Town Council

Agenda

Wednesday, January 22, 2020

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) PRESENTATIONS
   Johnstown Downtown Development Association

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 – January 6, 2020
   B) 2nd Reading Ordinance Number 2020-168, Approving P.U.D. Outline Development Plan for Great Plains Village
   C) 2nd Reading Ordinance Number 2020-169, Approving P.U.D. Outline Development Plan for Welty Ridge

7) TOWN MANAGER REPORT

8) TOWN ATTORNEY REPORT

9) OLD BUSINESS
   A. Approve Intergovernmental Agreement with Little Thompson Water District
   B. Consider request from Johnstown Village, LLC for the waiver of Storm Water Development Fee associated with the Johnstown Village Single Family Residential Plat and Corresponding Subdivision Development Improvement Agreement

10) NEW BUSINESS
   A. Resolution 2020-02, Resolution Referring to the Registered Electors of the Town of Johnstown the Question of Amending the Town Of Johnstown Home Rule Charter to Clarify the Status of the Mayor as a Member of the Council For The Purpose of Calculating Quorum and Majority Voting Requirements at the April 7, 2020 Regular Municipal Election
   B. Resolution 2020-03, Resolution Referring to the Registered Electors of the Town of Johnstown the Question of Restoring the Town’s Authority to Provide Advanced Services, Telecommunications Services and/or Cable Television Services, Either Directly or Indirectly With Public or Private Sector Partners, As Permitted With Voter Approval by Title 29, Article 27 of the Colorado Revised Statutes, At the April 7, 2020 Regular Municipal Election
   C. Resolution 2020-04, Resolution Referring To the Registered Electors of the Town Of Johnstown a Ballot Issue Concerning An Increase in the Town’s Sales and Use Tax Rate By 0.5% (From 3% to 3.5%) To Fund Street and Sidewalk Maintenance And Repairs and Transportation Related Capital Improvement Projects At the April 7, 2020 Regular Municipal Election
11) EXECUTIVE SESSION

12) COUNCIL REPORTS AND COMMENTS

13) MAYOR’S COMMENTS

14) 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.
Presentation

Johnstown Downtown Development Association
Johnstown Downtown Development Association
Our Mission

The Johnstown Downtown Development Association is creating a vibrant, distinguishable, accessible, and successful network for businesses and residents to connect with one another.
Who We Are

- The Johnstown Downtown Development Association is a volunteer organization made up of representatives from downtown businesses.
- We believe revitalizing a downtown or neighborhood commercial district requires focusing on the underlying economic vitality of the district. Our planned work is rooted in a commitment to honor Johnstown's unique sense of place and existing historic assets, harnessing local economic opportunity and creating a supportive business environment for small business owners and the growing scores of entrepreneurs.
Officers and Committees

Our Officers:

Chair – Amy Tallent  
- The Tallent Company
Vice Chair – Brianna Waugh  
- TopCO Realty
Secretary – Keri Imhof  
- Edge Mortgage
Treasurer – Betsy Doucette  
- Rocky Mountain Accounting

Committees:

Entertainment –  
Brian, Amy B., and Amy T.

Events –  
Amy B., Katie, Veronica, and Betsy

Façade/Downtown Guidelines –  
Trish, Veronica, Stephanie, Brianna

Marketing –  
Amy T., Veronica, Stephanie, Katie
Businesses Involved and Boundaries

The Tallent Company  Cassidy's
TopCO Realty      Johnstown Barber Shop
Edge Mortgage, Inc. LaBella Tanning
The Grocery Store Beauty State Farm Insurance
Bar                    LYS Salon
Rocky Mountain Accounting Thompson River Parks and
Fitness Avenue               Rec.
Black Sheep                   First National Bank
Dominic’s Pizza
Partnering With Other Organizations

- We have already met with the Johnstown/Milliken Chamber of Commerce President, Cassandra Miller, to discuss how we could partner with them. The meeting was very successful and we feel it will strengthen both organizations.

- We have also met with Matt LeCerf and discussed different ways we can support the Town of Johnstown. He also shared his background in working with other downtown development associations.
Our Goal

Promoting our beautiful downtown takes many forms, but the ultimate goal is to position the historic downtown area as the center of our community, fostering a diverse variety of small businesses while creating a positive image showcasing Johnstown's unique characteristics.

- Highlighting town traditions
- Celebrating and preserving important architecture and history
- Encouraging downtown businesses to market cooperatively
- Building new downtown events, such as a Summertime Classic Car Cruise-in and Farm to Table Dinner.
Event Ideas for 2020

- Quarter One: Leap Year Event, Spring into Johnstown
- Quarter Two: Partnering with Johnstown BBQ Days potentially bringing back the downtown party in the streets, assisting with chamber summer event, Christmas in July.
- Quarter Three: Farm to Table Dinner, Homecoming Support, Craft Fair, Coed softball tournament- business teams- partner with TRPR.
- Quarter Four: Small Business Week, Veterans Day, Trick or Treat Street with the Chamber, Johnstown Jingle with the Chamber
Register
Register as a non-profit

Organizational Roles
Bylaws
Articles of Incorporation

Design and launch
Design and launch a logo

Create
Create a marketing campaign

Fill
Continue to fill volunteer committees

Continue
Continue to grow our Facebook page which has already been launched and is growing daily
Did You Know:

- In the last 15 months, almost 20 new businesses have opened their doors in our downtown community.
Our Needs:

- Our biggest need and concern is how we will fund the association.
- We are discussing and will determine what membership fees will be to join.
- We will be looking into and writing grants.
- We kindly ask for the Town of Johnstown’s support in our efforts, as we join together, as downtown business owners, to revitalize and connect our historic downtown area with our community.
BUDGET
Thank you for your time and consideration. We greatly appreciate it.

- Johnstown Downtown Development Association members
AGENDA ITEM 6A-C

CONSENT

AGENDA

• Council Minutes – January 6, 2020
• 2nd Reading Ordinance No. 2020-168
• 2nd Reading Ordinance No. 2020-169
AGENDA DATE: January 22, 2020

ITEM NUMBER: 6A-C

SUBJECT: Consent Agenda

ACTION PROPOSED: Approve Consent Agenda

PRESENTED BY: Town Clerk, Town Manager

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 – January 6, 2020

B) *2nd Reading Ordinance Number 2020-168, Approving P.U.D. Outline Development Plan for Great Plains Village

C) **2nd Reading Ordinance Number 2020-169, Approving P.U.D. Outline Development Plan for Welty Ridge

* On January 6, 2020, Town Council conducted a public hearing on Ordinance No. 2020-168, an Ordinance Approving a P.U.D. Outline Development Plan for Great Plains Village. After conducting the public hearing and considering the evidence presented, Town Council approved the outline development plan on the conditions presented and on that additional conditions that lots used for any outdoor storage and for motor vehicle sales, rental or storage, including, but not limited to, automobiles, large motorized equipment and recreational vehicles, shall be subject to prior approval by Town Council. The outline development plan was modified to include the additional conditions and the proposed ordinance reflects the conditions.

**On January 6, 2020, Town Council conducted a public hearing on Ordinance No. 2020-169, an Ordinance Approving a P.U.D. Outline Development Plan for Welty Ridge. After conducting the public hearing and considering the evidence presented, Town Council approved the outline development plan on the condition that lots used for any outdoor storage and for motor vehicle sales, rental or storage, including, but not limited to, automobiles, large motorized equipment and recreational vehicles, shall be subject to prior approval by Town Council. The outline development plan was modified to include the conditions of approval and the proposed ordinance reflects the conditions.

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:
Council Minutes
The Town Council of the Town of Johnstown met on Monday, January 6, 2020 at 7:00 p.m. in the Council Chambers at 450 S. Parish Avenue, Johnstown.

Mayor Lebsack led the Pledge of Allegiance.

Roll Call:
Those present were: Councilmembers Berg, Lemaster, Mellon, Molinar Jr., and Young
Those absent were: Councilmember Tallent

Staff present: Avi Rocklin, Town Attorney, Matt LeCerf, Town Manager, Marco Carani, Public Works Director, Kim Meyers, Planning and Development Director, Mitzi McCoy, Finance Director and Brian Phillips, Police Chief.

Agenda Approval

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

Consent Agenda

Councilmember Mellon made a motion seconded by Councilmember Berg to approve the Consent Agenda with the following items included:
- December 9, 2019 Special Council Meeting Minutes
- December 16, 2019 Regular Council Meeting Minutes
- Payment of Bills
- Agreement to Include Koenig No. 1 Contract Storage Water and Big Thompson Ditch and Manufacturing in the Town of Johnstown Home Supply Change Case
- Resolution 2020-01, A Resolution Designating the Public Place for Posting Notices Pursuant to C.R.S. Section 24-6-402(2)(c)

Motion carried with a unanimous vote.

Old Business

A. Ordinance Number 2019-165, An Ordinance Amending Chapter 18 of the Johnstown Municipal Code to Adopt the 2018 Building Codes- Councilmember Berg made a motions seconded by Councilmember Molinar Jr. to approve Ordinance Number 2019-165 with the amendment to include IRC Section R302.13(Fire Protection of Floors). Motion carried with a unanimous vote.

New Business

The Town of Johnstown is considering a request for an updated Outline Development Plan for the Great Plains Village PUD, which encompasses three prior annexations/PUDs east of I-25. The ODP defines specific “planning areas” and the land uses and densities for each area, as well as conceptual-level utility, drainage, and transportation network planning to provide basic feasibility analysis for the land uses proposed.

Mayor Lebsack opened the public hearing at 7:20 p.m. Jeff Marck of Terracina Design, the applicant’s representative provided details and answered questions from the Council. Laura Chase, adjacent property owner had concerns about the development impacting her property. There being no further comments from the public Mayor Lebsack closed the public hearing at 8:14 p.m.

Councilmember Mellon made a motion seconded by Councilmember Berg to approve Ordinance Number 2020-168, an Ordinance Approving the P.U.D. Outline Development Plan for Great Plains Village on first reading on the conditions that: 1. As preliminary and final development plans proceed, the developer shall make substantial and meaningful efforts to work with the adjacent property owner to the east to ensure appropriate safety and screening from the existing residence and the agricultural use of the property as a horse track and arena and with property owners to the north who will be impacted by the ultimate extension of High Plains Boulevard; and, 2. All outdoor storage, contractor lots with outdoor storage, vehicles lots, RV parking or sales lots require those uses as Conditional Uses. Motion carried with a unanimous vote.

B. Public Hearing – Ordinance Number 2020-169, Approving P.U.D. Outline Development Plan For Welty Ridge Located in the Northeast Quarter of Section 10, Township 4 North, Range 68 West of the 6th Principal Meridian, Town of Johnstown, County of Weld, State of Colorado, Consisting of Approximately 144.4 Acres. The Town of Johnstown is considering a request for an updated Outline Development Plan for Welty Ridge PUD annexed and zoned as the Veeman Annexation. The ODP outlines a mix of land uses, development intensity, and residential densities. The ODP defines specific “planning areas” and the land uses and densities for each area, as well as including conceptual-level utility, drainage, and transportation network planning to provide basic feasibility analysis for the land uses proposed.

Mayor Lebsack opened the public hearing at 8:21 p.m. Jeff Marck, Terracina Design, the applicants representative provided details and answered questions from the Council. Having no public comments Mayor Lebsack closed the public hearing at 8:41 p.m.

Councilmember Mellon made a motion seconded by Councilmember Lemasters to approve Ordinance Number 2020-169, An Ordinance Approving the P.U.D. Outline Development Plan for Welty Ridge on first reading with the following condition: All outdoor storage, contractor lots with outdoor storage, vehicles lots, RV parking or sales lots require those uses as Conditional Uses. Motion carried with a unanimous vote.
C. Consider Intergovernmental Agreement with Little Thompson Water District – The IGA between the Town and LTWD to transfer water services from LTWD to the Town’s ownership. The transfer of ownership that includes four properties is being requested by LTWD as part of their desire to minimize the existence of water lines that are not providing significant value to them. The Town will provide the LTWD 8 shares of CBT units and the Town will receive two shares of Home Supply Water Shares which are currently unchanged and will be included in the water court change case. Councilmember Mellon made a motion seconded by Councilmember Young to table this item to January 22, 2010. Motion carried with a unanimous vote.

D. Award Bid for Street Sweeper – Councilmember Young made a motion seconded by Councilmember Berg to approve the bid award to Faris Machinery for the Elgin Pelican in an amount not to exceed $245,864. Motion carried with a unanimous vote.

E. Award Bid for Backhoe – Councilmember Berg made a motion seconded by Councilmember Molinar Jr. to approve the bid award to 4 Rivers Equipment, LLC for a John Deere backhoe in an amount not to exceed $113,450. Motion carried with a unanimous vote.

F. Award Bid for Lone Tree Electrical Contractor – The electrical work for the Lone Tree project will include removal of all electrical from the underground vault and install an above ground electrical panel with a new transformer to accommodate future growth at the pump house. Councilmember Berg made a motion seconded by Councilmember Lemasters to award the bid to Sturgeon Electric in the amount not to exceed $109,360 with an additional 10% in the case of minor changes to the work scope which approvals are delegated to the Town Manager or his designee. Motion carried with a unanimous vote.

G. Award Operations Contract Agreement to Ramey Environmental Compliance Inc. – This agreement will provide water and wastewater treatment facility operations services. This request will provide one full time ORC (Operator in Responsible Charge) with additional support as needed. Cost for these services are $15,000 per month. Councilmember Lemasters made a motion seconded by Councilmember Molinar Jr. to approve the Operations Contract Agreement with Ramey Environmental Compliance, Inc.

H. Approve Contract to Logan Simpson – Johnstown Area Comprehensive Plan Update – A Request for Proposal was solicited. Four consultants responded to the RFP. Upon review, staff believes Logan Simpson will be the best company to work with the Town to update the plan. Councilmember Berg made a motion seconded by Councilmember Young to approve the contract award to Logan Simpson for the Comprehensive Plan project in an amount not to exceed $100,000. Motion carried with a unanimous vote.

There being no further business to come before Council the meeting adjourned at 9:48 p.m.

Mayor                                                         Town Clerk
Ordinance 2020-168
TOWN OF JOHNSTOWN, COLORADO
ORDINANCE NO. 2020-168

APPROVING P.U.D. OUTLINE DEVELOPMENT PLAN FOR
GREAT PLAINS VILLAGE LOCATED IN SECTIONS 2, 35 AND 36,
TOWNSHIPS 4 AND 5 NORTH, RANGE 68 WEST OF THE 6TH
PRINCIPAL MERIDIAN, TOWN OF JOHNSTOWN, COUNTIES OF
WELD AND LARIMER, STATE OF COLORADO, CONSISTING OF
APPROXIMATELY 502.512 ACRES.

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

WHEREAS, Platte Land & Water, LLC, a Delaware limited liability company,
submitted an application to the Town for approval of a P.U.D. Outline Development Plan for a
subdivision known as Great Plains Village, located in Sections 2, 35 and 35, Townships 4 and 5
North, Range 68 West of the 6th Principal Meridian, Town of Johnstown, Counties of Weld and
Larimer, State of Colorado, consisting of approximately 502.512 acres; and

WHEREAS, on December 11, 2019, the Planning and Zoning Commission held a public
hearing and recommended approval of the P.U.D. Outline Development Plan for Great Plains
Village with conditions, which have been substantially satisfied; and

WHEREAS, on January 6, 2020, the Town Council held a public hearing concerning
approval of the P.U.D. Outline Development Plan for Great Plains Village; and

WHEREAS, after considering the Planning and Zoning Commission’s recommendation
for approval, reviewing the file and conducting such public hearing, Town Council finds that the
P.U.D. Outline Development Plan for Great Plains Village is consistent with, and furthers the
goals of, the Johnstown Area Comprehensive Plan goals and is compatible with all other
applicable Town standards and regulation; and

WHEREAS, based on the foregoing, Town Council desires to approve the P.U.D. Outline
Development Plan for Great Plains Village with the condition set forth below.

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

Section 1. P.U.D. Outline Development Plan Approval. The P.U.D. Outline
Development Plan for Great Plains Village, located in Sections 2, 35 and 35,
Townships 4 and 5 North, Range 68 West of the 6th Principal Meridian, Town of Johnstown,
Counties of Weld and Larimer, State of Colorado, consisting of approximately 502.512 acres
(“Property”), attached hereto as Exhibit A, is hereby approved, subject to the following conditions:

A. As preliminary and final development plans proceed, the developer shall make substantial and meaningful efforts to work with: (i) the adjacent property owner to the east to ensure appropriate safety and screening from the existing residence and the agricultural use of the property as a horse track and arena and (ii) property owners to the north who will be impacted by the ultimate extension of High Plains Boulevard; and

B. Lots used for any outdoor storage or for motor vehicle sales, rental or storage, including, but not limited to, automobiles, large motorized equipment and recreational vehicles, shall be subject to prior approval by Town Council.

