

TOWN COUNCIL

MEETING

PACKET

March 4, 2019



Town Council

Agenda
Monday, March 4, 2019
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) PRESENTATION: Mr. William O’Keefe – Milliken Middle School Stem Teacher – Disc Golf Course

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 – February 20, 2019

B) Second Reading Ordinance Number 2019-155, An Ordinance Amending Chapter 13 of the Johnstown Municipal Code to Include Article VIII Concerning Adoption of a Cross-Connection Control Programs

C) Second Reading Ordinance Number 2019-156 – An Ordinance Amending Chapter 6 of the Johnstown Municipal Code to Include Article X, Contractor Licenses

D) Resolution 2019-07, A Resolution Identifying Issues With the Zero Emission Vehicle Mandate Proposal

E) Consider 2019 Three Mile Plan

7) TOWN MANAGER REPORT

8) TOWN ATTORNEY REPORT

9) OLD BUSINESS

10) NEW BUSINESS

A) **Public Hearing** – Amendment to Johnstown Plaza Design Book Guidelines Proposed Land Use Plan – Lot 1 from B1. To B.2

B) **Public Hearing** – New Hotel & Restaurant License – Lazy Dog, LLC

C) **Continued Public Hearing** – First Reading – Ordinance Number 2019-158, An Ordinance Amending Chapter 8 of the Johnstown Municipal Code to Include Article VI Concerning the Operation of Golf Cars

D) Consider Approval of Amendment No. 3 to Agreement Between the Town of Johnstown and Adolfson & Peterson Construction- Johnstown Community Recreation Center Construction Project

11) EXECUTIVE SESSION

A) An executive session to discuss matters subject to negotiation regarding the Town Manager’s employment agreement and to instruct the Town attorney related to the negotiation, pursuant to C.R.S. Section 24-6-402(4)(e).

12) COUNCIL REPORTS AND COMMENTS

13) MAYOR'S COMMENTS

14) ADJOURN

WORK SESSION

Mr. Pete Ampe, Water Attorney and Mr. Tom Williamsen, Water Engineer will be present.



NOTICE OF ACCOMODATION

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

AGENDA ITEM 6A-E

CONSENT

AGENDA

- **Council Minutes – February 20, 2019**
 - **Ordinance Number 2019-155**
(2nd Reading)
 - **Ordinance Number 2019-156**
(2nd Reading)
- **Resolution 2019-07 A Resolution Identifying
Issues with the Zero Emmission Vehicle Mandate
Proposal**
 - **Consider 2019 Three Mile Plan**

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: March 4, 2019

ITEM NUMBER: 6A-G

SUBJECT: Consent Agenda

ACTION PROPOSED: Approve Consent Agenda

PRESENTED BY: Town Clerk

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

- A) Town Council Meeting Minutes – February 20, 2019
- B) **2nd Reading** - Ordinance Number 2019-155, An Ordinance Amending Chapter 13 of the Johnstown Municipal Code to Include Article VIII Concerning Adoption of a Cross-Connection Control Program
- C) **2nd Reading** – Ordinance Number 2019-156 – An Ordinance Amending Chapter 6 of the Johnstown Municipal Code to Include Article X, Contractor Licenses
- D)*Resolution 2019-07 – A Resolution Identifying Issues With the Zero Emission Vehicle Mandate Proposal
- F)**Consider 2019 Three Mile Plan

* On January 17, 2019, the Governor signed *Executive Order B 2019 002, Supporting a Transition to Zero Emission Vehicles* (“ZEVs”), which recognizes a goal of one-hundred percent (100%) renewal electricity by 2040. Among other requirements, the Executive Order directs the Colorado Department of Public Health and the Environment (“CDPHE”) to develop a rule for a Colorado ZEV program and propose that rule to the Air Quality Control Commission no later than May 2019, for possible adoption by October 30, 2019. To reach the Governor’s goal, vehicle manufacturers may be required to meet a sales quota for ZEVs, and auto manufacturers may then be involved in the purchase or sale of credits based on the number of electric vehicles sold in the Colorado to enable them to be in compliance with the quota. The Executive Order raises other issues, including, but not limited to, potentially raising the cost of non-ZEV vehicles, the loss of revenue from the Highway User Trust Fund, the unavailability of charging stations and the disproportional impact on rural areas, whose residents may not have sufficient income to purchase ZEVs. The Town Council may indicate its concerns by passing the Resolution, which asks that a phased approach to development of a ZEV policy, particularly in the rural areas of Colorado, be implemented and that, prior to final adoption of a ZEV policy, a source of funding to replace the Highway User Trust Fund income be identified. If adopted, the Town Clerk is directed to mail a copy of the Resolution to the Governor, CDPHE and the NFRMPO.

** Three Mile Plan: Section 31-12-105(1)(e)(I) of the Colorado Revised Statutes limits annexations by municipalities by stating that no annexation may take place, which would have the effect of extending a municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year. This section of the statutes also requires that, prior to the completion of any annexation within this three-mile range, the municipality shall have in place a plan for that three-mile wide area, which generally describes such elements as streets, waterways, utilities, parks, land uses, etc. for the area. This “Three Mile Plan” must be updated (approved) at least once each year.

Other than meeting the annexation requirement, the Three-Mile Plan has no unique value to the Town, because of the various master plans the Town has adopted and maintained for land use and infrastructure in the Johnstown Planning Area. The Three Mile Plan has had the same established and approved boundary since November 2006.

On February 23, 2019 the Planning and Zoning Commission voted unanimously to recommend approval of the 2019 Three Mile Plan.

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 Wednesday, February 20, 2019 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, Lemasters, Mellon, Molinar Jr. and Tallent

Those absent were: Councilmember Young

Also present: Matt LeCerf, Interim Town Manager, Avi Rocklin, Town Attorney, Chief Brian Phillips, Marco Carani, Public Works Director, Mitzi McCoy, Finance Director and Diana Seele, Town Clerk

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 Lemasters made a motion seconded by Councilmember Berg to approve the Consent Agenda with the following items:

- February 4, 2019 Town Council Meeting Minutes
- Payment of Bills
- January Financial Statements
- Resolution 2019-04 – A Resolution Authorizing the Deposit of Town Funds at Banks Designated by the Banking Board as Eligible Public Depositories
- Resolution 2019-05 – A Resolution Authorizing the Issuance of Purchasing Cards
- First Amendment to Subdivision Development and Improvement Agreement for Town of Johnstown (Mountain View West Subdivision)
- Planning and Zoning Commission Member Appointment

Motion carried with a unanimous vote.

New Business

A. Public Hearing – 2534 Design Guidelines Amendment –

The 2534 Master Association on behalf of the owners of the development properties, requested the Town approve a comprehensive amendment to the 2534 Design Guidelines. The amendments will expand types of permitted multi-family uses, retail uses, office uses, provide new design standards for private drives, remove procedures for certain easements, add new noise mitigation standards, amend irrigation standards, amend signage standards, identify consistent architectural features, provide new design standards for outdoor family entertainment, expand architectural standards for office/flex uses and design standards for multi-family uses.

Mayor Lebsack opened the public hearing at 7:11 p.m., Mr. Ryan Schaefer, presented the amendments to the Design Guidelines to Council. Having no public comment from the audience, Mayor Lebsack closed the public hearing at 7:42 p.m.

Councilmember Mellon made a motion seconded by Councilmember Tallent to approve Resolution 2019-06- Approving a Comprehensive Amendment to the 2534 Design Guidelines. Motion carried with a unanimous vote.

B. Public Hearing – First Reading – Ordinance Number 2019-155, An Ordinance Amending Chapter 13 of the Johnstown Municipal Code to Include Article VIII Concerning Adoption of a Cross-Connection Control Program – This ordinance protects the Town’s public potable water supply from the possibility of contamination or pollution resulting from backflow into the public water system, promote the elimination or control of existing cross-connections between potable and non-potable water systems, provide for the maintenance of a continuing program of cross-connection control and authorize the installation of back flow prevention devices.

Mayor Lebsack opened the Public Hearing at 7:45 p.m. and having no public comment closed the hearing at 7:50 p.m. Councilmember Mellon made a motion seconded by Councilmember Berg to approve first reading of Ordinance 2019-155, Amending Chapter 13 of the Johnstown Municipal Code to Include Article VIII Concerning Adoption of a Cross-Connection Control Program. Motion carried with a unanimous vote.

C. Public Hearing – First Reading – Ordinance Number 2019-156, An Ordinance Amending Chapter 6 of the Johnstown Municipal Code to Include Article X, Contractor Licenses – This ordinance would require contractors be licensed by the Town for construction projects that they perform and would need a building permit for.

Mayor Lebsack opened the Public Hearing at 7:51 p.m. and having no public comment closed the hearing at 8:03 p.m. Councilmember Lemasters made a motion seconded by Councilmember Tallent to approve the first reading of Ordinance 2019-156, Amending Chapter 6 of the Johnstown Municipal Code to include Article X, Contractor License. Motion carried with a unanimous vote.

D) Public Hearing – First Reading – Ordinance Number 2019-157, An Ordinance Amending Chapter 10 of the Johnstown Municipal Code to Article XIV, Concerning Prohibited Residency of Sex Offenders: and Declaring an Emergency – This Ordinance prohibits certain characterized sex offenders from residing within 300 feet of a school, school bus stop, park, licensed day care center, recreation center or swimming pool.

Mayor Lebsack opened the Public Hearing at 8:04 and having no public comment closed the hearing at 8:26 p.m. Councilmember Mellon made a motion seconded by Councilmember Lemasters to approve Ordinance No. 2019-157, an Ordinance Amending Chapter 10 of the

Johnstown, Colorado

-3-

February 20, 2019

Johnstown Municipal Code to Include Article XIV, Concerning Prohibited Residency of Sex Offenders; and Declaring an Emergency. Motion carried with a unanimous vote.

There being no further business to come before Council the meeting adjourned at 8:47 p.m.

Mayor

Town Clerk

Ordinance No. 2019-155
(2nd Reading)

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2019-155

AN ORDINANCE AMENDING CHAPTER 13 OF THE JOHNSTOWN MUNICIPAL CODE TO INCLUDE ARTICLE VIII CONCERNING ADOPTION OF A CROSS-CONNECTION CONTROL PROGRAM

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

WHEREAS, Chapter 13 of the Johnstown Municipal Code regulates municipal utilities, including the Town’s the public water system; and

WHEREAS, the Town’s Public Works Director recommends that the Town adopt a “Cross-Connection Control Program” to protect the Town’s public potable water supply from contamination or pollution resulting from backflow into the public water system, promote the elimination or control of existing cross-connections between potable and non-potable water systems, provide for the maintenance of a continuing program of cross-connection control and authorize the installation of backflow prevention devices when appropriate; and

WHEREAS, based on the recommendation of the Public Works Director, the Town Council finds that it is in the best interest of the Town of Johnstown to amend Chapter 13 of the Johnstown Municipal Code to include Article VIII concerning the adoption of a “Cross-Connection Control Program.”

