Covenants regarding use of balconies on 6-unit? Where is dog park? Restrooms for tot lot? Location of raw water pump and pond?

Jim Hatfield, 345 Hickory Lane:

Clearview 1&2 HOA President. Knew about Multi-family. Concurs with resident comments. Property is part of Filing 2 – why Filing 5? Detention pond maintenance should be shared. All HOAs should participate in raw water irrigation. Is there a fence on west end? Pro rata share of traffic light? Speeding on Silverbell Drive. Will project pay park fees?

Verniece Thomas, HOA Clearview 1&2 Manager

Agrees with residents comments. Agrees with HOA. Parking standards are too low – potential for on-street parking on Carlson Blvd. and around park. Detention pond maintenance cost sharing. Raw water irrigation issue is taking too long to resolve (4 years). The developer has not yet worked with them regarding installing a sub-meter on the raw water line, and the HOAs have difficulty allocating water usage. As owner of the outlot, liability for a raw water pond is not acceptable. Clearview park expansion and added development may exceed capability of proposed pond.

Chair Longdo call for additional comments. [No other speakers] Charles Smith requested time to discuss the applicant's response to comments and questions. Chair Longdo called for a 10-minute break.

[Secretary's note: the recording was stopped at the break, and re-started, but did not record the remainder of the meeting. The balance of the summary minutes are from handwritten notes.]

Applicant response to comments and questions:

Charles Smith: Use was planned. Reduced density and traffic impacts. Raw water pond and pump in preliminary design – need to finalize. Will share detention pond maintenance costs. School site was dedicated – now owned by Town. Tot lot is 10' below Hwy 60 grade and 30' back from roadway. Fence is only partially around property.

Chair Longdo closed the public hearing at 8:45 pm.

Motion by Kingsolver, seconded by Dowling to recommend approval of the Clearview Multi-family Final PUD Site Development Plan with the following conditions:

- 1 That the applicant work with the HOAs to address misunderstandings.*
- 2. The applicant shall enhance the quality of the overall design of the 6-plex and 8-plex models to a level acceptable to the Town staff.*
- 3. The project shall use raw water and not treated water for irrigation of all common area landscaping, and the applicant work with the Town and the HOAs to replace the current tie to the Town's raw water line with a buffer pond and pump system satisfactory to the Town and the Home Supply Ditch Company.*
- 4. The development pay a pro rata share of the anticipated cost of the Carlson Blvd. Hwy 60 signal.*
- 5. Final approval of plans by Town Engineer, landscape review consultant and Fire District.*
- 6. That the applicant furnish evidence of sufficient water rights to the Town so that a Water and Sewer Service Agreement can be prepared by the Town Water Attorney, signed and submitted for Town Council consideration with the application.*

Unanimous.

B. Encore Preliminary Site Development Plan and Design Guidelines: *Chair Longdo opened the public hearing at 8:15 pm. Town Planner Franklin introduced the application and presented the staff recommendation. Jim Birdsall, Birdsall Group representing the applicant, presented the request.*

Commissioner questions: None

Public Comment: None

Chair Longdo closed the hearing at 8:35 pm.

Motion by Commissioner Tepper, second by Commissioner Kingsolver to recommend approval of the Design Guidelines and preliminary Plan for Encore.

Unanimous.



5. NEW BUSINESS:

A. Approval of Minutes of August 26, 2015: *Motion by Commissioner Dowling, second by Commissioner Tepper to approve the minutes as presented. Unanimous.*

B. Weld County Referrals: *None.*

6. STAFF REPORT: *Town Planner Franklin referred to the following:*

A. Recent Town Council Actions (Attachment)

B. Applications in Review (Attachment)

C. Project and Program Updates:

7. COMMISSIONERS' ITEMS:

A. Farewell to Commissioner Eric Longdo: *Town Planner Franklin and the Commissioners joined in expressing their appreciation for departing Commissioner/Chair Longdo. Resolution 2015-1 was approved unanimously.*

Town Planner Franklin introduced Larry Storms, who had applied for the vacancy left by Commissioner Terasa. Mr. Storms reviewed his experience. The Commissioners agreed to recommend Mr. Storms appointment by the Town Council.

8. ADJOURN: *Chair Longdo adjourned the meeting at 9:35 p.m.*

Respectfully submitted by John Franklin, Town Planner, as Secretary to the Commission.

**STAFF REPORT
TO
PLANNING AND ZONING
COMMISSION**

Town of

Johnstown

MEMORANDUM

TO: Johnstown Planning and Zoning Commission
FROM: John Franklin, AICP, Town Planner 
DATE: For September 23, 2015
SUBJECT: Encore Preliminary Site Development Plan and Design Guidelines

PROPERTY DATA:

Applicant: Miracle on 34, LLC

Owner(s): Same

Location: North of US Hwy. 34, between High Plains Blvd. (Larimer County Road 3) and Colorado Blvd. (Larimer County Road 1/Weld County Road 13)

Property Size: 309± acres

Current Zoning/Land Use(s): PUD- MU Planned Unit Development – Mixed Use

Surrounding Zoning/Current Land Use:

North: Miracle on 34 PUD-MU/agriculture, oil/gas facilities; Larimer County FA/ residential

South: US Hwy 34, Larimer County FA/Kelim Township

East: Town of Windsor I-L limited industrial/Agricultural

West: City of Loveland Millennium Addition PUD, Larimer County F/A/residence, agriculture

Comprehensive Plan Designation: Commercial, Residential

Summary of Application: This is a request for approval of design guidelines and preliminary site development plan for mixed use commercial, residential, private neighborhood park, open space and trails.

Prior Actions: The property was annexed and zoned PUD-MU in 2006 as part of the Miracle on 34 Annexation. The preliminary plat was approved in December 2014, but consideration of the Guidelines and preliminary plan were delayed to allow further study.

Existing and Proposed Land Use(s): The property is in agriculture and is proposed for commercial and residential development.

Design Guidelines: As called for in the Annexation Agreement, approval of design guidelines (Performance Standards) is required prior to final plat.

Technical Analysis

Relationship to Town Vision and Strategic Plan: The community envisions economic development, a range of housing opportunities, and access to recreation amenities.

Design Guidelines: The proposed Guidelines are very similar to 2534 and Thompson Crossing/Thompson Crossing II. Land use is addressed through the plan and detailed in the guidelines.

Public Health and Safety Impacts: Subject to further review prior to development.

Access and Traffic: Primary access will be from High Plains Blvd. (LCR 3) a principal arterial, and Colorado Blvd. (LCR 1/WCR 13) a principal arterial. Access to US Hwy 34 is subject to CDOT Access Permit. Based upon recent Weld County approval of the Martin Marietta asphalt and concrete facility to the south and east, a signal will be installed at Colorado Blvd. in the near future.

Utilities: The property is within the Town's water, sanitary sewer and stormwater service area. An elevated water tank is located north of the site, and a 16" water main installed by the developer is on-site near High Plains Blvd., connecting the tank to a 20" water main from the Town's water treatment plant. Sanitary sewer will be treated at the Low Point Wastewater Treatment Plant. Stormwater will be collected and detained and ultimately released at historic rate to the available drainageways. A stormwater development fee of \$1100 per acre is due at final plat.

Mineral Interests and Operations: There are four oil or gas facilities located in the Miracle PUD – three adjoining the Encore site to the north and east. The oil and gas facilities will need to be screened when the surrounding property is developed.

Parks and Open Space: Private parks and open space, trails are generally proposed. An internal trails system will be required and maintained as private open space, with connections where available to nearby local and regional trails.

Schools: The property is within the Thompson School District R2-J. The District has not yet indicated a preference for potential school sites. A cash-in lieu of school site dedication will be due with building permits.

Architectural Design: Commercial and residential design will be governed by the Design Guidelines and subject to final Town approval.

Landscaping: Landscaping shall comply with Johnstown Landscape Standards and Specifications.

Fencing and Screening: Required, as determined by the Design Guidelines.

Lighting and Street Furniture: Decorative street lighting and signage will be required.

Signage: A master sign program is proposed in the design guidelines.

Phasing: A general development phasing plan is proposed, with a balance of commercial and residential development to maintain a positive fiscal impact on Town revenue and services.

Attachments: Application, Design Guidelines, Preliminary Site Development Plan

Municipal Code Review Provisions: reference Town PUD and Subdivision regulations.

Crucial Referral Responses: None

Staff Report

Technical Findings: The Guidelines will provide an adequate level of quality control for development review. The Preliminary Development Plan emphasizes commercial development along US Hwy 34 and the adjoining High Plains Blvd. (LCR 3) and Colorado Blvd. (LCR 1E/WCR 13).

Staff Recommendation:

Based upon review, staff recommends approval of the Design Guidelines and Preliminary Plan for Encore.

Planning Commission Action:

1. **Recommendation:**

“I move that the Commission recommend approval of the Design Guidelines and Preliminary Site Development Plan for Encore”

Or,

2. **Recommendation with Conditions:**

“I move that the Commission approve/recommend approval of the Design Guidelines and Preliminary Site Development Plan for Encore with the following condition(s):

a. _____

b. _____

etc. “

Or,

3. **Recommend denial:**

“I move that the Commission not approve/recommend denial of the Design Guidelines and Preliminary Site Development Plan Encore for the following reasons:

a. _____

b. _____

etc. “



DESIGN GUIDELINES

A. COMMERCIAL

June 2015

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1.0 Introduction

1.1 Purpose and Intent of the Guidelines

Encore is a master-planned community located in the northwest quadrant of the US 34 and CR-13 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 Encore 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 community. Section 1 contains the vision, site opportunities and constraints, proposed land use plan and information regarding submittal information for design review by the Encore Design Review Committee (DRC) and the Town of Johnstown (JRC). Community-wide design elements that convey the character of Encore are located in Section 2. The General Design Guidelines (Section 3) apply to all development and specific types of development requirements are located in Section 4. Civic uses should follow the guidelines for the areas in which they are located, and will be reviewed a on a case by case basis. Definitions can be found in the last section.

The Design Guideline sections are as follows:

1. Introduction
2. Community-Wide Design Elements
3. General Design Guidelines for Development
4. Guidelines Specific to Land Use Type
5. Definitions

The Miracle on 34 Annexation Agreement, Preliminary and Final Development Plans (GDP's), preliminary and final plats and other development entitlement documents for Encore 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 Encore 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 standards in effect at the time shall apply. In the case of conflicting requirements, these design guidelines shall govern. The Land Use map included in this document is a summary of the types of land uses that are envisioned, and corresponds to the specific design guideline sections in this document. All guidelines and standards are subject to the reasonable discretion of the DRC and JRC, which shall make a final determination in good faith.

The provisions of these Guidelines shall supersede any conflicting provision of the Johnstown Municipal Code and may only be modified to protect the health, safety, and welfare of the general public by the Town Council following at least thirty (30) days written notice to the record owner of any real property effected by the modification.



1.2 The Vision

The vision for Encore is that of a high quality regional commerce center and mixed-use community that responds to the needs of the area and market forces, integrates with the natural environment, and provides vibrant places for people to shop, work, live and socialize. Encore will perform as a live, work, commerce concept that allows land uses such as residential, office and retail to relate to one another in an attempt to promote a mixed-use community. 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, Encore 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.

1.3 Site Description

The Encore site is ideally located near the intersection US 34 and LCR 1E / WCR 13 on land that has historically been used for farming. The site is divided by the Loveland and Greeley canal. The site is relatively flat, as typically is the case for farmland, and features prominent views from the highway into the site and from the site out to the mountains. Major vehicular access points are located adjacent to existing and planned roadways including LCR 3, LCR 1E / WCR 13. Proposed access points are illustrated in the Proposed Land Use Plan.

1.4 Proposed Land Use

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 following two sections, as well as the guidelines for specific uses established in Section 4. The following text describes allowable uses as shown on the Proposed Land Use Plan.

Land Use	Min Open Space	Building Setback	Offset
Residential	* See Below	* See Below	5'
Multi-Family Residential	15%	-	-
Retail	5%	-	-
Office	15%	-	-
Light Industrial	15%	20'	20'
Flex	15%	20'	20'
Outdoor & Indoor Family Ent.	15%	20'	20'

*Reference Encore Residential Design Guidelines, Appendix B

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

1.4.1 Residential Principal Uses

- Single-family attached dwellings
- Public parks and recreation areas
- Privately owned and maintained recreation

1.4.2 Multi-Family Residential Uses

- Multi-family dwellings
- Privately owned and maintained recreation
- Private clubhouse, club, and lodge

1.4.3 Multi-Family Residential Permitted Accessory Uses

- Leasing or sales offices and facilities.
- Maintenance shop and facilities.
- Private garages, parking structures, and paved parking areas.
- Enclosed, screened storage facilities for on-site residents.
- Private residential and private group outdoor recreational facilities, including by way of example, but not of limitation, swimming pools, basketball courts, playgrounds, and tennis courts
- Home occupations, subject to the limitations listed in the Town of Johnstown Zoning Code, and limited in that uses shall be conducted entirely within the dwelling, no advertising is displayed on the premises and no exterior storage is created
- Service buildings and facilities normally incidental to the use of a public park or recreation area
- Any other structure or use clearly incidental to and commonly associated with the operation of a principal use permitted by right
- Signs

1.4.4 Retail Principal Uses

- Retail stores including, but not limited to, food stores, delicatessen, bakery goods store, liquor store, hardware store, drugstore, regional department stores, specialty shops etc.
- Customer service establishments including, but not limited to, barber and beauty shops, restaurant and bar, shoe repair shop, coin- operated Laundromat and dry cleaning establishment, fine art studio, etc.
- Banks and financial institutions
- Medical and dental clinics and other health care
- Commercial lodging
- Theater
- Minor repair, rental and servicing establishments
- Passenger transportation terminals
- Convenience/gasoline service stations
- Automobile sales and service
- Retail sales of furniture, fixtures, equipment, home supplies and hardware
- Gun Store (No underground firing range)

1.4.5 Retail Permitted Accessory Uses

- Garages for storage of vehicles used in conjunction with the operation of business
- Off-street parking and loading areas
- Signs
- Commercial parking facilities

1.4.6 Office Principal Uses

- Business and professional offices
- Banks and financial institutions
- Medical and dental clinics and other health care

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- Public administrative offices and service buildings
- Public utility offices and installations
- Public library
- Private club or lodge
- Commercial lodging
- Passenger transportation stops

1.4.7 Office Permitted Accessory Uses

- Garages for storage of vehicles used in conjunction with the operation of business
- Off-street parking and loading areas
- Signs
- Any other structure or use clearly incidental to and commonly associated with the operation of a principal use permitted by right
- Commercial parking facilities

1.4.8 Outdoor and Indoor Family Entertainment

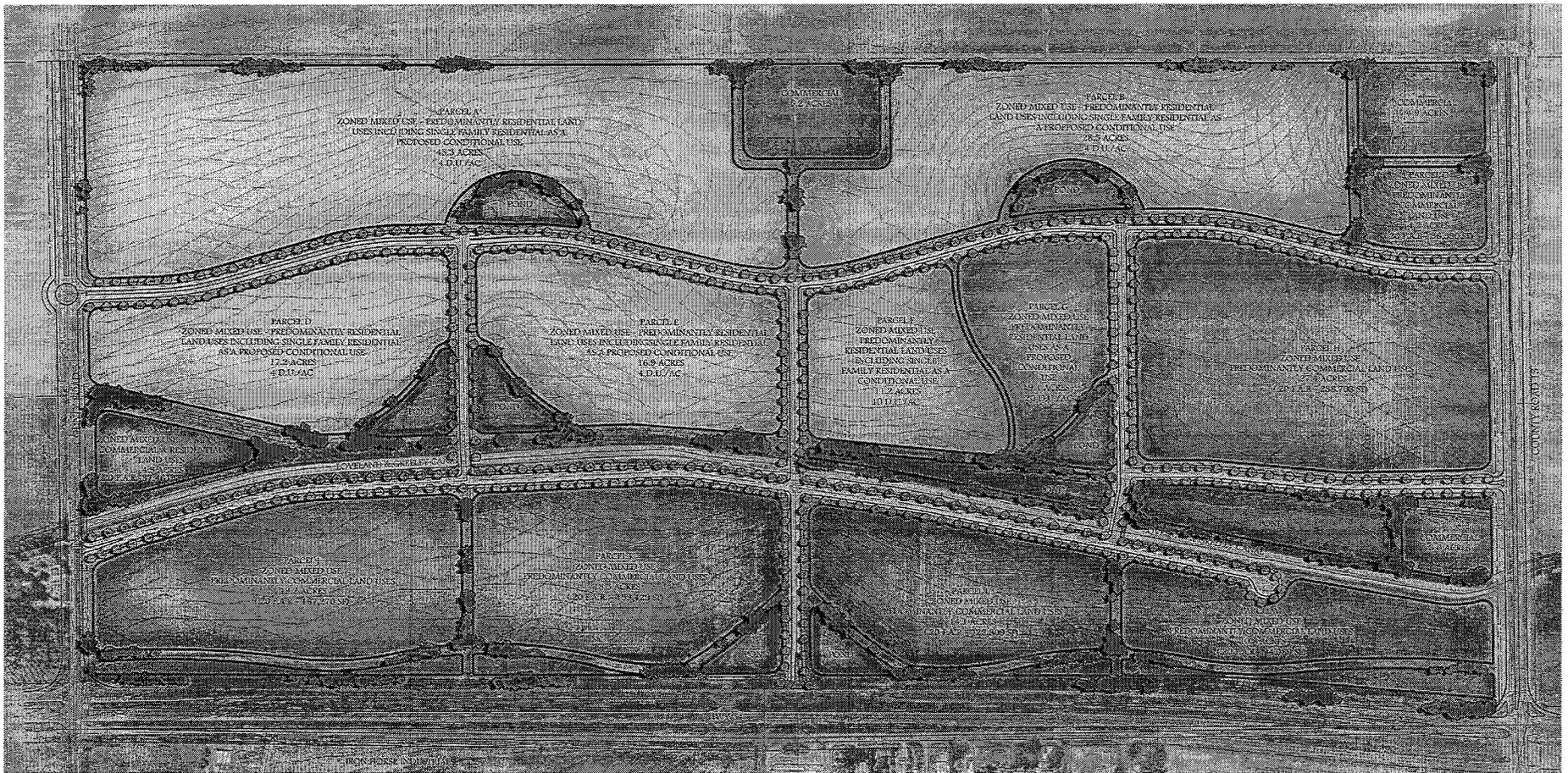
1.4.9 Open Space Principal Uses

- Parks and recreation areas
- Public schools
- Public, private, commercial and private group outdoor recreational facilities
- Buffers
- Trails
- Native areas
- Wildlife habitat

1.4.10 Open Space Accessory Uses

- Service buildings and facilities normally incidental to the use of a public park and recreation area
- Any other structure or use clearly incidental to and commonly associated with the operation of a principal use permitted by right

Proposed Land Use Plan:



1.5 Design Review Committee and Procedures for Submittals and Approvals for Development Projects

The property comprising Encore was annexed to the Town in 2006 and is subject to the terms and conditions of the Miracle on 34 Annexation recorded in 2006. As part of that Annexation Agreement, Johnstown and the Property Owners agree to develop and agree to performance standards for the purpose of addressing design considerations including architectural, site planning, landscaping, streetscape and sign elements for land uses within Encore. Encore Design Guidelines are the performance standards as contemplated in the WFRG Annexation Agreement.

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

1.5.1 Encore Design Review Committee (DRC)

The purpose of the DRC 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 Encore Design Guidelines legally apply to all land that is part of Encore, 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 DRC, which shall consist of the following five members: one Engineer with a minimum of ten years experience in land planning or development, one Landscape architect/Architect/Planner with a minimum of ten years experience in land planning or development, two Encore development property owners and one representative from a commercial real estate firm.

1.5.2 DRC Approval Process

Any proposal to construct, modify or demolish improvements within Encore must have plan approval from the DRC prior to commencement, and following DRC approval must also receive administrative approval, in accordance with these design guidelines, from the Town of Johnstown JRC. The DRC'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 Encore. After the DRC approves a plan submittal, an applicant may proceed with a project, but only in strict compliance with the terms and conditions of approval. The DRC may perform periodic site inspections, both during development and on an ongoing basis thereafter to ensure compliance.

The DRC meets monthly, 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 DRC are mandatory for most development projects; however, most details are reviewed through informal meetings with the DRC 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.

These include:

1. Pre-design Conference
2. Design Development (includes plans and elevations)
3. 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 DRC 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 DRC submittals and shall be paid for the phase scheduled for review on or before said review. If the DRC requires that the applicant attend additional meetings with a DRC 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 DRC action will be issued until all appropriate fees have been paid. A current schedule of fees is contained in the submittal procedures packet.

1.5.3 Johnstown Review Committee (JRC)

The Town's Design Review Committee will be composed of the following persons: Town Manager and Town Planner. The Design Review Committee may seek the assistance of any other Town employee or consultant whose expertise is necessary to review the application. All Town subdivision and re-subdivision requirements, building codes, permits and fees, as adopted by the Town, do apply.

1.5.4 JRC Approval Process

All individual development projects in Encore shall be reviewed and approved by the Town pursuant to this approval process. This approval process shall supersede and replace all other approval processes for land use developments set forth in the Town of Johnstown's Zoning Code, Comprehensive Plan and any other applicable Municipal Ordinance provisions.

A. Pre-Application

The applicant shall schedule a pre-application conference with the Town Planner prior to submittal of any project proposal. The intent of this initial meeting shall be as follows:

1. To informally discuss the overall context and development objectives for the proposed project.
2. To review how the project has interpreted the guidelines and criteria for development of the project as set forth in the Design Guidelines.
3. To review a sketch plan and architectural design concepts prepared by the applicant, which illustrates overall site development and major site development components. The sketch plan is intended to be a very preliminary sketch of the development concept and not a formal site plan.

B. Final Development Plan Submittal and Process

All development projects shall be submitted in compliance with the current Town Final PUD Development Plan Requirements. Accompanying the application shall be all required documents as well as a certification from the Encore DRC stating that the development as proposed in the application meets all the applicable standards and guidelines of the Encore Design Guidelines. The application shall be reviewed for completeness within seven (7) working days of filing. If the Town determines that the application is complete, the application shall then be reviewed by the JRC. If the Town determines that the application is incomplete, the Town shall specify in writing the specific ways in which the application is insufficient or incomplete.

ENCORE COMMERCIAL DESIGN GUIDELINES

The JRC shall review the application for conformance with all of the applicable terms and conditions of the Encore Design Guidelines. Said review shall be completed within 45 calendar days of Town determination of completeness of the application. Said 45 day period may be extended in writing by the applicant. Review of the application by the JRC is administrative in nature for the purpose of determining that the proposed development as set forth in the application complies with the terms and conditions of the Encore Design Guidelines.

The JRC has the right to grant variances to the Encore Design Guidelines based upon the applicant's ability to demonstrate innovative approaches to design solutions, or future market conditions which the Committee feels is advantageous to, and in conformity with, the intent of the Encore Guidelines. In no event shall the JRC grant a variance to the permitted uses in a development parcel.

C. JRC Approval

The JRC shall approve the application if it complies with the applicable terms and conditions of the Encore Design Guidelines. The JRC may approve the application with conditions. Said conditions shall be specifically related to compliance with standards and guidelines in the Encore Design Guidelines. In the event the JRC determines that the proposed development in the application does not comply with the Design Guidelines, the JRC shall specify in writing the specific reasons in which the application does not meet the applicable criteria.

D. JRC Appeals

The decision of the JRC may be appealed by the applicant to the Johnstown Town Council. The appeal shall be in writing, and shall be made within thirty (30) days of the date of the transmittal of the JRC's decision. The Johnstown Town Council shall hear the appeal within thirty (30) days of the filing of the appeal by the applicant. The decision of the Johnstown Town Council on the appeal shall be final.

1.5.5 Additional Criteria & Updates

In addition to the criteria herein, the DRC and JRC 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 DRC and JRC. 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.

1.5.6 Variances

The DRC and JRC may authorize variance from these criteria when circumstances such as topography, natural obstructions, hardship, or aesthetic or environmental objectives or considerations may warrant, insofar as they are not superseded by applicable Town of Johnstown zoning regulations, such variances must be approved by the DRC and JRC. 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.

1.5.7 Final Plan Amendments

Amendments to final plans must be approved by the DRC and JRC.

1.6 Relationship to Other Documents

The Design Guidelines establish the guiding principles for review and processing of each development. There are other documents that were used as reference for the Design Guidelines or may be referred to for information not found within the Design Guidelines.