Section 2. Supersede and Replace. The P.U.D. Outline Development Plan for Great Plains Village adopted herein shall supersede and replace the outline development plans that were submitted to, and approved by, the Town at the time of the three annexations of the various portions of the real property that constitute the Property designated herein, to wit: the Hamilton Annexation, approved by Ordinance No. 2002-695; the GBH Annexation, approved by Ordinance No. 2005-756; and the Ransom Annexation, approved by Ordinance No. 2008-802.

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

INTRODUCED AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this _____ day of __________________, 2020.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _______________________________       By: _______________________________
Diana Seele, Town Clerk                     Gary Lebsack, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this _____ day of __________________, 2020.

TOWN OF JOHNSTOWN, COLORADO
ATTEST:

By:___________________________________ By:_________________________________

Diana Seele, Town Clerk                              Gary Lebsack, Mayor
Revised Outline Development Plan
OUTLINE DEVELOPMENT PLAN
GREAT PLAINS VILLAGE

LOCATED IN SECTION 2, 35 AND 36, TOWNSHIP 4 AND 5 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN JOHNSTOWN, COUNTIES OF WELD AND LARIMER, STATE OF COLORADO

PROJECT INTENT

THE INTENT OF THIS OUTLINE DEVELOPMENT PLAN (ODP) IS TO PROVIDE OVERAL ZONING TO THE 530+ ACRE GREAT PLAINS VILLAGE COMMUNITY. GREAT PLAINS VILLAGE IS ENCLOSED AS A MIXED USE DEVELOPMENT WHICH INCLUDES PLANNING AREAS DESIGNATED FOR RESIDENTIAL, RETAIL, COMMERCIAL, LIGHT INDUSTRIAL, AND OFFICE USES. THIS DOCUMENT WILL GUIDE THE OVERALL CHARACTER OF GREAT PLAINS VILLAGE TO ENSURE THE QUALITY AND COHESIVENESS DESIRED IN THIS EMERGING PART OF NORTHERN COLORADO.

LEGAL DESCRIPTION


BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO

THENCE S 00°11'56" E FOR A DISTANCE OF 2641.49 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 36

THENCE N 24°01'08" E FOR A DISTANCE OF 32.71 FEET ALONG SAID SOUTHERLY LINE TO THE NORTH LINE

THENCE N 44°51'08" E FOR A DISTANCE OF 165.00 FEET ALONG SAID SOUTHERLY LINE;

THENCE S 00°48'45" E FOR A DISTANCE OF 59.23 FEET ALONG THE WEST LINE OF THE AFORESAID

THENCE N 00°30'28" W FOR A DISTANCE OF 1320.01 FEET ALONG SAID WEST LINE TO THE CENTER 1/4 CORNER OF THE AFORESAID WEST 1/2 OF SOUTHEAST 1/4 OF SECTION 35

THENCE N 25°27'58" E FOR A DISTANCE OF 681.67 FEET ALONG SAID SOUTHEASTERLY LINE OF BOOK 1389

THENCE N 06°11'09" W FOR A DISTANCE OF 706.85 FEET ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE SOUTH LINE OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF AFORESAID SECTION 2;

THENCE S 89°00'07" W FOR A DISTANCE OF 1262.05 FEET ALONG THE SOUTH LINE OF THE EAST 1/2 OF

THENCE S 88°59'30" W FOR A DISTANCE OF 129.21 FEET TO THE CENTER 1/4 CORNER OF SAID SECTION 2;

THENCE S 89°49'10" W FOR A DISTANCE OF 538.01 FEET ALONG SAID SOUTH LINE OF THE WEST 1/2 TO

THENCE S 89°48'35" W FOR A DISTANCE OF 1320.63 FEET ALONG THE SOUTH LINE OF THE EAST 1/2 OF

THENCE S 72°21'00" W FOR A DISTANCE OF 176.95 FEET;

THENCE S 89°38'13" W FOR A DISTANCE OF 206.82 FEET;

THENCE N 67°47'29" W FOR A DISTANCE OF 190.41 FEET;

CONTAINING 522.13 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS OR RIGHTS OF WAY OF RECORD.

OWNER

PLATTE LAND & WATER, LLC
210 UNIVERSITY BLVD
DENVER, CO 80206
303-555-3333
EH

PROJECT MANAGER

ERIK HAUERSON
LAND ASSET STRATEGIES, LLC
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GREAT PLAINS VILLAGE

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GREAT PLAINS VILLAGE
A. INTRODUCTION

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

B. DENSITY RANGES

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

C. MAXIMUM RESIDENTIAL UNITS PER AREA

TRANSFERS OF RESIDENTIAL UNITS FROM PLANNING AREA TO PLANNING AREA (TRANSFER OF UNITS MAY NOT EXCEED 30% OF THE DEVELOPMENT'S TOTAL RESIDENTIAL UNITS PER AREA) MAY BE PERMITTED BY THE DEVELOPER WITH APPROVAL BY THE PLANNING AND DEVELOPMENT DIRECTOR. SUCH CHANGES WILL RESULT IN CORRESPONDING CHANGES TO THE MAX SQ. FT. AREA OR MAX UNITS PER AREA SHOWN IN THE PLANNING AREA SUMMARY. IF PLANNING AREA CHANGES ARE MADE, ALL STREET CLASSIFICATIONS (AS SHOWN ON SHEET 7) ARE SUBJECT TO CHANGE.

D. RESIDENTIAL UNITS TRANSFERS

TRANSFERS OF RESIDENTIAL UNITS FROM PLANNING AREA TO PLANNING AREA (TRANSFER OF UNITS MAY NOT EXCEED 30% OF THE DEVELOPMENT'S TOTAL RESIDENTIAL UNITS PER AREA) MAY BE PERMITTED BY THE DEVELOPER WITH APPROVAL BY THE PLANNING AND DEVELOPMENT DIRECTOR. SUCH CHANGES WILL RESULT IN CORRESPONDING CHANGES TO THE MAX SQ. FT. AREA OR MAX UNITS PER AREA SHOWN IN THE PLANNING AREA SUMMARY. IF PLANNING AREA CHANGES ARE MADE, ALL STREET CLASSIFICATIONS (AS SHOWN ON SHEET 7) ARE SUBJECT TO CHANGE.

E. PLANNING AREA BOUNDARIES

PLANNING AREA ACREAGES AND BOUNDARIES ARE CONCEPTUAL AND SUBJECT TO CHANGE WITH PLANNING AREA ACREAGES MAY CHANGE UP TO 30% WITH APPROVAL BY THE PLANNING AND DEVELOPMENT DIRECTOR. SUCH CHANGES WILL RESULT IN CORRESPONDING CHANGES TO THE MAX SQ. FT. AREA OR MAX UNITS PER AREA SHOWN IN THE PLANNING AREA SUMMARY.

F. MAXIMUM COMMERCIAL SQUARE FOOTAGE PER AREA

TRANSFERS OF COMMERCIAL SQUARE FOOTAGE FROM PLANNING AREA TO PLANNING AREA (TRANSFER OF SQUARE FOOTAGE MAY NOT EXCEED 30% OF THE DEVELOPMENT'S TOTAL COMMERCIAL SQUARE FOOTAGE PER AREA) MAY BE PERMITTED BY THE DEVELOPER WITH APPROVAL BY THE PLANNING AND DEVELOPMENT DIRECTOR. SUCH CHANGES WILL RESULT IN CORRESPONDING CHANGES TO THE MAX SQ. FT. AREA OR MAX UNITS PER AREA SHOWN IN THE PLANNING AREA SUMMARY.

OUTLINE DEVELOPMENT PLAN
GREAT PLAINS VILLAGE
LOCATED IN SECTION 2, 35 AND 36, TOWNSHIP 4 AND 5 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN JOHNSTOWN, COUNTIES OF WELD AND LARIMER, STATE OF COLORADO

LAND USE SUMMARY

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<td>100.0%</td>
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</tbody>
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DENSITY TRANSFER TRACKERS CHART

PLANNING AREA

APPROVED DENSITY PRIOR TO TRANSFER

APPROVED DENSITY AFTER TRANSFER

ACRES RESIDENTIAL UNITS DENSITY TRANSFER RESIDENTIAL UNITS

LAND USE PLAN

OUTPARCEL

SITE PLAT

SHEET 3 OF 15
OUTLINE DEVELOPMENT PLAN
GREAT PLAINS VILLAGE
LOCATED IN SECTION 2, 35 AND 36, TOWNSHIP 4 AND 5 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN JOHNSTOWN, COUNTIES OF WELD AND LARIMER, STATE OF COLORADO

LAND USE CLASSIFICATION
SPECIFIC USE TYPE
Agricultural Uses
“X” = Principal Permitted Use
A = Accessory Use
C = Conditional Use
Mixed Use 1 (MU-1)
Predominantly a Large Commercial/Light Industrial Focus. This zone allows for Light Industrial and Warehousing Uses along with Commercial and Multi-Family Uses.
Mixed Use 2 (MU-2)
Predominantly a Neighborhood Commercial/Residential Focus. This zone primarily allows for Commercial Uses along with High Density Residential.
Employment (EMP)
The intent is to provide areas that will serve as an Employment Center or Office Park that can accommodate but not limited to Corporate Campus, Research and Development, Light Industrial, Office/Retail, Commercial, Warehouse and Distribution.
Medium Density Residential (R-M)
The intent is to allow for single Family Detached Homes and Single Family Attached Homes.
Open Space (OS)
The intent is to provide for Passive and Active Recreation and Visual Amenities for the Benefit of the Community.

DEFINITIONS:
1. Light Industrial - Labor-Intensive Operations That Typically Produce Products That Are Targeted Toward End Consumers Rather Than Other Businesses (i.e. Consumer Electronics, Clothing Manufacturing, Etc.)
2. Cluster Home - Any Residential Grouping of At Least Two Homes Which Access Off a Common/Shared Drive or Alley.
3. Motor Court - A Type of Cluster Home With a Shared Driveway In Which Some or All Front Doors Access Off Shared Driveway.
4. Open Area - A Private Or Publicly Owned and Maintained Land Area or Body of Water Or Both With A Development Upon Which There Are No Structures, Parking Areas, Or Driveways. Open Area May Be a Landscaped Area, Plaza, Recreational Area, Sidewalks Or Such Other Areas. Landscaping and Walks Located in Right-Of-Way Can Not Be Counted Towards Open Area Requirements.
5. Live/Work Unit - A Single Unit Consisting of Both a Commercial/Office and a Residential (Primary Dwelling) Component That Is Occupied by the Same Resident.
**OUTLINE DEVELOPMENT PLAN**

**GREAT PLAINS VILLAGE**

LOCATED IN SECTION 2, 35 AND 36, TOWNSHIP 4 AND 5 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN JOHNSTOWN, COUNTIES OF WELD AND LARIMER, STATE OF COLORADO

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### LAND USE CLASSIFICATION

**SPECIFIC USE TYPE**

<table>
<thead>
<tr>
<th>PUBLIC / INSTITUTIONAL &amp; CIVIC USES</th>
<th>MU-1</th>
<th>MU-2</th>
<th>EMP</th>
<th>R-M</th>
<th>OS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ambulance Service</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>Cemeteries</td>
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<tr>
<td>Community Facilities</td>
<td></td>
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<tr>
<td>Day Care Facilities, Adult and Child</td>
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<tr>
<td>Fire</td>
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<tr>
<td>Libraries</td>
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<tr>
<td>Police</td>
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<tr>
<td>Religious Institutions</td>
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<tr>
<td>Educational Facilities</td>
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<tr>
<td>Transportation Facilities</td>
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</tbody>
</table>

**RESIDENTIAL USES**

<table>
<thead>
<tr>
<th>NON-FAMILY ATTACHED HOMES</th>
<th>MU-1</th>
<th>MU-2</th>
<th>EMP</th>
<th>R-M</th>
<th>OS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Detached Homes</td>
<td></td>
<td></td>
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<tr>
<td>Cluster Homes</td>
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<tr>
<td>Multi-Family</td>
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<tr>
<td>Senior Housing</td>
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</tbody>
</table>

**INDUSTRIAL USES**

<table>
<thead>
<tr>
<th>MIXED USE 2 (MU-2)</th>
<th>EMP</th>
<th>R-M</th>
<th>OS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specialty Trade contractors (office)</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Food manufacturing and processing (&gt;10,000 sq. ft.)</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Microbrewery, micro-distillery, and micro-very</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Outdoor Storage, Equipment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Printing and Publishing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research and Development</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**LAND USE**

- **MU-1 (MU-1):** Predominantly a large commercial/light industrial focus. This zone allows for light industrial and warehousing uses along with commercial and multi-family uses.

- **MU-2 (MU-2):** Predominantly a neighborhood commercial/residential focus. This zone primarily allows for commercial uses along with high density residential.

**EMPLOYMENT (EMP):** The intent is to provide areas that will serve as employment centers or office parks that can accommodate but not limited to corporate campus, research and development, light industrial, office/flex, retail, commercial, warehouse and distribution.

**MEDIUM DENSITY RESIDENTIAL (R-M):** The intent is to allow for single family detached homes and single family attached homes.

**OPEN SPACE (OS):** The intent is to provide for passive and active recreation and visual amenities for the benefit of the community.

---

### MIXED USE 1 (MU-1)

- **X** Principal Permitted Use
- **A** Accessory Use
- **C** Excluded Use

### MIXED USE 2 (MU-2)

### Employment (EMP)

**OUTDOOR STORAGE:** As a primary use, must be setback a minimum of 300 feet from any arterial or interstate right-of-way. The enhanced setbacks do not apply to outdoor storage that is considered accessory to a primary business.

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**NOTE:**

- **X** Principal permitted use
- **A** Accessory use
- **C** Excluded use

**LAND USE**

- **MU-1 (MU-1):** Predominantly a large commercial/light industrial focus. This zone allows for light industrial and warehousing uses along with commercial and multi-family uses.

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OUTLINE DEVELOPMENT PLAN
GREAT PLAINS VILLAGE
LOCATED IN SECTION 2, 35 AND 36, TOWNSHIP 4 AND 5 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN JOHNSTOWN, COUNTIES OF WELD AND LARIMER, STATE OF COLORADO

CONCEPTUAL STREET SECTIONS
OUTLINE DEVELOPMENT PLAN
GREAT PLAINS VILLAGE
LOCATED IN SECTION 2, 35 AND 36, TOWNSHIP 4 AND 5 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN JOHNSTOWN, COUNTIES OF WELD AND LARIMER, STATE OF COLORADO

OPEN AREA

A. FOR THE PURPOSES OF THIS PUD, "OPEN SPACE OR LANDSCAPE AREA" IS REFERRED TO AS "OPEN AREA.
B. OPEN AREA PROVIDED PER THE REQUIREMENTS OF THIS PUD WILL MEET ALL LANDSCAPE AREA, OPEN SPACE AREA, OR SIMILAR AREAS REQUIRED PER THE JOHNSTOWN CODE REQUIREMENTS.
C. SINGLE FAMILY DETACHED OR ATTACHED RESIDENTIAL DEVELOPMENT WILL REQUIRE A MINIMUM 15% OPEN AREA.
D. MULTI-FAMILY RESIDENTIAL DEVELOPMENT WILL REQUIRE A MINIMUM OF 30% OPEN AREA.
E. COMMERCIAL AND LIGHT INDUSTRIAL DEVELOPMENT WILL REQUIRE A MINIMUM 20% OPEN AREA.
F. OPEN AREA REQUIREMENTS WILL BE CALCULATED ON A NET BASIS EXCLUDING PUBLIC RIGHT OF WAY.
H. OPEN SPACE LOCATED WITHIN A SINGLE FAMILY DETACHED OR SINGLE FAMILY ATTACHED LOT CAN NOT BE COUNTED TOWARDS OPEN AREA REQUIREMENT.
I. USABLE OPEN AREA CAN COUNT TOWARDS OPEN AREA REQUIREMENT.