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

Section 1. Chapter 13 of the Johnstown Municipal Code is hereby amended to include Article VIII, which shall read as follows:

Article VIII Cross-Connection Control Program

Sec. 13-161 Purpose.

The purpose of this Article is to:

- (a) Protect the Town’s public potable water supply from the possibility of contamination or pollution by isolating within the Town’s customers’ internal distribution system such contaminants or pollutants which could backflow or back-siphon into the public water system;
- (b) Promote the elimination or control of existing cross-connections, actual or potential, between the Town’s customers’ on-site potable water systems and non-potable systems;

- (c) Provide for the maintenance of a continuing program of cross-connection control that will effectively prevent the contamination or pollution of potable water systems by cross-connection; and
- (d) Provide that backflow prevention devices within structures, building and appurtenant plumbing will be regulated by the Town's plumbing code, as adopted and in effect from time to time, and in accordance with this Article.

Sec. 13-162 Authority.

The Town, as the water purveyor, has the primary responsibility and authority for preventing water from unapproved sources, or any other substances, from entering the public potable water system, pursuant to the Town's Home Rule Charter and applicable federal and state laws and rules and regulations.

Sec. 13-163 Responsibility.

The Public Works Director, or such person's designee, shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection. If the Public Works Director determines that an approved backflow device is required at the Town's water service connection to any customer's premises, the Public Works Director shall give written notice to said customer to install an approved backflow prevention device at each service connection to such customer's premises. The customer shall install the approved device or devices at the customer's own expense within ninety (90) days of the receipt of the notice or the customer's water service may, in the Public Works Director's discretion, be discontinued until the proper device or devices are installed.

Sec. 13-164 Administration.

- (a) The Town, by and through its public works department, shall operate a "cross-connection control program," which includes, among other procedures, the provisions required by this Article and the required recordkeeping related to initial inspection, hazard level, initial device testing, yearly device testing and device replacement and similar measures.
- (b) Each property owner located in the Town or served by the Town's water system, or that has Town water facilities on such property, shall allow his or her property to be inspected for possible cross-connections, and such owner shall follow the provisions of the Town's cross-connection program if a cross-connection is permitted.

Sec. 13-165 General requirements.

The following requirements shall be met for all containment backflow prevention assemblies, required on identified hazardous cross connections:

- (a) Commercial, industrial, multi-family and institutional buildings shall have an approved reduced pressure zone assembly to isolate all building fixtures and taps from the Town's water distribution system.

- (b) Backflow prevention assemblies shall be installed in an accessible location to facilitate maintenance, testing and repair. Drawings must show various installations.
- (c) All backflow prevention assemblies shall be installed on the customer side, following the water meter, at a Town approved location.
- (d) It shall not be permissible to have connections or tees between the meter and service line backflow prevention assembly, unless approved in writing by the Town.
- (e) The valves associated with the backflow prevention device shall not be used as the inlet or outlet valve of the water meter. Test cocks shall not be used as supply connections.
- (f) In order to ensure that backflow prevention assemblies continue to operate satisfactorily, they shall be tested at the time of installation and on an annual schedule thereafter. Such test shall be conducted in accordance with American Society of Sanitary Engineering (A.S.S.E.) and/or University of Southern California, Foundation of Cross-Connection Control and Hydraulic Research (U.S.C. F.C.C.C. and H.R.) performance standards and field test procedures as directed by the Colorado Department of Public Health and Environment, as adopted and in effect from time to time.
- (g) All costs for design, installation, maintenance, repair and testing shall be borne by the customer.
- (h) All fire sprinkler systems shall conform to the applicable sections in the most-current edition of the National Fire Protection Association pamphlets and to the policies and procedures of, as appropriate, the Front Range Fire Rescue Fire Protection District or the Loveland Fire Recue Authority.
- (i) All identified hazardous cross-connections to the Town's water system shall conform to, or be brought into conformance with, the requirements of this Article within one year of adoption of this Article.

Sec. 13-166 Standards for backflow prevention assemblies.

Any backflow prevention assembly required herein shall be a model and size approved by the department of public works. Only approved backflow prevention assemblies shall be used. The term "approved backflow prevention assembly" shall mean an assembly that has been manufactured in full conformance with the standards established by the latest version of the Colorado Department of Public Health and Environment Cross-Connection Control Manual. Final approval shall be evidenced by a "certificate of approval" issued by an approved testing laboratory certifying full compliance with Colorado Department of Public Health and Environment standards and A.S.S.E. and/or U.S.C. F.C.C.C. and H.R. specifications. The following testing laboratories are qualified to test and certify backflow prevention assemblies, and an assembly being listed on their periodic approved list shall constitute meeting all of the above requirements:

1. A.S.S.E., American Society of Sanitary Engineering, 28901 Clemens Road, Suite 100, Westlake, Ohio 44145.
2. U.S.C. Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California, OHE 430-D University Park-MC, 1453, Los Angeles, California 90089-14534.2.

In addition, the Public Works Director may provide written approval of testing laboratories other than the laboratories listed above.

Sec. 13-167 Installations.

The following requirements shall apply with respect to installation of any backflow prevention assembly:

- (a) Backflow prevention assemblies shall be installed in accordance with the specifications of the Town plumbing code, as adopted and in effect from time to time.
- (b) Backflow prevention assembly installations shall be inspected and approved for use by the building department.
- (c) All backflow assemblies shall be installed in the horizontal position unless a variance is obtained for other installation pursuant to the variance procedures applicable to the Town's plumbing code. Any variance granted may include specifications for vertical installation and may contain such other terms and conditions as are determined necessary by the director of public works or the chief building official.
- (d) A single check valve is not considered to be a backflow prevention assembly.
- (e) Reduced pressure backflow prevention devices shall be installed above ground. The unit shall be placed at least twelve (12) inches above finish grade to allow clearance for the repair work. A concrete slab at finish grade is recommended. Proper drainage shall be provided for the relief valve and drainage may be piped away from the location, provided that the valve and drain line are readily visible from above grade and provided that the relief valve is separated from the drain line by a minimum of double the diameter of the supply line. A modified vault installation may be used if constructed with ample side clearances. Precautions shall be taken to protect above ground installations from freezing and damage, and the Town may impose installation specifications upon an installation to protect the same from freezing or damage, and to protect the public water system and water supply.

Sec. 13-168 Testing and maintenance.

The following requirements shall apply with respect to testing and maintenance of cross-connection assemblies:

- (a) Identified hazardous cross connections (containment protection): The property owner and the customer at any premises where backflow prevention assemblies are installed shall obtain a certified test of the assemblies at least once per year. Such duty shall be a joint and several obligation of the property owner and the customer. If the Public Works Director deems the hazard to be great enough, the Public Works Director may, in his or her discretion, require certified inspections and testing at more frequent intervals. The certified tests shall be at the expense of the property owner and the customer and shall be performed by a certified technician approved by the Colorado Department of Public Health and Environment and the department of public works. In addition, an inspection of the assembly may be performed at any time pursuant to the right-of-entry procedures contained in Section 13-168 of this Article.

- (b) As necessary, the backflow prevention assembly shall be repaired or replaced at the expense of the property owner and the customer whenever the assembly is found to be defective. Records of all such tests, repairs or replacements shall be kept for three years by the property owner and the customer and the department of public works.
- (c) Existing backflow prevention assemblies shall be tagged by the technician performing the test at the completion of the test, showing the names of the technician and date of test.
- (d) All testing equipment used in the testing of backflow prevention assemblies shall be checked for accuracy yearly, or more often, and the proof of compliance shall be submitted to the department of public works upon request.
- (e) The department of public works retains the right to test or otherwise check the installation and operation of any containment assembly at any time to assure proper operation.

Sec. 13-169 Right of entry.

By previously arranged appointment and upon presentation of proper credentials, a department of public works representative shall have the right of entry to inspect any and all buildings or premises for the presence of cross-connections, for possible hazards relative thereto and for determining compliance with this Article. This right of entry shall be a condition of water service in order to protect the health, safety and welfare of the customers throughout the Town's water distribution system. The property owner and the customer shall work cooperatively with the department of public works to schedule an inspection or be subject to the remedies set forth in Section 13-170. Questions regarding proper credentials should be directed to the Public Works Director.

Sec. 13-170 Violations.

- (a) Failure of a property owner or customer to cooperate in the installation, maintenance, testing or inspection of backflow prevention assemblies as required by this Article shall be grounds for the discontinuance of water service to the premises or the requirement of installation of an air-gap separation from the public potable water system.
- (b) The Public Works Director may discontinue water service to any premises within the Town if unprotected cross-connections exist on the premises. When a defect is found in an installed backflow prevention assembly, or if a backflow prevention assembly has been removed or bypassed, the Public Works Director may discontinue water service until such conditions or defects are corrected.
- (c) In the Public Works Director's judgment and discretion, the discontinuance of service may be summary, immediate and without written notice when such action is necessary to protect the purity of the public potable water supply, the safety of the water system or the health, safety and welfare of members of the public.
- (d) It shall be unlawful for any person to violate any provision of this Article. In addition to the discontinuance of water service or other action taken by the Public Works Director, a person who violates the provisions of this Article shall be subject to the penalties set forth in Section 1-62 of this Code. The Municipal Court is further authorized to enter orders for injunctive relief to require compliance with this Article.

Secs. 13-171—13-180. Reserved.

Section 2. Publication and Effective Date. This Ordinance, after its passage on final 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 28th day of February, 2019.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____

Diana Seele, Town Clerk

By: _____

Gary Lebsack, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this ___ day of _____, 2019.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____

Diana Seele, Town Clerk

By: _____

Gary Lebsack, Mayor

Ordinance No. 2019-156
(2nd Reading)

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2019 - 156

**AN ORDINANCE AMENDING CHAPTER 6 OF THE
JOHNSTOWN MUNICIPAL CODE TO INCLUDE
ARTICLE X, CONTRACTOR LICENSES**

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

WHEREAS, Chapter 6 of the Johnstown Municipal Code regulates licensing in the Town; and

WHEREAS, the Town's building official, ProCode, Inc., recommends that the Town adopt contractor licensing procedures and requirements to ensure that contractors doing business within the Town have the minimum qualifications and maintain adequate liability insurance to perform construction work in the Town; and

WHEREAS, based upon recommendation of the Town's building official, the Town Council finds that it is in the best interest of the Town of Johnstown to amend Chapter 6 of the Johnstown Municipal Code to include Article X, Contractor Licenses.

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

Section 1. Chapter 6 of the Johnstown Municipal Code shall be amended to include Article X, Contractor Licenses, and shall read as follows:

ARTICLE X CONTRACTOR LICENSES

Sec. 6-181. Intent.

The intent and purpose of this Article is to ensure that contractors doing business within the Town have the minimum qualifications and maintain adequate liability insurance to perform construction by issuance of a contractor's license as set forth herein.

Sec. 6-182. General.