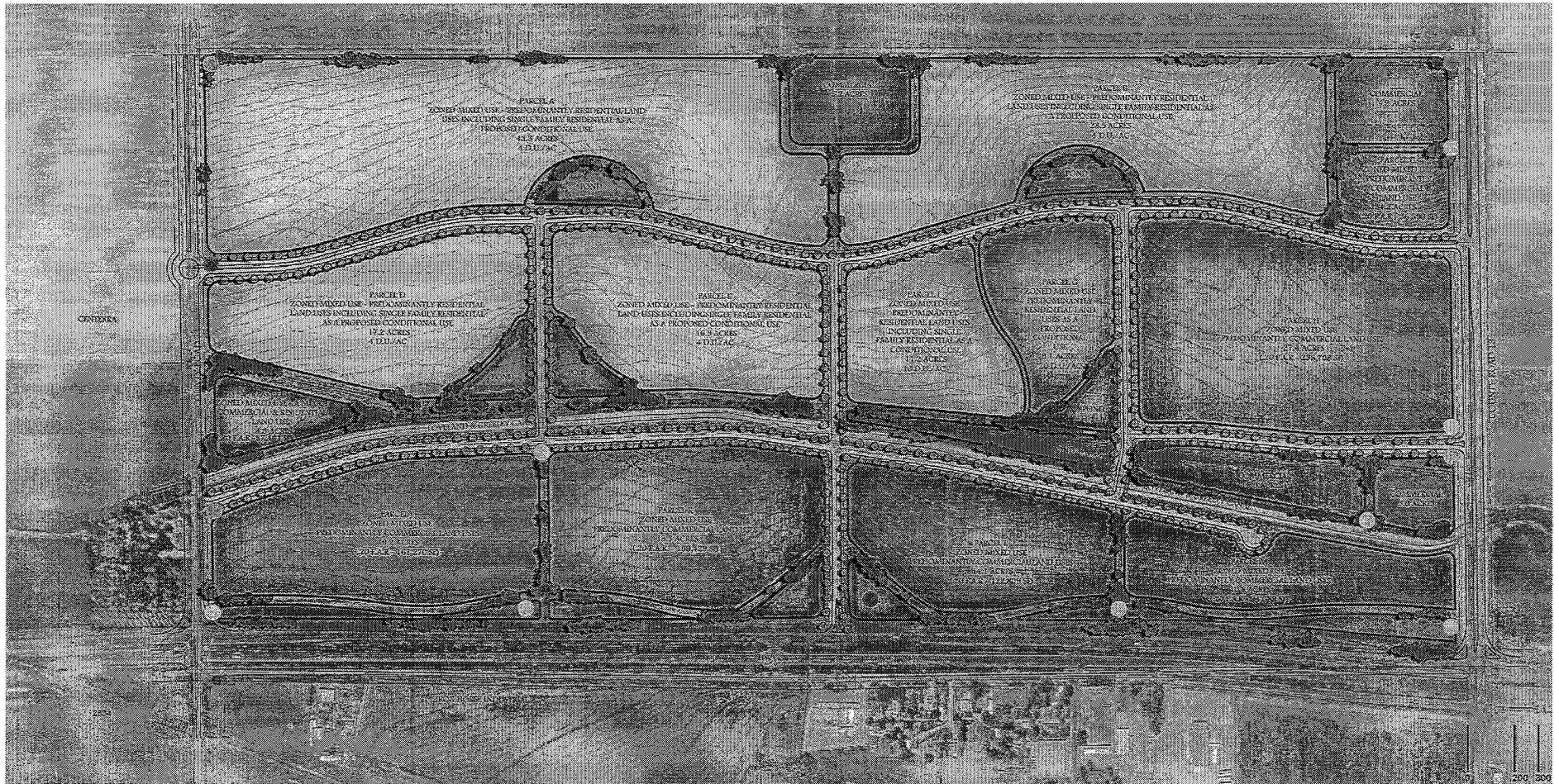
- Miracle on 34 Annexation recorded in 2006
- Town of Johnstown Zoning Code
- Town of Johnstown Comprehensive Plan
- Johnstown/Milliken Parks, Trails, Recreation and Open Space Plan
- Town of Johnstown Landscape Standards and Specifications
- Johnstown Criteria and Construction Regulations
- Johnstown Transportation Plan

2.0 Overall Design Elements

2.1 Site Signage Program

The Site Signage Program plan illustrates the locations of the community identification elements within Encore. The Main ID Sign is located on US 34 and the center entrance drive to create a gateway and emphasize the main entrance for people driving west along US 34. Secondary Site Signage identifying Encore will occur at the minor roadway entrances to the development and will benefit more local traffic. Commercial Signage will be located at each secondary entrance to Encore to easily identify the retail and tenant uses within the commercial areas. Finally, Residential Monument Signs will be placed at each entrance to the neighborhoods. Landmark and high-image intersections also help develop the character of the area. These intersections may contain showy 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 way finding device.

Site Signage Program



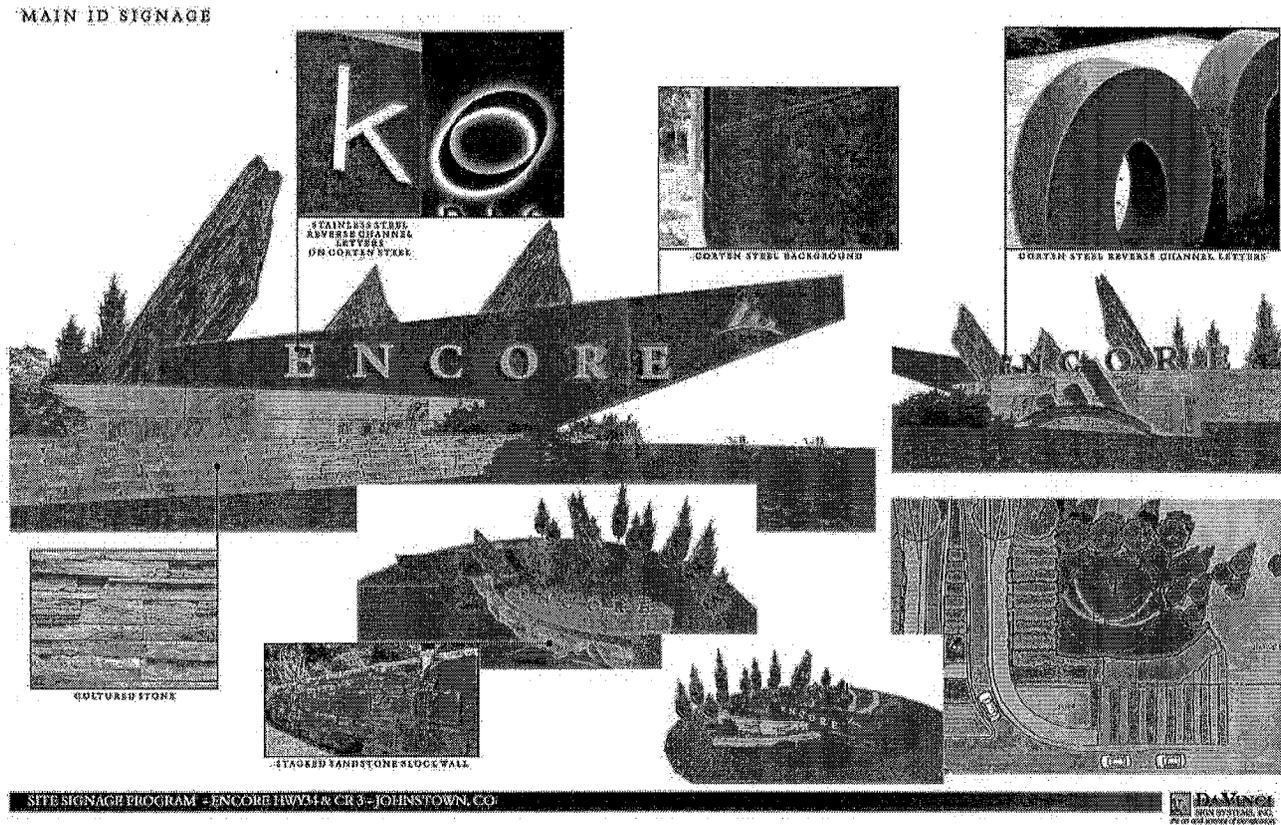
- MAIN ID SIGNAGE
- SECONDARY SITE SIGNAGE
- COMMERCIAL SIGNAGE
- ◆ RESIDENTIAL SIGNAGE

2.2 Encore Signage System

All community identity signs for Encore will be located in signage and landscape easements and outside of the public ROW. See Site Signage Program Plan for the location of signage.

2.2.1 Main ID Signage

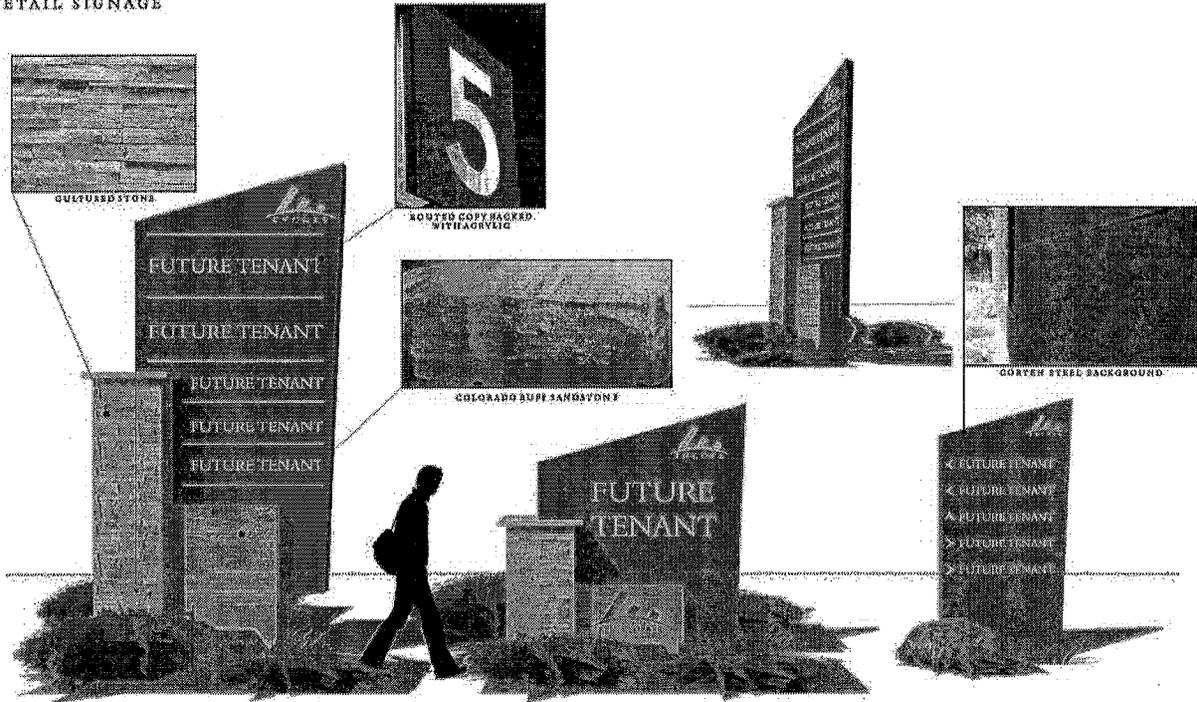
Primary entry signs are located at the intersections of CR5 & US 34 and CR 13 & US 34.



2.2.2 Commercial / Retail Signage

Primary entry signs for the commercial parcels are located at the intersections of LCR3 & US 34 and LCR1E/WCR13 & US 34. Additional commercial signage will be provided at various locations identifying major entries and retail tenants.

RETAIL SIGNAGE



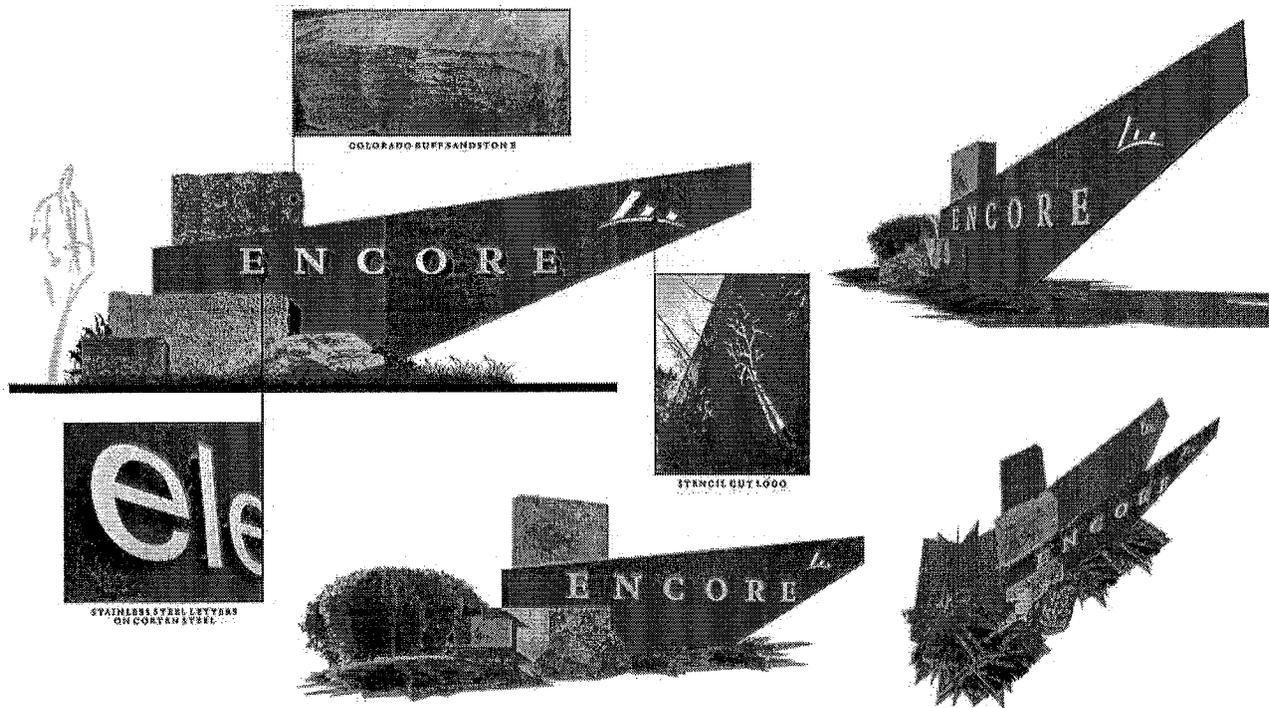
SITE SIGNAGE PROGRAM - ENCORE HWY34 & CR 3 - JOHNSTOWN, CO



2.2.3 Secondary Signage

Secondary site signage will be located along the LCR3 and LCR1E/WCR13 planned roadways.

SECONDARY SIGNAGE



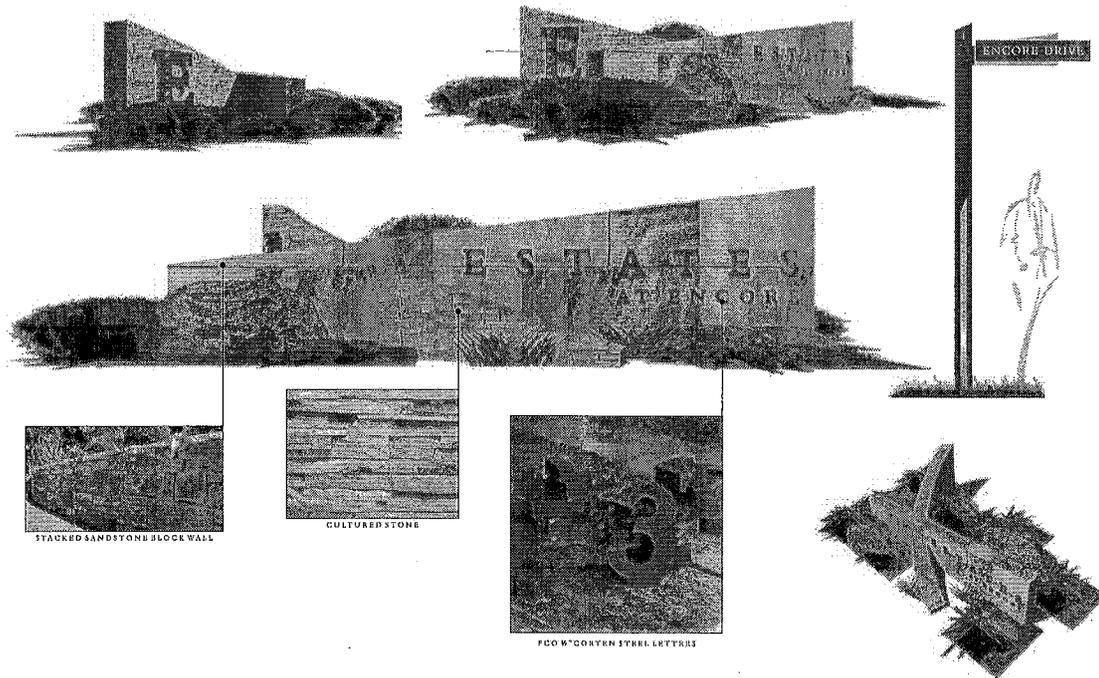
SITE SIGNAGE PROGRAM - ENCORE HWY34 & CR 3 - JOHNSTOWN, CO



2.2.4 Residential Signage

Monument signs will be placed at the main entrances to the neighborhood. DRC approval is required for all signs, including address numbers and nameplates. One temporary real estate “for sale” sign (per lot) does not require DRC approval, provided it is not more than 5 square feet in size. Lighted signs of any kind are not permitted.

RESIDENTIAL SIGNAGE



SITE SIGNAGE PROGRAM - ENCORE HWY94 & CR3 - JOHNSTOWN, CO



2.3 Site Development Signage

2.3.1 Purpose

The following sign guidelines provide a language for all signage which helps to create a unified image for Encore. All freestanding signage within the development will bear the style and logo of Encore, however individual logos and graphics are allowed on the sign face. Freestanding signs located throughout the development are unified through the use of similar geometry and a repetition of a common materials palette. Building mounted signs are regulated by limiting size; however user’s personal logos and graphics are allowed.

2.3.2 Prohibited Signs

Prohibited signs, as listed in the Town of Johnstown Zoning Code, are flashing/moving signs, animated signs, unsafe signs, roof signs, signs which cause radio or television interference and signs in the restricted site triangle at corner.

2.3.3 Sign Area Measurement and Allowances

Allowable sign areas and sizes shall be per the Town of Johnstown Sign Code.

2.3.4 Fuel / Convenience Store Canopy Signs

Signs on canopies associated with fuel/convenience stores shall be limited to one corporate with associated text or business logo of the principal use only on a maximum of two (2) sides of the canopy. Such logos shall have a vertical dimension of no greater than 75% of the vertical dimension of the canopy fascia and shall be no greater than twelve (12) square feet per logo. Such signs shall be reviewed and approved by the DRC/JRC.

2.3.5 Awnings

Signs on awnings are permitted on the bottom eighteen (18) inches of first floor awnings and allowed at one-half (1/2) square feet per linear foot of awning. The maximum letter height is twelve (12) inches. There is a maximum of one (1) sign per awning and the sign may be illuminated.

2.3.6 Regulatory Signs

Regulatory signs shall follow the guidelines established in the Town of Johnstown Design Criteria and Construction Regulations.

2.3.7 Other

- Temporary signs shall follow the guidelines established in the Town of Johnstown Zoning Code.
- Banners: Retail uses are allowed one (1) banner per building, not-to-exceed seven (7) days in a six-month period. Office, Light Industrial and other Commercial uses are allowed a one (1) day special event directional sign announcing open house/grand opening events.
- Window Signs: Window painting is not allowed. Each business will be allowed one (1) "OPEN" neon sign. No other neon signs are allowed, except as specifically approved by the DRC and JRC. No decals or signs may be installed in doorways, windows or other areas visible to the public view from the exterior of the premises. The real estate window sign is intended for use where leasable office space is available.
- Building Entry Information: If applicable, each business shall be allowed to post building or occupant names, hours of operation, emergency information, delivery hours and other required notices near its main exterior entrance on a wall or adjacent glass side-light adjacent to main entry doors. Maximum letter height shall be one (1) inch for basic information. Name of the building or occupant may be three (3) inches tall. Logos shall be a maximum of six (6) inches tall. All type must fit within a maximum 2 feet by 2 feet area. Type style shall be consistent with other building signs.
- Wall mounted information shall be applied to a panel that is compatible with the surrounding wall treatments. The panel area shall not exceed four (4) square feet.
- Buildings that provide service entrances shall be allowed an additional sign on or adjacent to each delivery door. Information shall be limited to a four (4) square feet area and design shall be consistent for all exterior doors of the building.
- Flags: Flag poles shall be a minimum height of twenty (20) feet tall and a maximum height of thirty (30) feet. Only properly maintained national and/or state flags are allowed.
- Pennants: Pennants that project a maximum of four (4) feet from the building are allowed on retail, entertainment or service commercial buildings, and only as part of an approved special district sign program. All pennant faces shall be counted as part of the total allowable sign area. Pennants located on light fixtures are allowed only by the Encore management group.

2.4 Streetscape Design

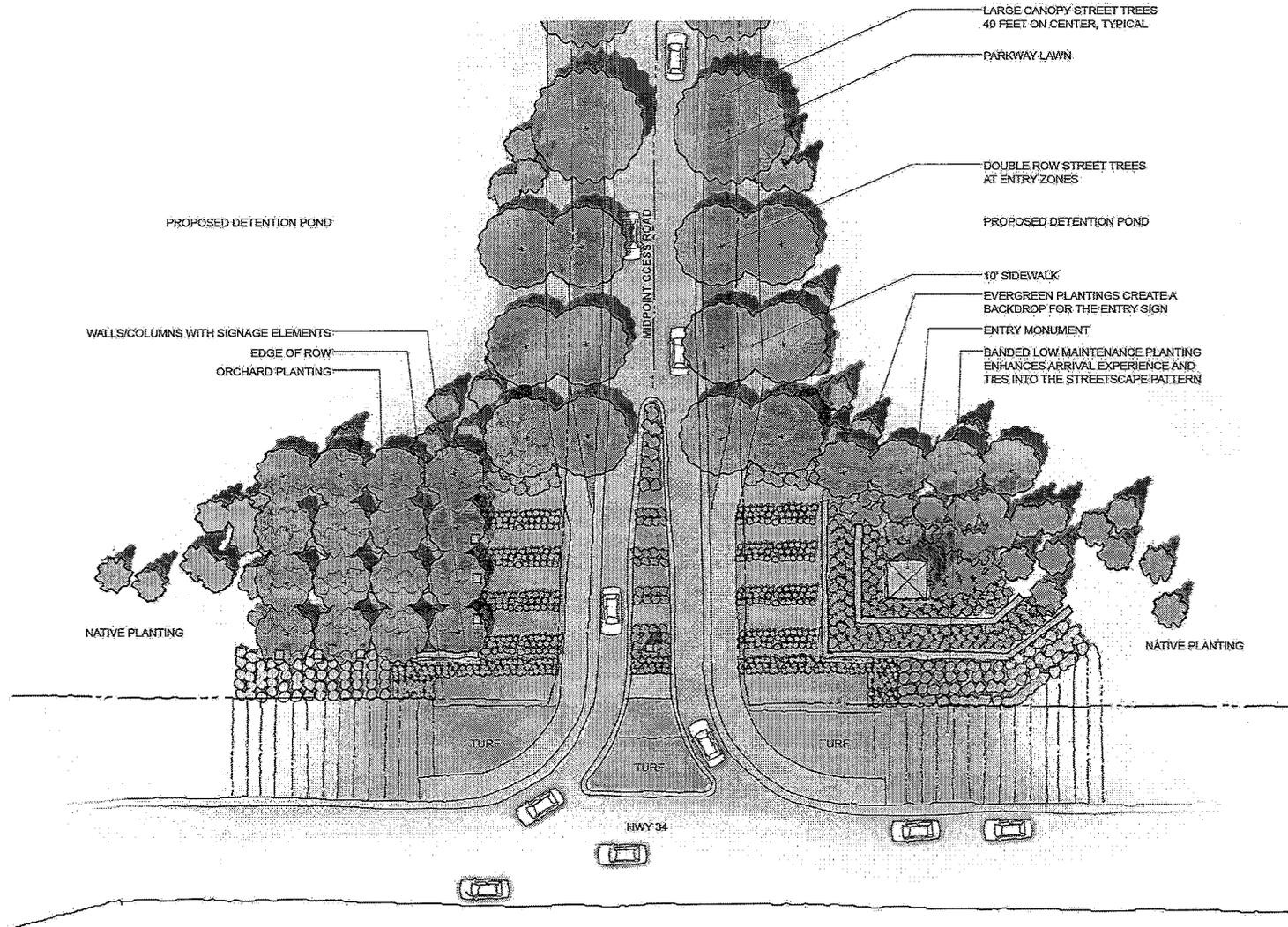
2.4.1 Entries

Encore entries will contain both signage and landscaping that tie into the overall development streetscape design. The framework plan illustrates the major and minor entries into the site. Because the design of US 34 will be changing in the future, the alignment of entry signs along this highway will be set back from the existing alignment.