USABLE OPEN AREA

A. GREAT PLAINS VILLAGE REQUIRES A 10% USABLE OPEN AREA FOR RESIDENTIAL AREAS. FOR THE PURPOSES OF THIS PUD, THE 10% USABLE OPEN AREA SHALL BE CALCULATED FROM THE TOTAL AREA OF ALL RESIDENTIAL LOTS AND ADJACENT LOCAL ROADWAYS THAT SERVE AS DIRECT ACCESS TO THE RESIDENTIAL LOTS.
B. USABLE OPEN AREA PROVIDED PER THE REQUIREMENTS OF THIS PUD WILL MEET ALL DEDICATED OPEN SPACE REQUIREMENTS PER THE JOHNSTOWN CODE.
C. USABLE OPEN AREA MAY BE COLLECTIVELY GATHERED INTO LARGER PARCELS FOR THE PURPOSES OF DEVELOPING A LARGER AND MORE FUNCTIONAL PARK ON SIMILAR USES. AT THE DISCRETION OF THE DEVELOPER AND WITH THE APPROVAL OF THE PLANNING AND DEVELOPER DIRECTOR, THE LOCATION(S) OF THE COLLECTIVELY GATHERED USABLE OPEN AREA SHALL BE DESIGNATED AT THE TIME OF EACH FINAL PLAT THAT IS CONTRIBUTING TO THAT AREA.
D. A MINIMUM OF 1 ACRE OF PARK PER 250 RESIDENTIAL UNITS IS REQUIRED.
E. USABLE OPEN AREA MAY BE OWNED BY THE TOWN, METRO DISTRICT, OR HOA. OWNERSHIP TO BE DETERMINED AT THE TIME OF PRELIMINARY AND FINAL DEVELOPMENT PLANS.
F. WHERE PRACTICAL USABLE OPEN AREA SHOULD BE CONTIGUOUS.
G. DETENTION PONDS CAN COUNT TOWARDS USABLE OPEN AREA REQUIREMENTS AS LONG AS THEY MEET THE DEFINITION OF USABLE OPEN AREA PROVIDED IN THIS DOCUMENT. NOT MORE THAN 5% OF THE USABLE OPEN AREA REQUIREMENT CAN BE MET WITH DETENTION PONDS.
### Development Standards

A. **Architectural Elements** such as roof overhangs, fireplaces, and bay box windows are permitted a 24-inch encroachment into building separations. No portion of the structure above ground may encroach into the separation. **Foundation walls are not permitted within any setbacks.**

B. A zero lot line may be utilized when a maintenance easement and sideyard easements are executed subject to I.B.C. requirements.

C. **Setback** means the horizontal distance between any structure and the established street right-of-way line or property line.

D. Single family detached (SFD) and single family attached (SFA) front loaded garages require a minimum 18' driveway from the garage face to the back of house.

E. Any land use of a lower density may be developed within a higher density parcel as long as it follows standards of the lower density listed in the tables.

F. Alley loaded single family residential may front on an arterial street with approval of the Planning and Development Director.

### Land Use Development Standards Matrix

#### Residential Land Use Development Standards Matrix

<table>
<thead>
<tr>
<th>Standards</th>
<th>MI</th>
<th>ML</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Lot Size</strong></td>
<td>3,000</td>
<td>3,000</td>
</tr>
<tr>
<td><strong>Minimum Cluster Lot Size</strong></td>
<td>1,000</td>
<td>1,000</td>
</tr>
<tr>
<td><strong>Parking Requirement</strong></td>
<td>Code</td>
<td>Code</td>
</tr>
<tr>
<td><strong>Maximum Height</strong></td>
<td>30'</td>
<td>30'</td>
</tr>
</tbody>
</table>

#### Principal Use

<table>
<thead>
<tr>
<th>Minimum Lot Size</th>
<th>MI</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Front Setback to Building</strong></td>
<td>15'</td>
</tr>
<tr>
<td><strong>Front Setback to Covered Porch</strong></td>
<td><strong>15'</strong></td>
</tr>
<tr>
<td><strong>Front Setback to Garage</strong></td>
<td><strong>20'</strong></td>
</tr>
<tr>
<td><strong>Front Setback to Side Yards</strong></td>
<td><strong>18'</strong></td>
</tr>
<tr>
<td><strong>Side Setback</strong></td>
<td><strong>9'</strong></td>
</tr>
<tr>
<td><strong>Easement</strong></td>
<td><strong>33'</strong></td>
</tr>
</tbody>
</table>

**Accessory Use**

<table>
<thead>
<tr>
<th>Minimum Lot Size</th>
<th>MI</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Front Setback</strong></td>
<td><strong>15'</strong></td>
</tr>
<tr>
<td><strong>Side Setback</strong></td>
<td><strong>15'</strong></td>
</tr>
<tr>
<td><strong>Rear Setback</strong></td>
<td><strong>15'</strong></td>
</tr>
</tbody>
</table>

* Or as required by current fire code / international building code (I.B.C.)

### Non-Residential Land Use Development Standards Matrix

#### Standards

<table>
<thead>
<tr>
<th>Standards</th>
<th>MI</th>
<th>ML</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Lot Size</strong></td>
<td>0.5 AC</td>
<td>0.5 AC</td>
</tr>
<tr>
<td><strong>Maximum Lot Coverage</strong></td>
<td>60'</td>
<td>60'</td>
</tr>
</tbody>
</table>

#### Principal Use

<table>
<thead>
<tr>
<th><strong>Height</strong></th>
<th>MI</th>
<th>ML</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Setback from Arterial</strong></td>
<td><strong>10'</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Setback from Local Road</strong></td>
<td><strong>10'</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Setback from Parking</strong></td>
<td><strong>10'</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Accessory Use**

<table>
<thead>
<tr>
<th><strong>Height</strong></th>
<th>MI</th>
<th>ML</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Structure Setback from Arterial</strong></td>
<td><strong>10'</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Parking Setback from Arterial</strong></td>
<td><strong>10'</strong></td>
<td></td>
</tr>
</tbody>
</table>

* Or as required by current fire code / international building code (I.B.C.)

**Accessory use building height to be less than primary building height.**

### Land Use Development Standards Matrix

<table>
<thead>
<tr>
<th>Standards</th>
<th>MI</th>
<th>ML</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Lot Size</strong></td>
<td>0.5 AC</td>
<td>0.5 AC</td>
</tr>
</tbody>
</table>

#### Principal Use

<table>
<thead>
<tr>
<th><strong>Height</strong></th>
<th>MI</th>
<th>ML</th>
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</thead>
<tbody>
<tr>
<td><strong>Building Separation</strong></td>
<td><strong>20'</strong></td>
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</table>

**Accessory Use**

<table>
<thead>
<tr>
<th><strong>Height</strong></th>
<th>MI</th>
<th>ML</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Structure Setback</strong></td>
<td><strong>20'</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Or as required by current fire code / international building code (I.B.C.)**

**Accessory use building height to be less than primary building height.**

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**Outline Development Plan**

**Great Plains Village**

**Located in Section 2, 35 and 36, Township 4 and 5 North, Range 68 West of the Sixth Principal Meridian, in Johnstown, Counties of Weld and Larimer, State of Colorado**

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**terracina**

10200 E. Girard Ave, Ste A-314

Denver, CO  80231

ph: 303.632.8867
PART 1 - INTRODUCTION

1.1 STATEMENT OF INTENT

GREAT PLAINS VILLAGE is a 530 acre master planned community located east of Interstate 25 in Weld County, Colorado. The project site is located in the south Platte River Valley, along County Road 50 (WCR 50) and Larimer County Road 14 (LCR 14) and extends to the north as far as the north plat of Johnstown, Counties of Weld and Larimer, State of Colorado. The project site is bounded by County Road 50 (WCR 50) and Larimer County Road 14 (LCR 14) to the east, County Road 50 (WCR 50) and Larimer County Road 14 (LCR 14) to the west, the north plat of Johnstown to the north and the south plat of Johnstown to the south.

GREAT PLAINS VILLAGE is a planned community designed to allow for the development of various land use types subject to the guidelines and standards contained herein. The project site is designed to serve as a model community for the region and to provide a development standard for future developments in the area.

ARTIFICIAL HABITAT LANDSCAPING

ARTIFICIAL HABITAT LANDSCAPING should be designed to provide a buffer between the project and its immediate surroundings. The buffer should be designed to provide a visual and ecological separation between the project and its surroundings.

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OUTLINE DEVELOPMENT PLAN
GREAT PLAINS VILLAGE
LOCATED IN SECTION 2, 35 AND 36, TOWNSHIP 4 AND 5 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN JOHNSTOWN, COUNTIES OF WELD AND LARIMER, STATE OF COLORADO

PART 4 - COMMERCIAL, OFFICE AND LIGHT INDUSTRIAL ARCHITECTURAL STANDARDS

4.1 GENERAL

THESE DESIGN STANDARDS APPLY TO THE CREATION OF AND IMPROVEMENTS TO HIGH VISIBILITY, NEIGHBORHOOD, COMMUNITY AND REGIONAL-SCALE COMMERCIAL AREAS. REQUIREMENTS APPLICABLE TO THE OVERALL NATURE OF THE PUD CAN BE FOUND IN THE GENERAL DESIGN GUIDELINES SECTIONS AND SHOULD BE VIEWED AS COMPLEMENTARY.

4.1.1 CONTEXTSCALE

IN ORDER TO ACHIEVE Cohesive Designs Within Each Area of Development, Attention Must Be Paid To Buildings and Features Surrounding the Proposed Improvement. The Design of Buildings Which Face Public Streets, Adjacent Developments, or Connected Pedestrian Spaces, Shall Employ, Along a Minimum of Forty (40) Percent of the Facade, at Least Two of the Following in an Effort to Form Cohesive Development, Define the Spaces, and to Bring a Pedestrian Scale to the Facades. The Requirement is for All Elevations (360° Design):

1. Similar Windows and Patterns
2. Repetition of Roof Lines
3. Similar Building Materials and Textures
4. Shading Devices (Including Arcades, Awnings and Arbors)
5. Similar Proportions of Elements

4.1.2 ARTICULATION

Wall Design for All Facades Shall Vary at Least Every Fifty (50) Horizontal Feet by Use of at Least Two (2) of the Following:

1. Changes in Color, Texture, or Materials
2. Changes in Wall Plan Projections, Reveals, Entrances, and Recesses with a Minimum Change of One Foot
3. Change in Glazing / Curtain Wall
4. Variety in Roofs: Such as Pitch, Height, and Style
5. Enhanced Articulation Along Pedestrian Paths

4.1.3 BUILDING ENTRANCES

Public Building Entrances Should Be Clearly Defined and Feature at Least Two (2) of the Following Elements:

1. Canopies or Porticos
2. Overhangs or Recesses or Projections
3. Arcades
4. Arches
5. Display Windows Along Sidewalks
6. Integral Planters or Wing Walls with Incorporated Landscape Areas and/or Places for Sitting
7. Distinctive Roof Forms
8. Awnings

4.1.4 MECHANICAL EQUIPMENT, LOADING AREA, AND OUTDOOR STORAGE

All Loading Docks, Accessory Outdoor Storage and Service Yards Shall Be Located to the Side and Rear Yards of Buildings.

All Outdoor Storage Yards, Loading Docks, Service Areas and Mechanical Equipment Shall Be Concealed from View from Residential Uses and Public Row by a Combination of Screens and Screening Materials (Plants) at Least as High as the Equipment or Areas

4.1.5 FENCES

All Fencing Shall Consist of Wooden, Stake, Parcel, Picket, Split Rail, Vinyl, Wrought Iron, and/or Masonry. Chain Link Will Only Be Accepted for Industrial Uses.

Excessive Fencing Shall Be Avoided Through the Use of Staggering, Landscape, Buffer, and Anchor Materials.

4.1.6 RETAINING WALLS

Any Portion of Concrete, Masonry Retaining Walls Visible from Public Streets Will Be Covered with Decorative Materials Such as Stone, Brick or Stucco.
Ordinance 2020-169
TOWN OF JOHNSTOWN, COLORADO
ORDINANCE NO. 2020-169

APPROVING P.U.D. OUTLINE DEVELOPMENT PLAN FOR
WELTY RIDGE LOCATED IN THE NORTHEAST QUARTER OF
SECTION 10, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE
6TH PRINCIPAL MERIDIAN, TOWN OF JOHNSTOWN, COUNTY
OF WELD, STATE OF COLORADO, CONSISTING OF
APPROXIMATELY 144.4 ACRES.

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

WHEREAS, Platte Land and Water, LLC, a Delaware limited liability company, submitted an application to the Town for approval of a P.U.D. Outline Development Plan for a subdivision known as Welty Ridge, located in the Northeast Quarter of Section 10, Township 4 North, Range 68 West of the 6th Principal Meridian, Town of Johnstown, County of Weld, State of Colorado, consisting of approximately 144.4 acres; and

WHEREAS, on December 11, 2019, the Planning and Zoning Commission held a public hearing and recommended approval of the P.U.D. Outline Development Plan for Welty Ridge with conditions, all of which have been satisfied; and

WHEREAS, on January 6, 2020, the Town Council held a public hearing concerning approval of the P.U.D. Outline Development Plan for Welty Ridge; and

WHEREAS, after considering the Planning and Zoning Commission’s recommendation for approval, reviewing the file and conducting such public hearing, Town Council finds that the P.U.D. Outline Development Plan for Welty Ridge is consistent with, and furthers the goals of, the Johnstown Area Comprehensive Plan goals and is compatible with all other applicable Town standards and regulation; and

WHEREAS, based on the foregoing, Town Council desires to approve the P.U.D. Outline Development Plan for Welty Ridge.

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

Section 1. P.U.D. Outline Development Plan Approval. The P.U.D. Outline Development Plan for Welty Ridge, located in the Northeast Quarter of Section 10, Township 4 North, Range 68 West of the 6th Principal Meridian, Town of Johnstown, County of Weld, State of Colorado, consisting of approximately 144.4 acres ("Property"), attached hereto as Exhibit A, is hereby approved subject to the following condition:
A. Lots used for any outdoor storage or for motor vehicle sales, rental or storage, including, but not limited to, automobiles, large motorized equipment and recreational vehicles, shall be subject to prior approval by Town Council.

Section 2. Supersede and Replace. The P.U.D. Outline Development Plan for Welty Ridge adopted herein shall supersede and replace the outline development plan that was submitted to, and approved by, the Town at the time of annexation of the Property.

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

INTRODUCED AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this _____ day of __________________, 2020.

ATTEST:

By: _____________________________________  By: _____________________________________
Diana Seele, Town Clerk                        Gary Lebsack, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this _____ day of __________________, 2020.

ATTEST:

By: _____________________________________  By: _____________________________________
Diana Seele, Town Clerk                        Gary Lebsack, Mayor
Revised Outline Development Plan
OUTLINE DEVELOPMENT PLAN
WELTY RIDGE
LOCATED IN SECTION 10, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO

PROJECT INTENT

THE INTENT OF THIS OUTLINE DEVELOPMENT PLAN (ODP) IS TO PROVIDE OVERLAY ZONING TO THE 140 ACRE WELTY RIDGE PROPERTY IN THE TOWN OF JOHNSTOWN FOR DEVELOPMENT WHICH INCLUDES PLANNING AREAS DESIGNATED FOR RESIDENTIAL, RETAIL, COMMERCIAL, LIGHT INDUSTRIAL, AND OFFICE USES. THIS DOCUMENT WILL GUIDE THE OVERALL CHARACTER OF WELTY RIDGE TO ENSURE THE QUALITY AND COHESIVENESS DESIRED IN THIS EMERGING PART OF NORTHERN COLORADO.

LEGAL DESCRIPTION

THE NE 1/4 OF SECTION 10, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, EXCEPT THAT PORTION CONVEYED IN BOOK 1370 AT PAGE 820.

GENERAL NOTES

A. COMMERCIAL, OFFICE OR MULTI-FAMILY DEVELOPMENTS CAN OCCUPY THE SAME LOT, MIXED HORIZONTALLY OR VERTICALLY.

B. ALL UNPLATTED PROPERTY (PER THE FINAL PLAT SUBDIVISION PROCESS) WITHIN THIS PUD MAY REMAIN IN AGRICULTURAL USE UNTIL SUCH TIME AS DEVELOPMENT OF THAT AREA BEGINS.