Except as delegated to the Town Manager herein, the Building Official shall administer the provisions of this Article. The Building Official may, with approval of the Town Manager, adopt reasonable rules and procedures for such purposes.

Sec. 6-183. Definitions.

For the purposes of this Article, the following terms shall have the following meanings:

Building Code means the International Building Code and all related uniform codes, including, but not limited to, the International Fire Code, International Plumbing Code and National Electrical Code as adopted by the Town in Chapter 18 of this Code and amended from time to time.

Building Official means the Building Official appointed by the Town Manager or, upon approval of the Town Manager, the Building Official's designee.

Building permit means the permit required by the Building Code adopted in Article II of Chapter 18 of this Code.

Code means the Johnstown Municipal Code.

Construction means the work, including the erection, alteration, demolition, movement, repair or remodeling, of any building or structure, or portion thereof, requiring a building permit pursuant to the Building Code and any work within the public ways or on any public facility in the Town.

Contractor means any person, firm, partnership, corporation, association, other organization or any combination thereof that performs construction work within the Town, unless otherwise specified in this Article.

Contractor's license means the license issued to a contractor performing construction work within the Town.

Employee means a person who is employed by a contractor to perform construction work that is paid a wage or salary and is eligible for Colorado workers' compensation insurance and unemployment insurance benefits. A worker who qualifies as an independent contractor under Colorado law is not considered an employee of a contractor.

Sec. 6-184. License Required.

- (a) Prior to performing construction work in the Town, a contractor shall obtain a contractor's license, except as otherwise permitted in this Article.
- (b) For any construction requiring a contractor's license, building permits shall only be issued to a property owner or to a contractor holding a contractor's license.

Sec. 6-184. Exemptions.

A contractor's license shall not be required for the following:

- (a) Construction that does not require a building permit.
- (b) Construction undertaken by the owner of a detached single-family dwelling and associated accessory buildings who personally performs construction on the dwelling and associated accessory buildings; provided that the owner may only commence construction on buildings located on a single parcel of real property in a 24-month period.
- (c) Construction undertaken by a person performing work as a contractor's employee on behalf of and in the name of the contractor holding a contractor's license.
- (d) Construction undertaken by a person performing work without pay or compensation of any kind who is supervised directly by a contractor holding a contractor's license.

Sec. 6-185. Building Official issuance of contractor license; variance by Town Manager.

- (a) The Building Official shall have the authority to issue contractor's licenses and, except as otherwise set forth herein, determine all matters related to the suspension or revocation of any contractor's license.
- (b) The Town Manager, in his or her discretion, is authorized to grant a variance from the terms of this Article in specific cases where the strict application of any provision of this Article would result in extraordinary practical difficulties or cause undue hardship or where, upon any other substantial reasonable basis, the Town Manager determines that a variance is warranted.

Sec. 6-186. Forms; fees; validity.

- (a) The Building Official shall prepare a contractor licensing application, which shall contain, among other potential requirements, the items required in Section 6-187, and is subject to approval of the Town Manager. The Building Official shall prepare any and all other forms necessary to satisfy the provisions of this Article, which are subject to approval of the Town Manager.
- (b) Prior to issuance of a contractor's license, the applicant shall complete the contractor licensing application.
- (c) The contractor shall pay a non-refundable fee of \$100.00, due and payable with the submission of the contractor licensing application, which fee shall be applied to offset the Town's costs associated with regulating the Building Code and administering the contractor licensing program.
- (d) A contractor's license is valid for a period of one year from the date of issuance, and may be renewed by payment of a renewal fee in the amount of \$100.00.
- (e) A contractor who performs construction prior to obtaining a contractor's license shall, in addition to the other remedies set forth in this Article, be required to pay an investigation fee in an amount equal to, and in addition to, the license fee, which fee shall be paid before a contractor's license may be issued.

Sec. 6-187. Application for contractor's license.

Prior to being issued any contractor's license, the applicant shall complete a contractor licensing application containing, among other potential requirements, the following information:

- (a) The applicant's business name, the names of all principals of the contractor, a current mailing address and telephone number.
- (b) A written summary documenting the applicant's relevant experience and identifying the last three construction projects. The Building Official may request references.
- (c) A copy of all licenses issued to the applicant by the State of Colorado.
- (d) Certificates of insurance setting forth the insurance maintained by the applicant for work performed within the Town, including, but not limited to, workers' compensation, builder's risk insurance, if any, and general liability coverage.
- (e) A signed statement by the applicant acknowledging the obligations associated with the contractor's license.

Sec. 6-188. Responsibilities of contractor.

The contractor shall observe the following standards:

- (a) The contractor shall obey all notices and orders issued by the Town Manager or the Building Official.
- (b) The contractor shall observe generally accepted safety standards.
- (c) The contractor shall maintain liability insurance and workers' compensation insurance as set forth in the contractor's application. Upon request, proof of insurance shall be provided to the Building Official.

- (d) Upon request, the contractor shall identify all subcontractors performing construction and contracting with the contractor.
- (e) The contractor shall maintain a current address and contact telephone number with the Building Official.
- (f) The contractor shall not proceed with construction until after the issuance of a building permit, and any other required permits, and shall obtain the required inspections and authorizations to proceed with the work authorized under the permit(s).
- (g) If a contractor is released from or abandons construction, the contractor shall immediately notify the Building Official in writing. No further work shall be done on a construction project until the Building Official is notified in writing of the intended resumption by an owner or a different contractor entitled to obtain a building permit and a contractor's license.

Sec. 6-189. Disciplinary procedures, violations and penalties.

- (a) Building Official. When the Building Official determines that a contractor has committed a violation of this Article, the Building Code or the Code, the Building Official may order a suspension or revocation of the contractor's license. Notification of the suspension or revocation shall be in writing and shall be delivered to the contractor by certified mail to the contractor's last known address, as contained on the contractor's application or as set forth in a written notice submitted subsequent to submission of the contractor's application, or by personal delivery to the contractor or to the contractor's representative at a construction project, and shall be effective within three days of mailing or upon personal delivery. The notification shall state in reasonable detail the essential facts and reasons for said action and shall advise the contractor of the right to submit a written appeal to the Town Manager within fifteen (15) days, setting forth in detail the basis of the appeal.
- (b) Town Manager. The Town Manager may, in his or her discretion, conduct a hearing or take any reasonable action to investigate the facts and circumstances giving rise to the Building Official's suspension or revocation of the contractor's license. The Town Manager shall have the power to affirm the suspension or revocation and take any other disciplinary action when the Town Manager determines that the contractor has committed any of the following:
 - (1) Knowing or deliberate disregard of this Article, the Building Code or the Code;
 - (2) Failure to comply with any lawful requirement of the Building Official;
 - (3) Misrepresentation of a material fact in obtaining a building permit or a contractor's license;
 - (4) Employing subcontractors to perform construction for which a contractor's license is required under this Article when such workers are neither employees nor exempt as defined under this Article; or
 - (5) Requesting repeated inspections when such inspections reveal that the work performed by the contractor fails to comply with the Building Code and such repeated noncompliance occurs in a manner or to an extent that demonstrates that the contractor either is negligent, not providing adequate supervision or not qualified to perform or supervise the work.

Within thirty (30) days of receipt of an appeal, the Town Manager shall provide notification to the contractor of the Town Manager's order. The notification shall be in writing and shall be delivered to the contractor by certified mail to the contractor's last known address, as contained on the contractor's application or as set forth in a written notice submitted subsequent to submission of the contractor's application, or by personal delivery to the contractor or to the contractor's representative, and shall be effective within three days of mailing or upon personal delivery. If the Town Manager affirms the suspension or revocations of the contractor's license, the notification shall state in reasonable detail the essential facts and reasons for said action and shall advise the

contractor of the right to submit a written appeal to the Town Council within fifteen (15) days, setting forth in detail the basis of the appeal.

- (c) Town Council. An appeal to the Town Council shall be in writing, filed with the Town Clerk and allege with particularity the errors and omissions contained in the Town Manager's order. The contractor shall, at that time of making such appeal, pay to the Town Treasurer a docket fee in the amount of fifty dollars (\$50.00). Written notice of the hearing shall be given to the contractor and to any other parties concerned at least five (5) days prior to the hearing. The contractor shall have the burden of proof on appeal. Within thirty (30) days of the hearing, the Town Council shall make its final determination and affirm, modify or reverse the Town Manager's order. The decision of the Town Council shall be final and conclusive, except as provided by the laws of the State of Colorado.
- (d) Effect of Revocation. When the contractor's license is revoked as set forth herein, the contractor shall not be granted another contractor's license without approval of the Town Manager. The Town Manager, in deciding whether to approve a new contractor's license, shall determine whether the contractor has demonstrated that any previous governmental disciplinary action has resulted in the rehabilitation of the contractor to good and disciplined character for lawful conduct as a contractor.
- (e) Enforcement. In addition to the suspension or revocation of a contractor's license as provided herein, any person violating any of the provisions of this Article shall be subject to the penalties set forth in Section 1-62 of the Code.

Secs. 6-190 - 6-199 Reserved.

Section 2. Publication and Effective Date. This Ordinance, after its passage on final 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 20th day of February, 2019.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: Diana Seele
Diana Seele, Town Clerk

By: Gary Lebsack
Gary Lebsack, Mayor

RESOLUTION

No. 2019-07

**TOWN OF JOHNSTOWN, COLORADO
RESOLUTION NO. 2019-07**

**A RESOLUTION IDENTIFYING ISSUES WITH THE
ZERO EMISSION VEHICLE MANDATE PROPOSAL**

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, on January 17, 2019, the Governor signed *Executive Order B 2019 002, Supporting a Transition to Zero Emission Vehicles* (“Executive Order”), recognizing a goal of one-hundred percent (100%) renewable electricity by 2040; and

WHEREAS, the State of Colorado currently offers a \$5,000 tax credit for passenger zero emission vehicles (“ZEVs”), and has adopted a goal of 940,000 electric vehicles on the road by 2030; and

WHEREAS, the Governor is directing a portion of the Beneficiary Mitigation Plan for the Volkswagen Clean Air Act Civil Settlement funds to support vehicle electrification; and

WHEREAS, pursuant to the Executive Order, the Colorado Department of Public Health and the Environment (“CDPHE”) is required to develop a rule for a Colorado ZEV program and propose that rule to the Air Quality Control Commission no later than May 2019, for possible adoption by October 30, 2019; and

WHEREAS, to reach the Governor’s goal, vehicle manufacturers may be required to meet a sales quota for ZEVs, and auto manufacturers may then be involved in the purchase or sale of credits based on the number of electric vehicles sold in the Colorado to enable them to be in compliance with the quota; and

WHEREAS, based on information provided by the North Front Range Metropolitan Planning Organization, the Town Council finds that the Executive Order raises the following issues:

- ZEVs do not contribute monetarily to the maintenance of transportation infrastructure through the Highway User Trust Fund;
- The cost of non-ZEV vehicles may increase to support the purchase of the ZEVs;
- Non-ZEV vehicles will likely be used more frequently in rural areas where there is a lower household income;
- Taxpayers are currently subsidizing, and will continue to subsidize, the purchase of ZEVs;

- Charging stations are not adequate, particularly in rural areas, to support ZEVs and may not be available for a significant amount of time;
- The impact of ZEV requirements on county clerks has not been assessed; and
- There is not sufficient time to offer CDPHE meaningful input regarding, among other elements, the economic impacts of a ZEV policy to assist the agency in developing the mandated rule.