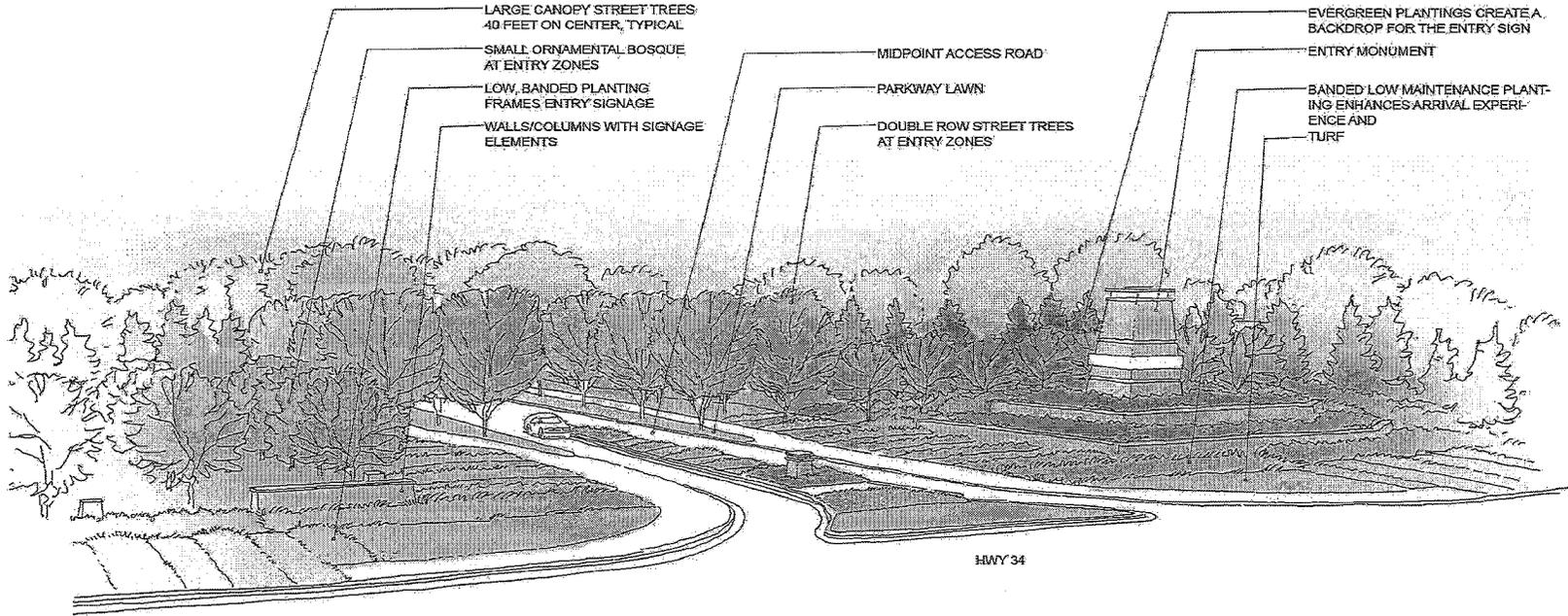
2.4.2 US 34

In order to create an appropriate landscape corridor along US 34 that can be perceived at highway speeds, large masses of trees and shrubs are required. The right-of-way will be primarily drought-tolerant turf. 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.

Primary Entry Design - Plan View



Primary Entry Design - Perspective



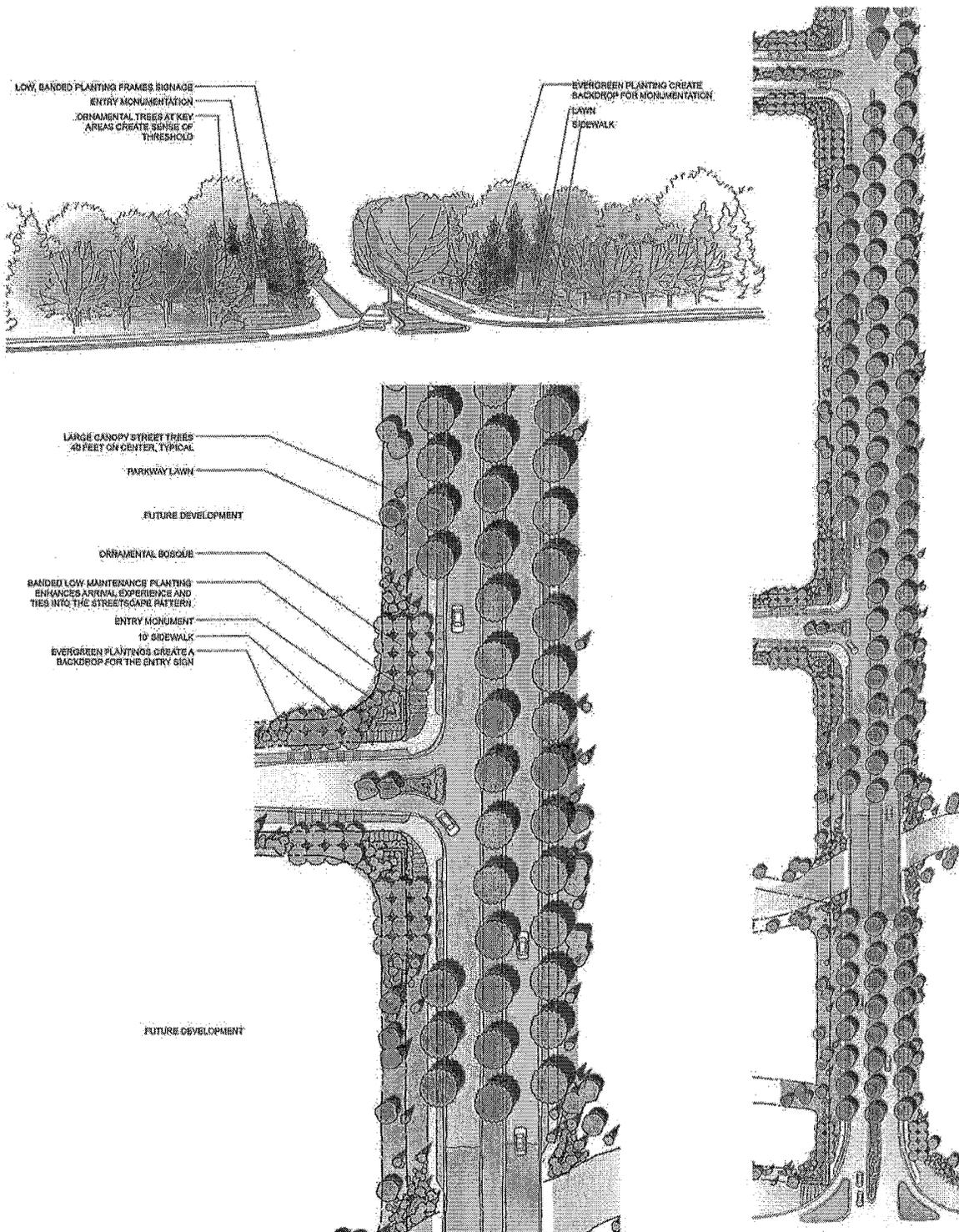
LARGE CANOPY STREET TREES
40 FEET ON CENTER, TYPICAL
SMALL ORNAMENTAL BOSQUE
AT ENTRY ZONES
LOW, BANDED PLANTING
FRAMES ENTRY SIGNAGE
WALLS/COLUMNS WITH SIGNAGE
ELEMENTS

MIDPOINT ACCESS ROAD
PARKWAY LAWN
DOUBLE ROW STREET TREES
AT ENTRY ZONES

EVERGREEN PLANTINGS CREATE A
BACKDROP FOR THE ENTRY SIGN
ENTRY MONUMENT
BANDED LOW MAINTENANCE PLANT-
ING ENHANCES ARRIVAL EXPERI-
ENCE AND
TURF

HWY 34

Major Arterial Streetscape



2.4.3 Arterials and Collectors

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 Encore apart. A varying mix of deciduous trees will be planted in uniform rows in order to create a pleasant pedestrian experience. Both drought-tolerant turf and rock mulch 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. Occasional boulders located along the streetscape will add visual interest as well as tie sign materials into the streetscape. Medians will be planted in a similar fashion.

2.4.4 Landscape Guidelines for Public Property

- Arterial Rights-of-Way and Medians. 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.
 - o The right-of-way and median will be landscaped with at least one (1) tree for every forty (40) linear feet of right-of-way and 60% of the landscape areas shall be covered with plant material within five (5) years of installation.
 - o Trees will be placed to create a street tree canopy that provides an aesthetic gateway along arterial streets and also functions to cool street pavement.
- Arterial or Expressway Rights-Of-Way that is also a State or Federal Highway. This section is intended to provide as close to the full arterial landscaping requirement as allowed or recommended by the Colorado Department of Transportation (CDOT).
- Collector Street 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. Collector street landscaping is intended to provide an overstory street canopy along collector streets and a landscaped area between the street and pedestrian paths.
 - o Overstory/shade trees will be provided between the curb and the sidewalk with at least one (1) overstory/shade tree for every forty (40) linear feet of right-of-way.
 - o 60% of the landscape areas shall be covered with plant material within five (5) years of installation.
- Treatment of Loveland & Greeley Canal Rights-of-Way. Ditch rights-of-way landscaping shall be designed and installed by the developer as part of improvements, in compliance with the Johnstown Area Comprehensive Plan and Town of Johnstown Landscape Standards and Specifications. Such areas are to be shaped and landscaped as follows:
 - o The right-of-way areas will be landscaped in a similar fashion to the rest of the development and as approved by the DRC and JRC.
 - o 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 DRC and JRC.
 - o Sloped areas shall not exceed a 4:1 slope in seeded areas. Where slopes exceed flat grade, rip-rap will be applied, per the Town's direction.

2.5 Parks, Open Space, Regional Detention and Natural Areas

Shall meet the criteria as established in the Johnstown/Milliken Parks, Trails, Recreation and Open Space Plan as amended.

3.0 General Design Guidelines for Development

3.1 Applicability

This section applies to all development within Encore and contains specific information on performance standards and guidelines for the design of public areas and private property, construction practices, landscape maintenance and the acceptable plant palette. In utilizing these regulations, one should remain flexible in approach to site design given the characteristics of the site, the nature of the use and the intent of these standards.

3.2 Site Planning & Design

3.2.1 Site Design, Building Placement and Orientation

- Minimize environmental impact through sensitive design and mitigation.
- If possible, orient the long axis of the buildings north-south to avoid winter ice conditions created by long north-facing facades.
- Utilize trees to maximize shade in summer and reduce heat gain of paved surfaces.

3.2.2 Storm Drainage

The goal of the design of sites is to minimize runoff and design needed storm drainage systems to meet basic engineering requirements while using the most current technology to improve the quality of the storm water before it reaches natural systems that may be affected by poor water quality. This philosophy reduces infrastructure costs, increases groundwater recharge and improves the environment.

- Site drainage shall be compatible with adjacent property drainage and in accordance with the overall master drainage plan for Encore. Storm drainage shall not run on a neighbor's lot at rates higher than historic rates prior to construction of the subdivision.
- Excess run-off from the site shall be minimized with sites graded to provide positive drainage away from buildings.
- Water from parking lots, roof drains and other areas should be consciously directed to landscape areas that could benefit from the additional water rather than piping it off the property, thereby reducing the need for irrigation water and improving water quality by filtration through landscape materials. Roof drains on north side shall be piped to an open space.
- Drainage shall be conveyed along dedicated streets, private drives and swales along property lines, or in open space corridors. Drainage will be sheet flow and surface drained where possible; however, below-grade drainage using storm sewer piping and culverts may be required.
- Surface drain systems and detention ponds shall be irregular in plan and graded to create an aesthetically pleasing character. Side slopes shall vary.
- Drainage structures in sidewalks and bike paths must be placed flush with the surface, and grate patterns cannot have openings larger than 3/8 inch. Surface storm water or irrigation should not be discharged across sidewalks; and there should be no point discharges into curbs to prevent traffic-impeding surges into the street.
- No concentrated drainage over walks, drives or trails shall occur.
- Detention areas or other landscape areas that are not used to meet the open space standards of these Landscape Guidelines shall be landscaped as follows:

- o Dryland grass or other approved vegetation will be the primary ground cover. All areas including, but not limited to, the detention area bottom, shall be planted with buffalo grass or other dryland grass if it is maintained free of weeds and irrigation is provided until the grass is fully established. Live plant material other than dryland grass may be planted if it is suitable to the area and is maintained free of weeds and irrigation is provided.
- o Detention areas will be landscaped around the perimeter with plant groupings sensitive to the detention area design and will include at least one (1) tree and five (5) shrubs for every 100 linear feet of perimeter. Trees and shrubs are encouraged in other landscape areas where appropriate.
- o Clusters shall be separated by a minimum of twenty (20) feet as measured at maturity.

3.2.3 Grading

- Provide positive drainage away from foundations.
- Site buildings to minimize cut and fill earthwork operations.
- There shall be no grading beyond the limits of each property except as agreed upon by adjacent owners.
- Maximum slopes 3:1. Maximum 4:1 slopes for areas that require mowing.

3.2.4 Existing Vegetation Preservation

Existing vegetation shall be preserved to the extent reasonably practicable. Special attention shall be paid to preserving significant vegetation within larger open space areas such as along the Loveland and Greeley Canal.

- Locate site and building improvements to preserve significant natural vegetation to the extent reasonably practicable.
- Within open space areas, preserve and incorporate into the landscape plan any existing healthy tree (meeting species restrictions) of 6-inch caliper or larger and located more than twenty (20) feet from any proposed building location. Preserve all trees over 24-inch caliper, unless deemed unhealthy or unsuitable for preservation.
- Incorporate tree wells or retaining walls as necessary in the landscape plan to protect existing trees and to maintain historic drip lines.
- All existing plants that are incorporated into the design will be adequately protected from damage during construction by an orange construction fence (4 feet high) secured with steel t-posts at the drip line of each tree. Sufficient posts shall be used to maintain the fence in erect condition at all times. Hand grading only shall be allowed within the limits of the construction fencing. No more than 6 inches of cut or fill shall be allowed within the drip line of any tree designated to remain.
- If on-site replacement is not possible, the developer shall provide an equal replacement of caliper lost or a ratio of three new trees to one existing tree on-site as mitigation for any desirable trees lost due to or prior to construction.
- 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.
- All existing trees over 6 inches in diameter will be surveyed as part of the landscape requirements and have location, species, size, and condition or health noted. Trees that are of good or better quality, and are a desirable species, should be incorporated into the design in their existing location whenever possible. If design solutions create undue hardship, as determined by the DRC and JRC, replacement shall be made per requirements above.

3.2.5 Screening: Large Truck Parking, Utility Appurtenances, Loading, Service Areas and Trash storage/pickup

These requirements apply to, but are not limited to above-ground utility appurtenances, loading, service areas and trash storage/pick-up.

- These types of uses, shall be incorporated into the overall design of the building and landscaping so that the visual and acoustic impacts of these functions are minimized. Areas shall be 75% screened from adjacent commercial properties and 100% screened from residential users.
- Loading areas shall be paved with concrete, asphalt or other approved hardened surface as approved by DRC and JRC. A concrete pad shall be provided in the access drive immediately adjacent to trash enclosures serviced by trash trucks and in the enclosure itself.
- Areas for trash collection or compaction, loading or other such uses shall be at least 75% screened from abutting streets unless otherwise approved by the DRC and JRC. These service areas should be located within a central core or on the side of a building away from public streets where possible. These areas shall be 100% screened when adjacent to residential uses.
- Non-enclosed areas for seasonal sale of inventory shall be permanently defined and screened with walls and/ or fences that conform to those used as predominant materials and colors on the building.
- 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.

3.3 Pedestrian, Bicycle and Other Non-motorized Circulation

3.3.1 Walkway Design Criteria

- All streets shall have sidewalks. The minimum width of sidewalks shall be five (5) feet for residential and collector streets and ten (10) feet for arterial streets.
- Arterial streets shall have detached sidewalks and sidewalks shall adjoin the curb and gutter at all intersections.
- Internal pedestrian walkways shall be distinguished from driving surfaces through a change in paving materials to enhance the crosswalk.
- Provide logical pedestrian connectivity from the street and parking areas to the buildings main entrance.
- Provide minimum five (5) feet clear walking area after car overhang (seven (7) foot minimum walk width adjacent to head-in parking and five (5) foot minimum walks apply in all other cases).

3.3.2 Bike Lanes

- Bike Lanes shall maintain a minimum four (4) foot width on all arterials and collector roads.

3.3.3 Recreational Paths & Trails

- Shall meet the criteria as established in the Johnstown/Milliken Parks, Trails, Recreation and Open Space Plan in effect at the time the improvements are constructed.

3.4 Vehicular Access & Circulation

Design of vehicular drives/roadways and parking areas shall meet the criteria as established in the Town Johnstown Design Criteria and Construction Regulations in effect at the time the improvements are constructed.

3.4.1 Roundabouts

Roundabouts are often an effective tool for traffic management. They are used largely to: reduce motor vehicle speeds, increase capacity level, increase safety, and to reduce noise and air pollution. Therefore, the use of roundabouts will be considered at arterial/collector street intersections and shall be designed to the standards contained in the Federal Highway Administration (FHWA) publication Roundabouts: An Information Guide, June 2000 and subject to town approval.

- The Town Traffic Engineer shall approve the use and design of roundabouts.
- The configuration of proposed roundabouts shall be designed by a licensed Transportation Engineer with a minimum of five (5) years' experience in roundabout design.

3.4.2 Emergency Access

Provide access for fire, police, ambulance, and other emergency vehicles to buildings in accordance with Loveland Rural Fire Protection District Development and Construction Requirements. Such access should be fully capable of supporting such vehicles. Where possible, connect emergency access routes between adjacent properties.

3.4.3 Sight Triangles

- Shall meet the criteria as established in the Town of Johnstown Design Criteria and Construction Regulations.

3.4.4 Bus Stops

- Bus stops should be provided off street within parcels where it is easy and logical for people to access. The actual locations and shelter designs shall be coordinated with the transit provider and the DRC and JRC at the time transit service is provided.
- Shelters, if deemed necessary, shall be designed with a solid roof, enclosed on one or more sides, and provide seating within the protected area. Landscaping can also be used as wind breaks around transit facilities.
- Locate bus shelters in close proximity to primary pedestrian walkways and where possible, locate bus shelters behind the sidewalk so the sidewalk passes between the shelter and the street.
- In order to provide safe loading and unloading of buses, sidewalks shall be designed so that a paved surface is provided at both the front and rear doors of the bus when the bus is parked at the facility. Coordinate design of these facilities with the transit provider.

3.4.5 Drive-Through Facilities

Drive-through facilities are a convenient service, however they may create barriers to pedestrian movement and present an unattractive appearance unless they are thoughtfully designed and located.

- Drive-through facilities shall be located on the site and not on public right-of-way.
- There shall be no stacking of waiting vehicles into the public right-of-way, primary interior circulation routes or across pedestrian walkways.
- Drive through windows, menu boards and stacking areas shall be subject to the same set back and screening requirements as parking lots and shall be screened from all public streets.
- 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.

3.4.6 Access Between Adjacent Parcels

Provide vehicular and pedestrian access to existing and future adjacent properties where feasible.

3.5 Parking

3.5.1 Parking Lot Design

- The dimensions of parking spaces will be per the Town of Johnstown Design Criteria and Construction Regulations, at the time in which the Design Guidelines are adopted, or the approved development plan for the property. Minimum parking requirements are listed in the following table.

USE	PARKING REQUIREMENTS
Single-family residence	2 spaces per dwelling unit
Multifamily residence	1.5 spaces per dwelling unit
Elementary schools	2 spaces for every classroom
Junior and Senior High Schools	1 space for every 5 students of max capacity
Hospitals	1 space for every 2 beds
Clinics	1 space for every 250 sq. ft. of G.L.A.
Industrial Uses	1 space for every 2 employees
Commercial Office Buildings	1 space for every 300 sq. ft. of G.L.A.
Retail Stores	1 space for every 250 sq. ft. of G.L.A.
Gun Range	2 spaces for every gun range lane
Customer services establishments	1 space for every 200 sq. ft. of G.L.A.
Restaurant or Bar	1 space for every 100 sq. ft. of G.L.A.
Planned Shopping Center	1 space for every 250 sq. ft. of G.L.A.
Outdoor and Indoor Family Entertainment	1 space for every 250 sq. ft. of G.L.A.
Public assembly facilities provided for seated audiences (churches, theaters, auditoriums, etc.)	1 space for every 3 seats

- Design parking lots to current Americans with Disabilities Act (ADA) standards. Provide equal access in a manner that integrates handicapped-accessibility with ordinary accessibility, rather than separately.
- Except where orchard style planting is used, large parking lots shall be divided into smaller sections by landscape areas. Each section shall contain a maximum of 250 parking spaces. Landscape areas used to break up large parking areas shall be a minimum of fifteen (15) feet in width.
- Landscape areas separating parking blocks will have at least one (1) overstory/shade tree or two (2) ornamental trees and five (5) shrubs for every 50 linear feet along the length of the median. Overstory shade trees will comprise at least 75% of the trees within the landscape area.
- In a development, parking lots for each use shall be integrated within the development to the extent possible.
- All striping in parking areas shall be white.

3.5.2 Perimeter Landscaping Requirements.

- Perimeter landscaping requirements for parking areas include a minimum seven and one-half (7.5) foot wide landscape area with one (1) tree and five (5) shrubs per 600 square feet or portion thereof. When combined with adjacent properties requirements, this perimeter landscape will become fifteen (15) feet wide.

- Where two (2) perimeter landscape areas abut each other, the first to develop shall provide the tree requirement. The tree requirement for the abutting development need not be met, however, the second developer is responsible for installing the shrub requirement.
- Where parking areas are located directly adjacent to residential development, both the parking lot buffer requirement and the nonresidential buffer requirements shall apply.

3.5.3 Interior Landscaping Requirements.

- 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 (20) consecutive parking spaces without a landscape island.
 - o Landscape islands will have minimum dimensions of nine (9) feet by the length of the parking row.
 - o 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.
 - o 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.
- Where orchard style planting is proposed in parking lots, internal landscaping shall be provided at a rate of one (1) tree and two (2) shrubs for every ten (10) parking spaces. At a minimum, one (1) diamond-shaped tree, planting pit shall be provided for every eight (8) parking spaces. No shrubs shall be planted in the diamond tree planting pits and will be located in end islands and other landscape islands instead.
- A concrete pedestrian walk, at least six (6) 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.
- Planting trees and non-low-growing shrubs in the vehicle overhang area is not allowed.

3.5.4 Interim Parking Lots

- With DRC and JRC approval, on-grade interim parking may be allowed if weather delays asphalt or concrete paving. It must be landscaped and paved with an all weather material. Internal parking lot landscaping is not required for interim parking areas, but perimeter landscape treatments shall be consistent with the landscape requirements for permanent parking lots.
- The Town of Johnstown requires a surety bond the months of November through March.

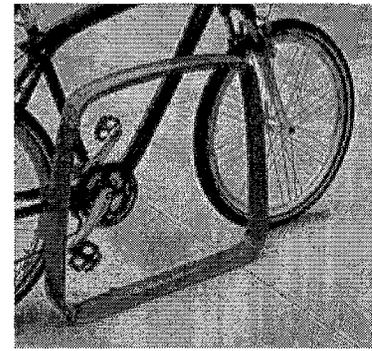
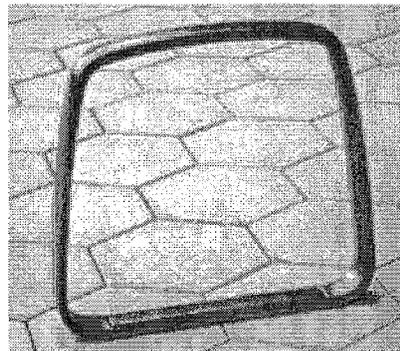
3.5.5 Bicycle Parking

Bicycle parking facilities are required for all land uses, except for single-family attached or detached housing.

- 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.
- 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.

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- 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.
- 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.
- If the bicycle facility is to be used at night it should be sufficiently illuminated.
- Select bicycle racks that provide for a wide range of bicycle types and individual security devices. Designs should facilitate bicycle lockup.
- Provide protection from the elements. Specific considerations include the following:
 - o Shelters and bike lockers are encouraged but not required.
 - o Protected overhangs incorporated into a buildings design are a desirable solution.
 - o Shelter design and materials should compliment the architectural design of the primary building.