C. LANDSCAPING, SOUNDWALLS, ARCHITECTURE, NON-RESIDENTIAL PARKING, FENCING AND LIGHTING FOR DEVELOPMENT WITHIN THIS PUD SHALL EITHER FOLLOW THOSE APPLICABLE STANDARDS IN THE TOWN OF JOHNSTOWN MUNICIPAL CODE OR THE DEVELOPER MAY FORMULATE DESIGN GUIDELINES OR STANDARDS REGULATING THE DESIGN, CHARACTER, LOCATION AND MEASUREMENT OF THESE ITEMS. IF A DEVELOPER FORMULATES DESIGN STANDARDS, THE DEVELOPER-FORMULATED DESIGN STANDARDS MUST RECEIVE TOWN APPROVAL PRIOR TO IMPLEMENTATION.

D. WHERE A PROPOSED USE IS NOT LISTED IN THE ODP, IT MAY BE ALLOWED IF DETERMINED IN WRITING BY PLANNING AND DEVELOPMENT DIRECTOR TO BE SIMILAR IN CHARACTER AND OPERATION, AND HAVING THE SAME OR LESSER IMPACT, AS USES THAT ARE ALLOWED.

E. ALL DRAINAGE ELEMENTS ARE CONCEPTUAL IN NATURE AND FINAL DETERMINATIONS OF THE DRAINAGE SYSTEM, TO INCLUDE THE PLACEMENT OF DETENTION/RETENTION PONDS, CHANNELS, AND STORM SEWER, WILL BE MADE IN ACCORDANCE WITH THE APPLICABLE FINAL DRAINAGE REPORTS AND PLANS.

DEVELOPMENT PHASING

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

RELATIONSHIP TO TOWN CODE & DEVELOPMENT STANDARDS

THE PROVISIONS OF THIS PUD SHALL PREVAIL AND GOVERN DEVELOPMENT TO THE EXTENT PERMITTED BY THE TOWN OF JOHNSTOWN MUNICIPAL CODE, WHERE STANDARDS, DETAILS, AND GUIDELINES OF THE PUD - OUTLINE, PRELIMINARY, OR FINAL DEVELOPMENT PLANS - DO NOT CONFLICT WITH THE TOWN OF JOHNSTOWN MUNICIPAL AND OTHER STANDARDS, REGULATIONS, AND GUIDELINES OF THE SAME JURISDICTION. IF DETERMINED IN WRITING BY PLANNING AND DEVELOPMENT DIRECTOR THE PROVISIONS OF THIS PUD SHALL PREVAIL AND GOVERN.

APPROVALS

TOWN COUNCIL

THIS OUTLINE DEVELOPMENT PLAN, TO BE KNOWN AS WELTY RIDGE ODP, IS APPROVED AND ACCEPTED BY THE TOWN OF JOHNSTOWN, BY ORDINANCE NUMBER ____________, PASSED AND ADOPTED ON FINAL READING AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO HELD ON THE ________ DAY OF _____________________, 20____., BY: _____________________________, ATTEST: ____________________________

TOWN CLERK

INFORMATION:

OWNER

PLATTE LAND & WATER, LLC

PROJECT MANAGER

ERNALD HAVLICZK

SHEETS

1 2 3 4 5 6 7 8 9 10 11 12

DESCRIPTION

LAND USE PLAN

LAND USE MATRIX

CIRCULATION PLAN

STREET SECTIONS

TRAILS & OPEN SPACE PLAN

CONCEPTUAL UTILITY PLAN

TOWN PLANNING

DESIGN GUIDELINES

CURRENT

DRAWN BY:

DESIGNED BY:

CHECKED BY:

ENGINEER

KEVIN RICHARDS

CORE CONSULTANTS

1830 S. LITTLETON BLVD.

SUITE 119

LITTLETON, CO 80120

303-703-4444

nmichelin@corecivil.com

PLANNER

JEFF MARCK

TERRACINA DESIGN

1300 E. GRAND AVENUE

BLOK A, SUITE 314

DENVER, CO 80231

303-632-8867

jm@terracina.design

 sheets 1 of 12
A. INTRODUCTION

The purpose of this Section is to establish general provisions and clarify standards and requirements for development within the Welty Ridge PUD. Due to the size of land area contained within this PUD and the corresponding long-term build out that is anticipated, a rather broad range of densities and/or square footage have been proposed for each land use parcel. These ranges will allow a variety of commercial, light industrial, and housing products in addition to promoting land use and density flexibility. Ranges will accommodate housing product, land planning, market and technological changes into the future. Refer to the Planning Area Summary for specific densities and square footages.

B. DENSITY RANGES

Residential density ranges are specified within each zone as labeled on the land use plan (refer to the Planning Area Summary within this document for density ranges). The final average density of a development parcel must be within 10% of the specified density range indicated for that planning area. The final average density of a planning area shall be based on all residential units approved through the final plat process within the planning area, whether approved as a single plat or as multiple plats.

C. MAXIMUM RESIDENTIAL UNITS PER AREA

Transfers of residential units from planning area to planning area (transfers of units may not exceed 30% of the recipient planning area maximum units fed area) may be permitted by the developer with approval by the Planning and Development Director. Unit transfers shall be tracked by the developer and provided to the Planning and Development Director with each such transfer at the final plat stage of the subdivision process. However, at no time shall the total residential units within this PUD exceed 855 without an amendment to the ODP approved by Town Council.

D. RESIDENTIAL UNIT TRANSFERS

Once a planning area has been fully platted through the final plat process, any remaining residential density/unit designations on the PUD zone document within said planning area shall remain available for transfer to other remaining recipient planning areas.

E. PLANNING AREA BOUNDARIES

Planning area acreages and boundaries are conceptual and subject to change with detailed planning. Planning area acreages may change up to 20% with approval by the Planning and Development Director. Such changes will result in corresponding changes to the maximum square footage or MAX UNITS/AREA shown in the Planning Area Summary if planning area changes are made. All street classifications (as shown on sheet 6) are subject to change.

F. MAXIMUM COMMERCIAL SQUARE FOOTAGE PER AREA

Transfers of commercial square footage from planning area to planning area (transfers of square footage may not exceed 30% of the recipient planning area maximum square footage per area) may be permitted by the developer with approval by the Planning and Development Director. Square footage transfers shall be tracked by the developer and provided to the Planning and Development Director with each such transfer at the final plat stage of the subdivision process. However, at no time shall the overall PUD commercial square footage exceed the square footage without an amendment to the ODP approved by Town Council.

Land Use Plan

PLANNING AREA SUMMARY

<table>
<thead>
<tr>
<th>PLANNING AREA</th>
<th>LAND USE</th>
<th>APPROVED ACRES</th>
<th>RESIDENTIAL</th>
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<tr>
<td>PA-1</td>
<td>EMP</td>
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</tr>
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<td></td>
<td>MEDIUM DENSITY RESIDENTIAL (R-M)</td>
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<tr>
<td></td>
<td>TOTAL</td>
<td>144.6</td>
<td>20.5</td>
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TOTAL

100.0%
### Land Use Matrix

#### Mixed Use (MU-1)
- Predominantly a large commercial/light industrial focus. This zone allows for light industrial and warehousing uses along with commercial and multifamily uses.

#### Mixed Use (MU-2)
- Predominantly a neighborhood commercial/residential focus. This zone primarily allows for commercial uses along with high density residential.

#### Medium Density Residential (R-M)
- The intent is to allow for single family detached homes and single family attached homes.

#### Employment (EMP)
- The intent is to provide areas that will serve as an employment center or office park that can accommodate but not limited to corporate campus, research and development, light industrial, office/retail, commercial, warehousing and distribution.

### Definitions:
1. Light Industrial - Labor-intensive operations that typically produce products that are targeted toward end consumers rather than other businesses (e.g., consumer electronics, clothing manufacturing, etc.)
2. Cluster homes - Any residential grouping of at least two homes which access off a commons/managed drive or alley.
3. Motor court - A type of cluster home with shared driveway in which some or all front doors access off shared driveway.
4. Green court - A type of cluster home with shared driveway and common open area.
5. Open area - A privately or publicly owned and maintained land area or body of water or both within a development upon which there are no structures, parking areas, or driveways. Open area may be a landscaped area, recreational area, sidewalk, or such other areas. Landscape and walks located in right-of-way can not be counted towards Open area requirement.
6. Usable open area - A parcel of land owned and maintained by a town, metro district, or home owners’ association which meets the criteria of Open area and is programmed as an active or passive area in which residents can utilize the space for, but is not limited to, seating, sports, parks, trails, or gardens.

#### Additional Notes:
- Animal/livestock uses are conditional uses if within 25 feet of a residential use, but are permitted use-by-right outside of the 25 feet limit from residential uses.
- Animal boarding and training is a conditional use if within 25 feet of a residential use, but is a permitted use-by-right outside of the 25 feet limit from residential uses.

### Land Use Definitions:
- Agricultural
- Commercial
- Industrial
- Mixed Use
- Residential
- Employment
- Office
- Institutional
- Vacant

### Specific Use Types:
- MU-1
- MU-2
- EMP
- R-M

### Outline Development Plan

**WELTY RIDGE**

Located in Section 10, Township 4 North, Range 68 West of the Sixth Principal Meridian, in Johnstown, County of Weld, State of Colorado

#### Mixed Use (MU-2)

- Predominantly a neighborhood commercial/residential focus. This zone primarily allows for commercial uses along with high density residential.

#### Medium Density Residential (R-M)

- The intent is to allow for single family detached homes and single family attached homes.

#### Employment (EMP)

- The intent is to provide areas that will serve as an employment center or office park that can accommodate but not limited to corporate campus, research and development, light industrial, office/retail, commercial, warehousing and distribution.

### Additional Notes:
- Animal/livestock uses are conditional uses if within 25 feet of a residential use, but are permitted use-by-right outside of the 25 feet limit from residential uses.
- Animal boarding and training is a conditional use if within 25 feet of a residential use, but is a permitted use-by-right outside of the 25 feet limit from residential uses.

### Definitions:
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### Use-by-Right:

- Commercial
- Industrial
- Residential
- Employment
- Office
- Institutional
- Vacant

### Conditional Uses:
- Agricultural
- Commercial
- Industrial
- Mixed Use
- Residential
- Employment
- Office
- Institutional
- Vacant
### Mixed Use 1 (MU-1)
- Predominantly a large commercial/light industrial focus. This zone allows for light industrial and warehousing uses along with commercial and multi-family uses.

### Mixed Use 2 (MU-2)
- Predominantly a neighborhood commercial/residential focus. This zone primarily allows for commercial uses along with high density residential.

### Medium Density Residential (R-M)
- The intent is to allow for single-family detached homes and single family attached homes.

### Employment (EMP)
- The intent is to provide areas that will serve as an employment center or office park that can accommodate but not limited to corporate campus, research and development, light industrial, office/retail, commercial, warehousing and distribution.

---

**OUTLINE DEVELOPMENT PLAN**

**WELTY RIDGE**

**LOCATED IN SECTION 10, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO**

---

**LAND USE CLASSIFICATION**

<table>
<thead>
<tr>
<th>Mix</th>
<th>MU-1</th>
<th>MU-2</th>
<th>EMP</th>
<th>R-M</th>
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<tbody>
<tr>
<td>Commercial/Office</td>
<td>X</td>
<td>X</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Light Industrial</td>
<td>X</td>
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<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Warehousing</td>
<td>X</td>
<td>X</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Mixed Use 1 (MU-1)</td>
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<td>X</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Mixed Use 2 (MU-2)</td>
<td>X</td>
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<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Employment (EMP)</td>
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<td>X</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Medium Density Residential (R-M)</td>
<td>X</td>
<td>X</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

---

**LEGEND**

- P - Principal Permitted Use
- A - Accessory Use
- E - Excluded Use
- C - Conditional Use
- L - Land Use
- MIXED USE 1 (MU-1) MIXED USE 2 (MU-2) MEDIUM DENSITY RESIDENTIAL (R-M) EMPLOYMENT (EMP)

---

**SINGLE FAMILY DETACHED HOMES ARE NOT PERMITTED WITHIN 300 FEET OF AN ARTERIAL ROAD.**

---

**OUTDOOR STORAGE, AS A PRIMARY USE, MUST BE SETBACK A MINIMUM OF 300 FEET FROM ANY ARTERIAL OR INTERSTATE RIGHT-OF-WAY. THE ENHANCED SETBACKS DO NOT APPLY TO OUTDOOR STORAGE THAT IS CONSIDERED ACCESSORY TO A PRIMARY BUSINESS.**
OUTLINE DEVELOPMENT PLAN
WELTY RIDGE

LOCATED IN SECTION 10, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO
WELTY RIDGE
LOCATED IN SECTION 10, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO

OPEN AREA

A. FOR THE PURPOSES OF THIS PUD, "OPEN SPACE OR LANDSCAPE AREA" IS REFERRED TO AS "OPEN AREA."
B. OPEN AREA PROVIDED PERS THE REQUIREMENTS OF THIS PUD WILL MEET ALL LANDSCAPE AREA, OPEN SPACE AREA, OR SIMILAR AREAS REQUIRED PER THE JOHNSTOWN CODE REQUIREMENTS.
C. SINGLE FAMILY DETACHED OR ATTACHED RESIDENTIAL DEVELOPMENT WILL REQUIRE A MINIMUM 15% OPEN AREA.
D. MULTI-FAMILY RESIDENTIAL DEVELOPMENT WILL REQUIRE A MINIMUM OF 30% OPEN AREA.
E. COMMERCIAL AND LIGHT INDUSTRIAL DEVELOPMENT WILL REQUIRE A MINIMUM 20% OPEN AREA.
F. OPEN AREA REQUIREMENTS WILL BE CALCULATED ON A NET BASIS EXCLUDING PUBLIC RIGHT OF WAY.
G. LANDSCAPE BUFFERS AND DETENTION PONDS CAN COUNT TOWARDS OPEN AREA
H. OPEN SPACE LOCATED WITHIN A SINGLE FAMILY DETACHED OR SINGLE FAMILY ATTACHED LOT CAN NOT BE COUNTED TOWARDS OPEN AREA REQUIREMENT.
I. USABLE OPEN AREA CAN COUNT TOWARDS OPEN AREA REQUIREMENT.

USABLE OPEN AREA

A. WELTY RIDGE REQUIRES A 3% USABLE OPEN AREA FOR RESIDENTIAL AREAS. FOR PURPOSES OF THIS PUD, THE 3% USABLE OPEN AREA SHALL BE CALCULATED FROM THE TOTAL AREA OF ALL RESIDENTIAL LOTS AND ADJACENT LOCAL ROADWAYS THAT SERVE AS DIRECT ACCESS TO THE RESIDENTIAL LOTS.
B. USABLE OPEN AREA PROVIDED PER THE REQUIREMENTS OF THIS PUD WILL MEET ALL DEDICATED OPEN SPACE REQUIREMENTS PER THE JOHNSTOWN CODE.
C. USABLE OPEN AREA MAY BE CUMULATIVELY GATHERED INTO LARGER PARCELS FOR THE PURPOSES OF DEVELOPING A LARGER AND MORE FUNCTIONAL PARK OR SIMILAR USES AT THE DISCRETION OF THE DEVELOPER AND WITH THE APPROVAL OF THE PLANNING AND DEVELOPMENT DIRECTOR. THE LOCATION(S) OF THE CUMULATIVELY GATHERED USABLE OPEN AREA SHALL BE DESIGNATED AT THE TIME OF EACH FINAL PLAT THAT IS CONTRIBUTING TO THAT AREA.
D. A MINIMUM OF 1 ACRE PER 250 RESIDENTIAL UNITS IS REQUIRED.
E. USABLE OPEN AREA MAY OWNED BY THE TOWN, METRO DISTRICT, OR HOA. OWNERSHIP TO BE DETERMINED AT THE TIME OF PRELIMINARY AND FINAL DEVELOPMENT PLANS.
F. WHERE PRACTICAL USABLE OPEN AREA SHOULD BE CONTIGUOUS.
G. DETENTION PONDS CAN COUNT TOWARDS USABLE OPEN AREA REQUIREMENTS AS LONG AS THEY MEET THE REQUIREMENTS OF USABLE OPEN AREA PROVIDED IN THIS DOCUMENT. NOT MORE THAN 5% OF THE USABLE OPEN AREA REQUIREMENT CAN BE MET WITH DETENTION PONDS.
OUTLINE DEVELOPMENT PLAN
WELTY RIDGE
LOCATED IN SECTION 10, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, IN JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO

DEVELOPMENT STANDARDS

A. ARCHITECTURAL ELEMENTS SUCH AS ROOF OVERHANGS, FIREPLACES, AND BAY BOX WINDOWS ARE PERMITTED A 24-INCH ENCROACHMENT INTO BUILDING SEPARATIONS. MODIFICATION AND BUILDING DEPARTMENT REVIEW AND APPROVAL, OTHER SUBSURFACE ARCHITECTURAL ELEMENTS INCLUDING STRUCTURAL ELEMENTS OF THE BUILDING FOUNDATION MAY ENCROACH INTO BUILDING SEPARATIONS OR encroach directly within the lot upon which they originated. FOUNDATION WALLS ARE NOT PERMITTED WITHIN ANY SETBACKS. UNENCLOSED DECKS MAY ENCROACH INTO REAR SETBACKS BUT SHALL BE LOCATED NO CLOSER THAN 10 FEET FROM THE REAR PROPERTY LINE BUT SHALL NOT ENCROACH INTO A UTILITY EASEMENT. DECKS SHALL NOT ENCROACH INTO SIDE SETBACK.