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

Section 1: The Town Council hereby requests that a phased approach to development of a ZEV policy, particularly in the rural areas of Colorado, be implemented and that, prior to final adoption of a ZEV policy, a source of funding to replace the Highway User Trust Fund income be identified.

Section 2: The Town Clerk is hereby directed to mail a copy of this Resolution to the Office of the Governor, the Executive Director of the Colorado Department of Public Health and Environment and the Executive Director of the North Front Range Metropolitan Planning Organization.

Section 3: This Resolution shall be effective as of the date of its adoption.

PASSED, SIGNED, APPROVED, AND ADOPTED this ___ day of _____, 2019.

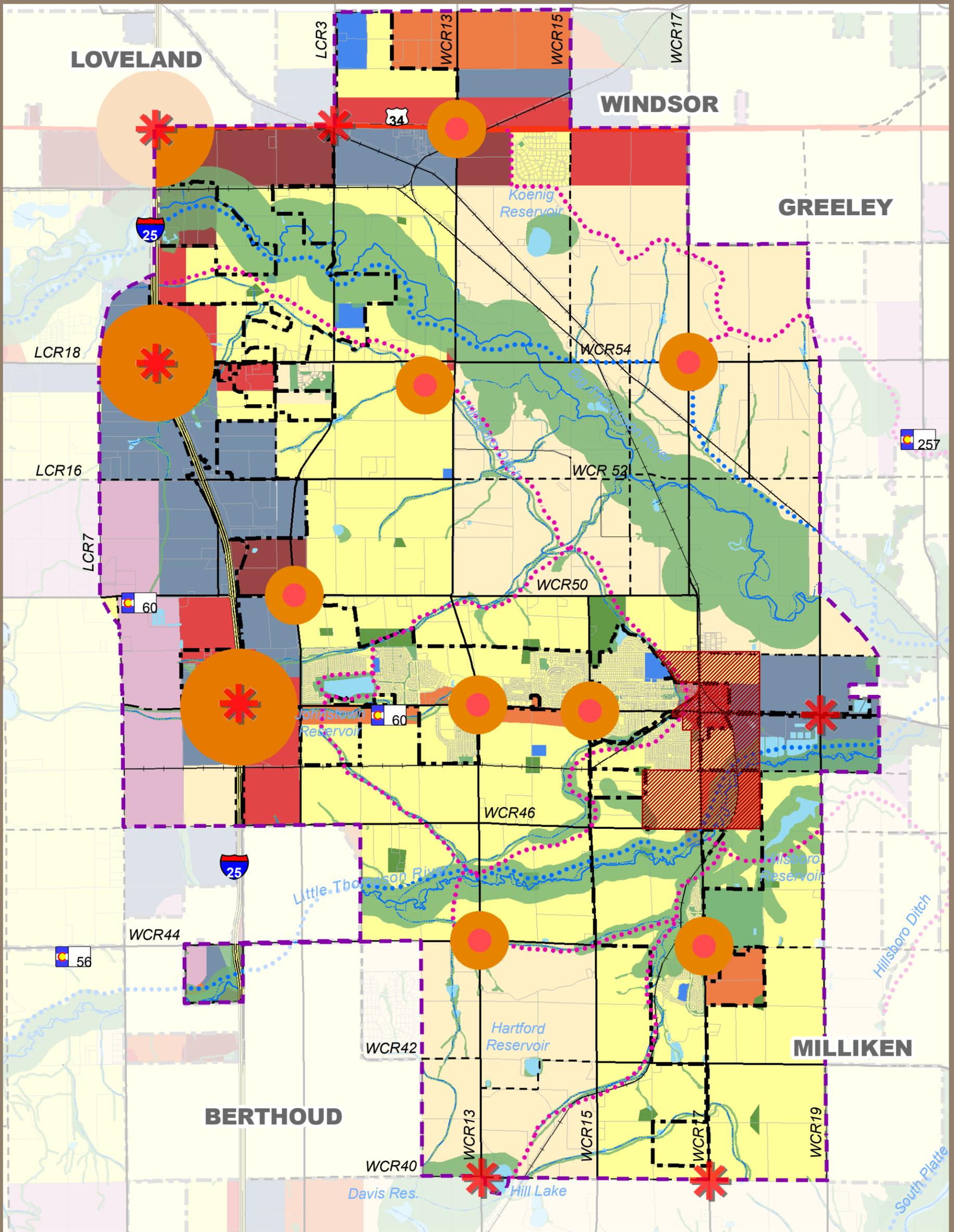
TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

THREE MILE PLAN



CENTERS

- Village Center
- Johnstown Gateway
- Gateway Center

DOWNTOWN

- Downtown
(See downtown framework plan)

DISTRICTS

- Employment
- Commercial
- Commercial Mixed Use

NEIGHBORHOOD(S)

- Conservation-oriented Agricultural/Large Lot Residential
- Residential Mixed-Use
- Low Density Residential (avg. 3 du/ac)
- Medium Density Residential (avg. 6-8 du/ac)
- Public/Institutional

PARKS & GREENWAYS

- Greenways
- Park/Cemetery

MULTI-MODAL CORRIDORS

- Freeway
- Expressway
- Major Arterial
- Minor Arterial
- Local Roads
- Railroad
- Community Trail
- Primary Greenway

Land Use Framework Plan



- Johnstown GMA Boundary
- Town of Johnstown

Source: Town of Johnstown, EDAW



AGENDA ITEM 7

TOWN MANAGER

REPORT



TOWN OF JOHNSTOWN

MEMORANDUM

TO: Honorable Mayor and Town Council Members

FROM: Matt LeCerf, Interim Town Manager

DATE: March 4, 2019

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):

- 03/04/2019 – Regular Town Council Meeting
- 03/11/2019 – Work Session – Johnstown and Front Range Fire Rescue – IGA Discussion
- 03/18/2019 – Regular Town Council Meeting
- 03/25/2019 – Work Session – Home Supply Ditch Company

Police Department

Training:

- Sergeant Dickerson and Officer Kehr attended response to active shooter training in Estes Park CO the week of February 18-22.
- Evidence Technician Vetter attended forensic crime scene photography training in Lafayette CO on February 25th.

Community Policing, Outreach & Miscellaneous Items:

- *Staffing* - The Police Department has hired four new police officers: Ofc. Corissa Cygan, Ofc. Mark Grounds, Ofc. Thomas Kelley, and Ofc. Michael Olds.

Administration & Planning

- *Planning Application Reviews* – This past week staff issued 6 new projects out for review to our partners for review of new development types. The speed at which these submittals are coming is impacting the bandwidth of our resources internally to respond to request as we continue to try and keep up with the citizen requests and new community development.
- *Leadership Northern Colorado* – Matt participated on a panel with the other City Managers in the region to talk with this year's Leadership Northern Colorado class about our respective leadership journey.
- *I-25 & Highway 402* – We are having discussions with CDOT about including Johnstown on the off ramp signage of I-25 at the new interchange at Highway 402. They are somewhat adverse to the idea unless we provide some sort of monument signage and clear signage along Highway 402 that establishes that we are in Johnstown and/or directing visitors to the Downtown at WCR 17 and

The Community That Cares

Hwy 402. Any feedback would be appreciated on this if it is desired by the Council to promote and encourage CDOT to be proactive on this item for our community concern and betterment.

Public Works Department

Streets, Storm water & Parks

- *Community Cleanup Day* – Community Cleanup Day is set for April 27th.
- *Crack Sealing* – The Town used approximately 4 tons of crack seal material for Carlson Blvd. and Rolling Hills Pkwy.
- *Road Maintenance* – Town crews maintained approximately 8 miles of county gravel roads and graded 24 alley blocks around downtown, some of which required extra gravel. Potholes were repaired along the following roadways: Rolling Hills Pkwy., Aviara St., Castle Pines, Riviera Dr., Waylon Dr., Nicholas Dr., Podtburg Dr., Barnard, Country Acres, King Ave., Seventh Pl., Seventh St., Angove Ave., 2nd St., Black Duck Ave., and Canal Ave.
- *Town Lake Area Maintenance* – Crews burned the cat tails at the Town Lake around the inlet structure. Currently the intake pipe is buried 2 feet below the desired grade due to sediment build-up. This restricts positive water flow into the lake. While we do not have the funds to address a complete fix of this area in this year's budget, crews will be opening up the pipe that fills the lake as much as possible and doing some needed repairs such as riprap and erosion stabilization which is caused by the restriction of water flow out into the lake and instead causing water to erode behind the headwalls.
- *Senior Center Maintenance* – Crews repaired furnace duct work senior center for proper ventilation.
- *Roadway Signage Items* – Teams repaired a stop sign at WCR17 and WCR46 hit by truck.
- *Asphalt, Millings, & Road Base* – Teams placed material at the SW corner of Ronald Reagan and Frontage road due to erosion of the gravel roadside and added road base at the end of WCR50.
- *Surplus Vehicles* – Three of our older Police Vehicles (Crown Vic) were decommissioned and are ready to send to auction.
- *Roundabout Signage* – New signs have just arrived for Johnstown Plaza area roundabout. These signs will be installed the week of March 4th weather permitting.

Water & Wastewater

- *Water plant* – Repairs are scheduled for March 11 – 15 to remove the old piping and installation of new piping down stairs in the water plant. We are currently removing a number of old lines that have not been used prior to them starting work. We have contacted Greeley, Little Thompson and Central Weld County Water Districts to have water fed from these providers during the shutdown. Crews are coordinating with these agencies to make sure the system is flushed to ensure safe drinking water for transfer.
- *Low Point* – A chemical line to our effluent manhole froze up. This line fed chemicals to remove chlorine to the effluent before being discharged to the river. Crews had to dig up, reroute and replace the existing feed line with a bigger size line to prevent recurrence of this in the future.
- *Fan Press* – We have been improving operations with our new fan press and are now averaging approximately 3 tons of sludge removal every day we run the unit. Currently we are hauling all the sludge to the Central plant, but will soon contract with Veris Environmental services to supply us with a dumpster to haul the sludge to a landfill and eliminate any addition sludge being placed at our Central Plant.
- *Security Improvements* – Crews are installing gates and repairing fencing at our Central plant to improve safety and security.
- *Cemetery* – Spring cleanup at the cemetery has been scheduled for April 1st and we plan to advertise this announcement in the Breeze.