3.6 Landscaping

3.6.1 Landscape Design Principles

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

- Provide biodiversity that relates to the area's natural systems.
- Design to provide an attractive, comfortable environment for users while minimizing maintenance needs, irrigation water requirements and the use of herbicides and pesticides.
- Use environmentally friendly, "green" materials where possible.
- 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.
- Locate plants in microclimatic conditions that are appropriate for that species. Only use high water-requiring plants in areas where they will naturally benefit from runoff or available ground water. Do not rely solely upon an irrigation system to provide water to high water-requiring plants.
- Group plant materials of similar water needs and arrange in concentric circles or layer of progressively less water use in order to maximize the efficiency of applied irrigation.
- Use plant materials to provide buffering of structures and outdoor use areas from extreme climate conditions.
- Coordinate the design of the landscape with site erosion protection, storm drainage and water quality improvement systems.

- Utilize a minimum of three (3) inch deep mulch to reduce soil moisture loss and moderate soil temperatures.
- Where natural soils are not of high quality, improve soil structure by the addition of composted organic material.
- Design and manage irrigation systems to achieve peak efficiency.
- No turf grass shall be allowed in landscape areas less than eight (8) feet in width.
- Common Open Space is land commonly owned and maintained by an owner's association and shall be landscaped as follows:
 - o Common open space areas will have irrigated live ground cover over at least 75% of the area, unless otherwise approved by the Town. Bluegrass is not the only option for these areas and the Town encourages the Developer to pursue water saving goals as listed in Section H.12 of these Standards.
 - o All ground cover shall have an irrigation system that is designed to meet the needs of the plants and that is designed to meet Town Standards. Any dryland-seeded areas approved by the Town shall have a temporary irrigation system provided for establishment purposes.
 - o Common open space in one-family subdivisions or PUDs or portions of subdivisions or PUDs containing one-family dwellings shall be landscaped at a ratio of at least one (1) tree and five (5) shrubs for every 4,500 square feet of landscaped area.
 - o Up to 30% of the required shrubs may be substituted by trees at the rate of one (1) tree for ten (10) shrubs.
 - o At least 50% of the trees will be overstory/shade deciduous species and 25% of the trees will be coniferous species, where appropriate.
 - o The developer shall have all landscaping improvements completed and in acceptable condition prior to the Town's construction acceptance of public improvements and prior to turning the common open space areas over to a property owners association for maintenance.

3.6.2 Multi-Family Residential

- Fifteen percent or more of the lot/parcel will be landscaped, common open space.
- Common open space that is not a detention pond will be landscaped at a ratio of at least one (1) tree and five (5) shrubs for every 1,000 square feet, except as required for parking lot screening and buffers, which may require additional plant materials.
- Buffer landscaping will be provided as follows:
 - o At least ten (10) feet wide adjacent to minor collector and local street rights-of-way.
 - o At least twenty-five (25) feet wide adjacent to arterial streets and major collector rights of-way.
 - o Buffers will be designed to provide one tree and five shrubs for every 750 square feet.
 - o Where nonresidential, multifamily or group living uses are adjacent to existing or projected residential or duplex uses, one of the following shall be provided:
 - a) A fifteen (15) foot wide on-site landscape area with berming and one (1) tree and five (5) shrubs per 600 square feet or portion thereof; or
 - b) A ten (10) foot wide on-site landscape area with one (1) tree and five (5) shrubs per 400 square feet or portion thereof with intermittent six (6) foot privacy fencing; or
 - c) A five (5) foot wide on-site landscape area one (1) tree and five (5) shrubs per 250 square feet or portion thereof with a continuous six (6) foot privacy fence.

3.6.3 Landscape Performance Standards

- 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. Not letter of credit or surety is required if the landscaping is to be performed by the Metropolitan District.
- All landscape plans for non-residential use shall be prepared by a professional landscape architect or landscape designer.

3.6.4 Irrigation systems

All landscape areas shall have an automatic clock-activated irrigation system unless waived by the Town. Non-potable water irrigation is encouraged where possible. Irrigation systems shall meet the following criteria:

- 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.
- An automatic controller shall activate the system. Remote control valves shall operate each zone valve.
- 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.
- All potable water systems shall be equipped with a backflow prevention device.
- All mainline piping shall be Class 200 PVC.
- 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.
- Along arterial rights-of-way, where ultimate improvements are not required, the area between the Initial Phase curb and the future Ultimate Phase curb and/or existing edge of asphalt shall be irrigated with zones separate from the rest of the right-of-way system.

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 micro climate 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.
- 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 Homeowner's Association for maintenance.
- The temporary irrigation will provide reliable automated irrigation for the plants during the establishment period.
- The Developer has demonstrated the ability to provide ongoing maintenance of xeriscape areas necessary to keep plant material healthy without irrigation.

3.6.5 Soil Amendment

Given the condition of the existing soil, soil amendment is only necessary where designated by the DRC and JRC. Where soil amendment is necessary, minimum requirements for soil preparation shall include three (3) cubic yards of organic material for 1,000 square feet of existing soil tilled to a minimum depth of six (6) inches. Tree and shrub pits shall be backfilled using a mixture of one-third existing site soil, one-third topsoil and one-third organic matter.

3.6.6 Plant Selection and Diversity.

Plant selection and diversity will be per Town Standards.

- All landscaping materials shall consist of healthy specimens compatible with local climate and meet the requirements included in these standards.
- Plants selected should be appropriate for the specific location and purpose.
- Up to one-third of the proposed trees for a project may be of fast-growing varieties, such as cottonless Cottonwood (*Populus sargentii*), Aspen (*Populus tremuloides*), Silver Maple (*Acer saccharinum*) and Autumn Purple Ash (*Fraxinus americana* 'Autumn Purple'). Two-thirds of the proposed trees shall be slower growing, long-lived trees, such as Norway Maple (*Acer platanoides*), Oak (*Quercus* sp.), Linden (*Tillia* 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.
- 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:
 - o 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.
 - o 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 Planner.
 - o 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.
 - o Ornamental trees can only replace large canopy trees at a rate of three (3) ornamental trees to one (1) large canopy tree (not to exceed 25% of the total tree requirements). Fruit bearing or thorny trees shall not be permitted within five (5) feet of sidewalks or streets, as calculated from mature canopy width of tree.
- 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.
- Street tree minimum standards are as follows:
 - o Species that generally have branches less than fifteen (15) feet above the roadway at maturity shall not be used as street trees unless they are located such that no interference with the roadway will occur at maturity. Minor trimming and branch removal should be performed to maintain the fifteen (15) foot requirement and eight (8) foot minimum clearance over sidewalks and bike paths.

- o Trees prohibited from planting within the Town of Johnstown include the following: cotton-bearing Cottonwood, Lombardy Poplar, Box-elder, Siberian or Chinese Elm, and Russian Olive.
- o Trees prohibited from planting within street right of ways include the above plus the following: Fruit and/or thorn bearing trees (prohibited from within five (5) feet of bike path as measured from edge of mature canopy), willow (all varieties), Tree of Heaven, Cotton wood (all varieties), and Silver Maple.
- o Trees recommended for use within the Town of Johnstown include those listed in Plant Materials List found in appendix of the Town of Johnstown Landscape Guidelines.
- Planting sizes for required landscapes:
 - o Deciduous shade trees: 2-inch caliper.
 - o Ornamental trees: 1-1/2-inch caliper.
 - o Evergreen trees: 6 foot – 8 foot height (with a minimum of 25% at 8 foot height).
 - o Multi-stem ornamental trees: 8 foot – 10 foot height.
 - o Shrubs: 5-gallon container.
 - o Vines: 1-gallon container.
 - o Ground cover/perennials: 2-1/4 inch pots.

3.6.7 Landscape Maintenance

- 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.
- The developer and subsequent owner(s) shall be responsible for maintaining all on-site and common landscaping as shown on an approved landscape plan or as existing if an approved landscape plan does not exist.
- The developer and subsequent owner(s) shall be responsible for maintaining the landscaping public improvements on all adjacent rights-of-way as shown on an approved landscape plan or as existing if an approved landscape plan does not exist, 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.
- 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.

3.8 Site Furnishings

3.8.1 Site Furniture

Shall be compatible with the architecture, and if part of a larger complex of buildings, compatible with the other site furnishings in that complex. Site furniture for the overall Encore site should be similar or compatible with the following examples shown pending approval of the DRC and JRC.



Examples of site furnishings

3.8.2 Art

Art in public places is highly encouraged. The proposed piece must be vandal resistant, appropriate subject material for public viewing and complementary with the theme, materials, and colors of Encore as determined by the DRC and JRC.

3.8.3 Fencing & Walls

Chain link is not permitted. No wood retaining walls are allowed (nonresidential only). Fencing and walls shall match building architecture. All fences and walls subject to DRC and JRC approval.

3.9 Lighting

The lighting design concept for Encore uses decorative lighting to enhance the main entries of the development. LCR3 and LCR1E/WCR13, north of the major east/west road in the development, will be a combination of decorative lighting and functional roadway lighting. The DRC/JRC will work with Xcel to approve a decorative feature that builds upon the character of the development.

- All light sources shall be contained in cut-off fixtures that obscure the source from direct view. Pedestrian-scale lighting that has secondary decorative visible light source may be acceptable provided that it does not produce glare.
- Up lighting is acceptable as long as they are subdued and angled towards surfaces and not lit straight into the sky. No searchlights are permitted.
- Roadway lighting should be of the same family of style, and all parking lot lighting shall be of the same family of style; however roadway and parking lot lighting need not match.
- Minimum / Maximum allowable lighting:
 - o Non-residential building, surrounding area, and parking 1.0 / 2.0 foot-candles
 - o Residential building surrounding and parking 0.1 / 0.5 foot-candles
 - o Under canopy fueling areas and drive-ups 1.0 / 10.0 foot-candles
- Temporary lighting – Holiday lighting only November 1 through January 31. No “chasing” lights (Nonresidential only).
- Minimize lighting in parking areas when not in use.
- All lighting is subject to approval by DRC and JRC.



4.0 Guidelines Specific to Land Use Type

4.1 Retail Developments

These guidelines apply to high-visibility neighborhood, community and regional-scale commercial areas, including retail, professional services, lodging, hospitality uses, outdoor family entertainment, restaurants and related uses, and contain additional information on how to place and design structures, sites and landscapes. Requirements regarding the overall design and construction of sites, parking lots, roads, streetscapes, parks, open space areas are included in General Design Guidelines and are supplemental to the requirements in this section.

4.1.1 Landscaping

- Big box retail stores (one primary tenant) with square footage greater than 20,000 sf must provide a planting bed at least six (6) feet wide along a minimum of 50% of the length of wall visible from public use areas. Provide one (1) tree within 50 feet of the structure for every 50 lineal feet of building face. The planting beds and trees may be counted towards meeting the requirements for landscaping and buffers described in Section 2.0 Overall Design Elements.

4.1.2 Building Design

- Compatibility/Complementary with Planned Retail Project Development
 - o The design of new structures in or adjacent to existing developed areas shall be compatible with or complementary to the predominant architectural character of such areas. Compatibility may be achieved through techniques such as:
 - a) Repetition of roof lines.
 - b) Use of similar proportions in building mass and outdoor spaces.
 - c) Similar relationships to the street.
 - d) Similar windows and door patterns.
 - e) Building materials with similar colors and textures.
 - o Select buildings that have unique, high quality architecture associated with a brand, or that serve as an architectural focal point that may be allowed in otherwise “themed” developments if they are determined to add interest and vibrancy to the rest of the development.
- Treat all facades of a building with similar materials
- Materials and Colors
 - o Primary facade and roof colors shall have a low reflectance, and be a subtle, neutral or earth-toned color.
 - o Trim and accents may be brighter colors, including primary colors. Vivid colors shall be used sparingly (10% or less of a facade on buildings less than 20,000 sf and 7% on buildings larger than 20,000 sf).
 - o Preferred predominant facade materials include: brick, native or cultured stone, tinted and textured concrete masonry units, architectural precast concrete panels, site cast tilt- up concrete or stucco. Exposed concrete shall have an attractive texture and/or color.
 - o Prohibited predominant materials are smooth-face concrete block and metal panels. These materials may be used as accent, but shall occupy no more than 35% of a facade.

- Facades
 - o Facades must include a repeating pattern at intervals of no more than 50 linear feet that shall include a change in plane no less than one (1) foot in width such as an offset, reveal or projecting rib.
 - o Facades greater than 100 feet in length shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the façade and occupy at least 20% of the length of the facade.
 - o Where principal buildings contain separate stores with separate exterior entrances that occupy less than 25,000 square feet of the gross floor area, the street level façade shall be transparent between the height of three (3) feet and eight (8) feet above the adjacent walkway grade for no less than 60% of the building facade of the separate store.



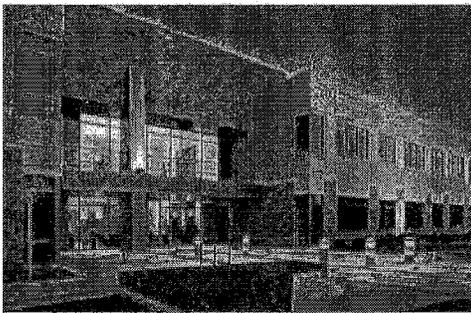
Varied Building Facades

- Building Entrances
 - o Each building shall have clearly defined customer entrances with no less than two (2) of the following:
 - a) Canopy, arcade or portico.
 - b) Overhang or recess.
 - c) Raised corniced parapet.
 - d) Peaked roof or arch.
 - e) Architectural detail such as columns, tile work, stone, detailing or moldings integrated into the building structure.
 - f) Integral planters or wing walls and incorporate landscaped areas and/or places for sitting.
 - g) Display windows.
- Roof and Top Treatments
 - o Rooftop mechanical equipment must be non-obtrusive, screened from view or designed to be integral components of the building. Design is subject to DRC and JRC approval.
 - o The average parapet height may not exceed 15% of the supporting wall height.
 - o Vary parapet and/or roof heights to add interest and consider the use of overhangs and cornice features for decorative interest.
 - o Maximum height or any portion of a parapet shall not exceed 1/3 of the supporting wall height.
 - o Sloping roofs, where they occur, shall range between 4/12 and 12/12 slopes.
 - o Large sloped roofs must have variations in height or offsets to break up the large plane maximum 50 linear feet of one plane.

- Freestanding Structures / Elements
 - o Gas canopies shall not be taller than seventeen (17) feet and should match the principal building architecture. Support columns should relate to the building architecture in finish materials and scale.
 - o Vending machines/kiosks must be incorporated into nooks or other features integral to the main building.

4.1.3 Design Standards for Automobile Sales and Service Establishments

- Building footprint should be a minimum of 15% of the parcel size.
- Each individual motor vehicle dealership may encompass no more than a maximum of three (3) acres, unless such dealerships have the approval of both the DRC and JRC.
- Pre-owned motor vehicle dealerships are not allowed unless approved by both the DRC and JRC.
- Parking requirements for automobile sales and service establishments are a maximum of one (1) parking space per 75 square feet of G.L.A. Site design should accommodate provisions for pedestrians through the frontage spaces and other locations where customers are anticipated to park. All parking areas, including for-sale cars and parking for vehicles to be serviced, shall be designed according to the parking and landscaping standards contained in these design guidelines. No cars shall be parked outside of designated striped parking areas.
- All automobile service areas must adhere to screening requirements as designated in these design guidelines



4.2 Office Developments

4.2.1 Landscaping

- Exposed sections of building walls that are visible from public areas or high use areas on private property shall have planting beds at least six (6) feet wide along a minimum of 50% of the length of the wall. Provide one (1) tree within 50 feet of the structure for every 50 lineal feet of building face. Exact locations and spacing may be adjusted at the option of the owner to support patterns of use, views, and circulation as long as the overall tree planting minimum requirement is met. The planting beds and trees may be counted towards meeting the requirements for landscaping and buffers described in Section 2.0 Design Elements.

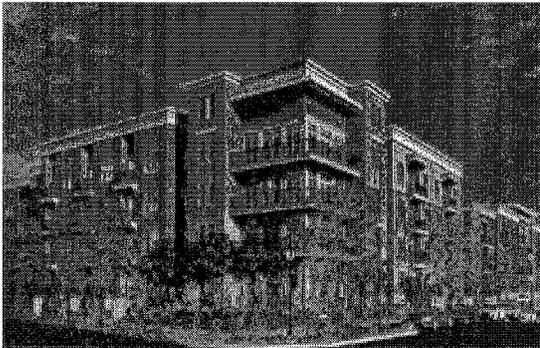
4.2.2 Building Design

- Compatibility with Existing Development and Site Design
 - o 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:

- a) Repetition of roof lines.
 - b) Use of similar proportions in building mass and outdoor spaces.
 - c) Similar relationships to the street.
 - d) Similar windows and door patterns.
 - e) Building materials with similar colors and textures.
 - o Site design for flex uses should incorporate, where possible, central, common service/loading areas.
- Treat all sides with similar materials.
 - All facades of a building shall have similar materials.
 - Materials and Colors
 - o Primary facade and roof colors shall have a low reflectance and be a subtle, neutral or earthtoned color.
 - o Trim and accents of brighter colors, including primary colors, are allowed. Vivid colors shall be used sparingly (3% or less of a façade).
 - o 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 or stucco. Exposed concrete shall have an attractive texture and/or color.
 - o Prohibited predominant materials are smooth-face concrete block, full ceramic walls, and pre-fabricated 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.
 - o 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:
 - a) Change in plane.
 - b) Change in color.
 - c) Change in texture or pattern.
 - d) Windows.
 - e) Columns, piers or equivalent element that subdivides the wall.
 - o 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.
 - Building Entrances
 - o Primary building entrances shall have clearly defined and provide shelter from the sun, wind, rain and snow, and include two (2) of the following:
 - a) Canopy, arcade or portico.
 - b) Overhang or recess.
 - c) Raised corniced parapet.
 - d) Peaked roof or arch.
 - e) Architectural detail such as columns, tile work, stone or moldings integrated into the building structure.
 - f) Integral planters or wing walls and incorporate landscaped areas and/or places for sitting.
 - g) Special landscape or site feature.

- Roof and Top Treatments
 - o Rooftop mechanical equipment must be non-obtrusive, screened from view or designed to be integral components of the building. Design is subject to DRC and JRC approval.
 - o The average parapet height may not exceed 15% of the supporting wall height.
 - o Maximum height or any portion of a parapet shall not exceed 1/3 of the supporting wall height.
 - o Sloping roofs, where they occur, shall range between 4/12 and 12/12 slopes.
 - o Large sloped roofs must have variations in height or offsets to break up the large plane with a maximum 50 linear feet of one plane.
- Accessory Buildings
 - o Shall be of the same character and materials as primary buildings.



4.3 Multi-Family Residential

Multi-Family Residential Dwellings and accessory uses are permitted in the area depicted as Parcel G on the Proposed Land Use Plan.

4.3.1 Landscaping

The landscaping requirements for Office uses (defined in Section 4.2.1) shall also apply to Multi-Family Residential.

4.3.2 Building Design

Except as otherwise noted below in this section 4.3.2, the building design requirements for Office uses (defined in Section 4.2.2.) shall also apply to Multi-Family Residential.

- Multi-family building facades may be articulated with porches, balconies, bays or other offsets.
- Accessory buildings should be similar in character and materials as primary buildings.

5.0 Definitions

- Animated sign - A moving sign that utilizes motion, implied or actual, in a horizontal or vertical plane or both. The only animated types of signs that are permitted are “time and temperature” and “barber pole” signs.
- Awning - A temporary hood, cover or shelter which may be fixed or retractable, and which projects from the exterior wall of a building over a window, walk, door or similar building feature. An awning is often constructed of fabric, metal or glass and is not supported by the ground.
- Berm - An undulation in terrain creating a new landform within a landscape to be utilized for wind protection, screening or a point of focal interest.

ENCORE COMMERCIAL DESIGN GUIDELINES

- Buffer - The use of open space, architecture, or landscape materials to minimize the visual and/or noise impacts of development.
- Building - Any structure used, designed or intended for the roofed shelter, enclosure or protection of persons, animals or property.
- Canopy - A roof-like structure serving the purpose of protecting vehicles and/or pedestrians and which may be freestanding or attached to a building, is provided with supports, and is open on three (3) sides if attached and on all sides if freestanding.
- Clinic, medical or dental - Offices organized as a unified facility to provide medical or dental treatment as contrasted with an unrelated group of such offices, but not including bed-patient care.
- Convenient center - A small group of retail stores and service establishments which serve a local neighborhood, including, by way of example but not of limitation, a food store, drugstore, hardware store, barber shop, restaurant, shoe repair shop or laundromat.
- Development - A single lot, parcel or tract of land or portions or combinations of lots, parcels or tracts of land which are held in single or common ownership and which exist as a distinct functional entity. Multi-use buildings and multiple building complexes which are held in singular or common ownership, either by individual, corporation, partnership or other legally recognized entity, shall be considered a development for the purpose of signage.
- DRC - Encore Design Review Committee
- Flashing sign - A sign that is illuminated with intermittent lighting, animated lighting or with varying intensities of light at intervals of fifteen (15) seconds or less, including a moving light or lights.
- Flex - Flex space lends itself to a variety of uses. The building is designed for multiple tenants, divided in spaces running front to rear. Office space is located at the front of the building with warehouse space, typically accessed by delivery doors at the rear elevation of the building. The proportion of office vs. warehouse space in each tenant space is not determined until the user occupies the space. The space may subsequently be re-proportioned to accommodate the current occupant or a new occupant's changing needs. The space may include such uses as offices; retail and wholesale stores; warehousing, manufacturing, light industrial, or scientific research functions.
- Freestanding sign - A sign that is permanent and self-supporting, being nondependent upon support from a building or other structure, including signs placed upon fences or nonsupporting walls.
- General Warehousing - Establishments primarily engaged in operating merchandise warehousing and storage facilities, including mini-storage facilities. These establishments generally handle goods in containers, such as boxes, barrels, and/or drums, using equipment, such a forklifts, pallets, and racks. Warehousing facilities should be oriented away from public view and located adjacent to compatible uses.
- Gross leasable area (G.L.A.) - The total floor area of commercial buildings, which floor area is designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any; expressed in square feet and measured from the center line of joint partitions and from outside wall faces.
- Home occupations - In any district where home occupations are permitted as an accessory use, The establishment and continuance of a home occupation shall be subject to the following general requirements: use shall be conducted entirely within a dwelling and carried on principally by the inhabitants thereof; use shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change the residential character thereof; total area used for such purposes shall not exceed the equivalent of one-half (½) the

floor area, in square feet, of the first floor of the user's dwelling unit; no advertising, display or other indications of home occupation on the premises; there shall not be conducted on the premises the business of selling stocks, supplies or products, provided that incidental retail sales may be made in connection with the permitted home occupations; no exterior storage on the premises of material used in the home occupation; no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line, as a result of the home occupation;

- Home occupations examples: teaching, with musical instruction limited to two (2) pupils at a time; dressmaking or millinery; child care. A home occupation shall not include the following: medical or dental clinic, funeral home, restaurant, antique shop, veterinarian's office or any use similar to the foregoing excluded uses.
- JRC- Johnstown Review Committee
- Lot - A single parcel of contiguous land occupied or intended to be occupied by such structures and uses as permitted, together with the open spaces required, and abutting on a public street or officially approved way.
- Lot area - The area of contiguous land bounded by lot lines, exclusive of land provided for public thoroughfare.
- Lot lines - The lines bounding a lot as defined herein.
- Off-street parking space - The area on a lot designed to accommodate a parked motor vehicle as an accessory service to the use of lot and with adequate access thereto from the public street.
- Offset - The horizontal distance between any structure and a lot line, other than a street right-of-way line.
- Open space - The gross area of a lot or tract of land minus all streets, driveways, parking lots, and building areas, which is to be or has been landscaped or developed for use by the public or by the residents of the lot or tract of land for private, common or public enjoyment or recreational use.
- Outdoor recreational facilities - Land and structure, along with accessory equipment, designed and utilized for leisure time activities of a predominantly "outdoor" nature and of more specific purpose than passive park-like open areas, and further classified as follows:
 - a) Public. Facilities owned and operated by a government agency for limited or general public use.
 - b) Private commercial. Facilities owned and operated by a group for profit as a business, whether or not open to general public use.
 - c) Private group. Facilities owned and operated by a group for the exclusive use of the members of such group and their guests and not for profit as a business.
 - d) Private residential. Facilities owned by an individual, located on the same lot or adjoining lot to his or her family and guests.
- Overstory Street Canopy - Large, deciduous shade trees with high branch systems at maturity that are located within the public right-of-way between the edge of the street and the edge of private or common property or in street medians. Typically these trees are located between the bike path or sidewalk and the street edge.
- Passenger transportation terminals - Bus and rail depots, but not including airports, airstrips, and landing fields. Any such use shall be located not less than one hundred (100) feet from any residential district boundary
- Private lodge or club - A structure or grounds used for regular or periodic meetings or gatherings of a group of persons organized for a nonprofit purpose, but not groups organized to render a service customarily carried on as a business.
- Professional office - The office of a doctor, dentist, architect, landscape architect, engineer, lawyer or other similar recognized profession.