B. A ZERO LOT LINE MAY BE UTILIZED WHEN A MAINTENANCE EASEMENT AND SIDEYARD EASEMENTS ARE EXECUTED SUBJECT TO I.B.C. REQUIREMENTS.

C. SETBACK MEANS THE HORIZONTAL DISTANCE BETWEEN ANY STRUCTURE AND THE ESTABLISHED STREET RIGHT-OF-WAY LINE OR PROPERTY LINE.

D. SINGLE FAMILY DETACHED (SF) AND SINGLE FAMILY ATTACHED (SPA) FRONT LOADED GARAGES REQUIRE A MINIMUM 18’ DRIVEWAY FROM THE GARAGE FACE TO THE BACK OF WALK.

E. ANY LAND USE OF A LOWER DENSITY MAY BE DEVELOPED WITHIN A HIGHER DENSITY PARCEL AS LONG AS IT FOLLOWS STANDARDS OF THE LOWER DENSITY LISTED IN THE TABLES.

F. ALLEY LOADED SINGLE FAMILY RESIDENTIAL MAY FRONT ON AN ARTERIAL STREET WITH APPROVAL OF THE PLANNING AND DEVELOPMENT DIRECTOR.

LAND USE DEVELOPMENT STANDARDS MATRIX

SINGLE FAMILY DETACHED (SFD)

<table>
<thead>
<tr>
<th>Standards</th>
<th>P.O.</th>
<th>M2</th>
</tr>
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<tbody>
<tr>
<td>Minimum Lot Size</td>
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<td>3,200</td>
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<tr>
<td>Parking Requirement</td>
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<td>Code</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>30’</td>
<td>30’</td>
</tr>
</tbody>
</table>

PRINCIPAL USE

- Front Setback to Building: 1’10”
- Front Setback to Covered Porch: 1’10”
- Front Setback to Garage: 1’10”
- Front Setback to Side Loading Garage: 1’10”
- Side Setback Minimum: 1’10”
- Rear Setback - Front Load: 1’10”
- Rear Setback - Cluster: 1’10”
- Side (Corner) Setback: 1’10”

ACCESSORY USE

- Maximum Height: 1’10”
- Front Setback: 2’10”
- Rear Setback (Load Garages): 1’10”
- Side (Corner) Setback: 1’10”

* OR AS REQUIRED BY CURRENT FIRE CODE / INTERNATIONAL BUILDING CODE (I.B.C.)

CLUSTER HOME EXAMPLE A - GREEN COURT

DEVELOPMENT STANDARDS MATRIX

RESIDENTIAL LAND USE DEVELOPMENT STANDARDS MATRIX

<table>
<thead>
<tr>
<th>Standards</th>
<th>P.O.</th>
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<tbody>
<tr>
<td>Minimum Lot Size</td>
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<td>1,200</td>
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<tr>
<td>Parking Requirement</td>
<td>Code</td>
<td>Code</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>30’</td>
<td>30’</td>
</tr>
</tbody>
</table>

PRINCIPAL USE

- Front Setback to Building: 1’10”
- Front Setback to Covered Porch: 1’10”
- Front Setback to Garage: 1’10”
- Front Setback to Side Loading Garage: 1’10”
- Side Setback Minimum: 1’10”
- Rear Setback - Front Load: 1’10”
- Rear Setback - Cluster: 1’10”
- Side (Corner) Setback: 1’10”

ACCESSORY USE

- Maximum Height: 1’10”
- Front Setback: 2’10”
- Rear Setback (Load Garages): 1’10”
- Side (Corner) Setback: 1’10”

* OR AS REQUIRED BY CURRENT FIRE CODE / INTERNATIONAL BUILDING CODE (I.B.C.)

NON-RESIDENTIAL LAND USE DEVELOPMENT STANDARDS MATRIX

<table>
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<th>Standards</th>
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<tbody>
<tr>
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<tr>
<td>Maximum Lot Coverage</td>
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</tr>
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</table>

PRINCIPAL USE

- Height: 70’
- Setback from Collector Road: 15’
- Setback from Local Road: 15’
- Setback from Parking: 15’
- Building Separation: 25’
- Building Separation from SPA Structure: 25’
- Building Separation from Multi-Family (Separate Buildings): 25’

ACCESSORY USE

- Structure Setback from Arterial: 25’
- Parking Setback from Arterial: 25’
- Parking Setback from Local Road: 15’
- Parking Setback from Property Line: 15’

* OR AS REQUIRED BY CURRENT FIRE CODE / INTERNATIONAL BUILDING CODE (I.B.C.)

** ACCESSORY USE BUILDING HEIGHT TO BE LESS THAN PRIMARY BUILDING HEIGHT.
WELTY RIDGE is a ± 145 acre master-planned community located west of Interstate 25 in the southwest quadrant of the State of Colorado. The design project included parcels designated for multiple types of residential, retail, commercial, and industrial uses. The overall character of WELTY RIDGE must be protected with an eye toward quality and consistency designed in this emerging part of Northern Colorado. Part 2 of the Residential Guidelines will serve as a design concept for ultimate development and design high-quality development is encouraged along the residential, retail, commercial, light industrial and landscape buffers and back. The goal is to avoid a design and construction direction within this PUD. All developers, architects, engineers and planners for located west of Interstate 25 in the southwest.

2.1 DESIGN GUIDELINES

2.1.1 STATEMENT OF INTENT

WELTY RIDGE is a ± 145 acre master-planned community located west of Interstate 25 in the southwest quadrant of the State of Colorado. The design project included parcels designated for multiple types of residential, retail, commercial, and industrial uses. The overall character of WELTY RIDGE must be protected with an eye toward quality and consistency designed in this emerging part of Northern Colorado. Part 2 of the Residential Guidelines will serve as a design concept for ultimate development and design high-quality development is encouraged along the residential, retail, commercial, light industrial and landscape buffers and back. The goal is to avoid a design and construction direction within this PUD. All developers, architects, engineers and planners for located west of Interstate 25 in the southwest.

2.2.2 STREETSCAPE DESIGN

· CHAIN LINK FENCE MATERIAL IS ALLOWED BUT MUST BE VINYL COATED. CHAIN LINK IS HOWEVER, THEY CAN CREATE BARRIERS TO PEDESTRIAN

3.3.4 ROOF AND TOP TREATMENTS

3.1.3 FACADES

3.2.1 GENERAL

DEVELOPERS SHALL CONFORM TO ALL APPLICABLE STRUCTURAL STANDARDS, CODES, REGULATIONS, AND STATUTES ENFORCED BY THE TOWN CODE. IF A VARIATION FROM THE CODE IS DETERMINED BY THE HEIGHT, WIDTH, AND DEPTH OF BUILDING MASS - BUILDING MASS IS CONSIDERED TO BE APPLICABLE TO THE ARCHITECTURAL STYLE.

2.2 LANDSCAPING

2.2.1 LANDSCAPE DESIGN PRINCIPLES

ALL DEVELOPMENT SHALL DEMONSTRATE ACXIENESS TO THE FOLLOWING LANDSCAPE DESIGN PRINCIPLES:

· DESIGN TO PROVIDE AN ATTRACTIVE, COMFORTABLE AND SPACIOUS ENVIRONMENT WHERE POSSIBLE.

2.3.3 CONNECTIONS DESIGN

COLLECTOR AND ARTERIAL STREETS

PLANTING OF ARTIFICIAL DESIGN COLLECTOR STREETS WILL BE TREATED IN A SIMILAR FASHION IN ORDER TO CREATE A UNIFIED AND SIGNIFICANT STREETSCAPE IMAGE. THE PRINCIPLES AND A SINGLE LOOK THAT SETS WELTY RIDGE APART FROM THE PUBLIC ROW. WHERE MEADOWS WILL BE PLANTED ALONG THE PUBLIC ROW, SHRUBS MAY BE PLANTED OUTSIDE THE PUBLIC ROW. MEADOWS WILL BE PLANTED IN A SIMILAR FASHION OR WILL BE CONSTRUCTED OF COLORED & STAMPED CONCRETE.

ARTERIAL LANDSCAPE BUFFER:

A 3’ AREA LANDSCAPE BUFFER WILL BE PROVIDED ALONG WAYS WITH A MINIMUM WIDTH OF 3’. SIGHT DISTANCE LINES:

NO PLANTING OVER 3” IN HEIGHT SHALL OCCUR WITHIN A SIGHT DISTANCE LINES. REFER TO APPROPRIATE REQUIREMENTS REGARDING SIGHT DISTANCE TRIANGLES.

2.3.2 NATURES

THE DESIGN OF PAINS, OPEN AREA, DETENTION AND NATURAL AREAS

· THE DESIGN OF THE LANDSCAPE INSTALLATION WILL OCCUR AS THE LAND DEVELOP.

· BUILDING MOUNTED SIGNS ARE REGULATED BY LIMITING SIZE. HOWEVER, TENTED LOGO'S AND GRAPHS ARE ALLOWED. THE SIGNAGE REQUIREMENTS ARE CONFORMANT WITH THE TOWN OF JUNIORNALKEN PAINS, TRAILS, RECREATION AND OPEN space LAND DEVELOPMENT. FINAL DEVELOPMENT INSTALLATION WILL OCCUR IN STAGES BY PHASE. AS SUCH, THE OPEN AREA DESIGN, APPROVAL, AND LANDSCAPE INSTALLATION WILL OCCUR AS THE LOTS DEVELOP.

· NO BLOCKING LIGHT SIGNS WILL BE ALLOWED.

MULTI-TENANT FREESTANDING SIGNS UNDER 7500 SF OR MINIMUM HEIGHT OF 15’ WILL BE ALLOWED. A MAXIMUM OF THREE FREE STANDING SIGNS WITH THE HEIGHT NOT TO EXCEED 15’ WILL BE ALLOWED. A MAXIMUM OF THREE FREE STANDING SIGNS WITH THE HEIGHT NOT TO EXCEED 15’ WILL BE ALLOWED. A MAXIMUM OF THREE FREE STANDING SIGNS WITH THE HEIGHT NOT TO EXCEED 15’ WILL BE ALLOWED. A MAXIMUM OF THREE FREE STANDING SIGNS WITH THE HEIGHT NOT TO EXCEED 15’ WILL BE ALLOWED.

2.3.2 NATURES

THE DESIGN OF PAINS, OPEN AREA, DETENTION AND NATURAL AREAS

· THE DESIGN OF THE LANDSCAPE INSTALLATION WILL OCCUR AS THE LAND DEVELOP.

ARTIFICIAL MATERIALS AS PRIMARY BUILDINGS.

3.3.3 BUILDING ENTRANCES

PRIMARY BUILDING ENTRANCES SHALL BE CLEARLY DEFINED AND POINTERS TO BE MADE, AND INCLUDE A MINIMUM OF TWO (2) OF THE FOLLOWING:

· CANOPY OR PARASOL

· OVERHANGING OR RECESS

· PAGODA ROOF OR ARC

· PEAKED ROOF OR ARCH

· ARCHITECTURAL DETAIL SUCH AS COLUMNS, TIE WORK, STONE OR MOLDINGS INTEGRATED INTO THE STRUCTURE.

· INTEGRAL PLANTERS OR WING WALLS THAT INTEGRATE LANDSCAPED AREAS AND/OR PLACES FOR SITTING.

· SPECIAL LANDSCAPE OR SITE FEATURES.

2.3.4 ROOF AND TOP TREATMENTS

ROAD ROOF MECHANICAL EQUIPMENT MUST BE NON-OBSERVABLE, SIGHTED FROM VIEW OR DESIGNED TO BE INTEGRAL COMPONENTS OF THE ROOF SYSTEM. NO VENTS, SCAFFOLDING OR OTHER DEVICES MUST BE VISIBLE FROM THE INTERSTATE.

THE AVERAGE PARAPET HEIGHT MAY NOT EXCEED 1/3 THE SUPPORTING WALL HEIGHT.

LARGE SLOPED ROOFS MUST HAVE VARIATIONS IN HEIGHT OR DISTANCE BETWEEN THE LARGE PLANE WITH A MAXIMUM 10° LINEAR FEET OF ONE PLANE.

ACCESSORY BUILDINGS SHALL BE OF THE SAME CHARACTER AND MATERIALS AS PRIMARY BUILDINGS.
4.1.5 FENCES
ALL FENCING SHALL CONSIST OF WOODEN, STAKE, PARCEL PICKET, SPLIT TRAIL, WIRE, WROUGHT IRON, AND/OR MASONRY CHAIN LINK. FENCING CALL ONLY BE ACCEPTED IN "EMP" AREAS FOR INDUSTRIAL USES.

EXCESSIVE FENCING SHALL BE AVOIDED THROUGH THE USE OF STAGGERED, LANDSCAPE, BUFFERS, AND ANCHOR MATERIALS.

4.1.6 RETAINING WALLS
ANY PORTION OF CONCRETE OR MASONRY RETAINING WALLS VISIBLE FROM PUBLIC STREETS WILL BE COVERED WITH APPLICABLE MATERIALS SUCH AS STONE, BRICK OR STUCCO.

4.1.7 CONTEXT/SCALE
IN ORDER TO ACHIEVE COHESIVE DESIGNS WITHIN EACH AREA OF IMPROVEMENTS TO HIGH VISIBILITY, NEIGHBORHOOD, COMMUNITY AND REGIONAL-SCALE COMMERCIAL AREAS. REQUIREMENTS APPLICABLE TO THE OVERALL NATURE OF THE PUB CAN BE FOUND IN THE GENERAL DESIGN GUIDELINES (PART 2) AND SHOULD BE VIEWED AS COMPLEMENTARY.

4.1.2 ARTICULATION
WALL DESIGN FOR ALL FACADES SHALL CONSIST AT LEAST EVERY FIFTY (50) Horizontal Feet by use of at least two (2) of the following:

2. Changes in Wall Plane Projections, Reveals, and Recesses with a Minimum Change of One Foot.
3. Change in Glazing or Curtain Wall.
4. Variety in Roofs, Such as Pitch, Height, and Style.
5. Enhanced Articulation Along Pedestrian Paths.

4.1.3 BUILDING ENTRANCES
PUBLIC BUILDING ENTRANCES SHOULD BE CLEARLY DEFINED AND FEATURE AT LEAST TWO (2) OF THE FOLLOWING ELEMENTS:

1. Canopies or Porticos.
2. Overhangs or Recesses or Projections.
3. Arcades.
4. Arches.
5. Display Windows Along Sidewalks.
6. Integral Planters or Ornate Walls With Incorporated Landscape Areas and/or Places for Sitting.
7. Distinctive Roof Forms.
8. Awnings.

4.1.4 MECHANICAL EQUIPMENT, LOADING AREA, AND OUTDOOR STORAGE
ALL LOADING DOCKS, ACCESSORY OUTDOOR STORAGE AND SERVICE YARDS SHALL BE LOCATED TO THE SIDE AND REAR YARDS OF BUILDINGS.