AGENDA ITEM 10A

PUBLIC HEARING

**AMENDMENT TO THE
JOHNSTOWN PLAZA DESIGN BOOK
GUIDELINES**

*PUBLIC HEARING PROCEDURE –Amendment to Johnstown Plaza Design Book
Guidelines Proposed Land Use Plan – Lot 1 from B2. To B2.

1. Open public hearing.
2. Receive information from staff.
3. Receive information from applicant.
4. Receive information from public.
 - a. Ask to hear from anyone who supports the Amendment.
 - b. Ask to hear from anyone who opposes the Amendment.
5. Receive rebuttal from applicant. (*Discretionary and only if warranted at the time.*)
6. Additional questions from Council, if any. (*Council may ask questions at any time until the hearing is closed.*)
7. Close the public hearing.
8. Discussion and deliberation among Council.
9. Make a decision and/or motion from Council.

SUGGESTED MOTIONS

For Approval:

(Motion for approval is on the Town Council Agenda Communication)

For Denial:

(Motion for denial is on the Town Council Agenda Communication)

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: March 4, 2019

ITEM NUMBER: 10A

SUBJECT: *Public Hearing – Public Hearing Regarding an Amendment to the Johnstown Plaza Design Book (Guidelines) to Change the Land Use Designation of Lot 1, 2534 Subdivision Filing No. 16 from B.1 Office, Flex and Retail Uses to B.2 Office, Flex, Retail and Multi-family

RECOMMEND ACTION: Approve the Resolution for a Land Use Designation Subject to the Conditions Proposed by Planning and Zoning Commission

ATTACHMENTS:

1. Resolution 2019-08
2. Map Depicting Site of Land Use Change
3. Planning and Zoning Packet Items Including Referral Agencies, Application with Submittals

PRESENTED BY: Mr. Matt LeCerf, on behalf of Town Planner

AGENDA ITEM DESCRIPTION:

The owner of the property, have requested Town approval of an amendment to the Johnstown Plaza Design Book. The amendment would add a Multi-Family Residential, a Principal Use and Residential Accessory use Section, and change the Land Use Plan for the parcel currently designated B.1 Office, Flex, Retail. The applicant proposes to construct approximately 228 apartments, and accessory uses. If approved by Council, the guidelines for design, if the property develops into multi-family would follow the 2534 Design Guidelines.

Existing and Proposed Land Use(s): The property is presently vacant, and the proposal is for a Multi-Family and accessory uses in the southwest corner of Ronald Reagan Blvd. and Exposition.

Prior Actions: In 2016, this property was included in an amendment to the 2534 Design Guidelines to remove the Johnstown Plaza commercial area from the 2534 Design Guidelines. The Johnstown Plaza Design Book was approved in February 2018.

On February 13, 2019, the Planning and Zoning Commission reviewed and approved the applicant's rezoning request with a motion to recommend approval of the Amendment to the Johnstown Plaza Design Book (Guidelines) to change the Land Use Designation of Lot 1 (approximately 11.5 acres), 2534 Subdivision Filing No. 16 *from* B.1 Office, Flex and Retail Uses *to* B.2 Office, Flex, Retail and Multi-Family with the following conditions:

Conditions Proposed by P & Z:

1. The Site Plan shall be revised to comply with Town's Traffic Engineer's requirements including those presented in a letter dated November 20, 2018, in a letter to John Franklin including:
 - a. reducing the number of vehicular ingress/egress points on Ronald Reagan Blvd. to ONE and aligning it "with the Ridgeview Office Park access" and
 - b. moving the first vehicular ingress/egress point south of Ronald Reagan Blvd. along the west side of Exposition Drive further south to meet the "minimum 175 foot spacing" requirement; and
2. Preparing and providing the Town Engineer with a water system modeling report for the proposed development; and,
3. Compliance with the Town's and Loveland Fire and Rescue Authority's Standards for all improvements; and,
4. Addressing and resolving the "Sanitary Interceptor Sewer" issue downstream of the 2534 area but upstream of the Low Point Wastewater Treatment Plant identified by the Town Engineer to the Town's satisfaction prior to Final Design approval.

LEGAL ADVICE:

The resolution was drafted by the Town Attorney

FINANCIAL ADVICE:

Not Applicable

RECOMMENDED ACTION:

The Planning and Zoning Commission has recommended approval of the amendment (with conditions).

SUGGESTED MOTIONS:

For Approval:

I move to approve the Amendment to the Johnstown Plaza Design Book (Guidelines) to change the Land Use Designation of Lot 1, 2534 Subdivision Filing No. 16 from B.1 Office, Flex and Retail Uses to B.2 Office, Flex, Retail and Multi-Family with the following conditions as established by the Planning Commission (or based on Council recommendation).

For Denial:

I move to deny approval of the Amendment to the Johnstown Plaza Design Book (Guidelines) for the requested zoning change to B.2.

Reviewed and Approved for Presentation:

Town Manager

RESOLUTION

No. 2019-08

TOWN OF JOHNSTOWN, COLORADO

RESOLUTION NO. 2019-08

APPROVING AN AMENDMENT TO THE JOHNSTOWN PLAZA DESIGN HANDBOOK LAND USE PLAN TO DESIGNATE LOT 1, 2534 SUBDIVISION FILING NO. 16, AS “AREA B.2” TO ALLOW MULTI-FAMILY RESIDENTIAL DEVELOPMENT, AND TO REQUIRE THAT THE DESIGN STANDARDS SET FORTH IN THE 2534 DESIGN GUIDELINES APPLY TO THE MULTI-FAMILY RESIDENTIAL DEVELOPMENT

WHEREAS, on or about February 21, 2018, the Town Council of the Town of Johnstown (“Town”) approved and adopted the Johnstown Plaza Design Handbook (“Design Handbook”); and

WHEREAS, on or about October 16, 2018, the property owner, Johnstown Plaza, LLC, a Kansas limited liability company, filed an application for an amendment to the Land Use Plan contained in the Design Handbook to designate Lot 1, 2534 Subdivision, Filing No. 16, from an Area B.1 designation (Office, Flex and Retail) to an Area B.2 designation (Office, Flex, Retail and Multi Family Residential), to allow, in addition to the current uses, multi-family residential development; and

WHEREAS, Section 1.3.5 of the Design Handbook provides that a change in land use constitutes a major change and shall require action by the Planning and Zoning Commission and final approval by the Town Council; and

WHEREAS, on February 13, 2019, the Planning and Zoning Commission held a public hearing, and voted to recommend approval of the proposed land use change on the conditions that:

1. The applicant revise the site plan to comply with Town’s Traffic Engineer’s requirements, including those presented in a letter to John Franklin dated November 20, 2018, which include:
 - a. reduce the number of vehicular ingress/egress points on Ronald Reagan Boulevard to one and align it “with the Ridgeview Office Park access;” and
 - b. move the first vehicular ingress/egress point south of Ronald Reagan Boulevard along the west side of Exposition Drive further south to meet the “minimum 175 foot spacing” requirement;
2. The applicant prepare and provide the Town Engineer with a water system modeling report for the proposed development;
3. The applicant comply with the Town’s standards and with Loveland Fire and Rescue Authority’s standards for all improvements; and
4. The applicant address and resolve the “sanitary interceptor sewer” issue downstream of the 2534 development, but upstream of the Low Point Wastewater Treatment Plant, as identified by the Town Engineer, to the Town’s satisfaction prior to final design approval.

WHEREAS, on March 4, 2019, the Town Council held a public hearing to consider the application and heard evidence presented by, among others, a representative of the applicant; and

WHEREAS, based upon all the evidence received, the Town Council finds that proposed land use change is appropriate and in the best interests of the Town, subject to the following conditions.

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

Section 1. The Land Use Plan contained in the Johnstown Plaza Design Handbook, as approved on February 21, 2018, shall be amended to designate Lot 1, 2534 Subdivision Filing No. 16 as “Area B.2” subject to the following conditions:

1. The Planning and Zoning Commission’s conditions of approval shall be satisfied;
2. Multi-family residential development in Area B.2 shall be subject to the design standards for multi-family residential development set forth in the 2534 Design Guidelines; and
3. The Johnstown Plaza Design Handbook shall be amended to reflect that the 2534 Design Guidelines applies to multi-family residential development in Area B.2.

Section 2. This Resolution shall be in full force and effect from and after the date of its passage and approval.

PASSED, SIGNED, APPROVED, AND ADOPTED this __ day of _____, 2019.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

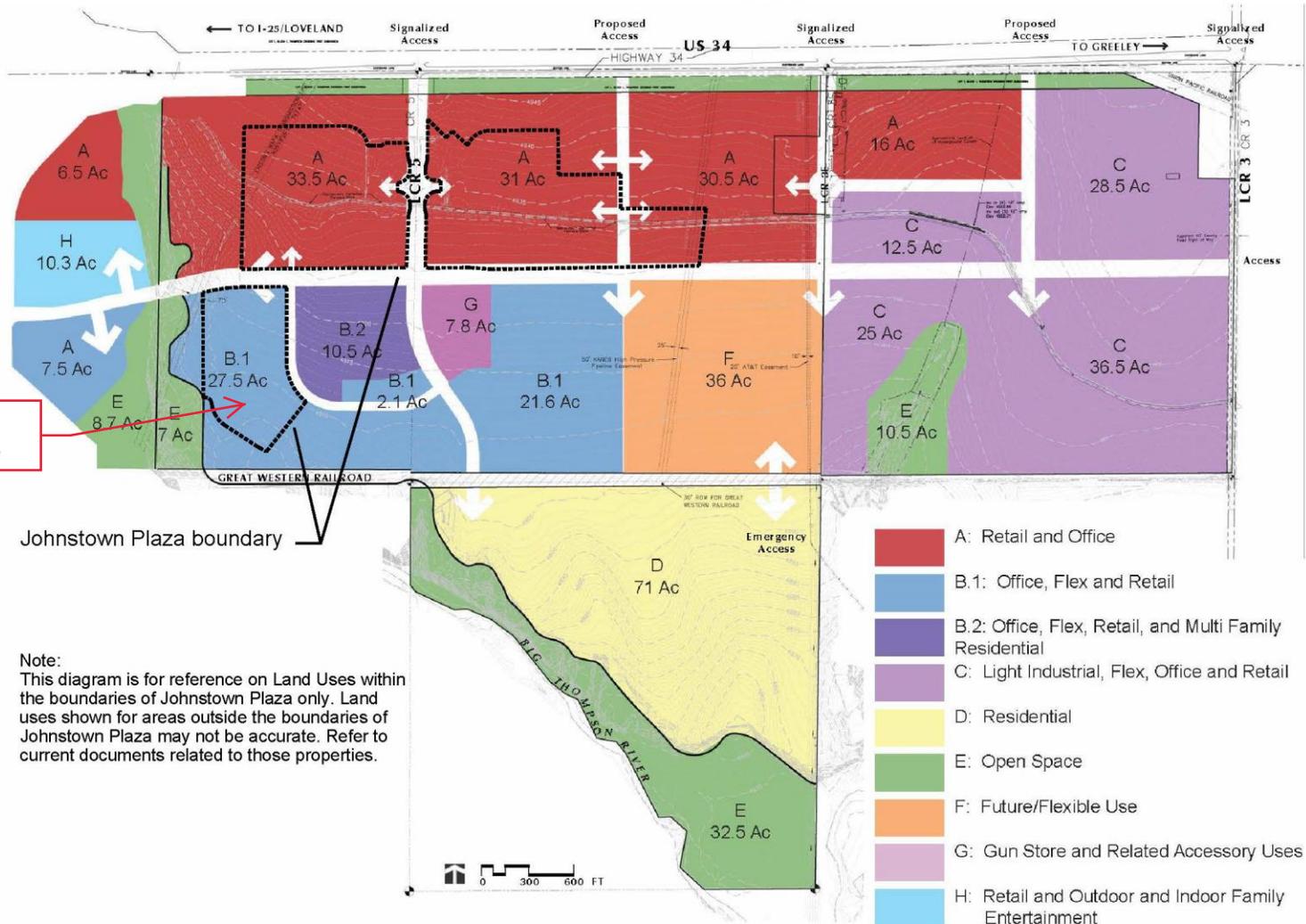
By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

LAND USE MAP

PROPOSED LAND USE PLAN for Johnstown Plaza

Proposed Amendment Site



Note:
This diagram is for reference on Land Uses within the boundaries of Johnstown Plaza only. Land uses shown for areas outside the boundaries of Johnstown Plaza may not be accurate. Refer to current documents related to those properties.