ENCORE COMMERCIAL DESIGN GUIDELINES

- Retail store - A commercial establishment for the sale of material goods or commodities in relatively small quantities directly to the consumer.
- Roof sign - A sign erected, constructed and maintained above the eaves and attached to the roof of a building. Roof signs are specifically prohibited.
- Screen - To use landscape materials, walls, fencing, etc. to shield an area from view and to mitigate noise impacts.
- Setback - The horizontal distance between any structure and the established street right-of-way line.
- Sight distance triangle - That area formed by drawing a straight line back from intersecting property lines twenty-five (25) feet from said intersection and connecting same with a separate line, creating a triangle.
- Sign - Any structure or part thereof or any device attached to a structure, or any other form of visual communication applied by paint, illumination, embossing or other technique to a structure for the purpose of directing, advertising, informing, warning or otherwise conveying information visually to the viewer.
- Stormwater Detention - Containment of controlled runoff temporarily for storage. Typically the water is stored in a pond for a limited period of time.
- Stormwater Retention - Containment of controlled runoff temporarily for storage. Typically the water is stored in a pond for an extended period of time.
- Structure - A combination of materials other than natural terrain or plant growth erected or constructed to form a shelter, enclosure, retainer, container, support, base, pavement or decoration. The word structure includes buildings. Exception: Not including fences six (6) feet or less in height.
- Use, Accessory - A use subordinate to and customarily incident to the permitted principal use of the property or buildings and located upon the same lot as the principal use.
- Use, Permitted - That utilization of land by occupancy, activity, building or other structure which is specifically enumerated as permissible by the regulations of the zoning district in which land is located.
- Use, Principal - The main or primary use of property or structures as permitted on such lot by the regulations of the district in which it is located.
- Xeriscape - An environmentally friendly landscape design approach where some or all of the following techniques are utilized: selecting low water demanding plants, grouping plants by their cultural needs, reducing turf areas, using turf types with low water requirements, using plants native to the region being designed, using mulches to cover soil and save moisture, irrigating by zoning plants together with similar water needs and by using efficient head layout and water distribution patterns, and performing regular maintenance to preserve the landscape and conserve water.



DESIGN GUIDELINES

B. RESIDENTIAL

June 2015

RESIDENTIAL DESIGN GUIDELINES

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 plan may be built within three lots of itself, including across the street. In order to maximize the panoramic views for neighboring lots, the Encore Design Review Committee (DRC) has designated certain lots for single-story homes only. All architectural and landscape designs must be reviewed and approved by the DRC. In addition, all residential design shall be reviewed and approved by the Town of Johnstown (JRC). The DRC 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.

IMPORTANT NOTE

TO ENSURE A SUCCESSFUL DESIGN/BUILD PROCESS, ALWAYS REQUEST AND USE THE MOST CURRENT REVISION OF THE DESIGN GUIDELINES.

I. ARCHITECTURAL DESIGN

All 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 Encore. See Appendix C.

ARCHITECTURAL GUIDING PRINCIPLES

- A. Architectural styles must be Colorado vernacular (Prairie, Colorado Craftsman/Lodge, and European) rather than foreign (Southwest, Victorian, etc.). However all types of stucco are acceptable.
- Present day interpretations of traditional styles are encouraged.
 - 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.
 - Architecture should encourage indoor-outdoor relationships.
- B. Building mass should provide interest and depth.
- The profile should start low at the edges and mass towards the center.
 - The upper story should have a variety of orientations and locations.
 - The upper story should have less bulk than the lower level.
 - Exterior elements should be scaled in relationship to each other.
 - Covered entries, porches, decks, and patios should be used to balance and transition to the upper story.

ENCORE RESIDENTIAL DESIGN GUIDELINES

- C. Garages should not dominate the home or streetscape.
- Garage location and orientation should be integrated with the home.
 - Garage layout shall vary within the development.
 - Avoid excessive freeboard above the garage.
 - Masonry should extend above the garage doors, not just along the sides.
 - The garage roofline should be integrated into the main roof using similar form and pitch.
 - Use garage doors with deep trim and decorative panels.
 - Individual carriage-style garage doors are encouraged.
- D. Roof forms should be simple.
- In general, there should be a simple, dominant roof form with complimentary, secondary or minor roof forms.
 - Roof breaks are encouraged.
 - Roof pitch shall be a minimum of 4/12 and a maximum of 14/12.
 - 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.
 - In general, roof overhangs must be a minimum of 12" and in proportion to the pitch and style of the home.
 - Eaves, fascia, and soffits shall be appropriately sized and detailed according to the individual architectural style.
- E. Articulation should be used to provide variety and visual interest.
- Avoid long expanses of blank walls and windowless elevations.
 - Provide façade articulation on all four elevations to avoid a box-like appearance.
 - Architectural elements and finishes used on the front elevation should be carried through on rear elevations for a more uniform look.
 - All elevations should provide visual interest and variety.
 - Use covered entries, porches, dormers, bays, cantilevers, and other projections to add interest.
 - Provide horizontal and vertical building off-sets in proportion to the elevation or wall plane.
 - On walk-out lots, incorporate elements such as covered porches or decks, bay windows, and skirt roofs on the three-story rear elevation.
 - Foundation materials should be heavy and visually solid, transitioning to lighter siding and roofing.
 - Exposed foundation walls above six (6) inches from grade should be covered with similar materials to the wall above.
 - Masonry materials should create depth.
 - Masonry materials should "wrap" the corners where appropriate.
- F. Covered entries, porches, and decks should be integrated into the home design.
- They should be human scale.
 - They should act as a transition to the upper story, with materials, roof forms, and pitches, which complement the main structure.
 - Columns and supports should be substantial and in proportion to the overall building mass.
 - 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.
 - Materials should be consistent and complementary to the home.
- G. Windows and doors should be proportionate to wall size, complementing the roof form and overall architectural style.
- Windows should emphasize the room in which they are located, with special windows incorporated as accent features.

ENCORE RESIDENTIAL DESIGN GUIDELINES

- Window groupings should generally be centered on the building mass on which they are located.
 - Windows in masonry walls should be recessed, providing a header and a sill for added visual interest.
 - Windows should be trimmed with a material that complements the architectural style of the home.
 - 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.
- H. Building projections should be integrated with the main house in terms of materials, colors, and proportions.
- Projected elements should not appear to “float” but should be supported by substantial or corbels, or they should be anchored to the ground.
 - Exposed chimneys should be of a material that is complementary to the architectural style of the home.
- I. Building materials and colors should create visual depth and detail.
- Strong textures and rich earth-tone colors are encouraged.
 - Materials and colors should be in keeping with the architectural style of the home.
 - A variety of materials should be used to add interest. However, frequent changes in materials and colors should be avoided.
 - Exterior selections should be compatible with adjacent homes.
- J. Roof material and colors should reflect the architectural style of the home.
- 30-year high-profile designer series fiberglass/asphalt shingles, slate, architectural metal shingles, copper, and concrete tile are acceptable materials depending on stylist demands.
 - Acceptable roof colors will be complementary to the architecture of the home.

ELEMENTS APPROPRIATE TO STYLE (See Appendix C)

- Interior courtyards and private patios
- Extensive covered porches
- Porch supports are large posts, timbers, or massive piers of stone
- Porch rails and balustrades (no “turned” balustrades)
- Windows aligned both vertically and horizontally
- Window surrounds are simple and frequently asymmetrical
- Multiple windows and multi-paned windows
- Vertical windows with double hung sashes
- Clerestory windows
- Prairie-style window grids
- Window shutters (that are proportional to the size of the window)
- Board and batten and vertical siding
- Low-pitched gable roofs with substantial roof overhangs
- Exposed rafter tails
- Corbels and brackets
- Belly bands
- Architectural metal shingles, composition, and copper roofs
- Dormers
- Individual carriage-style garage doors with rustic hardware
- Natural-looking stone or tumbled brick
- Stone and brick masonry foundations

II. SITE PLANNING

GARAGES, ACCESSORY BUILDINGS, and HARD SURFACING

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 should be connected to the main residence through the use of breezeways, pergolas, and covered walkways.

Driveways should be no more than 18 feet in width at the street, widening to 24 feet at the garage apron. Hard surface materials, colors, and textures shall blend with the architecture of the residence.

GRADING, DRAINAGE, and EROSION CONTROL

Final lot grading and drainage must comply with the overall development grading plans as they have been approved. The builder must provide a copy of the Grade Certification to the DRC and to the Town of Johnstown upon issuance of a Certificate of Occupancy. Grading should be graceful and natural looking, designed to work with the existing contours. Cuts and fills should feather into the surrounding landscape, thus avoiding sharp, unnatural looking angles. Steeper slopes might require the use of retaining walls, which shall be constructed of natural materials. Storm water runoff from driveways, roofs, and other hard surfaces shall drain away from foundations into natural looking drainage channels or swales. Drainage patterns that adversely impact adjoining lots are not permitted. During construction, it is important to use erosion control devices and barriers to prevent damage to the site and to the adjoining environmentally sensitive areas.

III. LANDSCAPE DESIGN

LANDSCAPE GUIDING PRINCIPLES

- The location of trees and shrubs must be carefully planned so that mature sizes do not interfere with fences, landscaping, or structures on adjacent lots.
- Front yard landscaping should create a cohesive “flowing” relationship between adjacent lots.
- Trees, shrubs, and planting beds should blend together between adjacent lots for a pleasing streetscape.
- Planting beds and mulch areas between adjacent lots should appear to be unified by using the same type of rock or wood mulch.
- Avoid designs with formal plantings, hard edges, mow curbs, or other materials that delineate lot lines.
- Landscaping adjacent to native open spaces should blend and harmonize with the natural landscape.
- Retaining walls should be low, visually attractive, and made of natural materials to complement the architectural style of the home.

SPECIFIC REQUIREMENTS

- Landscape plans shall be designed by a professional landscape designer.
- Landscaping shall be installed as soon as weather permits, but in any event no later than 6 months after a Certificate of Occupancy is issued.
- Buried sprinkler systems must be installed in front, side, and backyards.
- Trees shall be minimum 2" caliper and shrubs shall be minimum 5 gallon.
- Turf shall be a high quality Kentucky bluegrass or an approved drought tolerant fescue.
- On those lots that have detached walks, the homeowner shall install and maintain underground irrigation, approved turf, and the required "street trees" in the area between the detached walk and the street.
- A minimum of 2 trees (in addition to any required "street trees") and 4 shrubs will be planted on each lot.
 - On non-corner lots, at least 1 tree and 4 shrubs will be planted in the front yard.
 - On corner lots, at least 1 tree shall be planted in the front yard and 1 tree in the side yard adjacent to the street. At least 4 shrubs shall be planted in the front or side yard adjacent to the street.

IV. TYPICAL IMPROVEMENTS

The following list contains a wide variety of typical types of improvements which homeowners frequently consider installing. Unless otherwise specifically stated, drawings and/or plans for a proposed improvement must be submitted to the DRC and written approval of the DRC obtained PRIOR TO commencement of construction of the improvement. If a proposed improvement is not specifically listed below, the homeowner, architect, builder, or landscape designer must still make a request to the DRC for review and approval. Again, make sure the most current revision of the guidelines are being used, as they can change from time to time as allowed by the Encore Conditions, Covenants, and Restrictions (CCR's). Also, submittal fees may be adjusted from time to time by the DRC. DRC approval is required for, but is not limited to, the following typical improvements:

1. **ACCESSORY BUILDINGS and STORAGE BUILDINGS.** Generally speaking, they are not permitted. However, they will be considered if they are enclosed and appear as an integral part of the residence.
2. **ADDITIONS and EXPANSIONS.** They will be considered if they look like an integral part of the residence, rather than "tacked on" or an "after thought".
3. **ADVERTISING.** See "SIGNS".
4. **AIR CONDITIONING EQUIPMENT.** Only central air conditioning is permitted. Air conditioning equipment must be installed only in a side or rear yard and should be reasonably screened from view of adjacent property owners. Installation of air conditioning equipment on the roof, in a window, or through the wall of a residence is not permitted.
5. **ANTENNAE.** Not permitted. Exterior radio (including amateur "ham" radio), television, or other types of antennae may not be erected. Microwave, internet, and/or satellite television dishes are permitted on side and rear elevations only.
6. **AWNINGS.** Type and location require DRC approval. The color must be similar or complementary to the exterior color of the residence. The covering may be used over the rear patio only. No aluminum or fiberglass awnings are allowed.
7. **BALCONIES.** See "DECKS" and "PATIOS".
8. **BASKETBALL BACKBOARDS.** DRC approval is required for placement and design.

9. **BIRD HOUSES and FEEDERS.** DRC approval is not required if limited to 1- foot by 2-feet and if not more than two in number are installed on any lot. They must be located within the front or back yards, but not within 10 feet of the side and/or back property lines.
10. **CARPORT.** Carports are not permitted. However, porte cochere will be considered on an individual basis.
11. **COLORS.** Subtle earth tone colors to blend with the rural character of the neighborhood are required. All colors and color combinations must be approved by the DRC and JRC PRIOR TO their application. Repainting when existing color changes requires DRC approval. All projections including, but not limited to, chimney flues, vents, gutters, downspouts, utility boxes, porches, railing, and exterior stairways shall be of an approved color and shall closely match or complement the permanent color of the surface from which they project. Duplicate color schemes shall not be allowed on adjacent lots or on lots across the street from each other. Bold colors may be used only with written approval of the DRC.
12. **DECKS.** Deck railing must be redwood, DRC approved vinyl, or iron. Deck posts that extend to the ground from the main floor on walkout basements must be 6" X 6" or larger. Final sizes and materials can vary with DRC approval.
13. **DOG HOUSES and DOG RUNS.** Materials, colors, and location must be approved by the DRC.
14. **DRAINAGE.** There can be no interference with or change to the established drainage pattern over the property. When landscaping is installed, it is very important to insure that water drains away from foundations, sidewalks, and driveways, and that the flow patterns prevent water from flowing under or ponding near or against foundations, sidewalks, and driveways. Changing drainage patterns so that adjoining lots are adversely impacted is not permitted. Final lot grading must comply with the overall development grading plans as they have been approved, i.e. it is not permitted to make a walkout lot out of a garden- level lot, a garden-level lot out of a "B" lot, etc. The builder must provide a copy of the Grade Certification to the DRC upon issuance of a Certificate of Occupancy.
15. **DRIVEWAYS.** Extension or expansion of driveways requires DRC approval. All driveways and private lanes shall be constructed entirely of concrete, stamped and/or colored concrete, brick, or pavers from the entrance of the garage doors to the existing street. Colors must be approved by the DRC.
16. **ELEVATION TREATMENTS.** Architectural design shall incorporate a consistent level of interest in all elevations. The use of walkout or garden-level basements and architectural features such as cantilevers, window projections, roof elements, decks, etc. shall be used to add contrast and interest to all elevations. Stagger should be a minimum of two feet. Exposed foundation walls above six (6) inches from grade should be covered with similar materials to the wall above.
17. **FENCES.** In order to maintain a consistency throughout the community, perimeter fencing for individual side and rear yards shall be a two-rail perimeter fence. A "mesh" type material approved by the Encore DRC will be allowed on the inside of the perimeter, side yard, and rear yard fencing. Front yard fencing is not permitted. Privacy fencing must be within 20 feet of the residence, but may not extend into any lot line setbacks, may not be more than 35 feet in total length, and may not exceed six feet in height. Privacy fencing design, materials and colors must be similar or complementary to the residence. "Double Fencing" with an adjacent lot is not permitted. This is the "first fence in" rule. Cost sharing is appropriate and encouraged.
18. **FLAGPOLES.** One wall-mounted bracket (painted as required) per residence shall be allowed.

ENCORE RESIDENTIAL DESIGN GUIDELINES

19. **GARAGES.** There shall be a minimum of two and a maximum of four car spaces in a garage that is attached and fully enclosed. Minimum dimensions for each space are 9 feet by 19 feet. Garage doors must be kept closed when not in use. Garage doors must be of such a design that complements the architectural style of the residence. Detached garages and/or porte cochere will be considered on an individual basis.
20. **GARBAGE COLLECTION and CONTAINERS.** At the discretion of the DRC, one single trash collection company will be permitted to pick up trash in Thompson Crossing. All homeowners must use uniform container designated by said company and place these container outside only on the day they will be emptied. All containers must be moved back inside the same day, after they are emptied. This procedure limits garbage trucks to one day per week, thereby increasing safety, reducing wear and tear on the streets, reducing noise, and allowing for discount pricing.
21. **GARDENS.** Type and location require DRC approval.
22. **GREENHOUSES.** Type and location require DRC approval.
23. **HARD SURFACING.** Type and location require DRC approval regardless of whether for walks, driveways, porches, patio areas, or other purposes and regardless of whether concrete, asphalt, brick, flagstones, stepping stones, or paver stones are used as the hard surfacing material. Hard surfaces must be located so as not to block any drainage patterns.
24. **HEIGHT.** Maximum height for a single-story residence is 28 feet above the engineered top of foundation. Maximum height for a two-story residence is 35 feet above the engineered top of foundation. No home shall exceed two stories in height. See Appendix B.
25. **HOT TUBS.** 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 it is not immediately visible to adjacent property owners and does not create the potential for noise disturbance for adjacent property owners.
26. **HOUSE MODELS.** No home model shall be built within three of itself, including across the street.
27. **IRRIGATION SYSTEMS.** See "SPRINKLER SYSTEMS".
28. **LANDSCAPING.** Design shall be prepared by a professional landscape designer. Landscaping shall be installed as soon as weather permits, but in any event no later than 6 months after a Certificate of Occupancy is issued.
29. **LATTICEWORK.** Type and location require DRC approval.
30. **LIGHTS and LIGHTING.** Exterior and landscape lighting shall be of a conventional style with illumination patterns and intensities which do not create a nuisance for adjacent property owners.
31. **OVERHANGS.** See "AWNINGS".
32. **PAINTING.** All residences, accessory buildings, storage buildings, play houses, and play equipment shall be kept well-painted in the color originally approved by the DRC and JRC. Color changes must be approved by the DRC and JRC.
33. **PATIO COVERS.** Type and location require DRC approval. Must be constructed of wood or a material that is generally recognized as complementary to the residence. They must be similar or complementary to the exterior color of the residence. They should look like an integral part of the residence, rather than "tacked on" or an "after thought".
34. **PATIOS (OPEN).** Type and location require DRC approval. Patios must be an integral part of the residence and/or landscaping. They must be similar to and complementary in color and design to the design of the residence. They must be located so as to not create the potential for noise disturbance for adjacent property owners, and they must not block any drainage patterns.

35. **PAVING.** See “HARD SURFACING”.
36. **PLAY and SPORTS EQUIPMENT.** Type and location require DRC approval.
37. **PLAY HOUSES.** Type and location require DRC approval. In general, they are to be less than 8 feet in height at the peak and have less than 120 square feet of floor space. Basic design, materials and colors must be similar or complementary to the residence. Play houses should be incorporated into the landscape and at least partially screened by landscaping features so as to not create the potential for noise disturbance for adjacent property owners.
38. **POOLS.** Only in-ground or indoor pools are allowed.
39. **RETAINING WALLS.** Type, materials, and location require DRC approval. Retaining walls must not block any drainage patterns. Retaining walls that change drainage patterns so that adjoining lots are adversely impacted are not permitted.
40. **ROOFS.** The roof shall be a minimum of 4/12 pitch and a maximum of 14/12 pitch. As much as practical, roof vents, plumbing vents, and HVAC vents shall be located on the backside of the roof peak as viewed from the street. Roof vents and flashing shall be painted to match the permanent roof color or trim color, whichever lessens the visual impact. It is highly encouraged to locate roof vents and stacks in a “chimney” feature. If used, fiberglass/asphalt shingles shall be a minimum 30-year high-profile designer series. Other roofing materials may be approved by the DRC and JRC if necessary for architectural integrity. All roof colors are to be approved by the DRC and JRC. Roof overhangs shall be a minimum of 12 inches, although stylist demands may be accepted by the DRC and JRC if found necessary to keep architectural integrity.
41. **SATELLITE DISHES.** Microwave, internet, and/or satellite television dishes are permitted on side and rear elevations only.
42. **SAUNAS.** See “ADDITIONS and EXPANSIONS”.
43. **SEASONAL DECORATIONS.** Do not require DRC approval. Refer to covenants.
44. **SETBACKS.** The front yard and rear yard setbacks on all lots shall be a minimum of 20 feet from the front and rear property lines. For variety along the street, a staggered front setback is required, depending on individual house plans and lot size. The side yard setback on those lots designated as “Estate Lots” shall be a minimum of 7 feet (Lots 80’ or wider). The side yard setback on those lots designated as “Standard” shall be a minimum of 5 feet. See Appendix B.
45. **SHINGLES.** See “ROOFS”.
46. **SIDING.** Exterior siding may be of cedar, redwood, brick, stone, synthetic stone wood shingle, stucco, architectural concrete, hardboard, or other compressed material siding products. Other stylist products may be allowed by the DRC if found necessary to keep architectural integrity. All siding materials submitted to the DRC will be highly scrutinized for conformity to architectural style, type, and color to maintain the highest sense of conformity and cohesiveness in the neighborhood. Grooved and/or T-111 panelized siding is not permitted.
47. **SIGNS.** DRC approval is required for all signs, including address numbers and nameplates. One temporary real estate “for sale” sign (per lot) does not require DRC approval, provided it is not more than 5 square feet in size. Lighted signs of any kind are not permitted.
48. **SOLAR ENERGY DEVICES.** All passive and active solar systems require DRC approval. They must be designed to appear as if they are an integral part of the residence. No exterior plumbing may be visible.
49. **SPRINKLER SYSTEMS.** All yards must have an automatic, clock-activated, buried sprinkler system throughout.
50. **SQUARE FOOTAGE.** See Appendix B.
51. **SWING SETS.** Type and location require DRC approval.
52. **TRASH CONTAINERS AND ENCLOSURES.** See “GARBAGE COLLECTION and CONTAINERS”.

53. **TREES.** See "LANDSCAPING".
54. **VENTS.** All wall vents including, but not limited to, dryers, cook-tops, range hoods, gas fireplaces, and plumbing must be screened from sight and painted to match the permanent residence color or trim color, whichever lessens the visual impact.
55. **WINDOWS.** Windows shall be wood, vinyl, or vinyl-clad or metal-clad frames. Metal-clad window frames shall be anodized aluminum in a color consistent with the design character of the residence. Window design shall be consistent with the architectural design statement in size, proportion, detail, and placement on the elevation. Any wall facing a public street should include at least 15% of the façade in windows.

The following items are NOT PERMITTED under any circumstances:

1. CLOTHESLINES and HANGERS.
2. EVAPORATIVE COOLERS.
3. FREE-STANDING FLAG POLES.
4. GROOVED AND/OR T-111 PANELIZED SIDING.
5. RADIO ANTENNAE.
6. ROOFTOP EQUIPMENT.
7. STORAGE TANKS.
8. STUCCATO BOARD.
9. SWAMP COOLERS.
10. SYNTHETIC TURF.
11. TELEVISION ANTENNAE.
12. TEMPORARY STRUCTURES.
13. WELLS.

V. DESIGN REVIEW COMMITTEE SUBMITTAL PROCEDURE

The design review submittal procedure has been written to accommodate most of the conditions that could be encountered in the wide variety of development activities that might occur in Encore. However, there may be cases where many of the step-by-step procedures can be streamlined at the discretion of the DRC. Prior to submittal, the DRC coordinator should be consulted to determine what information will be required for review by the DRC. A Sketch Plan submittal is optional but highly recommended. It is the opinion of the DRC that such a submittal will save the applicant both time and the expense of unnecessary revisions of working construction drawings. All submittals must be complete and accurate. The applicant may request, in writing, for an application withdrawal without prejudice from the DRC; however, application fees may be forfeited at the sole discretion of the DRC.

DRC review and approval of plans is for conformance for stylistic cohesion of the neighborhood only, and is not intended as approval for conformance to Local, County, State, and Federal codes, ordinances, and regulations.

DRC Approval Process

Requests for DRC approvals and waivers shall be made in writing to the DRC. The DRC shall make every effort to notify the applicant in writing of either approval or denial within 30 calendar days following its receipt of the waiver request. Should the DRC fail to respond to the applicant's waiver request within 30 calendar days, the applicant should resubmit to the DRC. Should the DRC fail to respond to the applicant's resubmission within another 30 calendar days, the waiver request, shall be deemed to be approved by the DRC.