ALL OUTDOOR STORAGE YARDS, LOADING DOCKS, SERVICE AREAS AND MECHANICAL EQUIPMENT SHALL BE CONCEALED FROM VIEW FROM RESIDENTIAL USES AND PUBLIC ROW BY A COMBINATION OF EMB - MATERIALS. ALL OUTDOOR STORAGE YARDS, LOADING DOCKS, SERVICE AREAS AND MECHANICAL EQUIPMENT SHALL BE CONCEALED FROM VIEW FROM RESIDENTIAL USES AND PUBLIC ROW BY A COMBINATION OF EMB - MATERIALS. ANY PORTION OF THE EQUIPMENT OR AREAS THEY HIDE, THEY SHALL BE DESIGNED WITH COLORS AND MATERIALS SIMILAR TO THOSE USED ON THE BUILDING ARCHITECTURE. PLANTS USED IN COMBINATION WITH SCREENS/FENCING SHALL BE EVERGREEN.
AGENDA ITEM 7

Town Manager Report
TO: Honorable Mayor and Town Council Members

FROM: Matt LeCerf, Town Manager

DATE: January 22, 2020

CC: Town Staff  
Local Media

SUBJECT: Departmental Report

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

- 01/22/2020 – Regular Town Council Meeting
- 01/29/2020 – Hillsborough Ditch Meeting
- 02/03/2020 – Regular Town Council Meeting
- 02/10/2020 – Work Session – Comprehensive Plan

Administration, Finance, & Planning

- Communication Manager Position – The full-time position of Communication Manager for the Town has been advertised. We plan to begin our first review of applicants for this position on January 27th. The position will be open until filled.
- Caselle conversion – The Caselle conversion and database transfer took place on January 1st, the system has been redesigned and mapped internally and most functions were launched without any complications on January 2nd. There were a couple of setbacks that did impact functions in the payroll module and in the general ledger module. The payroll module issues have been resolved. There are still some residual complications with the General Ledger module that should be resolved by the end of the week. Consequently, the December 2020 Financials will be delayed until later next week.
- Staff Accountant Position – Interviews for the Staff Accountant have been held. The Town was fortunate to have several qualified applicants. We hope to make a decision soon on which candidate will best serve the needs of the organization.
- 2019 Year-End – Work on 2019 year-end processes is underway and audit preparation will be beginning in March. We do not currently have the date for the audit at this time, but we do expect to have it soon.
- Comprehensive Plan – The service agreement with Logan Simpson has been executed, and the Planning & Development Director has met with the consultant to begin

The Community That Cares
identifying and prioritizing tasks and timelines, to include work sessions with Town Council and Planning and Zoning Commission, community engagement and outreach.

- **Planning & Zoning Commission** – Commissioner Terry Eady resigned his seat after serving the Town in this capacity since 2005. His seat is open and the Town has advertised this opening. Any interested parties should reach out to the Planning & Development Director.

**Police Department**

**Training:**
- **CPR Recertification** – Sgt. Williams attended recertification training for CPR and First aid instructor. This training allows for in-house recertification at no cost for all sworn personnel.
- **Body Camera Training** – All officers received training on the proper use of new body cameras along with evidence submission and internal policy training on the use of the cameras.

**Community Policing, Outreach & Miscellaneous Items:**
- **Lexis Nexis Computer Software Launch** – The police department implemented new investigative software. This powerful investigative tool will provide officers with assistance with on scene photo lineups, criminal hot spot trend tracking and identification of warrant and other criminal activity unavailable in the past.
- **Body Worn Camera Program** – The police department went live with the new body worn cameras on January 13th.

**Public Works Department**

**Streets, Stormwater, & Parks**
- **Snow** – Scraping of ice continues. Crews have been working on the leftover ice piles around Town. Concentration around mailboxes and corners have been the priority areas we’ve received concerns about.
- **Streets** – Crews continue repairing potholes around Town. Approximately 400 lbs. of material has been placed around Town. Crack sealing operations are also underway in Carlson Farms and Thompson River Ranch. These operations will continue for the next couple months.
- **Grading** – Crews graded CR 46, 44 and 42 and this was approximately 10 miles of grading.
- **Building maintenance** – Staff made various repairs to items in the police station and the senior center (which included a flag pole). It was also brought to our attention the fire alarm system in the senior center was not activated. We are soliciting quotes to get activated.
- **Fleet Maintenance** – Three police cruisers and two water department trucks had regular maintenance performed on them.
- **Downtown** – Crews installed an additional three bike racks in the downtown area. Two at Parish and Charlotte and one in front of Domino’s Pizza. All Christmas decorations were taken down as well.

**Water & Wastewater**
- **Water plant**
Staff took receipt of the VFD for Pump # 5 in the distribution pump house. We are currently waiting on the contractor to schedule this installation.

Three isolation saturator valves and actuators were installed the DAF at the water plant.

Crews ran all new Chlorine transfer lines from the DAF building into the filter building. The replacement of lines was because the old lines had become brittle and leaks started appearing.

Heaters in the DAF building stopped working last week. We were able to repair two of them the third heater has a part on order.

- **Filter Media** – The media replacement budgeted for 2020 is in design. We are hoping to have the media replaced before water demands increase in the system.

- **Wastewater Plant** – New aerators are scheduled to be installed on January 20th for the CWWTP. Completion of the project is still anticipated by end of January.

- **Sewer Project** – As reported on the last report, IMEG (Town Contract Engineer) and staff solicited nine contractors for RFP’s to partner with the Town on the sewer capacity project. RFP’s were returned on December 20th and we received 4 responses from possible partners. We have scheduled interviews with three contractors on January 16th. A recommendation for the best contractor to collaborate with the Town will be brought to the Council for consideration.

- **Low Point Expansion** – The 2020 fiscal year budget has the expansion of the Low Point Wastewater Treatment Plant. An RFP was issued on January 8, 2020. Staff conducted a pre-bid meeting with a tour of the Low Point WWTP. We had 16 potential engineering firms attend. Final proposals are due on January 31st.
AGENDA ITEM 9A

Intergovernmental Agreement
With Little Thompson Water District
AGENDA DATE: January 22, 2020

ITEM NUMBER: 9A

SUBJECT: Ownership Transfer from Little Thompson Water District LTWD to Town of Johnstown

ACTION PROPOSED: Approve the Intergovernmental Agreement with LTWD as Presented

ATTACHMENTS: 1. IGA between LTWD and Town of Johnstown

PRESENTED BY: Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:

UPDATED:
The agreement has been updated at this time to provide that LTWD will provide to the Town 2 shares of Home Supply Ditch Company water that have been decreed from case 06CW224. This will allow for immediate use of the water shares for municipal purposes as requested by Town Council.

ORIGINAL PACKET DESCRIPTION:
Enclosed for your consideration is an Intergovernmental Agreement between the Little Thompson Water District (LTWD) and the Town of Johnstown for the transferring of water services from LTWD to the Town’s ownership. The transfer of ownership, which includes four (4) properties (see attached map with blue location dots identifying the properties), is being requested by LTWD as part of their desire to minimize the existence of water lines that are not providing significant value to them and at the same time reaching their effective life cycle. Also contributing to this request, are the I-25 improvements, which as part of the interchange improvements would necessitate new line installation for LTWD to be installed under I-25 to continue servicing these properties.

When approached by LTWD about this possibility, the Town worked with LTWD on this agreement with the caveat that we be kept whole. Based on the historical water usage of the four (4) properties, the Town will provide to LTWD with eight (8) CBT units and the Town will in exchange receive two (2) Home Supply Shares which currently are unchanged. These shares will be included in our water court change case.

Ultimately, a 2” line to the 7-11 property will need to be installed and a 12” main down the frontage road will need to be installed to provide service. We expect to do this work outside of the I-25 improvement projects with our own contractors so as to distance ourselves from federal project cost increases that are not necessary to complete our work. As part of establishing services and providing adequate water mains to the properties on our system, the Town is working with CDOT to fully evaluate the cost savings that is being realized or funds that would
have been necessary to meet the requirements of LTWD if the services continued to be LTWD. These funds as we are working through the process would be applied to the Town’s improvements to service the property. While a budget amendment may be necessary, simply from an expenditure standpoint, we expect there to be a corresponding revenue source depending on where we run the line to down the frontage road.

One unique aspect to this agreement is the fact that the water service cost will increase. Three of the four properties are not in Town limits currently. Accordingly, in the agreement, the Town is proposing to provide the properties with in-town rates for a period of one year. During this time, the property owners can decide if they want to annex into the Town. If they choose not to during this time period, after the year expires, they would move to the out-of-town rate.

LEGAL ADVICE:
The agreement was reviewed and drafted by the Town Attorney.

FINANCIAL ADVICE:
The Town will realize additional revenue from water sales at these four services

RECOMMENDED ACTION: Staff recommends approval of the agreement as presented.

SUGGESTED MOTIONS:

For Approval:
I move to approve the Intergovernmental Agreement Concerning Water Services between Town of Johnstown and Little Thompson Water District as presented.

For Denial:
I move that we deny the Intergovernmental Agreement Concerning Water Services between Town of Johnstown and Little Thompson Water District as presented.

Reviewed and Approved for Presentation:

________________________________________________
Town Manager
INTERGOVERNMENTAL AGREEMENT CONCERNING WATER SERVICES
BETWEEN TOWN OF JOHNSTOWN AND LITTLE THOMPSON WATER DISTRICT

THIS INTERGOVERNMENTAL AGREEMENT CONCERNING WATER SERVICES ("Agreement") is made and entered into this ____ day of ____________, 20__, by and between the TOWN OF JOHNSTOWN, a home rule municipal corporation of the State of Colorado ("Town"), and the LITTLE THOMPSON WATER DISTRICT, a Title 32 special district and political subdivision of the State of Colorado ("District"), collectively referred to as "the Parties."

WITNESSETH:

WHEREAS, the Town owns and operates a potable water system, providing water service primarily to residents of the Town, and the District owns and operates a potable water system, providing water service to, among other areas, portions of Larimer County that are adjacent, or in close proximity, to the Town; and

WHEREAS, the Colorado Department of Transportation is making improvements to Interstate 25 in Northern Colorado, which includes improvements to the interchange at Interstate 25 and State Highway 34; and

WHEREAS, for the regional interest and to control costs related to the Interstate 25 improvements, the District has requested that the Town assume water service for four properties that are currently served by the District, to wit:

(i) real property with a street address of 6150 E. Highway 34 and legal description of BEG AT NE COR 15-5-68, JSTN, S 89 29' 30" W 1650 FT, S 1 4' W 165.9 FT TPOB, S 1 4' W 439.16 FT, N 89 29' 30" E 360 FT, N 1 4' E 565 FT M/L TO PT ON S R/W HWY 34, S 89 29' 30" W ALG SD R/W LN 256.97 FT, S 0 30' 30" E 10 (Parcel No. 8515000014);

(ii) real property with a street address of 856 NE Frontage Road and legal description of LOT 1, ARNDT MLD #04-S2257, 20040052759 (Parcel No. 8515106701);

(iii) real property with a street address of 640 NE Frontage Road and legal description of PAR IN SE 1/4 15-5-68, DESC AS BEG AT PT ON E SIDE R/W HWY 87, 20 FT S OF INTSEC OF SD R/W WITH S SIDE OF R/W G W R/R TPOB, S ALG SD HWY 506 FT, E 280 FT, N 180 FT, W 179.96 FT, N 273.51 FT, W 100 FT M/L TO E LN HWY TPOB (Parcel No. 8515000011); and

(iv) real property with a street address of 648 NE Frontage Road and legal description of PAR IN SE 15-5-68 BEG AT PT WH BEARS S 0 22' W 42 FT & N 89 8' E 50 FT FROM CEN 1/4 COR, S 0 23' 30" W 40 FT, N 89 8' E 100 FT, S 0 23' 30" W 273.51 FT, N 89 31' 6" E 374.42 FT, S 35 16' 33" E 114.13 FT, E 379.25 FT, S 6 (Parcel No. 8515000019).
WHEREAS, the four properties shall be collectively referred to as "Properties" and
singly as "Property;" and

WHEREAS, upon the terms and conditions set forth in this Agreement, the District
desires for the Town to provide the water service to the Properties and the Town agrees to
provide the water service; and

WHEREAS, pursuant to the provisions of Article XIV, Section 18(2) of the Colorado
Constitution and Sections 29-1-201 et seq., C.R.S., government entities may cooperate and
contract to provide any function, service or facility lawfully authorized to each of the
cooperating or contracting entities; and

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

NOW, THEREFORE, in consideration of the mutual agreements, covenants, promises,
representations, and warranties hereinafter contained and other good and valuable consideration,
the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. **Recitals.** The Recitals are incorporated into the Agreement as if fully set forth
   herein.

2. **Water Service.** The Town hereby agrees to provide water service to the
   Properties. For the first twelve (12) monthly water bills, the Town shall charge the in-town
   water rate for water service to each Property. Subsequent thereto, the Town shall charge the in-
   town water rate for water service to any of the Properties that have annexed into the Town and
   the out-of-town water rate to any of the Properties that remain outside the boundaries of the
   Town. The Town recognizes and agrees that the real property referenced above with a street
   address of 6150 E. Highway 34 is already within the boundaries of the Town and shall thus be
   charged the in-town water rates at all times.

3. **Water Exchange.** As consideration for the Town’s agreement to provide water
   service to the Properties and to provide a viable supply of water to the Town to satisfy such
   obligation, the Parties agree to exchange water shares. The District agrees to convey to the
   Town two (2) shares of the Consolidated Home Supply Ditch and Reservoir Company from
   Certificate Number 6985, which shares are included in the Town’s water court change case
   06CW224, and the District shall be entitled to retain the remaining two (2) shares associated with
   Certificate Number 6985. The Town agrees to convey to the District eight (8) units of Colorado-
   Big Thompson Project. The District agrees to pay the transfer fees to the Consolidated Home
   Supply Ditch and Reservoir Company and the Northern Colorado Water Conservancy District, if
   any, following initiation of the transfer by the Town, and take the requisite action to effectuate
   the foregoing transfer. The water exchange shall be complete prior to the Town’s installation of
   water meters at any of the Properties.
4. **Effective Date.** This Agreement shall be effective as to each Property on the date that the Town installs the water meter at such Property.

5. **Additional Documents or Action.** The Parties agree to execute any additional documents and take any additional action reasonably necessary to carry out the terms of this Agreement, including but not limited to excluding the properties listed as Larimer County Parcel Numbers 8515000014, 8515106701, and 8515000011 from Little Thompson Water District.

6. **Notices.** All notices, demands, or other documents required or desired to be given, made or sent to either Party under this Agreement shall be made in writing, shall be deemed effective upon receipt and shall be personally delivered or mailed postage prepaid, certified mail, return receipt requested as follows:

   TO DISTRICT:
   Little Thompson Water District
   Attn: District Manager
   835 E. Highway 56
   Berthoud, CO 80513

   TO THE TOWN:
   Town of Johnstown
   Attn: Town Clerk
   450 S. Parish Ave.
   PO Box 609
   Johnstown, CO 80534

The addresses for notices may be changed by written notice given to the other Party in the manner provided above. Notice may also be sent via e-mail delivery and shall be effective upon confirmation of receipt of the email.

7. **Assignment.** This Agreement shall not be assigned without the prior consent of the other Party.

8. **Amendment or Modification.** No amendment or modification of this Agreement shall be of any force or effect unless in writing and signed by the Parties hereto.

9. **Waiver.** The waiver of any breach of any of the provisions of this Agreement by either Party shall not constitute a continuing waiver of any subsequent breach by said Party, concerning either the same or any other provision of this Agreement.

10. **Headings for Convenience Only.** Paragraph headings and titles contained herein are intended for convenience and reference only and are not intended to define, limit or describe the scope or intent of any provision of this Agreement.

11. **Choice of Laws and Venue.** This Agreement and the rights and obligations of the Parties hereto shall be governed by the laws of the State of Colorado. Venue for any claim, proceeding or action shall be in Larimer County or Weld County, State of Colorado.
12. **Entire Agreement.** This Agreement constitutes the entire agreement between the Parties related to the subject matter hereof and any prior agreements pertaining thereto whether oral or written have been merged or integrated into this Agreement.

13. **No Presumption.** Each Party acknowledges that it has obtained, or has had the opportunity to obtain, the advice of legal counsel of its own choosing in connection with the negotiation and execution of this Agreement and with respect to all matters set forth herein. In the event of any dispute, disagreement or controversy arising from this Agreement, the Parties shall be considered joint authors and no provision shall be interpreted against any Party because of authorship.

IN WITNESS WHEREOF, the Parties have executed this Intergovernmental Agreement Concerning Water Services the day and year first above written.

**ATTEST:**

By: __________________________________________________________________________
    Diana Seele, Town Clerk

By: __________________________________________________________________________
    Gary Lebsack, Mayor

**TOWN OF JOHNSTOWN, COLORADO**

*a municipal corporation*

**ATTEST:**

By: __________________________________________________________________________
    Amber Kauffman, Secretary

By: __________________________________________________________________________
    William Szmyd, Board President

**LITTLE THOMPSON WATER DISTRICT**
AGENDA ITEM 9B

Consider Request  
Johnstown Village, LLC  

(Waiver request to Storm Water Development Fee)
Information Provided on December 16, 2019
Enclosed for your review is a letter provided by Johnstown Village, LLC. The letter outlines a request for consideration by the Town Council for a waiver of the storm water fees which is required by Town Municipal Code. Generally, the fee is due at final platting which occurred earlier this year for Johnstown Village. As outlined in the Town Municipal Code, the fee due is based on a per acre basis. Sections 13-136 (1) and (3) state the following applications related to this plat:

(1) System development charges. As each parcel of land is developed or redeveloped and approved as to final plat, each acre of such filing shall be assessed a system development charge of one thousand one hundred dollars ($1,100.00). This fee may be amended by the Town Council by resolution. These charges fund the expansion of public facilities needed to accommodate new growth.