**PLANNING AND ZONING
PACKET**

AGENDA ITEM 4B

PUBLIC HEARING:

**Amendment to the Johnstown
Plaza Design Book (Guidelines)**

AGENDA MEMORANDUM

TO: Johnstown Planning and Zoning Commission
FROM:
DATE: For February 13, 2018
SUBJECT: Public Hearing Regarding an Amendment to the Johnstown Plaza Design Book (Guidelines) to Change the Land Use Designation of Lot 1, 2534 Subdivision Filing No. 16 from B.1 Office, Flex and Retail Uses to B.2 Office, Flex, Retail and Multi-family

Property Information

Applicant: Johnstown Plaza, LLC

Owner: Same

Location: South of Ronald Reagan Blvd. and west of

Property Size: 11.57±acres

Comprehensive Plan Designation: Mixed-Use Commercial

Current Zoning: PUD-MU Planned Unit Development – Mixed use

Current Use(s) of Property: Vacant

Surrounding Land Uses/Zoning:

- North: Ronald Reagan Blvd., Offices, vacant/PUD-MU
- South: Gateway Apartments Phase II; PUD-MU Residential
- East: Gateway Apartments Phase 1, Exposition Dr./PUD-MU –Office, Flex and Retail
- West: 2534 private open space/PUD-MU

Summary of Application: The owner of the property, have requested Town approval of an amendment to the Johnstown Plaza Design Book. The amendment would add a Multi-Family Residential, a Principal Use and Residential Accessory use Section, and change the Land Use Plan for the parcel currently designated B.1 Office, Flex, Retail. The applicant proposes to construct approximately 228 apartments, and accessory uses.

Prior Actions: In 2016, this property was included in an amendment to the 2534 Design Guidelines to remove the Johnstown Plaza commercial area from the 2534 Design Guidelines. The Johnstown Plaza Design Book was approved in February 2018.

Existing and Proposed Land Use(s): The property is presently vacant, and the proposal is for a Multi-Family and accessory uses in the southwest corner of Ronald Reagan Blvd. and Exposition.

Design Guidelines: The Johnstown Plaza Design Book applies.

Technical Analysis

Relationship to Town Vision and Strategic Plan: “Ensure a balance of housing types.” The Johnstown Comprehensive Area Plan designates higher density residential development around and outside of commercial areas, to provide a full range of housing opportunities and to provide for a transition to single family residential development. Multi-Family and single family residential were envisioned in the southern portion of the 2534 development.

The overall 2534 development is envisioned by the Town Council as a major contributor to the local economy, with a large proportion of the property designated for retail and the on-going generation of sales tax revenue. The first land use plan amendment for multi-family included a market review and assessment of the economic impact of this change, and offered that the additional residential will generate retail customers and not seriously impact the overall commercial growth or prospective sales tax revenue of the development.

Public Health and Safety Impacts:

Access and Traffic: Primary access to the site will be from Exposition (collector) and Ronald Reagan Blvd. (Arterial). Traffic management and access points are subject to Town Traffic Engineer review and recommendations at Final Site Development Plan, prior to development.

Utilities: The property is within the Town’s service area. Sanitary sewer will be treated at the Low Point Wastewater Treatment Plant. Stormwater is to be collected, detained in the private, regional detention facility and then directed towards the Big Thompson River. A stormwater development fee has been paid for the site at time of plat. Due to the change in land use, water and sewer pipe capacities will need to be confirmed.

Mineral Interests and Operations: There are no oil/gas wells or production facilities approved for the site.

Parks and Open Space: On-site, and adjoining private recreation amenities and landscaped common areas are anticipated. Sidewalk access is required.

Schools: The property is located within the Thompson School District. A school bus stop may be needed.

Architectural Design: Conceptual design and materials are provided. Final design review will be by the Johnstown Plaza Owners (DRC) and Town Staff (JRC) in accordance with the 2534 Design Guidelines.

Landscaping: Landscaping shall comply with Johnstown Landscape Standards and Specifications, and 2534 Design Guidelines.

Fencing and Screening: Subject to Final Site Development Plan.

Lighting and Street Furniture: Subject to Final Development Plan. Developer must arrange for decorative street lights.

Signage: Signage shall conform the Town Sign Code.

Phasing: The property will be developed in one or more phases.

Attachments: Written request narrative, concept plan.

Crucial Referral Responses: None

Technical Findings:

- The proposed location was not envisioned for multi-family residential use.
- Due to the change in land use, water and sewer system capacities will need to be confirmed.

- **Staff Recommendation:** Staff recommends approval, subject to the condition that water and sewer system capacities will need to be confirmed.

Planning Commission Action

1. Recommendation:

“I move that the Commission recommend approval of the Amendment to the Johnstown Plaza Design Book (Guidelines) to Change the Land Use Designation of Lot 1, 2534 Subdivision Filing No. 16 from B.1 Office, Flex and Retail Uses to B.2 Office, Flex, Retail and Multi-family”;

Or,

2. Recommendation with Conditions:

“I move that the Commission recommend approval of the Amendment to the Johnstown Plaza Design Book (Guidelines) to Change the Land Use Designation of Lot 1, 2534 Subdivision Filing No. 16 from B.1 Office, Flex and Retail Uses to B.2 Office, Flex, Retail and Multi-family with the following condition(s):

- a) _____;
- b) Etc.”

Or,

3. Recommend denial:

“I move that the Commission recommend denial of the Amendment to the Johnstown Plaza Design Book (Guidelines) to Change the Land Use Designation of Lot 1, 2534 Subdivision Filing No. 16 from B.1 Office, Flex and Retail Uses to B.2 Office, Flex, Retail and Multi-family for the following reasons:

- a) _____;
- b) Etc.”

APPLICATION

Town of

Johnstown

450 S. Parish Ave. Johnstown, CO 80534
Ph: 970-587-4664 Fax: 970-587-0141

COMMUNITY DEVELOPMENT APPLICATION

Date: 10/16/2018

Project Name: Johnstown Plaza Apartment Project (Formal name TBD)

Application is for: Annexation Zoning Subdivision Other (please specify) _____

Landowner: Johnstown Plaza LLC

Address: 6917 W. 135th Street, Suite B29, Overland Park, KS 66223

Telephone: 913-499-1926

Authorized Representative: Allen Schlup

Address: 6917 W. 135th Street, Suite B29, Overland Park, KS 66223

Telephone: 913-499-1926 ; Fax Number: 913-499-1913; E-Mail: allen.schlup@adschluplaw.com

Landowner Authorization:

The undersigned affirms ownership of the property pertaining to this application, and hereby applies to the Town of Johnstown, Colorado for the above indicated development review process, and authorizes the individual or company stated as "authorized representative" to represent me/us in all aspects of said process.

Allen Schlup

Signature of Landowner

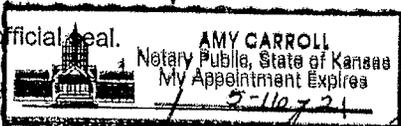
Signature of Landowner

STATE OF KANSAS)
)ss
COUNTY OF JOHNSON)

The foregoing application was subscribed and sworn to before me this 15 day of October, A.D., 2018, by Allen Schlup.

Witness my hand and official seal.

My commission expires



Amy Carroll
Notary Public



October 24, 2018

John Franklin
Town of Johnstown
450 S Parish Ave.
Johnstown, CO 80534

VIA E-MAIL

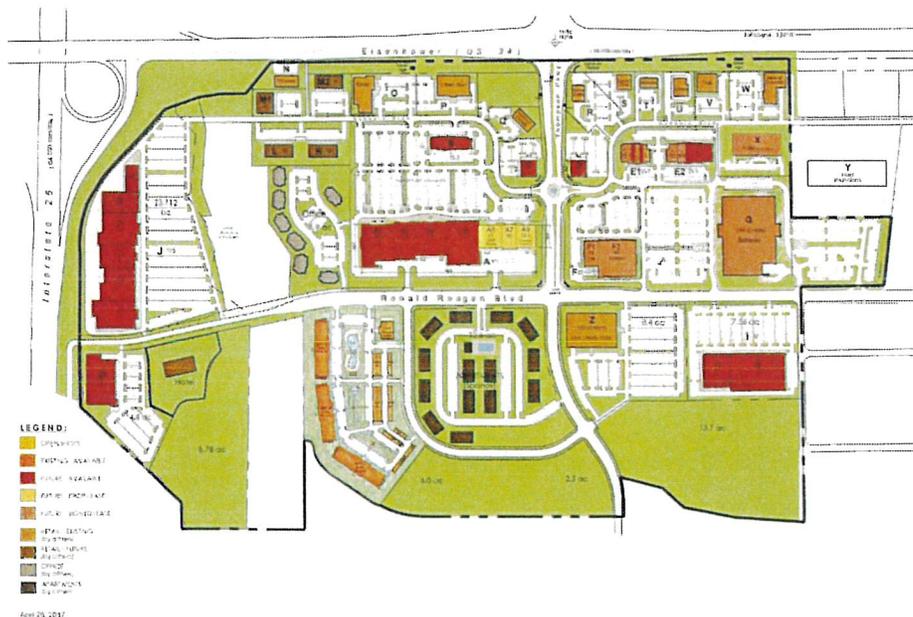
jfranklin@townofjohnstown.com

Re: Johnstown Plaza Apartment Project
Application for a land use amendment to the 2534 Design