The DRC shall review and approve the plans PRIOR TO applicant's submission to the Town of Johnstown for their issuance of a building permit. The Town of Johnstown will return any submission without DRC approval to the applicant, without the issuance of a building permit.

All sketch plan drawings and construction drawings, must be prepared by an architect licensed in the state of Colorado. All landscaping plans must be prepared by a professional landscape designer. The DRC reserves the right, at its sole discretion, to waive this requirement based on the background of the applicant or his agents.

On behalf of the DRC, all architectural plans will be reviewed for conformance by:

(Firm providing Architectural Review will be determined prior to final Town of Johnstown approval.)

It may be beneficial to the applicant to contact _____ early in the architectural design process, thereby ensuring that all of the provisions of the Encore Design Guidelines are met.

Two sets of Sketch (optional but recommended), Construction, and Landscaping Plans (ALL on 24" x 36" sheets), sample boards with exterior material selections, and the appropriate review fees (see Appendix B) must be submitted to the DRC at:

TBD

1) SKETCH PLAN SUBMITTAL (Optional but Recommended)

Site Plan (1" = 20')

- Name, address, and telephone numbers of homeowners, architect, and builder
- Legal description of property (address, lot, and block)
- North arrow
- Property lines, setback lines, and easement lines with dimensions
- Building footprint with porches, balconies, patios, decks, tennis courts, pools, etc.
- Drives, parking areas, walkways, accessory buildings
- Site contours with drainage patterns
- Top of engineered foundation

Floor Plan (1/4" = 1')

- Overall dimensions
- Total enclosed square footage
- Exterior walls dimensioned

Elevations (1/4" = 1')

- Overall height from top of engineered foundation
- Height of each floor and roof peak
- Building façades and roofs
- Roof pitch
- Exterior materials
- Porches, balconies, patios, decks, windows, and doors
- Extensive labeling and callouts are expected

Roof Plan (1/4" = 1')

- Building footprint outline superimposed onto roof plan
- Roof pitches, pitch directions, valleys, hips, materials, chimneys, and overhangs

2) CONSTRUCTION PLAN SUBMITTAL

Site Plan (1" = 20')

- Name, address, and telephone numbers of homeowners, architect, and builder
- Legal description of property (address, lot, and block)
- North arrow
- Property lines, setback lines, and easement lines with dimensions
- Building footprint with porches, balconies, patios, decks, tennis courts, pools, etc.
- Drives, parking areas, walkways, accessory buildings
- Site contours with drainage patterns
- Top of engineered foundation
- Water, sewer, electric, natural gas, and phone services

Grading Plan (1" = 20')

- Proposed driveway gradients
- Existing and proposed contours
- Elevations of all building pads
- Existing grades along lot perimeter with appropriate cross sections

Floor Plan (1/4" = 1')

- Overall dimensions
- Total enclosed square footage
- Exterior walls dimensioned

Elevations (1/4" = 1')

- Overall height from top of engineered foundation
- Height of each floor and roof peak
- Building façades and roofs
- Roof pitch
- Exterior material samples on 1' x 1' sample boards, identified by brand name, color, and number
- Porches, balconies, patios, decks, windows, and doors
- Original and final grade lines
- Extensive labeling and callouts are expected

Roof Plan (1/4" = 1')

- Building footprint outline superimposed onto roof plan
- Roof pitches, pitch directions, valleys, hips, materials, chimneys, and overhangs

3) LANDSCAPE PLAN SUBMITTAL

Landscaping Plan (1"= 10')

- Name, address, and telephone numbers of homeowners and landscape designer
- Location, size, quantity, and species of trees and shrubs
- Location and species of turf areas
- Location and type of mulch areas
- Location of planting beds
- Location and type of edging
- Retaining wall location, height, and materials
- Community and lot fencing location (to be constructed per required fence prototype)
- Privacy fence location, height, and materials
- Location and materials for decks, patios, pools, spas, hot tubs, saunas, playground areas, rock, timbers, fountains, or any other special landscape features
- Exterior and landscape lighting
- Dog houses and dog runs

4) DRC REVIEW

Following DRC review, the DRC will either:

- 1) Approve the Construction or Landscape Drawings, in which case the applicant may proceed with permitting and construction,
- 2) Conditionally approve the Construction or Landscape Drawings, in which case the applicant must revise the drawings to comply with the stated conditions. Permission to proceed with permitting and construction may be granted by the DRC for those items that are not affected by the revisions. Revised drawings must be resubmitted to the DRC coordinator, and the applicant must receive written approval PRIOR TO commencing construction of those items that were affected by the revisions, or
- 3) Deny the Construction or Landscape Drawings, in which case the applicant will be required to resubmit new plans. Construction cannot commence.
- 4) Approval is contingent upon the submittal of materials and payment of any designated fees or expenses, and favorable review. A letter from the DRC 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.

5) CONSTRUCTION AND DRC INSPECTIONS

Permitting and construction may commence upon written approval from the DRC. The homeowner or builder shall be responsible for obtaining all jurisdictional permits prior to construction. The DRC reserves the right to conduct field inspections for compliance during any stage of construction. The DRC shall be empowered to enforce the Design Guidelines pursuant to the provisions of the Encore CCR's. The builder must provide a copy of the Grade Certification to the DRC and to the Town of Johnstown upon issuance of a Certificate of Occupancy.

JRC Approval Process

The Town of Johnstown's Review Committee shall review and approve the following:

- 1) Residential models, elevations, materials and colors
- 2) Any major changes to the development features or amenities

A. Pre-Application

The applicant shall schedule a pre-application conference with the Town Planner prior to submittal of any project proposal. The intent of this initial meeting shall be as follows:

1. To informally discuss the overall objectives for the proposed project.
2. To review how the project has interpreted the guidelines and criteria for development of the project as set forth in the Design Guidelines.
3. To review a sketch plan and architectural design concepts prepared by the applicant.

B. Final Development Plan Submittal and Process

All development projects shall be submitted in compliance with the current Town Community Development Application Form. Accompanying the application shall be all required fees as well as a certification from the DRC stating that the development as proposed in the application meets all the applicable standards and guidelines of the Encore Design Guidelines. The application shall be reviewed for completeness within seven (7) working days of filing. If the Town determines that the application is complete, the application shall then be reviewed by the JRC. If the Town determines that the application is incomplete, the Town shall specify in writing the specific ways in which the application is insufficient or incomplete.

The JRC shall review the application for conformance with all of the applicable terms and conditions of the Encore Design Guidelines. Said review shall be completed within 45 calendar days of Town determination of completeness of the application. Said 45 day period may be extended in writing by the applicant. Review of the application by the JRC is administrative in nature for the purpose of determining that the proposed development as set forth in the application complies with the terms and conditions of the Encore Design Guidelines.

The DRC may authorize variance from these criteria when circumstances such as topography, natural obstructions, hardship, or aesthetic or environmental objectives or considerations may warrant, insofar as they are not superceded by applicable Town of Johnstown zoning regulations. Such variances must be approved by the DRC and JRC. 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. In no event shall the DRC grant a variance to the permitted uses in a development parcel.

C. JRC Approval

The JRC shall approve the application if it complies with the applicable terms and conditions of the Design Guidelines. The JRC may approve the application with conditions. Said conditions shall be specifically related to compliance with standards and guidelines in the Encore Design Guidelines. In the event the JRC determines that the proposed development in the application does not comply with the Encore Design Guidelines, the JRC shall specify in writing the specific reasons in which the application does not meet the applicable criteria.

D. JRC Appeals

The decision of the JRC may be appealed by the applicant to the Johnstown Town Council. The appeal shall be in writing, and shall be made within thirty (30) days of the date of the transmittal of the JRC's decision. The Johnstown Town Board shall hear the appeal within thirty (30) days of the filing of the appeal by the applicant. The decision of the Johnstown Town Council on the appeal shall be final.

APPENDIX A

CONFLICTS

Improvements installed by homeowners, architects, builders, and landscape designers shall comply with all Local, County, State, and Federal codes, ordinances, and regulations. All improvements shall also comply with the Encore CCR's.

The Encore Design Guidelines do not modify or supersede any Local, County, State, or Federal codes, ordinances, or regulations. In the event of conflicts or discrepancies, jurisdictional regulations shall take precedence, and the most restrictive standards shall apply.

VARIANCES and WAIVERS

The DRC may authorize variance from these criteria when circumstances such as topography, natural obstructions, hardship, or aesthetic or environmental objectives or considerations may warrant, insofar as they are not superceded by applicable Town of Johnstown zoning regulations. Such variances must be approved by the DRC and JRC. 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.

AMENDMENTS

From time to time, the Encore Design Guidelines may be amended subject to Johnstown Town Council approval. It is the responsibility of the homeowner, architect, builder, and landscape designer to use the most current revision of the Encore Design Guidelines.

APPROVALS and DENIALS

Approvals may be granted or denied at the sole discretion of the DRC and JRC, and shall be in writing. Approvals or denials pursuant to the Encore Design Guidelines do not constitute any representations, warranties or assurances by the approving/denying party and the approving/denying party shall have no responsibility by virtue of such approval or denial.

APPENDIX B

MINIMUM FINISHED SQUARE FOOTAGES

Estate Lot Single-Story	2,000 Square Feet
Estate Lot Two-Story	2,400 Square Feet
Large Lot Single-Story	1,800 Square Feet
Large Lot Two-Story	2,200 Square Feet
Standard Lot Single-Story	1,400 Square Feet
Standard Lot Two-Story	1,600 Square Feet
Patio Home Lot Single-Story	1,250 Square Feet
Patio Home Lot Two-Story	1,600 Square Feet

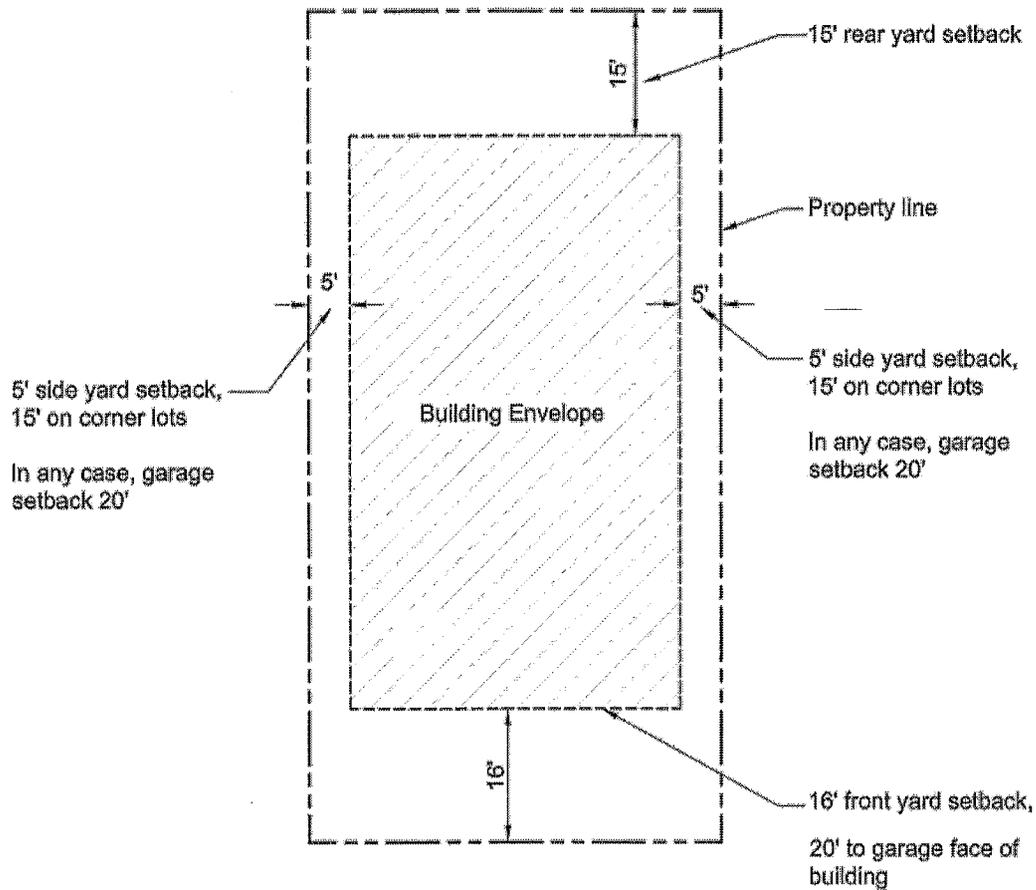
MAXIMUM HEIGHTS (Above Engineered Top of Foundation)

Single-Story Residence	28 Feet
Two-Story Residence	35 Feet

MINIMUM SETBACKS

Estate Lots	
Front	20 Feet (or more for variety)
Rear	20 Feet
Side	7 Feet
Large Lots	
Front	20 Feet (or more for variety)
Rear	20 Feet
Side	7 Feet
Standard Lots	
Front	16 Feet (or more for variety) 20 Feet for Garage
Rear	20 Feet
Side	5 Feet
Patio Home Lots	
Front	16 Feet
Rear	15 Feet
Side	5 Feet

TYPICAL PATIO HOME LOT EXHIBIT:

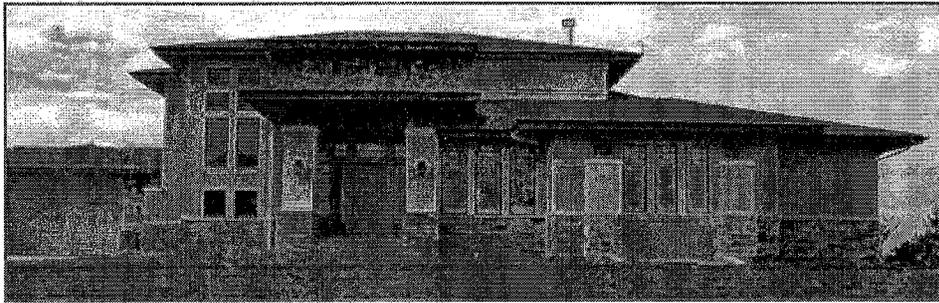
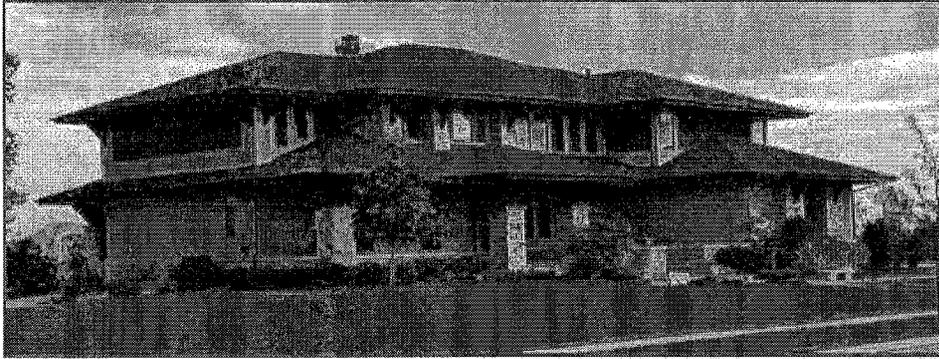


APPENDIX C

The following images are meant only as illustrations of building elements that may be accepted and/or rejected by the DRC. These images represent both positive design solutions as well as negative design solutions only as they pertain to the desired Architectural image and presence of Encore.

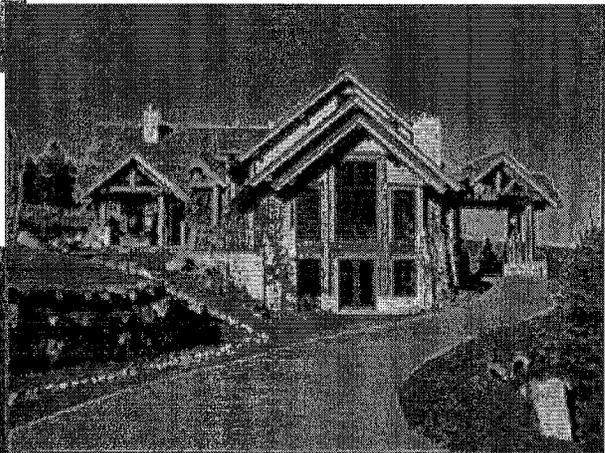
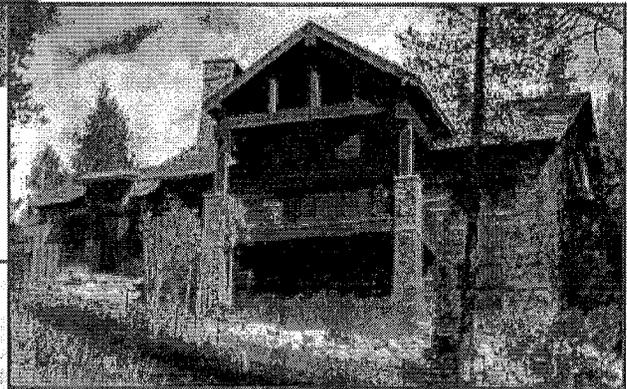
The images were taken from a variety of sources. Any resemblances to local construction should be considered coincidence only. The design elements represented in these images may or may not be acceptable design solutions in any other development, but also may or may not be acceptable design solutions in Encore.

PRAIRIE STYLE DESIGN



The images on this page indicate examples of “Elements that are encouraged.”

COLORADO CRAFTSMAN/LODGE STYLE DESIGN



The images on this page indicate examples of “Colorado Craftsman design.”

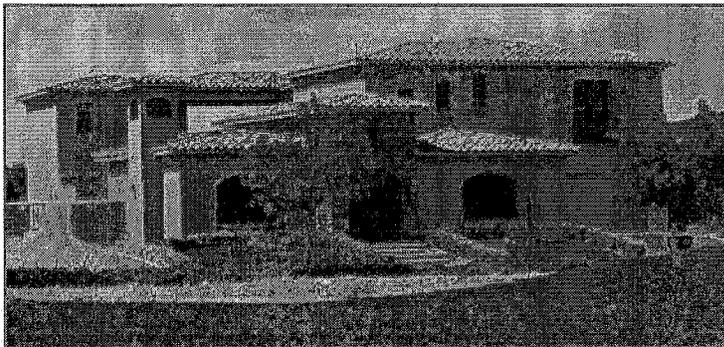
EUROPEAN INFLUENCED DESIGNS



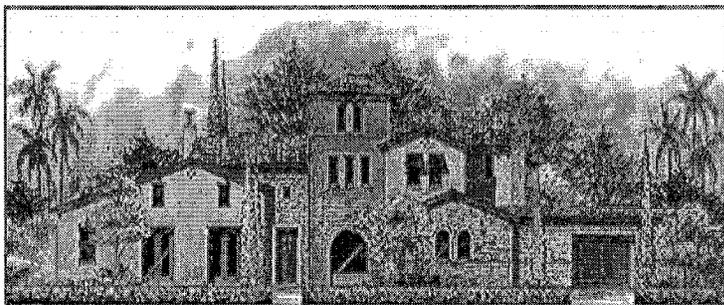
French Country



Tudor



Mediterranean



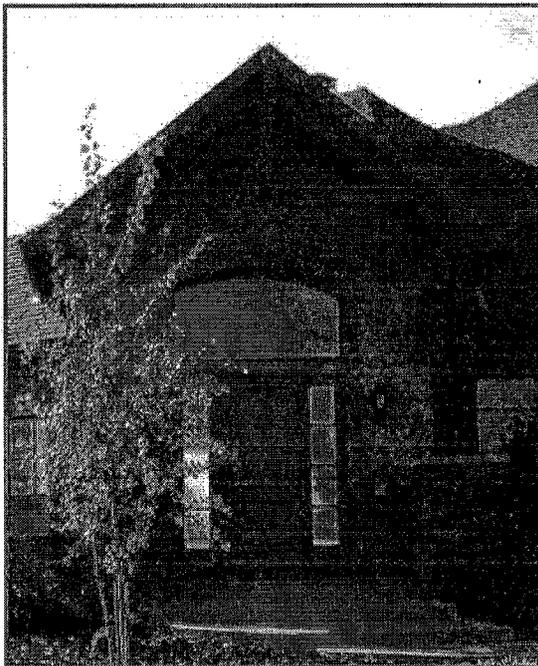
Mediterranean

The images on this page indicate examples of “European Influenced Designs.”

ELEMENTS THAT ARE ENCOURAGED



Nice courtyard entry. Great materials and proportions.
Nice “natural” approach to a manmade structure.
Draws the eye to the entry point.



Nice entry. Great materials and proportions.
Arch in Truss echoes the arched window.
Width to height proportion feels good.
The homes “best” materials are present in the most public location.

The images on this page indicate examples of “Elements that are encouraged.”

ELEMENTS THAT ARE ENCOURAGED



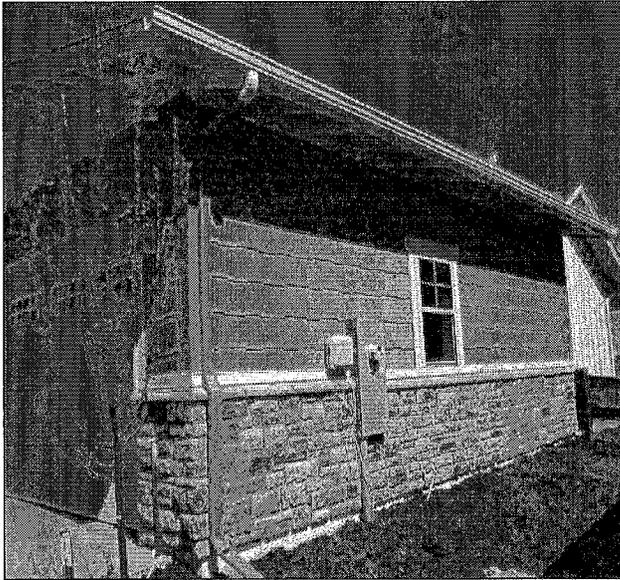
- Nice entry with attention to detail that draws the eye.
- Great materials and proportions are pleasing.
- The covered porch pulled forward is the focal point more than the garage doors.



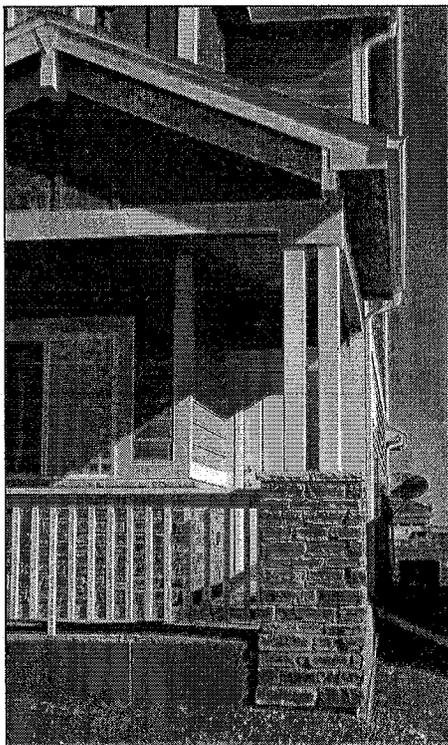
- The entry is pushed back without a porch, but has a nice stone wall courtyard that is a welcoming element.
- Garage doors are pushed closer to the street, but with the use of the siding details and the upgraded garage doors, the view from the street is pleasant.

The images on this page indicate examples of “Elements that are encouraged.”

ELEMENTS THAT ARE ENCOURAGED



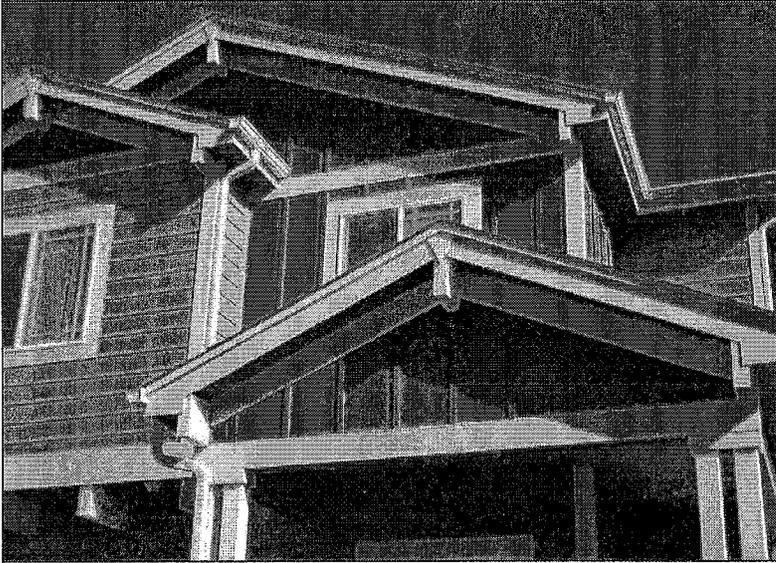
- Garage side has more stone than a simple “wrap”. The street materials carry around the sides far enough to create architecture that ties the house together.
- The utility boxes are unfortunate, but are visually minimized by the ample use of the stone and upgraded siding.