(3) There is hereby established a detention credit which shall act to reduce the fee assessed against certain lots or parcels of land subject to the within storm water drainage fee. Any lot or parcel of land located within the Town which contains self-maintained on-site storm water detention facilities shall be entitled to a twenty-five-percent reduction on the fee assessed pursuant to the formula set forth above. It shall be the obligation of the owners of lots or parcels of land entitled to this detention credit to present satisfactory evidence thereof to the Town Engineer prior to obtaining the benefit of this credit.

Based on the guidance of the code, Staff recognizes that the application of the fee is to be set at $1,100 per acre. Furthermore, the development platted includes a 12 acre detention pond. Accordingly, we would apply a 25% reduction for the detention credit.
While going through the development process with the Town, allegedly, the previous Planning Director may have suggested to Johnstown Village, LLC that based on the fact that they are installing a regional storm water pipe that serves multiple properties that they can have their fee for the storm water waived. The problem with this is twofold:
1. The Town’s Planning Director and for that matter, the Town Manager Johnstown does not have the authority to make this determination. The only entity in the Town that has this ability is the Town Council.

2. As part of the Subdivision Development and Improvement Agreement (SDIA), Johnstown Village, LLC signed the document which included the following section which clearly states the obligations related to the payment of the storm water fees which are those applicable by Town Code. If the fees were to be waived by some other means, it should be strictly assumed that this would be explicitly referenced in the SDIA or if this language was a concern, it should have been brought up during the negotiations of the SDIA. At no time was this matter brought to the Town Manager or Town Attorney’s attention during the drafting process:

**BUILDING PERMITS**

7.1 The Town shall not issue building permits or install water meters for a Phase of the Development, as applicable, until: (1) the Final Plat has been recorded with the Weld County Clerk and Recorder; (2) Developer has paid all applicable use tax due and owing to the Town and all other fees required by the Town, including but not limited to water and tap fees, impact fees, storm drainage fees and cash-in-lieu payments due, if any, to Weld County School District RE-5J, for that Phase or Subphase....

Most entities are maintaining their existing detention ponds associated infrastructure minus those utilities that are in the right of way of the Town. The Johnstown Village property has a metropolitan district on it and that district requested the additional 10 mills to make regional improvements. While Johnstown Village, LLC in its argument to support a waiver, suggests that regional improvements total over $4 million with approximately $1.95 million associated with the storm water line it is unclear where the additional regional improvements exist. Also, not mentioned is the fact that Johnstown Village, LLC may also be benefitting financially with connection to the regional storm water system by other private developers along the regional storm water flow line that ultimately terminates at the Little Thompson River.

In general, the purpose of the fee is for the Town to be able to make capital improvements to the storm drainage system as necessary to ensure positive flow throughout the system and mitigate the potential for localized flooding. Providing for a complete waiver of the fee could provide for other entities to make similar requests. This would leave our Town’s Storm Water fund in a precarious position related to the long-term improvements and needs of the Town, even in the immediate area where the design based on the Town’s Master Transportation Plan calls for Colorado Blvd. to be a major arterial, which would include the a five (5) lane road segment including construction of curb and gutter currently not in place.

Based on the facts that the Town has an ordinance in place requiring the payment, the developer signed the SDIA, and no formal requests were made by the developer for a waiver of the fee to
the Council which is the appropriate place to make this request; staff recommends application of the fee at 75% with the 25% reduction due to the existence of a detention pond on site.

Additional Information – January 22, 2020
The Johnstown Village property exists within the Old Town Drainage Basin (see attached map) on the northwest edge of the basin. In the Master Storm water Plan completed in April 2001, the plan in this basin calls for three notable improvements. The applicable improvement in this basin which most closely resembles the improvements being conducted by Johnstown Village is the second drainage way could extend south along WCR 15 from its intersection with Highway 60, to a point south of the Great Western Railroad tracks, where an existing slough extends southeast to the Little Thompson River.

Additionally, the master plan makes an assumption that: *It should also be recognized that even for those developments that have constructed adequate storm water management systems, the Town will be responsible for ongoing operation and maintenance of those systems. Property assessments by the storm water utility must cover the costs not only of capital projects, but operation and maintenance for the entire system.* In this improvement, the developer will own and maintain the regional improvement. It is unclear if the developer will maintain the entire trunk line to the Little Thompson in this infrastructure improvement or if sections will be owned in sections by each of the development that may materialize over time based on the lines location. It would be beneficial to the Town if only one ownership exists from an enforcement approach to maintain this line.

The regional storm water line is designed to collect and convey storm water from the Johnstown Village, the Keto Enterprise LLC, and Maplewood Acres, Inc., each representing approximately a quarter section (160 acres – 480 acres total) to the Little Thompson River (See map B). While the latter two properties have not been platted to date, the Johnstown Village property has approximately 5% of the storm water that will not enter into either the detention site and/or the regional trunk line.

Consequently, I believe their request can be reasonably justified. Regardless of Staff opinion, it is important to note that whatever decision is made regarding the impact fees on the Johnstown Village property, there is a possibility a similar request, may be made by the Keto and Maplewood Property. Furthermore, the Town may be exclusively obligated for the improvements to Colorado Boulevard and Telep Avenue with regard to storm drainage improvements when they become a major arterial.

In that same vein, if a benefit is afforded to Johnstown Village regarding this decision made by Council, it is the recommendation of Staff that a single agreement might be considered with all three of these property owners. The agreement would acknowledge this benefit and that in the future, if the Town is requested to take over this trunk line, the Town should be compensated by the owner(s) of the regional storm water line or who received the compensation for rights to tie into the system. The compensation would be based on the difference between what was paid on a per acre basis for these areas and the rate of the storm water impact fee at the time of the request to take ownership of the trunk line. This agreement would also provide for the Town to have the right to tie in any of its storm water improvements into the system without compensation.
LEGAL ADVICE:

FINANCIAL ADVICE:
Waiving of this fee would impact the Town financially and may cause the Town to delay capital storm water improvement projects.

RECOMMENDED ACTION:

SUGGESTED MOTIONS:

For Approval of the Waiver Request: I move to approve the waiver of the Storm Water Development Fee for Johnstown Village, LLC as per their request and authorize the Town Manager to ensure that no fees for storm water fees are collected by the Town.

OPTIONAL: I furthermore, direct the Town Manager and Town Attorney to develop an agreement that addresses the provisions contemplated in this Town Agenda Communication (TAC)

For Denial of the Waiver Request: I move to deny the waiver of the Storm Water Development Fee for Johnstown Village, LLC as per their request and authorize the Town Manager to ensure no building permits are issued until the storm water fees are collected by the Town.

For Approval with Conditions: I move to approve the waiver of the Storm Water Development Fee for Johnstown Village, LLC as per their request with the conditions as stated in this motion: I ...

Reviewed and Approved for Presentation:

-------------------
Town Manager
Johnstown Village, LLC  
10221 Prestwick Trail  
Lone Tree, CO 80124

November 26th, 2019

Dear Town of Johnstown Counsel:

We are writing you to resolve a misunderstanding with regard to the storm water systems fee. As you are aware we are installing a regional storm system in Johnstown that will benefit our development and many other land owners in Johnstown.

There is a misunderstanding with regard to the storm water systems fee. My partner Harvey Deutch and I met with Town Planner John Franklin November 16th, 2018, one topic discussed was the regional storm water fee and why Johnstown Village believed we should not pay this fee. We discussed with Mr. Franklin the following:

1. Johnstown Village is installing the regional storm water line and paying 100% of the cost.
2. When the storm line is completed, the metro district will take ownership of the line and be responsible for all maintenance in perpetuity.
3. The town is not taking any of our storm water as it goes from our property directly to the Little Thompson River.
4. Johnstown Village is paying $1,949,600 to install the regional storm line. We received 10 mills ($2.15M) in our bonding capacity for all offsite costs. Our offsite costs total over $4M, this leaves us $1.85M short of bond reimbursement with uncertain reimbursement in the future from other land owners.

Mr. Franklin said he agreed as long as it was a regional storm line we should not have to pay the fee or worst case we would be reimbursed. I sent Mr. Franklin a summary of our meeting on Nov. 18th and asked him to correct anything he did not agree with. On Nov. 19th he sent me an email back with a few comments but did not make a comment on the storm in which I noted that we do not believe we should pay the fee. I called Mr. Franklin the next day and ask if we were in agreement that we do not have to pay the storm water fee and he said, “Yes that’s why I didn’t comment on it”.


Based on this we thought the storm water systems fee was resolved until Kim Meyer emailed us on 11/21/2019 saying we need to pay the fee. She referenced that the PZC meeting packet and a review comment letter from Mr. Franklin pointed out the fees. Both were prior to our meeting with Mr. Franklin. The storm water fee was never included in the SDIA, and Mr. Franklin confirmed with me that this should have been included in the agreement if the town required us to pay this fee.

The developer of the Thompson River Ranch put in a regional storm line and was reimbursed within a year. We are respectfully requesting from the counsel that instead of reimbursing our fees, that you waive this fee given the circumstances I just outlined.

Sincerely,
Bob Quinette
Johnstown Village
AGENDA ITEM 10A

Resolution 2020-02

A Resolution Referring a Ballot Question

(Amending the Town of Johnstown Home Rule Charter)
AGENDA DATE: January 22, 2020

ITEM NUMBER: 10A

SUBJECT: Submission of a Question to the Registered Voters of the Town of Johnstown to Amend the Town of Johnstown Home Rule Charter

ACTION PROPOSED: Consider Resolution 2020-02 to submit a question to the registered electors of the Town of Johnstown to amend the Home Rule Charter of the Town of Johnstown

ATTACHMENTS: 1. Resolution 2020-02

PRESENTED BY: Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:
Enclosed for your review and consideration is a Resolution that will submit a question to the registered voters of the Town of Johnstown to consider amending the Town of Johnstown Home Rule Charter. The question would provide clarity to the Home Rule Charter of the Town of Johnstown with language to make clear and reaffirm that the Mayor is included in the qualifications for a quorum and in both instances as a voting member.

Section 3.3: Quorum
Section 4.2(B): Voting clarifications for an ordinance
Section 4.7(A): Voting clarifications for an emergency ordinance

If Council approves the resolution, the ballot language would be as shown below:

SHALL SECTIONS 3.3, 4.2(B) AND 4.7(A) OF THE TOWN OF JOHNSTOWN HOME RULE CHARTER BE AMENDED TO CLARIFY THE STATUS OF THE MAYOR AS A MEMBER OF THE TOWN COUNCIL FOR THE PURPOSE OF CALCULATING QUORUM AND FOR THE PURPOSE OF DETERMINING THE MAJORITY VOTING REQUIREMENTS FOR THE ADOPTION OF RESOLUTIONS, MOTIONS AND EMERGENCY ORDINANCES?

_____ YES

_____ NO

If the registered voters approve the question as presented, the Town Attorney would work to present an amendment shortly after the April 7, 2020 election.

LEGAL ADVICE:
The resolution was drafted and reviewed by the Town Attorney.

FINANCIAL ADVICE:
Not Applicable
RECOMMENDED ACTION: Approve the resolution as presented.

SUGGESTED MOTIONS:

For Approval:
I move to approve Resolution 2020-02 as presented and submit the question as presented to the registered voters of the Town of Johnstown for the regular election scheduled for April 7, 2020.

For Denial:
I move that we deny Resolution 2020-02 as presented.

Reviewed and Approved for Presentation:

__________________________
Town Manager
TOWN OF JOHNSTOWN, COLORADO  
RESOLUTION NO. 2020-02  

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

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

WHEREAS, on November 7, 2006, the Town’s registered electors voted to adopt the Town of Johnstown Home Rule Charter (“Charter”); and  

WHEREAS, the Charter has not been amended since its adoption; and  

WHEREAS, to clarify the status of the Mayor as a member of the Town Council for the purpose of calculating quorum and majority voting requirements, or, more specifically, to clarify that a majority of the entire Town Council holding office shall be a quorum for the transaction of business at all Town Council meetings, the adoption of resolutions and motions shall require the affirmative vote of a majority of the entire Town Council present at a meeting and the adoption of an emergency ordinance shall require the affirmative vote of five members of the entire Town Council, Town Council desires to refer to the Town’s registered electors the question of amending Sections 3.3, 4.2(B) and 4.7(A) of the Charter; and  

WHEREAS, the Town Council hereby finds and determines that it is in the public interest to submit to the electors of the Town, at the regular municipal election to be held on April 7, 2020, the question of amending Sections 3.3, 4.2(B) and 4.7(A) of the Charter.  

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

1. Pursuant to the Home Rule Charter and Ordinances of the Town of Johnstown and applicable provisions of Colorado law, the Town Council hereby refers to the registered electors of the Town at the regular municipal election to be held on Tuesday, April 7, 2020, the following ballot question, in substantially the same form, to appear on the mail ballot:  

   SHALL SECTIONS 3.3, 4.2(B) AND 4.7(A) OF THE TOWN OF JOHNSTOWN HOME RULE CHARTER BE AMENDED TO CLARIFY THE STATUS OF THE
MAYOR AS A MEMBER OF THE TOWN COUNCIL FOR THE PURPOSE OF CALCULATING QUORUM AND FOR THE PURPOSE OF DETERMINING THE MAJORITY VOTING REQUIREMENTS FOR THE ADOPTION OF RESOLUTIONS, MOTIONS AND EMERGENCY ORDINANCES?

_____ YES

_____ NO

2. Pursuant to Home Rule Charter § 6.4, the Town Clerk is hereby authorized to be in charge of all activities and duties related to the April 7, 2020 municipal election. In addition, the officers and employees of the Town are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this Resolution.

3. Upon approval of the ballot issue by the majority of the registered electors voting thereon, Town Council shall enact an implementing ordinance consistent with the terms and conditions contained therein.

4. If any portion of this Resolution is held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such portion shall not affect any of the remaining portions of this Resolution.

5. This Resolution shall be in full force and effect upon its passage and adoption.

PASSED, SIGNED, APPROVED, AND ADOPTED this ___ day of January, 2020.

ATTEST: TOWN OF JOHNSTOWN, COLORADO

By: ___________________________  By: _______________________________
Diana Seele, Town Clerk          Gary Lebsack, Mayor
AGENDA ITEM 10B

Resolution 2020-03

A Resolution Referring a Ballot Question

(Op-out of Senate Bill 152)
AGENDA DATE: January 22, 2020

ITEM NUMBER: 10B

SUBJECT: Submission of a Question to the Registered Voters of the Town of Johnstown to Opt-Out from Senate Bill 152 (telecommunications, cable, and broadband services).

ACTION PROPOSED: Consider Resolution 2020-03 to submit a question to the registered voters of the Town of Johnstown to Opt-Out from Senate Bill 152.

ATTACHMENTS: 1. Resolution 2020-03

PRESENTED BY: Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:
Enclosed for your review and consideration is a Resolution to submit a question to the registered voters of the Town of Johnstown, to permit the Town to engage in activity or business related to broadband.

SB 152, which was approved by the Colorado Legislature in 2005, prohibits the use of funds by local government or development of partnerships for broadband services without going to the vote of the registered voters of the Town. An affirmative vote of the registered voters on this ballot measure in no way obligates the Town financially to any project or projects related to broadband. While there are no plans at this time for an initiative into broadband services, asking the voters to have the Town opt-out of the SB 152 provisions provides flexibility for the Town in the case that an opportunity presents itself to expand, enhance, or create new broadband services for our community residents and businesses. For example, if a private partner would approach us or if the Town wanted to move forward in a direction that creates broadband services, passage of this measure would allow the Town to proceed at Council’s discretion.