Dear Town of Johnstown,

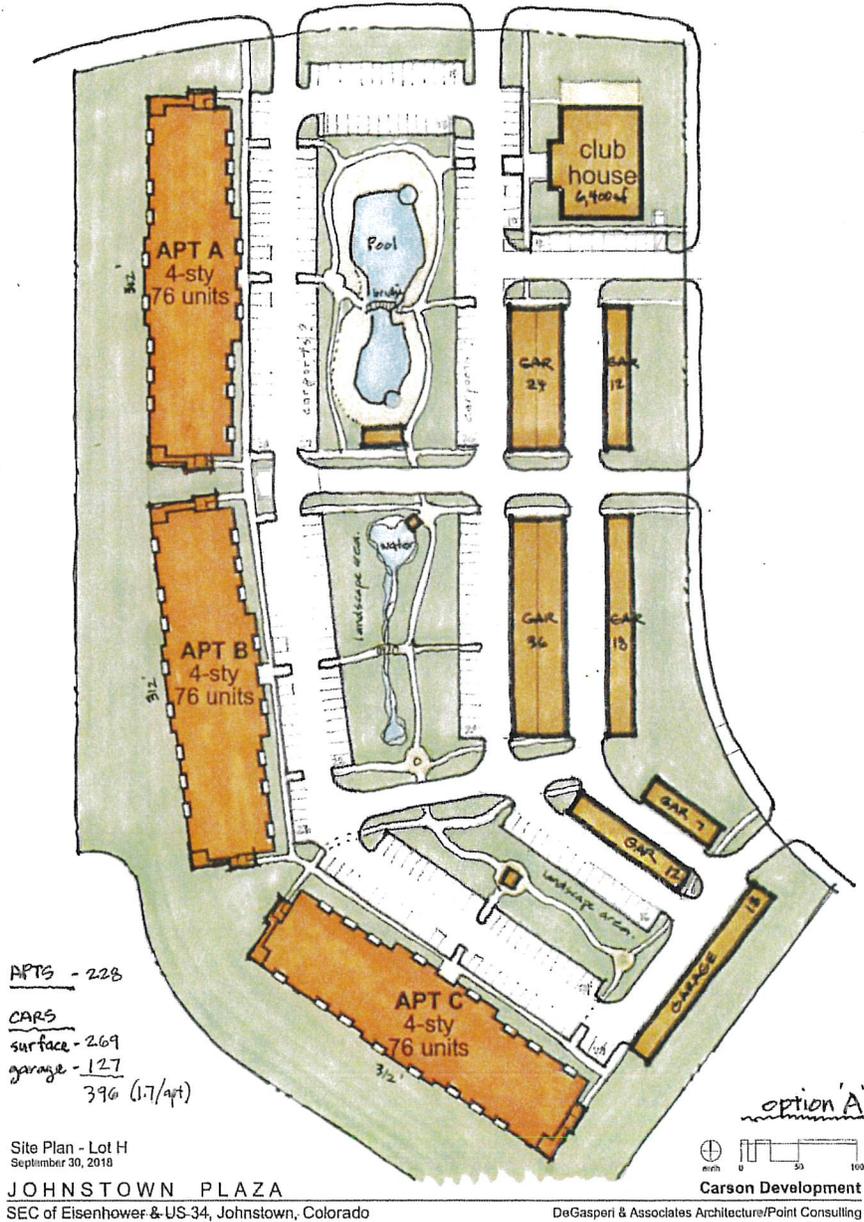
This correspondence is being sent to formally request that the Town of Johnstown approve to re-zone and/or reclassify certain land described below to allow for multi-family apartments to be installed on property that Johnstown Plaza, LLC owns in Johnstown, Colorado.

While the proposed multi-family residential use is allowed under the 2534 Design Guidelines, the use is not specifically permitted on Site. The re-zone would add Multi-Family Dwellings (such as generally herein described and as conceptually depicted on the attached graphics) to the permitted uses allowed under the 2534 Design Guidelines on Site. When the request is approved, Johnstown Plaza desires to proceed rapidly with the design and construction of its proposed upscale apartment community.



Proposed Project

The project itself will encompass construction of three mid-sized multi-family buildings that captures the western range view of the property. We will seek to construct 238 apartment units within these three, four story buildings. We plan to construct the same as shown in the below site plan on our lot "H", a full copy of this site plan is attached to the correspondence for your review:



Our goal with these three buildings is to maximize the number of units that can utilize the view of the front range to spark interest in the apartments. We will focus on the views as well as the interior finishes being A-grade. Prior to our current success in the retail industry, our focus was multi-family and single-family developments. Just to briefly show qualifications and experience in constructing apartments, We are including a Carson Developments recent projects below:

Apartment Project Experience

This project will lineup with our Kansas City shopping center, Corbin Park, in which we are building a multi-family facility including its own 230+ apartments that are currently under construction. We also plan to mirror the finishes and exterior development of both complexes. They both are mixed in with the existing retail and should provide an additional boost to the existing tenants. Elevations are attached to this correspondence that from a preliminary standpoint show the rough elevations of our building we plan to construct. More formal and finalized elevations will be prepared for construction, but we wanted to provide initial drawings for your review. Below are some renderings from our Kansas City development, which again will tie into our Johnstown apartments.

CORBIN PARK
A MULTI-FAMILY DEVELOPMENT
OVERLAND PARK, KS



CORBIN PARK
A MULTI-FAMILY DEVELOPMENT
OVERLAND PARK, KS



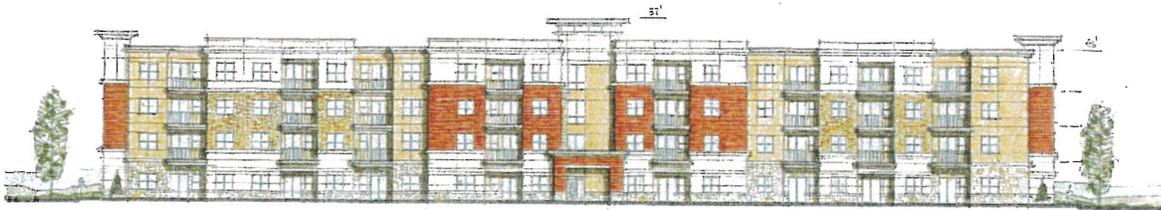
Our Johnstown apartment project will include a clubhouse and a large pool/patio area. The entirety of the project will be a gated community as well. We plan to install first class apartments and finishes in this area and have it complement our A-grade retail buildings across the street. We believe this to be a great ancillary project that will benefit the existing retail as well as the surrounding areas. While Johnstown Plaza Commercial continues to focus on high quality development that benefits 2534 and Johnstown, we are very excited about this opportunity for the following reasons:

Land Use Changes

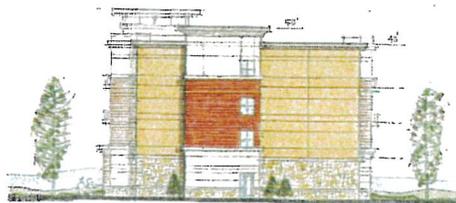
These proposed land uses will allow for a higher quality complimentary land uses in the 2534 development and as a result allow for high quality developments.

The design of the Johnstown Plaza community lends itself well to promoting a very walkable community with high quality landscaping. Connectivity among buildings and tenant amenities is provided on site, with direct access to each unit, as well as pedestrian connections to Ronald Reagan Boulevard, Exposition Drive, and the included open space, clubhouse and pool amenities.

The Johnstown Plaza community will offer four-story residential structures with private entries to each unit. This distinctive design will bring a new style of residential living into the development. Exterior elevations provide architectural interest through varied rooflines and quality materials, including stone masonry and stucco siding on all buildings. Alongside a complementary color palette, each building provides articulation to break up the structure's massing by incorporating balconies, covered doorways, and unit projections to create variation to the community.



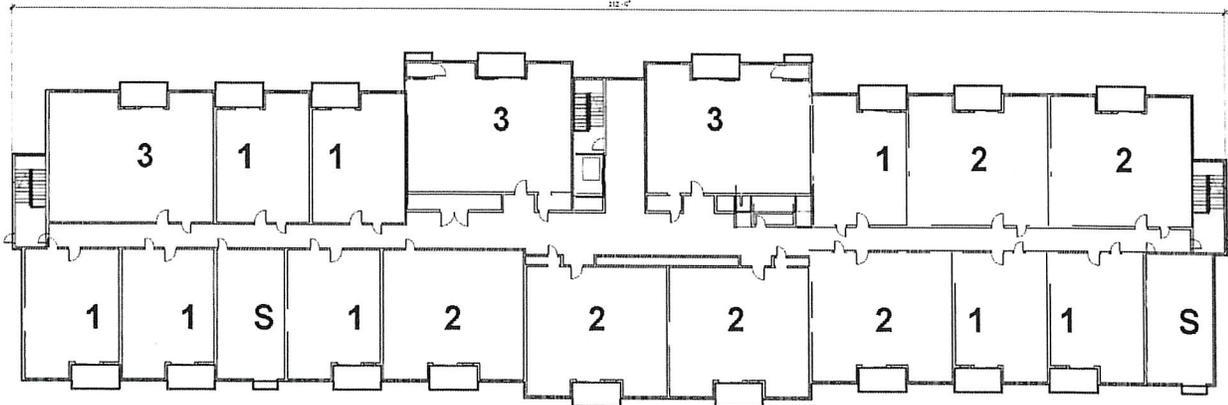
FRONT ELEVATION
(rear similar)