- This entry is pushed back but the covered porch is a welcoming element with plenty of detail.
- Double columns rather than a single column with large stone base make the entry porch have a sense of presence while the trim color contrast has a playful nature.
- Finished concrete porch face gives a finished effect to an otherwise utilitarian element.

The images on this page indicate examples of “Elements that are encouraged.”

ELEMENTS THAT ARE ENCOURAGED



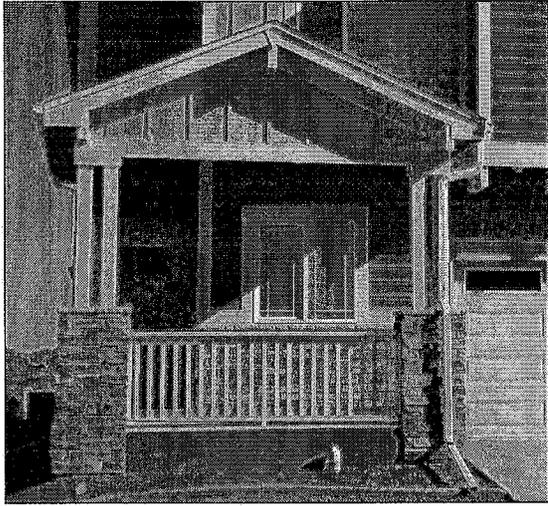
- Multiple layers of elevation elements help create interest in the entire elevation. Changes of materials and multiple uses of beam and trim details allows for a great deal of visual interest in a very small home.



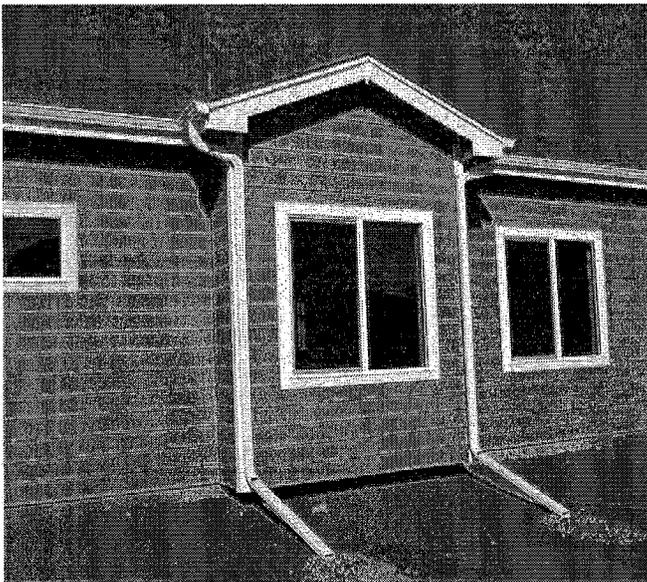
- Material mixture and detail elements combined with contrast paint, lend a great deal of curb appeal that appeals to buyers.

The images on this page indicate examples of “Elements that are encouraged.”

ELEMENTS THAT ARE ENCOURAGED



- Same floor plan, but drastically different from entries. Multiple styles of architecture for the same floor plan, but similar level of detail allows for a varied streetscape.



- This side elevation would be fairly mundane without the bump-out. The materials are simple and painted fairly neutral, the white trim and gable help breakup a long expanse of siding.

The images on this page indicate examples of “Elements that are encouraged.”

ELEMENTS THAT ARE ENCOURAGED



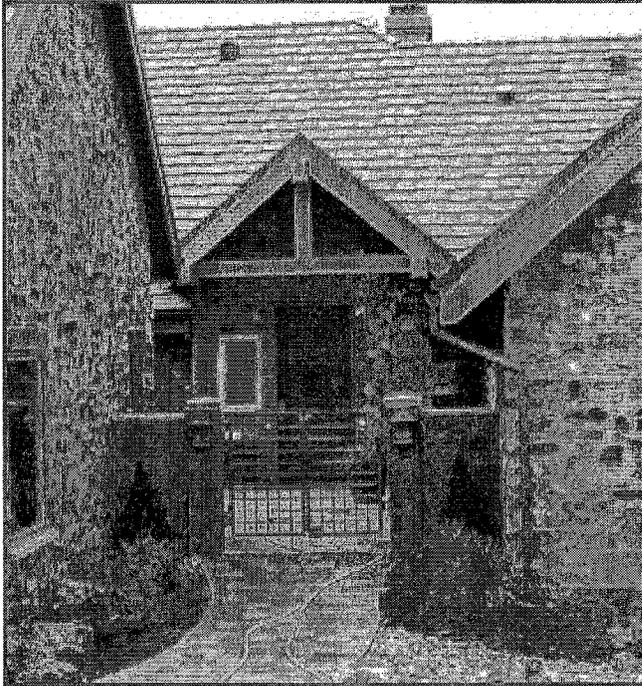
- Any negative effects of this predominate garage on this home are minimized with extensive use of detail and material breaks. The shed roof is a particularly successful element.
- The garage doors are painted to blend with the major colors of the home.
- The house has a layered front wing and a high dormer of the deep inset entry to bring attention to the front entry and give it some degree of prominence.



- This elevation has a balanced mix of stucco and stone for materials and a balanced stepping front entry element.
- While the garage has a large amount of freeboard above the garage door, the clipped gable roof with beams and contrast paint reduce the visual impact of the stucco.

The images on this page indicate examples of “Elements that are encouraged.”

ELEMENTS THAT ARE ENCOURAGED



Nice entry to the home through a courtyard.

Courtyard on the “front” of the house is very fitting as a “porch” replacement in the three styles of architecture chosen for Encore.

Houses with views to the front might consider a courtyard with protection as important as a large deck on the back.



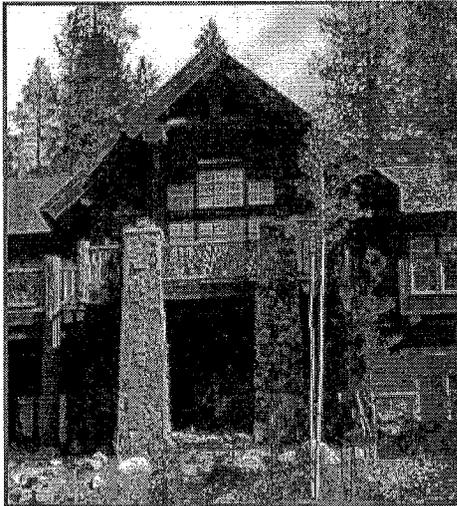
Nice entry with a well-proportioned and detailed tower.

Trellis entry provides focal point for entry and for courtyard to the left.

Mix of roofing material helps finish the design statement at the entry.

The images on this page indicate examples of “Elements that are encouraged.”

ELEMENTS THAT ARE ENCOURAGED

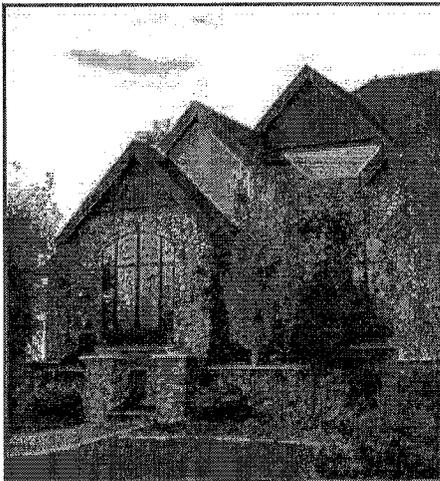


Well proportioned elevation.

Tapered stone columns are correct in size for their height and make a nice bold “structural” statement.”

The rounded logs suggest more of a lodge style than a craftsman style.

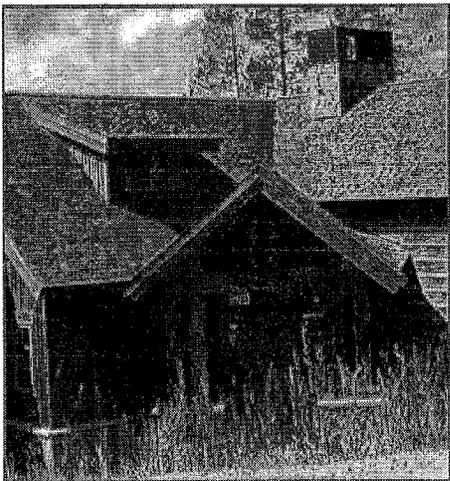
Stone caps are a must.



Multiple roof lines provide immediate interest from the street.

Mix of materials adds to the interest, especially in the proportions they are used.

Nice stone low wall and posts to front entry. Stone caps finish off the detail.



A bit more rustic look with the mix of lap and vertical type sidings.

Entry has nice proportion and detail with rough sawn posts and beams set on stone bases with distinctive stone caps.

The shed roof lends itself to breaking up the roof a bit as well as emphasizing the rustic nature of the design.

The stone chimney is also well proportioned and blends with the rustic nature.

The images on this page indicate examples of “Elements that are encouraged.”

ELEMENTS THAT ARE ENCOURAGED



Nicely detailed wood posrts and beams with strong structural lines.



Arches are appropriate for the style and the use of arched windows to accent the arches is a nice touch.

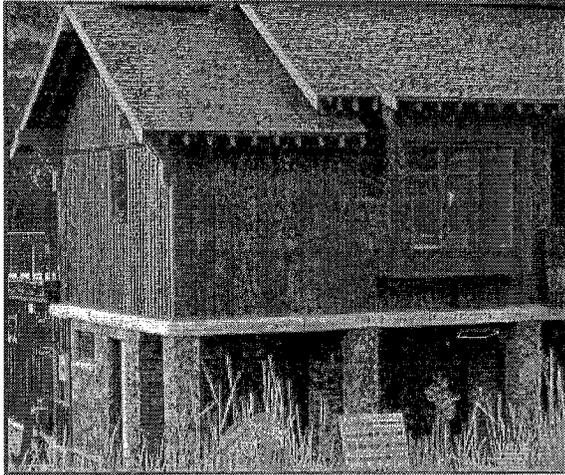
The log columns are a nice blend from clean faced stucco to a more rustic nature.



Style appropriate detailing.

The images on this page indicate examples of "Elements that are encouraged."

ELEMENTS THAT ARE ENCOURAGED



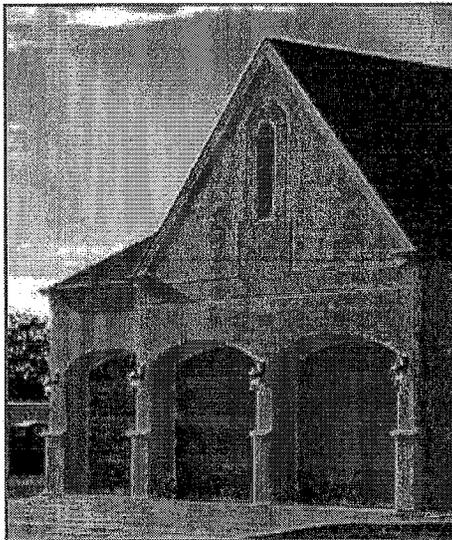
The garage doors are nicely tucked away under the stone cap between the stone columns.

The brackets and the exposed rafter tails add to the craftsman nature of the design.



The garage doors are nicely detailed and tucked away with extra roof lines supported by strong wood posts on strong stone basis.

The header of the garage door is well proportioned and looks structural as it is intended to look.

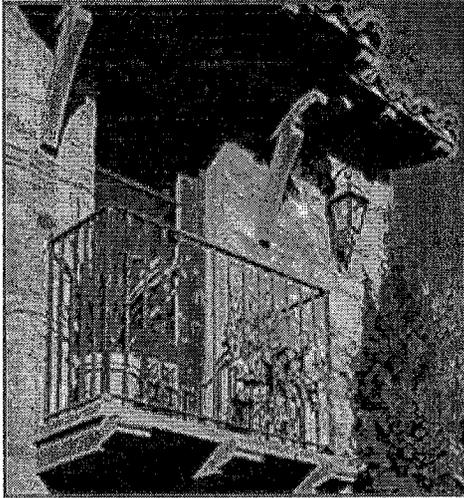


The long face of the garage is nicely broken-up with the multiple garage doors with style appropriate arches.

The doors are also nicely designed.

The images on this page indicate examples of “Elements that are encouraged.”

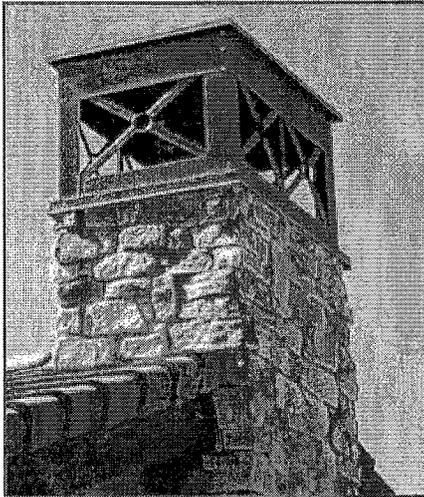
ELEMENTS THAT ARE ENCOURAGED



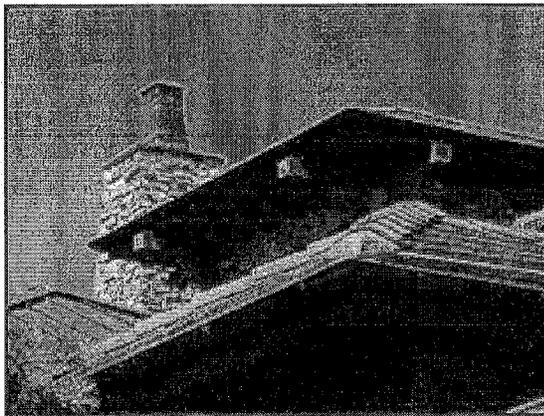
Beautiful balcony with nice lookout beam details.

The door and balcony is protected with a shed roof with nicely detailed wood brackets.

The “old world” look to the stone veneer makes it look as if the bulding is made of solid stone.



Rather than just a stack sticking up over the top of a chimney, this chimney is made of strong looking stone and capped with a finely detailed spark arrester.



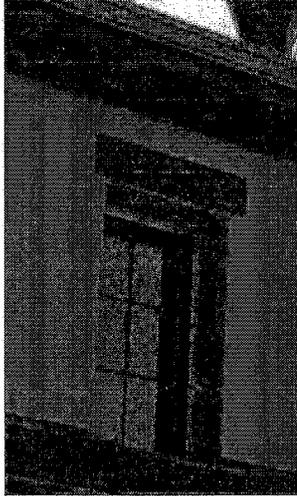
Nice top to the chimney.

Nice brackets and lookout beams help “hold” up the heavy roof materials.

Rounded gutters and downspouts are also a nice detailed “break” from the standard.

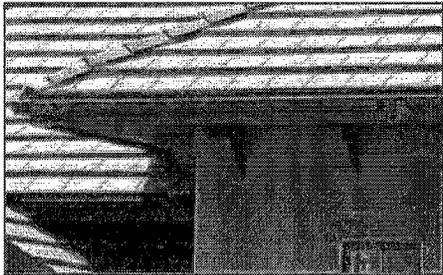
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ELEMENTS THAT ARE ENCOURAGED



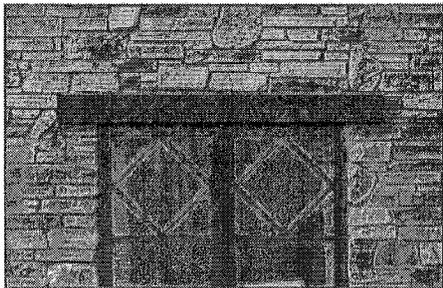
Window looks as if it is set within a nice thick wall.

Header is nice in size but the underside should look as if the header continues back into the interior.



The brackets under the eave suggest structure that is "thru-wall" structure which is a nice detail.

Header over the window is very realistic and style appropriate.



Heavy looking stone needs to sit on a header. This design shows how a true stone wall would look as it sits on a window.

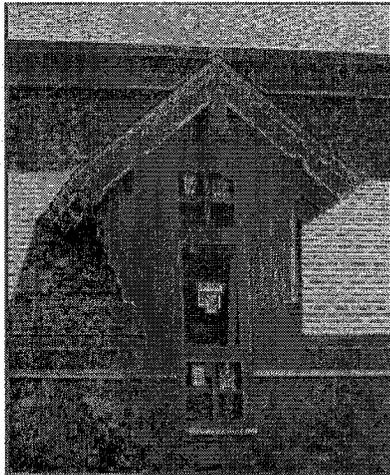


Heavy looking stone needs to sit on a header. This design shows how a true stone wall would look as it sits on a window.

The stone sill is also a nice detail that is also very period specific and style appropriate.

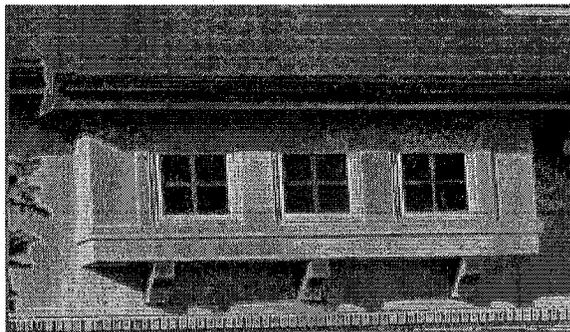
The images on this page indicate examples of "Elements that are encouraged."

ELEMENTS THAT ARE ENCOURAGED

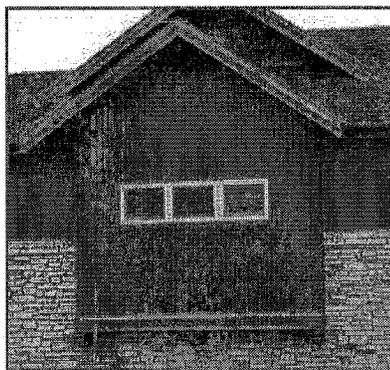


This dormer shows a nice composition of structural beams, thick fascia boards, intersection with stone at the window sill.

Again, the header over the window, the stone sill below the window and the stone "waterable" cap over the top of the stone is expected of this style.

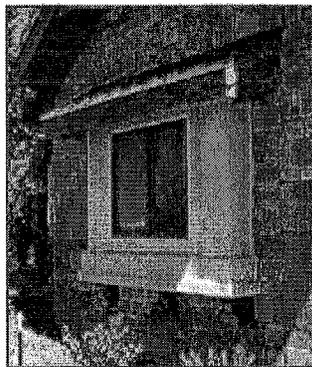


Rather than just having 3 windows to introduce natural light into the interior, this design makes more of a design statement with a bunched-out and brackets.



An interesting mix of materials.

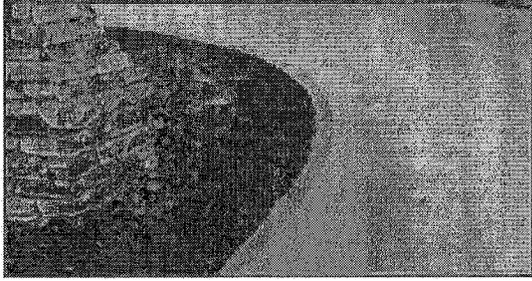
Brackets under a bunched-out help breakup a long facade as well as maintain a style with a style appropriate design feature.



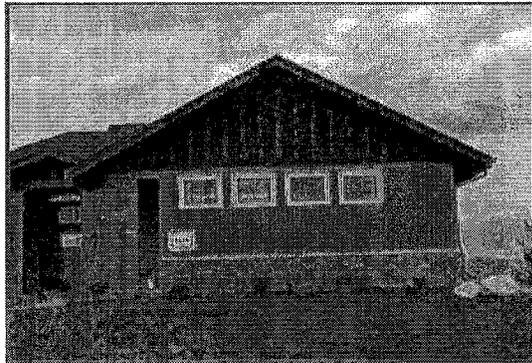
Rather than just having a window to introduce natural light into the interior, this design makes more of a design statement with a bunched-out and brackets.

The images on this page indicate examples of "Elements that are encouraged."

ELEMENTS THAT ARE ENCOURAGED

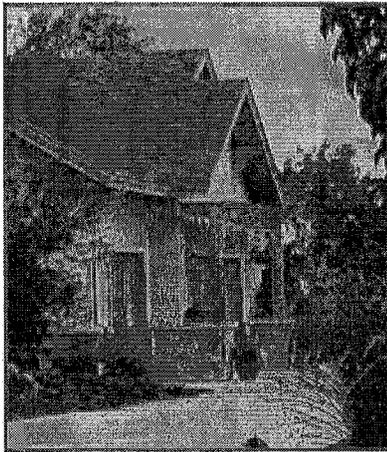


The 2 foot strip of stamped, colored concrete go a long way in providing an “upgrade” detail to an otherwise boring gray concrete drive without breaking the bank.



This elevation is of a garage. Although there may not be a bump-out of the windows to break up the elevation, there is plenty of detail to catch the eye.

Board-n-batten siding with a nice transition of color from the stucco, along with a wrapped stone column of substantial size and a continuous and wrapped base of stone with a waterable stone typical.



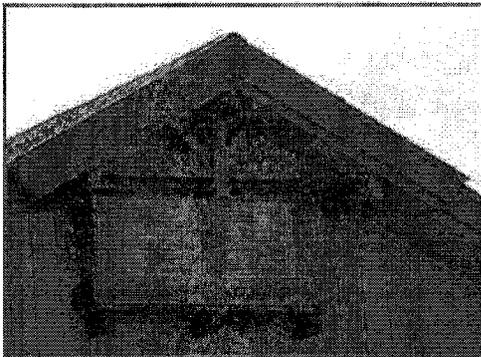
This detail is of the side of a home. The designer and owner took the care to make sure this elevation had plenty of detail as nice as the front of the home does.



Another boring roof that is “upgraded” with the use of a shed dormer.

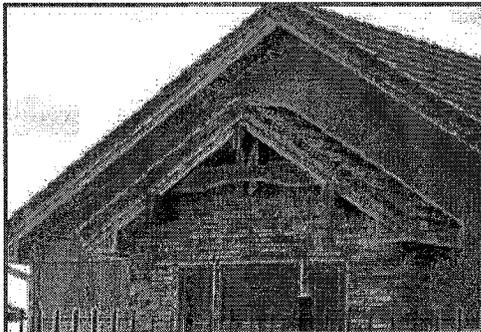
The images on this page indicate examples of “Elements that are encouraged.”

ELEMENTS THAT ARE ENCOURAGED



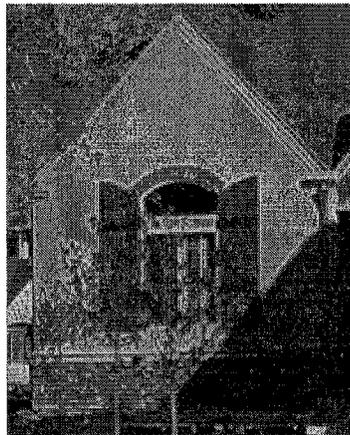
Nice detail for finishing off the under side of the apex of a gable roofed wall on a craftsman style design.

The mini truss with beams and the protruded vent with brackets break up what would have otherwise been a dull spot in this design.



Another example of doing something nice with an end gable rather than just a big triangle filled with stone or stucco.

The design would have been nicely finished with a structural looking header holding up the large amount of stone over the window.



Shutters are a distinct design feature in this home.

The color contrasts nicely with the surrounding stucco.

The shutters are arch shaped to match the arch of the window.

The shutters look as if they are each exactly 1/2 of the width of the window so that if they were shut, they would create a nice fitted closing.



Again, another nicely detailed shutter design.

The images on this page indicate examples of "Elements that are encouraged."

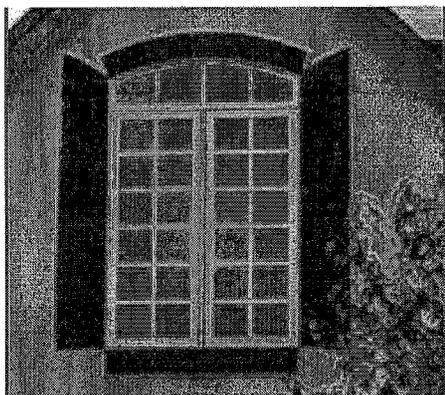
ELEMENTS TO AVOID



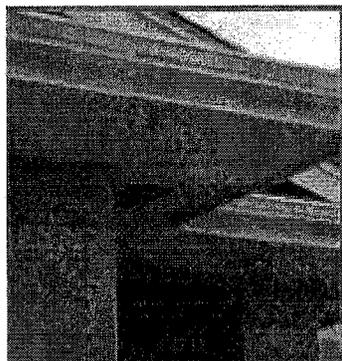
These shutters are “ticky tack” only. They should hint at actually being able to cover the window in case of storm as originally intended.