If Council approves the resolution, the ballot language would be as shown below:

WITHOUT INCREASING TAXES, SHALL THE CITIZENS OF THE TOWN OF JOHNSTOWN RE-ESTABLISH THE TOWN’S RIGHT TO PROVIDE ALL SERVICES RESTRICTED BY TITLE 29, ARTICLE 27 OF THE COLORADO REVISED STATUTES, DESCRIBED AS “ADVANCED SERVICES,” “TELECOMMUNICATIONS SERVICES” AND “CABLE TELEVISION SERVICES,” INCLUDING ANY NEW AND IMPROVED BROADBAND AND HIGH-SPEED INTERNET SERVICES AND FACILITIES BASED ON FUTURE TECHNOLOGIES, EITHER DIRECTLY OR INDIRECTLY, WITH PUBLIC AND/OR PRIVATE SECTOR PARTNERS, TO RESIDENTS, BUSINESSES, SCHOOLS, LIBRARIES, NON-PROFIT ENTITIES AND OTHER USERS OF SUCH SERVICES?

_____ YES

_____ NO
LEGAL ADVICE:
The resolution was drafted and reviewed by the Town Attorney.

FINANCIAL ADVICE:
Not Applicable

RECOMMENDED ACTION: Approve the resolution as presented.

SUGGESTED MOTIONS:

For Approval:
I move to approve Resolution 2020-03 as presented and submit the question as presented to the registered voters of the Town of Johnstown for the regular election scheduled for April 7, 2020.

For Denial:
I move that we deny Resolution 2020-03 as presented.

Reviewed and Approved for Presentation:

____________________________________
Town Manager
TOWN OF JOHNSTOWN, COLORADO
RESOLUTION NO. 2020-03

RESOLUTION REFERRING TO REGISTERED ELECTORS OF THE TOWN OF JOHNSTOWN THE QUESTION OF RESTORING THE TOWN’S AUTHORITY TO PROVIDE ADVANCED SERVICES, TELECOMMUNICATIONS SERVICES AND/OR CABLE TELEVISION SERVICES, EITHER DIRECTLY OR INDIRECTLY, WITH PUBLIC OR PRIVATE SECTOR PARTNERS, AS PERMITTED WITH VOTER APPROVAL BY TITLE 29, ARTICLE 27 OF THE COLORADO REVISED STATUTES, AT THE APRIL 7, 2020 REGULAR MUNICIPAL ELECTION

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

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

WHEREAS, the Town Council finds and determines that access to high-speed broadband networks and fast, affordable and reliable internet services is essential residents and businesses in the Town and may desire to participate in accomplishing those objectives for the benefit of the Town; and

WHEREAS, in 2005, the Colorado General Assembly enacted Title 29, Article 27 of the Colorado Revised Statutes, commonly known as Senate Bill 152, limiting a local government’s authority to provide, or participate in the provision of, advanced services, telecommunication services and/or cable television services, as defined therein, either directly or indirectly, with public or private sector partners, without first securing voter approval; and

WHEREAS, absent such voter approval, Senate Bill 152 limits a local government’s ability to enhance broadband infrastructure, by among other means, prohibiting the use of local government funds to improve broadband infrastructure and restricting the use of local government facilities; and

WHEREAS, voters in a growing number of communities across Colorado, including, among over 90 others, Fort Collins, Loveland, Greeley, Severance, Eaton, Fort Lupton, Hudson, and Fort Morgan, have voted to override the restrictions contained in Senate Bill 152 and restore local governmental authority to provide such services, either directly or indirectly, with public or private sector partners; and

WHEREAS, to facilitate the Town’s ability to enhance broadband infrastructure should an opportunity arise, the Town Council deems it in the best interests of the citizens to refer the question of opting-out of Senate Bill 152’s restrictions; and
WHEREAS, the Town Council hereby finds and determines that it is in the public interest to submit to the electors of the Town, at the regular municipal election to be held on April 7, 2020, the question of opting-out of Senate Bill 152’s restrictions and restoring the Town’s ability to participate in the referenced services to the voters.

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

1. Pursuant to the Home Rule Charter and Ordinances of the Town of Johnstown and applicable provisions of Colorado law, the Town Council hereby refers to the registered electors of the Town at the regular municipal election to be held on Tuesday, April 7, 2020, the following ballot question, in substantially the same form, to appear on the mail ballot:

   WITHOUT INCREASING TAXES, SHALL THE CITIZENS OF THE TOWN OF JOHNSTOWN RE-ESTABLISH THE TOWN'S RIGHT TO PROVIDE ALL SERVICES RESTRICTED BY TITLE 29, ARTICLE 27 OF THE COLORADO REVISED STATUTES, DESCRIBED AS “ADVANCED SERVICES,” “TELECOMMUNICATIONS SERVICES” AND “CABLE TELEVISION SERVICES,” INCLUDING ANY NEW AND IMPROVED BROADBAND AND HIGH-SPEED INTERNET SERVICES AND FACILITIES BASED ON FUTURE TECHNOLOGIES, EITHER DIRECTLY OR INDIRECTLY, WITH PUBLIC AND/OR PRIVATE SECTOR PARTNERS, TO RESIDENTS, BUSINESSES, SCHOOLS, LIBRARIES, NON-PROFIT ENTITIES AND OTHER USERS OF SUCH SERVICES?

     _____ YES

     _____ NO

2. Pursuant to Home Rule Charter § 6.4, the Town Clerk is hereby authorized to be in charge of all activities and duties related to the April 7, 2020 municipal election. In addition, the officers and employees of the Town are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this Resolution.

3. If any portion of this Resolution is held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such portion shall not affect any of the remaining portions of this Resolution.

4. This Resolution shall be in full force and effect upon its passage and adoption.

PASSED, SIGNED, APPROVED, AND ADOPTED this ___ day of January, 2020.

ATTEST:                                     TOWN OF JOHNSTOWN, COLORADO

By: ___________________________           By: _______________________________
    Diana Seele, Town Clerk            Gary Lebsack, Mayor
Resolution 2020-04

A Resolution Referring a Ballot Issue

(Approve a 0.5% Transportation Sales and Use Tax)
Enclosed for your review and consideration is a Resolution to submit a question to the registered voters of the Town of Johnstown, to establish a 0.5% Sales and Use Tax for Transportation purposes only and eliminating the Town’s Street Maintenance Fee.

In 2016, the Town of Johnstown enacted Ordinance 2016-142 which established a monthly street maintenance fee on all utility accounts in the Town. The fee which is currently $4.48 per month, is used exclusively for street maintenance in the Town. The fee is expected to generate roughly $350,000 in 2020. This fee will be removed by the Town Council, if the registered voters approve the ballot question requesting a 0.5% sales and use tax to be used exclusively for transportation purposes as outlined in the ballot language. Some of the benefits of the sales and use tax instead of the fee includes:

- Residents who pay utility bills to the Town of Johnstown will no longer be obligated to pay a monthly fee for street maintenance.
- Approximately 65% of all sales tax revenue generation is provided by out of Town visitors spending money in Johnstown.
- Revenues generated will keep up with the growth in the community to better manage, maintain, and improve road infrastructure.
- From 2016 Quarter 1 to 2019 Quarter 2, transportation costs have increased nearly 40% (Source CDOT). The fee in place makes it extremely difficult to keep pace with the costs for transportation construction in this current framework.
- The financial burden of road maintenance and expansion should not be placed solely on the shoulders of our residents. Visitors to our community impact the conditions of our roadways and they should accordingly be a representative share of the maintenance costs.

Staff recently evaluated the immediate needs of our roadway system and determined that based on needs, we have nearly $18 million dollars of roadway improvements. Included in this resolution is an exhibit that identifies the roadway, segments, and estimated costs based on current construction costs. The Town Council has presented other ballot initiatives in the past, and they have passed successfully. This is due to the fact that the community and the organization have built a level of trust and support so that when an issue is placed to the voters, the community generally understands the needs exist, otherwise the Town
would not be making the request. This issue is no different than historical questions, the community has supported.

If Council approves the resolution, the ballot language would be as shown below:

SHALL TOWN OF JOHNSTOWN TAXES BE INCREASED BY $2,100,000 IN THE FIRST FULL FISCAL YEAR (2021), AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY IN EACH SUBSEQUENT YEAR, BY INCREASING THE TOWN’S SALES AND USE TAX RATE BY 0.5% (EQUIVALENT TO 5 CENTS ON A $10.00 PURCHASE), AND ELIMINATING THE STREET MAINTENANCE FEE IMPOSED BY ORDINANCE NO. 2016-142, COMMENCING ON JULY 1, 2020, TO FUND:

(i) STREET AND SIDEWALK MAINTENANCE AND REPAIRS, INCLUDING, BUT NOT LIMITED TO, PAVING, PATCHING, POTHOLE REPAIR, SEAL COATING, CHIP SEAL APPLICATION, ASPHALT OVERLAY, AND RECONSTRUCTION; AND

(ii) TRANSPORTATION RELATED PROJECTS, INCLUDING, BUT NOT LIMITED TO, THOSE RELATED TO ROADWAYS, CURBS, GUTTERS, BRIDGES, SIDEWALKS, SHOULDERS, TRAFFIC SIGNALS, PEDESTRIAN SIGNALS AND MEDIANS;

AND SHALL ALL REVENUES GENERATED FROM THE INCREASED TAX AUTHORIZED HEREIN AND FROM ANY EARNINGS FROM THE INVESTMENT OF SUCH REVENUES CONSTITUTE A VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO THE REVENUE AND SPENDING LIMITS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

_____ YES
_____ NO

It should be noted, that while the increase appears high, this is a conservative estimate. If approved, the measurement of the revenue generated would be measured from January 2021 – December 2021; almost a full year from today in terms of the starting time of the measurement. If we experience a major hail storm during 2021 or new commercial retail development exceeds our expectation, we could find ourselves in a position where we have to ask the voters to either retain the excess revenue, rebate the revenue to the entity remitting the tax revenue (not the individual purchaser), or the sales tax may be ratcheted down. If the economy takes a directional change and a recession were to occur, the ability and timeline to achieve the projects necessary for our community would be impacted severely.

LEGAL ADVICE:
The resolution was drafted and reviewed by the Town Attorney.

FINANCIAL ADVICE:
Removing the Street Impact Fee would be a benefit for the residents. A sales and use tax approach makes the revenue generated more in line with those who are directly impacting transportation systems in the Town. The sales and use tax approach allows the citizenry to have discretion to make or not make a purchase.
RECOMMENDED ACTION: Approve the resolution as presented.

SUGGESTED MOTIONS:

For Approval:
I move to approve Resolution 2020-04 as presented and submit the question as presented to the registered voters of the Town of Johnstown for the regular election scheduled for April 7, 2020.

For Denial:
I move that we deny Resolution 2020-04 as presented.

Reviewed and Approved for Presentation:

__________________________
Town Manager
TOWN OF JOHNSTOWN, COLORADO
RESOLUTION NO. 2020-04

RESOLUTION REFERRING TO THE REGISTERED ELECTORS OF THE TOWN OF JOHNSTOWN A BALLOT ISSUE CONCERNING AN INCREASE IN THE TOWN’S SALES AND USE TAX RATE BY 0.5% (FROM 3% TO 3.5%) TO FUND STREET AND SIDEWALK MAINTENANCE AND REPAIRS AND TRANSPORTATION RELATED CAPITAL IMPROVEMENT PROJECTS AT THE APRIL 7, 2020 REGULAR MUNICIPAL ELECTION

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

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

WHEREAS, by Ordinance 2016-142, adopted on or about August 1, 2016, the Town Council approved a street maintenance fee to fund ongoing maintenance of the Town’s streets, including but not limited to, resurfacing, pothole repair, periodic seal coating, chip seal application and asphalt overlay; and

WHEREAS, if the registered voters of the Town of Johnstown support the sales and use tax ballot measure described herein, which revenue will be used for transportation purposes only, the Town Council is committed to removing the street maintenance fee effective on or before the date of the implementation of increased sales and use tax rate; and

WHEREAS, the Town has identified an initial listing of high priority streets (in no particular order) that need attention and total almost Eighteen Millions Dollars ($18M) in construction costs for street maintenance, which are included in Exhibit A to this Resolution; and

WHEREAS, in addition to ongoing street and sidewalk maintenance and repairs, the Town Council anticipates significant capital improvement projects in the relatively near future; and

WHEREAS, to provide additional funding to the Town for street and sidewalk maintenance and repairs and transportation related capital improvement projects, the Town Council desires to submit a ballot issue to the registered electors of the Town of Johnstown concerning an increase in the Town’s sales and use tax by 0.5% (from 3% to 3.5%); and

WHEREAS, as opposed to the street maintenance fee, which cost is borne solely by residents of the Town, an increase in the sales and use tax rate to provide designated funds for street and sidewalk maintenance and repairs and transportation related capital improvement
projects would mean that persons who do not reside in the Town, but use the Town’s streets and sidewalks, also contribute specified funds for such purposes; and

WHEREAS, it is estimated that sixty-five percent (65%) of all sales tax revenue is generated from persons who do not reside in the Town; and

WHEREAS, the visitors to the Town should continue to contribute financially to the maintenance and upkeep of the roadways as a result of the impact they have upon the roadways; and

WHEREAS, the Town Council hereby finds and determines that it is in the public interest to submit to the registered electors of the Town, at the regular municipal election to be held on April 7, 2020, the issue of increasing the Town’s sales and use tax rate by 0.5%.

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

1. Pursuant to the Home Rule Charter and Ordinances of the Town of Johnstown and applicable provisions of Colorado law, the Town Council hereby refers to the registered electors of the Town at the regular municipal election to be held on Tuesday, April 7, 2020, the following ballot issue, in substantially the same form, to appear on the mail ballot:

SHALL TOWN OF JOHNSTOWN TAXES BE INCREASED BY $2,100,000 IN THE FIRST FULL FISCAL YEAR (2021), AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY IN EACH SUBSEQUENT YEAR, BY INCREASING THE TOWN’S SALES AND USE TAX RATE BY 0.5% (EQUIVALENT TO 5 CENTS ON A $10.00 PURCHASE), AND ELIMINATING THE STREET MAINTENANCE FEE IMPOSED BY ORDINANCE NO. 2016-142, COMMENCING ON JULY 1, 2020, TO FUND:

(i) STREET AND SIDEWALK MAINTENANCE AND REPAIRS, INCLUDING, BUT NOT LIMITED TO, PAVING, PATCHING, POTHOLE REPAIR, SEAL COATING, CHIP SEAL APPLICATION, ASPHALT OVERLAY, AND RECONSTRUCTION; AND

(ii) TRANSPORTATION RELATED PROJECTS, INCLUDING, BUT NOT LIMITED TO, THOSE RELATED TO ROADWAYS, CURBS, GUTTERS, BRIDGES, SIDEWALKS, SHOULDERS, TRAFFIC SIGNALS, PEDESTRIAN SIGNALS AND MEDIANS;

AND SHALL ALL REVENUES GENERATED FROM THE INCREASED TAX AUTHORIZED HEREIN AND FROM ANY EARNINGS FROM THE INVESTMENT OF SUCH REVENUES CONSTITUTE A VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO THE REVENUE AND SPENDING LIMITS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?
2. Pursuant to Home Rule Charter § 6.4, the Town Clerk is hereby authorized to be in charge of all activities and duties related to the April 7, 2020 municipal election. In addition, the officers and employees of the Town are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this Resolution.

3. Upon approval of the ballot issue by the majority of the registered electors voting thereon, Town Council shall enact an implementing ordinance consistent with the terms and conditions contained therein.

4. If any portion of this Resolution is held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such portion shall not affect any of the remaining portions of this Resolution.

5. This Resolution shall be in full force and effect upon its passage and adoption.

PASSED, SIGNED, APPROVED, AND ADOPTED this ___ day of January, 2020.

ATTEST: TOWN OF JOHNSTOWN, COLORADO

By: ___________________________ By: _______________________________
    Diana Seele, Town Clerk             Gary Lebsack, Mayor
## TOWN OF JOHNSTOWN, COLORADO

### 2021 - 2029 Capital Improvement Plan

### PROJECTS BY DEPARTMENT

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<th>PROJECT NAME</th>
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<th>TYPE</th>
<th>SEGMENT OF ROAD</th>
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<td>CO 13 to Carlson Blvd</td>
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<td>Woodbine to Silverbell</td>
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Capital Improvement 2019-2028
## TOWN OF JOHNSTOWN, COLORADO

### 2021 - 2029 Capital Improvement Plan

#### PROJECTS BY DEPARTMENT

<table>
<thead>
<tr>
<th>PROJECT NAME</th>
<th>SUBDIVISION</th>
<th>TYPE</th>
<th>SEGMENT OF ROAD</th>
<th>Total</th>
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Capital Improvement 2019-2028
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<th>Project Name</th>
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<th>Type</th>
<th>Segment of Road</th>
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