The headers and sills are not sized appropriately and a wood sill looks somewhat odd.

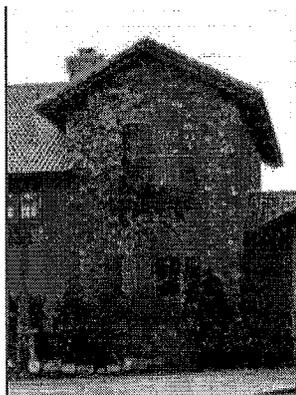
The roof design of providing a mid-wall shed on a gable end wall and intended to be a Dutch hip, is not style appropriate.



Again, the shutters are mid-sized. However, the use of the brick for an arch over an arched window is good.



EIFS and stucco shouldn't be “trimmed” at the corners or around other building elements such as windows, doors or stone waterables. This is a wood siding detail typically.



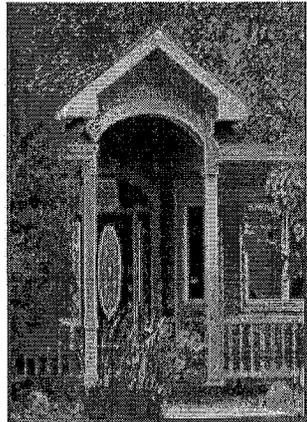
At first glance this design looks nice, but there are some elements that may need to be adjusted:
Do show the appropriate size and shape of shutters.
Don't just have a hint of a balcony at a window; have a real balcony.
Don't stop stone in the same plane as the stucco.
Do wrap the stone around the corner rather than leaving it as an applied look only.

The images on this page indicate examples of “Elements to avoid.”

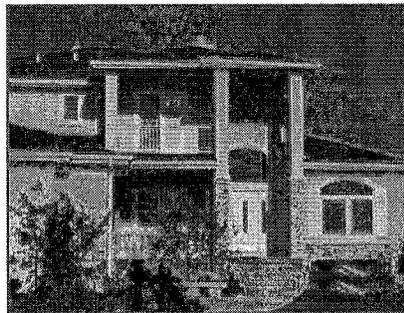
ELEMENTS TO AVOID



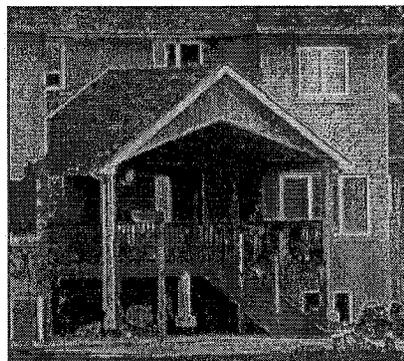
These columns look too tall and thin to support the roof and hold up the deck. Structurally there isn't a problem, but proportionately they look awkward.



The gable form suggests entry, but not to the front door. The columns are too thin. The railing is not an appropriate balustrade. The front door looks a bit "off the shelf". The choice of materials doesn't inspire one to enter.



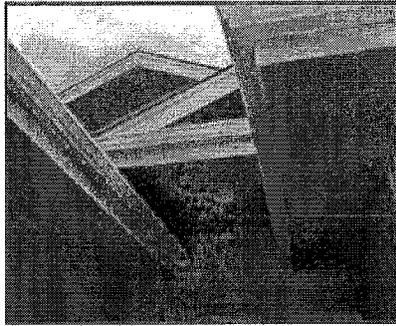
Columns at entry are too tall and lack lateral supporting members, and the space over the entry door window is out of scale. The shutters don't work well in size, style, material or color. The railings for the balconies should match, but not match the bottom balustrade.



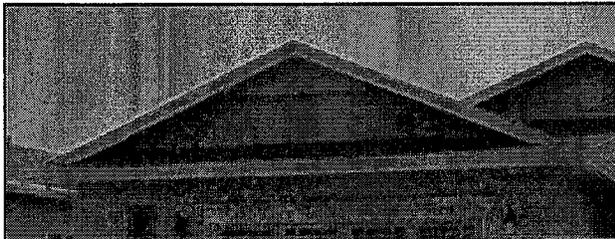
Columns are too thin and the roof looks too heavy. The use of an end gable that shows a "scissor truss" was used in supporting the roof should be avoided as this isn't style appropriate and is otherwise not attractive.

The images on this page indicate examples of "Elements to avoid."

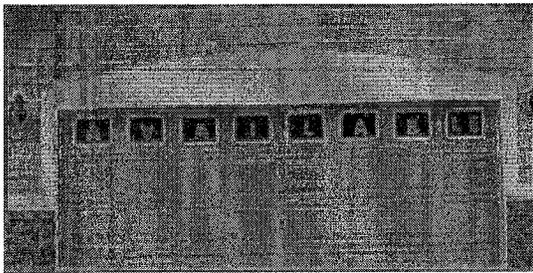
ELEMENTS TO AVOID



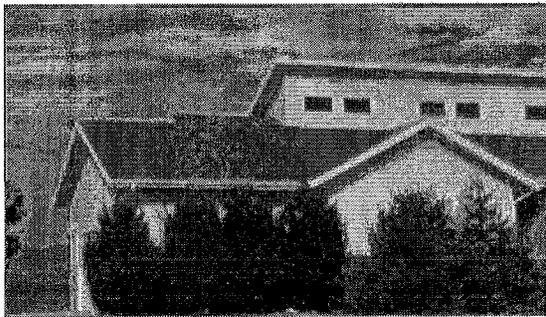
Awkward roof lines coming together.



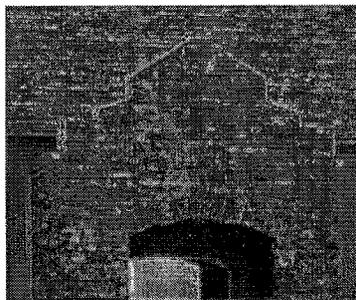
The shed piece of roof similar to a Dutch Hip should be avoided for style appropriateness as well as it is an expensive detail for no better of an image that it creates.



The signage in the window is the best part of this design. The trimmed arch is to be avoided, the stamped aluminum garage door is also something that doesn't aid the design but very much detracts from it.



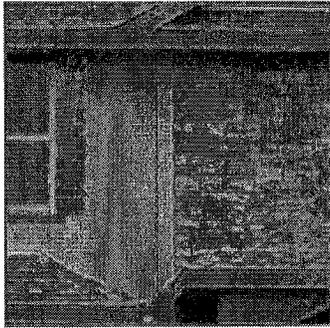
This type of clerestory should be avoided.



This type of detail will not make it through the architectural review process at Encore.

The images on this page indicate examples of "Elements to avoid."

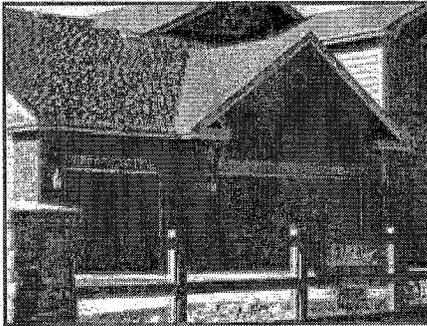
ELEMENTS TO AVOID



Flat stone transition to stucco shows lack of depth and planning.

Multiple roof lines at odd pitches should be avoided.

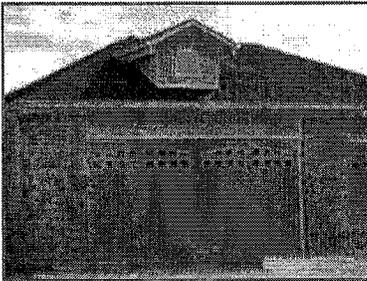
Shutter is too narrow for window size.



Masonry should carry above the garage doors.

Garage doors should make a design statement.

Round fake vents don't fit with any of the architectural style options.



Masonry should carry over garage door.

Vent/dormer is not necessary and is in poor taste.



Garage doors are acceptable, but arched windows don't seem to fit the rest of the image of the building.

Roof form/fascia doesn't fit with acceptable styles.



Palladian arch/entry with spindly columns are out of character and out of proportion.

The images on this page indicate examples of "Elements to avoid."

AGENDA ITEM 9C

**APPOINTMENT
TO
PLANNING AND ZONING
COMMISSION**

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: November 2, 2015

ITEM NUMBER: 9C

SUBJECT: Consider Appointment to Planning and Zoning Commission

ACTION PROPOSED: Appoint Planning and Zoning Commissioner

PRESENTED BY: John Franklin, Town Planner

AGENDA ITEM DESCRIPTION: Commissioner Charles Terasa resigned his position in June of this year. Mr. Terasa's four-year term of office expires on November 5, 2016. The position vacancy was advertised in the Johnstown Breeze on August 27, 2015. The Town received one application, from Mr. Larry Storms (please refer to attachment).

The Planning and Zoning Commission met with Mr. Storms, and the consensus was to recommend his appointment.

LEGAL ADVICE: N/A

FINANCIAL ADVICE: N/A

RECOMMENDED ACTION: The Planning and Zoning Commission recommended appointment of Mr. Larry Storms to fill the vacant position.

SUGGESTED MOTIONS:

For Approval: I move to appoint Mr. Larry Storms to the Planning and Zoning Commission for the remainder of a four-year term ending November 5, 2016.

For Denial: I move to deny the appointment of Mr. Larry Storms to the Planning and Zoning Commission.

Reviewed:


Town Manager

AGENDA ITEM 9D

AWARD

OF

CONTRACT

(Installation of Pumps)

(Low Point Wastewater Treatment Plant)

(Velocity Plant Services, LLC)

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: November 2, 2015

ITEM NUMBER: 9D

SUBJECT: Consider Award of Contract to Velocity Plant Services for Installation of New Pumps at Low Point Wastewater Treatment Plant

ACTION PROPOSED: Award contract to Velocity Plant Services

PRESENTED BY: Public Works Director

AGENDA ITEM DESCRIPTION: As previously noted to the Town Council in an informational memorandum (please refer to attachment) the screw pumps at the Low Point Wastewater Plant failed leaving the plant without the required back-up system. An emergency purchase was issued and new pumps were ordered. The pumps are scheduled for delivery in mid-October. A bid package was prepared for the installation of the pumps, advertised in the Loveland Herald-Reporter and also sent to several local contractors recommended by the pump supplier. A site visit was a prerequisite to submitting a bid. Two contractors visited the site. Bids were received on October 9th.

One contractor submitted a bid in response to the Town's solicitation:

Velocity Plant Services, LLC - \$89,160.00

Town Staff has been in contact with our insurance carrier who has determined that the screw pump failure qualifies as a mechanical failure under our supplemental insurance policy and they will be covering the cost of the pump purchase and installation less our deductible of \$2,500 (please refer to attachment). A check for one-half of the cost (\$71,695) for the pumps and their installation has been received. The remaining funds will be paid after the work is completed.

Based upon a review of the bids by Town staff, it is recommended the contract for the installation of the new pumps at Low Point Wastewater Treatment Plant be awarded to Velocity Plant Services for an amount not to exceed \$89,160.00.

LEGAL ADVICE: The Town Attorney has reviewed the contract and bid documents.

FINANCIAL ADVICE: The cost of the work is to be covered by the town's mechanical equipment insurance carrier.

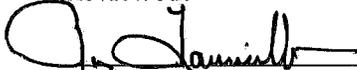
RECOMMENDED ACTION: Award contract to Velocity Plant Services

SUGGESTED MOTION:

For Approval: I move to award the contract for the installation of the new pumps at the Low Point Wastewater Treatment Plant to Velocity Plant Services in a total amount not to exceed **\$89,160.00** and also authorize the Town Manager to approve change orders in an amount not to exceed **ten (10%)** of the contract amount, and authorize the Mayor to sign the agreement.

For Denial: I move to deny awarding the contract for the installation of new pumps at the Low Point Wastewater Treatment Plant to Velocity Plant Services.

Reviewed:


Town Manager

AGREEMENT

1.5.8 AGREEMENT

THIS AGREEMENT, made this 2nd day of November, 2015, by and between the Town of Johnstown, hereinafter called "TOWN", and Velocity Plant Services, LLC hereinafter called "CONTRACTOR".

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned:

1. The CONTRACTOR shall commence and complete the construction of **LOW POINT PUMP REPLACEMENT PROJECT.**
2. The CONTRACTOR shall furnish all material, supplies, tools, equipment, labor and other services necessary for the construction and completion of the project described herein.
3. The CONTRACTOR shall commence and complete the work required by the Contract Documents in accordance with the date stated in the Special Conditions, which dates may be subsequently modified by the Notice to Proceed or otherwise extended by the Contract Documents.
4. The CONTRACTOR agrees to perform all the work described in the Contract Documents and comply with the terms therein for the sum of Eighty-nine one hundred sixty and no/100 Dollars (\$ 89,160.00) for the **LOW POINT PUMP REPLACEMENT PROJECT.**
5. The term "Contract Documents" means and includes the following, all of which are material terms and incorporated as if fully set forth herein:
 - (A) Invitation for Bids
 - (B) Information for Bidders
 - (C) Non-Collusion Statement
 - (D) Bid Proposal
 - (E) Bid Schedule
 - (F) Bid Bond
 - (G) Notice of Award
 - (H) Acceptance of Notice
 - (I) Agreement
 - (J) Payment Bond
 - (K) Performance Bond
 - (L) Certificates of Insurance
 - (M) Notice to Proceed
 - (N) Special Conditions
 - (O) General Conditions
 - (P) Town of Johnstown Water System Standard Specifications
 - (Q) Drawings Dated _____
 - (R) Change Order
 - (S) Addendum
No. N/A , dated _____, 2015
 - (T) Notice of Contractor's Settlement

- (U) Final Receipt and Guarantee
- (V) Notice Regarding Illegal Aliens
- (W) Other

6. The TOWN shall pay the CONTRACTOR in the manner and at such time as set forth in the Contract Documents.
7. Pursuant to § 24-91-103.6, C.R.S., as may be amended from time to time, the TOWN has appropriated the money necessary to fund this project. No change order or other form of directive shall be issued by the TOWN requiring additional compensable work to be performed, which causes the aggregate amount payable under this Agreement to exceed the amount appropriated for the original contract amount, unless the CONTRACTOR is given written assurance by the TOWN that lawful appropriations have been made by the TOWN to cover the cost of the additional work or unless such work is covered under the remedy-granting provisions of this Agreement.
8. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.
9. This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado.
10. Colorado Labor Clause: Contractor agrees, pursuant to Title 8, Article 17, C.R.S., that Contractor shall employ Colorado labor (as defined below in this paragraph) to perform the Work to the extent of not less than eighty percent of each type or class of labor in the several classifications of skilled and common labor employed under this Agreement. "Colorado labor" as used in this Agreement means any person who is a resident of the state of Colorado, at the time of employment, without discrimination as to race, color, creed, sex, sexual orientation, marital status, national origin, ancestry, age, or religion except when sex or age is a bona fide occupational qualification.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement, each of which shall be deemed an original on the date first written above.

THE TOWN OF JOHNSTOWN

BY _____
NAME Mark Romanowski
TITLE Mayor

CONTRACTOR

BY 
NAME Grant Dunkel
TITLE President
ADDRESS 1330 S. Cherokee St
Denver, CO 80223

(SEAL)

ATTEST:

NAME _____
TITLE _____

ATTEST:

NAME 
TITLE Project Manager

APPROVED AS TO FORM:

Johnstown Town Attorney

MEMORANDUM

Low Point Pump Outline – Emergency Purchase

Sequence of Events:

The east screw pump stopped rotating the week of July 20, 2015. As the motor belts, between the motor and the gear reducer were worn, it was thought that the belts were slipping so new belts were ordered. The new belts were put on the screw pump on July 23. The screw pump would still not rotate with the new belts. We notified our pump & motor contractor, Advanced Mechanical, on July 24 with our situation and asked them to examine the upper bearing and coupler to determine where the problem was located.

Advanced Mechanical was on site on July 30 to examine the screw pump. It was at this time that it was discovered that the screw pump shaft; 5" diameter steel; had broken. With the way the screw pump was installed it was not possible to easily see the location of the break. (Instead of the coupling and bearing being readily accessible they are located within the building's wall) A picture of the break was emailed to the manufacturer's representative on July 31 requesting possible repair information. He responded on August 18 that repairs were not possible.

The second screw pump was then the primary and only pump. Because having redundant pumping capability is a requirement Town personnel contacted rental companies in the event a pump was needed.

On Tuesday, August 18, the second screw pump failed between 8:30 and 11:00 am. It is thought that this failure is in the drive mechanisms but that is still under investigation. A rental pump was brought in that afternoon at a rental cost of \$800/week or \$2,400/month. Town personnel investigated the purchase of a pump to minimize rental costs but found this was not a viable option.

Screw Pump Replacement Information: The Screw Pump manufacturer was contacted for a quote on just supplying a new screw pump to replace the screw pump with the broken shaft - \$125,000 not including the installation. Delivery would be 22 – 26 weeks from issuance of a Purchase Order. Installation will require a large crane and probably 1 to 1-1/2 months of time at an additional cost of between \$75 – 100,000.

The second failed screw pump problem is not the shaft but is in the drive mechanisms. Both the motor and gear reducer are known to have damage. Replacing these is \$9,000 in parts plus the labor to remove and replace, easily \$5,000. If there are any problems with the pump's alignment it would be recommended to have a manufacturer's representative on site. They have quoted \$1,500/day for an on-site representative. Should either the top or bottom bearing require replacement a crane would be required at \$1,000/day for lifting the screw pump. With the known costs for replacing the motor and gear reducer and the very likely additional expenses just to investigate the root cause of the failure it is not recommended that this money be spent.

Pumps from Gorman-Rupp Supplier: These are similar pumps to what we use in the lift stations and we are familiar with the necessary maintenance and controls for operating the pumps. The pumps will be supplied (2 pumps) mounted on a metal frame for installing at the plant. A crane will be used to lower

into the headworks pit. The skid will easily fit within the available area without removing the existing screw pumps.

The pumps come with all the controls and alarms needed for safe operation installed on the skid.

Lead time on the pumps is 6-8 weeks after approval of drawing submittals.

A review of the quoted price was conducted using two local engineers familiar with wastewater pumping systems. They have reported that the quotation is reasonable and the recommended pumps are very good units.

Electrical requirements: The pumps have 20 HP motors (the screw pump motors are 15 HP that run continuously) that will cycle or run at a lower speed depending on flow. They require 480/240V, 3 Phase power which is available in the headworks building and will need to be run out to the headworks pit. Additional 120V power will be needed in the area for controls and heat tape.

Piping Requirements: Suction piping and discharge piping will be needed. The suction piping will run down into the headworks pit attached to the sloped headworks concrete and through the existing grating. This is approximately 25 feet of piping. Discharge piping, approximately 50 feet would be run into the headworks building at ground level and vertically up at the NW corner of the building. Placing the discharge piping in the building will minimize the need for insulation and heat tape.

Piping Insulation Requirements: Because the pumps will both hold vacuum and have a check valve in the discharge piping there will be wastewater exposed to freezing conditions, especially at night when pumping is less likely to occur. Approximately 15' of insulation and heat tape will be needed on the suction piping. Some insulation and heat tape on the discharge piping will be needed depending on the final piping design – 10' is an estimate.

Enclosure: Weather protection will be needed for the pump skid. Options are an insulated cinder block wall with an insulated roof or an insulated sheet metal building. Both will require a small unit heater. As this will require more frequent maintenance and checking operation replacing the existing ladder with a stairway for safety reasons is recommended for future (to be budgeted) work.

Emergency Purchase Guideline

Section 9.5 of the Town's Purchasing Procedure Manual allows the Town to forego bidding procedures in "certain specific instances that would be in the best interests of the Town" provided that there is sufficient information to demonstrate a benefit to the Town. In addition, State law also allows for emergency procurements "when there exists a threat to public health, welfare, or safety under emergency conditions." As the screw pumps and the new pumps are the primary pumping system for

the plant there could be a "threat to public health, welfare, or safety" as noted above. The complete procedure and statute are as follows:

Section 9.5 – Purchasing Procedures Manual

Rejection of Bids and Waiver of Bid Formalities. The Town reserves the right to accept or reject any and all bids whether informal or formal. The Town shall reserve the right to forego formalities which may be outlined in bid specifications whenever the situation is such that the process or interested bidder is subjected to circumstances that hinder compliance with certain guidelines, and by doing so, would not compromise the integrity of the bidding process. In addition, the Town may forego the bidding process altogether in certain specific instances that would be in the best interest of the Town to do so provided that there is sufficient information and documentation to demonstrate that a waiver of the procedure would benefit the Town. Any deviations from the formal bidding process must have Town Manager approval, who shall then generate a report to the Town Council for the next Town Council meeting explaining the reasons for the waiver. It is intended that this process of waiver should be used infrequently and only when there is supporting information to demonstrate that the waiver would be in the best interests of the Town and not in any fashion compromise the integrity of the overall bidding policy of the Town.

C.R.S. 24-103-206 (2014)

24-103-206. Emergency procurements

Notwithstanding any other provision of this code, the executive director, the head of a purchasing agency, or a designee of either officer may make or authorize others to make emergency procurements when there exists a threat to public health, welfare, or safety under emergency conditions, as defined in rules, but such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file.

Cost Estimate: \$100,005 – 101,605

The pumps would be purchased as an emergency purchase citing a benefit to the Town and a threat to health, welfare or safety. The installation of the remaining items; piping, electrical and an enclosure; would be bid following normal purchasing procedures.

Gorman-Rupp duplex Pump System with controls on a common skid - \$59,230

Installation of Pump Skid and piping: Crane Rental - \$1,000 for one day

Construction crew (3 men for 2 days) for installing the skid- \$3,000

Piping material costs – 75 LF @ \$45/LF = \$3,375, 4 - 90 degree elbows = \$1,600

Piping Installation labor costs – 3 men for 5 days = \$7,500

Electrical Costs: \$1,500 for materials including heat tape, \$5,000 for labor

Enclosure: Approximately 8' x 7', 56 sf @ \$125/sf = \$7,000; add \$1,000 for heater

Contingency on construction only (20%) = \$6,000

Pump Rental - \$4,800 – \$6,400

Budget:

Within the Sewer Fund Operations Budget there are sufficient funds available with a delay in proposed projects and remaining funds in Repair & Maintenance.

NOTE: The Town's insurance carrier has been contacted and is in the process of determining if the cost of replacing the screw pumps is covered for mechanical failure.

LETTER

(Travelers Property Casualty Company)



Travelers Property Casualty Company Of America
P.O. Box 541
Magnolia, TX 77353

10/13/2015

Tom Hellen
Town Of Johnstown
760 S. C/R 3
Johnstown CO 80534

Insured: Cirsa
Claim Number: EXD3802
Policy Number: BAJBME1 -838X4267
Date of Loss: 08/14/2015
Loss Location: 3269 High Plains Rd Johnstown CO

Dear Mr. Hellen,

We have completed our investigation into the above noted occurrence. Our investigation has revealed that an internalift pump at this location suffered a mechanical breakdown while in operation. The pump shaft broke in half and the pump requires replacement. This damage is considered a Breakdown to Covered Equipment as defined within the equipment breakdown policy of insurance. Accordingly, we have accepted liability for the necessary cost and expense associated with the replacement of the damaged pump.

As we have discussed, you have opted to change out the two existing internalift pumps with a new sewage lift pump system that will better suit your needs. This expense is expected to be less than the cost that would be required to replace the existing damaged pump. We agree with this approach. Our liability will respond to the cost to replace the existing pump with a like kind replacement unit to include the necessary parts, material and labor, or what you actually spend to replace the capacity of this pump, whichever is less as per the Valuation section of the policy.

Our liability will also respond to the necessary extra expenses to rent a lift pump during the time that repair/replacement could have been conducted.

Please note that the policy is attached with a \$2,500 deductible that applies to the repair/replacement portion of your claim with a limit of \$50,000,000, and the extra expense portion of your claim is subject to a 120 hour deductible and a limit of \$60,000.

As we have communicated via email and telephone, once you have the cost information available related to the alternate pump system and the cost to remove the damaged unit, please forward to me for review so the we may discuss how the policy will respond.

Thank you in advance for your assistance. Feel free to call me if you have questions or if there is any way I may assist you on this.

Sincerely,

Brian W Litke
Claim Professional
Direct: (860)277-3192
Office: (800)238-6225 Ext. 277-3192
Fax: (855)287-5455
Email: BLITKE@travelers.com

CC: Willis Admin Serv Corp