END ELEVATION

■	ROOF	ASPH/FLT SHINGLES
■	WALLS	1ST - 4TH FLOOR: BRICK
■	WALLS	5TH FLOOR: STUCCO
■	WALLS	BASEMENT: CONCRETE
■	WALLS	FOUNDATION: CONCRETE
■	WALLS	EXTERIOR: STUCCO
■	WALLS	INTERIOR: GYP BOARD
■	WALLS	CEILING: GYP BOARD
■	WALLS	FLOOR: POLISHED CONCRETE
■	WALLS	DOORS: ALUMINUM
■	WALLS	WINDOWS: ALUMINUM
■	WALLS	BALCONIES: ALUMINUM
■	WALLS	CLADDING: STUCCO
■	WALLS	CLADDING: BRICK
■	WALLS	CLADDING: STONE
■	WALLS	CLADDING: MASONRY
■	WALLS	CLADDING: CONCRETE
■	WALLS	CLADDING: METAL
■	WALLS	CLADDING: GLASS
■	WALLS	CLADDING: CERAMIC
■	WALLS	CLADDING: TERRAZZO
■	WALLS	CLADDING: MARBLE
■	WALLS	CLADDING: GRANITE
■	WALLS	CLADDING: SLATE
■	WALLS	CLADDING: QUARTZ
■	WALLS	CLADDING: LAMINATE
■	WALLS	CLADDING: VENEER
■	WALLS	CLADDING: PAINT
■	WALLS	CLADDING: STAIN
■	WALLS	CLADDING: POLISH
■	WALLS	CLADDING: SEALER
■	WALLS	CLADDING: PROTECTOR
■	WALLS	CLADDING: CLEANER
■	WALLS	CLADDING: MAINTENANCE
■	WALLS	CLADDING: REPAIR
■	WALLS	CLADDING: REPLACEMENT
■	WALLS	CLADDING: DEMOLITION
■	WALLS	CLADDING: DISPOSAL
■	WALLS	CLADDING: RECYCLING
■	WALLS	CLADDING: SUSTAINABILITY
■	WALLS	CLADDING: ENERGY EFFICIENCY
■	WALLS	CLADDING: GREEN BUILDING
■	WALLS	CLADDING: LEED CERTIFICATION
■	WALLS	CLADDING: WELL-BEING
■	WALLS	CLADDING: PRODUCTIVITY
■	WALLS	CLADDING: INNOVATION
■	WALLS	CLADDING: FUTURE-PROOFING
■	WALLS	CLADDING: ADAPTABILITY
■	WALLS	CLADDING: FLEXIBILITY
■	WALLS	CLADDING: SCALABILITY
■	WALLS	CLADDING: GROWTH
■	WALLS	CLADDING: SUCCESS
■	WALLS	CLADDING: ACHIEVEMENT
■	WALLS	CLADDING: EXCELLENCE
■	WALLS	CLADDING: PERFECTION
■	WALLS	CLADDING: MASTERY
■	WALLS	CLADDING: ARTISANRY
■	WALLS	CLADDING: CRAFTSMANSHIP
■	WALLS	CLADDING: SKILL
■	WALLS	CLADDING: KNOWLEDGE
■	WALLS	CLADDING: EXPERIENCE
■	WALLS	CLADDING: PASSION
■	WALLS	CLADDING: DEDICATION
■	WALLS	CLADDING: COMMITMENT
■	WALLS	CLADDING: INTEGRITY
■	WALLS	CLADDING: HONESTY
■	WALLS	CLADDING: FAITHFULNESS
■	WALLS	CLADDING: RELIABILITY
■	WALLS	CLADDING: ACCOUNTABILITY
■	WALLS	CLADDING: RESPONSIBILITY
■	WALLS	CLADDING: ETHICALITY
■	WALLS	CLADDING: JUSTICE
■	WALLS	CLADDING: EQUITY
■	WALLS	CLADDING: INCLUSIVITY
■	WALLS	CLADDING: DIVERSITY
■	WALLS	CLADDING: UNITY
■	WALLS	CLADDING: COHESION
■	WALLS	CLADDING: SYNERGY
■	WALLS	CLADDING: TEAMWORK
■	WALLS	CLADDING: COLLABORATION
■	WALLS	CLADDING: PARTNERSHIP
■	WALLS	CLADDING: ALLIANCE
■	WALLS	CLADDING: COOPERATION
■	WALLS	CLADDING: ASSISTANCE
■	WALLS	CLADDING: SUPPORT
■	WALLS	CLADDING: HELP
■	WALLS	CLADDING: GUIDANCE
■	WALLS	CLADDING: COUNSEL
■	WALLS	CLADDING: ADVICE
■	WALLS	CLADDING: SUGGESTION
■	WALLS	CLADDING: RECOMMENDATION
■	WALLS	CLADDING: OPINION
■	WALLS	CLADDING: VIEWPOINT
■	WALLS	CLADDING: PERSPECTIVE
■	WALLS	CLADDING: UNDERSTANDING
■	WALLS	CLADDING: EMPATHY
■	WALLS	CLADDING: COMPASSION
■	WALLS	CLADDING: KINDNESS
■	WALLS	CLADDING: GENTLENESS
■	WALLS	CLADDING: MERCY
■	WALLS	CLADDING: GRACE
■	WALLS	CLADDING: PATIENCE
■	WALLS	CLADDING: FORGIVENESS
■	WALLS	CLADDING: PEACE
■	WALLS	CLADDING: CALMNESS
■	WALLS	CLADDING: SOOTHING
■	WALLS	CLADDING: REASSURING
■	WALLS	CLADDING: ENCOURAGING
■	WALLS	CLADDING: UPLIFTING
■	WALLS	CLADDING: INSPIRING
■	WALLS	CLADDING: MOTIVATING
■	WALLS	CLADDING: EMPOWERING
■	WALLS	CLADDING: ENLIGHTENING
■	WALLS	CLADDING: ILLUMINATING
■	WALLS	CLADDING: CLARIFYING
■	WALLS	CLADDING: SIMPLIFYING
■	WALLS	CLADDING: ORGANIZING
■	WALLS	CLADDING: STRUCTURING
■	WALLS	CLADDING: SYSTEMATIZING
■	WALLS	CLADDING: STREAMLINING
■	WALLS	CLADDING: OPTIMIZING
■	WALLS	CLADDING: ENHANCING
■	WALLS	CLADDING: IMPROVING
■	WALLS	CLADDING: ELEVATING
■	WALLS	CLADDING: EXALTING
■	WALLS	CLADDING: GLORIFYING
■	WALLS	CLADDING: HONORING
■	WALLS	CLADDING: REVERENCING
■	WALLS	CLADDING: SACRIFICING
■	WALLS	CLADDING: SERVING
■	WALLS	CLADDING: HELPING
■	WALLS	CLADDING: ASSISTING
■	WALLS	CLADDING: SUPPORTING
■	WALLS	CLADDING: UPHOLDING
■	WALLS	CLADDING: MAINTAINING
■	WALLS	CLADDING: PRESERVING
■	WALLS	CLADDING: PROTECTING
■	WALLS	CLADDING: DEFENDING
■	WALLS	CLADDING: FIGHTING
■	WALLS	CLADDING: BATTLING
■	WALLS	CLADDING: STRUGGLING
■	WALLS	CLADDING: ENDURING
■	WALLS	CLADDING: PERSISTING
■	WALLS	CLADDING: PERSEVERING
■	WALLS	CLADDING: ENDURANCE
■	WALLS	CLADDING: STAMINA
■	WALLS	CLADDING: RESILIENCE
■	WALLS	CLADDING: FLEXIBILITY
■	WALLS	CLADDING: ADAPTABILITY
■	WALLS	CLADDING: TRANSFORMABILITY
■	WALLS	CLADDING: EVOLVABILITY
■	WALLS	CLADDING: GROWTH
■	WALLS	CLADDING: DEVELOPMENT
■	WALLS	CLADDING: PROGRESS
■	WALLS	CLADDING: ACHIEVEMENT
■	WALLS	CLADDING: SUCCESS
■	WALLS	CLADDING: TRIUMPH
■	WALLS	CLADDING: VICTORY
■	WALLS	CLADDING: CONQUEST
■	WALLS	CLADDING: DOMINANCE
■	WALLS	CLADDING: SUPREMACY
■	WALLS	CLADDING: HEGEMONY
■	WALLS	CLADDING: SOVEREIGNTY
■	WALLS	CLADDING: AUTONOMY
■	WALLS	CLADDING: INDEPENDENCE
■	WALLS	CLADDING: FREEDOM
■	WALLS	CLADDING: LIBERTY
■	WALLS	CLADDING: EQUALITY
■	WALLS	CLADDING: JUSTICE
■	WALLS	CLADDING: FAIRNESS
■	WALLS	CLADDING: INTEGRITY
■	WALLS	CLADDING: HONESTY
■	WALLS	CLADDING: TRANSPARENT
■	WALLS	CLADDING: ACCOUNTABLE
■	WALLS	CLADDING: RESPONSIBLE
■	WALLS	CLADDING: ETHICAL
■	WALLS	CLADDING: MORAL
■	WALLS	CLADDING: VIRTUOUS
■	WALLS	CLADDING: WISE
■	WALLS	CLADDING: KNOWLEDGEABLE
■	WALLS	CLADDING: SKILLFUL
■	WALLS	CLADDING: CAPABLE
■	WALLS	CLADDING: COMPETENT
■	WALLS	CLADDING: EFFECTIVE
■	WALLS	CLADDING: EFFICIENT
■	WALLS	CLADDING: PRODUCTIVE
■	WALLS	CLADDING: PROFICIENT
■	WALLS	CLADDING: EXPERT
■	WALLS	CLADDING: MASTER
■	WALLS	CLADDING: ARTISAN
■	WALLS	CLADDING: CRAFTSMAN
■	WALLS	CLADDING: PROFESSIONAL
■	WALLS	CLADDING: DEDICATED
■	WALLS	CLADDING: COMMITTED
■	WALLS	CLADDING: PASSIONATE
■	WALLS	CLADDING: ENTHUSIASTIC
■	WALLS	CLADDING: OPTIMISTIC
■	WALLS	CLADDING: POSITIVE
■	WALLS	CLADDING: UPLIFTING
■	WALLS	CLADDING: INSPIRING
■	WALLS	CLADDING: MOTIVATING
■	WALLS	CLADDING: EMPOWERING
■	WALLS	CLADDING: ENLIGHTENING
■	WALLS	CLADDING: ILLUMINATING
■	WALLS	CLADDING: CLARIFYING
■	WALLS	CLADDING: SIMPLIFYING
■	WALLS	CLADDING: ORGANIZING
■	WALLS	CLADDING: STRUCTURING
■	WALLS	CLADDING: SYSTEMATIZING
■	WALLS	CLADDING: STREAMLINING
■	WALLS	CLADDING: OPTIMIZING
■	WALLS	CLADDING: ENHANCING
■	WALLS	CLADDING: IMPROVING
■	WALLS	CLADDING: ELEVATING
■	WALLS	CLADDING: EXALTING
■	WALLS	CLADDING: GLORIFYING
■	WALLS	CLADDING: HONORING
■	WALLS	CLADDING: REVERENCING
■	WALLS	CLADDING: SACRIFICING
■	WALLS	CLADDING: SERVING
■	WALLS	CLADDING: HELPING
■	WALLS	CLADDING: ASSISTING
■	WALLS	CLADDING: SUPPORTING
■	WALLS	CLADDING: UPHOLDING
■	WALLS	CLADDING: MAINTAINING
■	WALLS	CLADDING: PRESERVING
■	WALLS	CLADDING: PROTECTING
■	WALLS	CLADDING: DEFENDING
■	WALLS	CLADDING: FIGHTING
■	WALLS	CLADDING: BATTLING
■	WALLS	CLADDING: STRUGGLING
■	WALLS	CLADDING: ENDURING
■	WALLS	CLADDING: PERSISTING
■	WALLS	CLADDING: PERSEVERING
■	WALLS	CLADDING: ENDURANCE
■	WALLS	CLADDING: STAMINA
■	WALLS	CLADDING: RESILIENCE
■	WALLS	CLADDING: FLEXIBILITY
■	WALLS	CLADDING: ADAPTABILITY
■	WALLS	CLADDING: TRANSFORMABILITY
■	WALLS	CLADDING: EVOLVABILITY
■	WALLS	CLADDING: GROWTH
■	WALLS	CLADDING: DEVELOPMENT
■	WALLS	CLADDING: PROGRESS
■	WALLS	CLADDING: ACHIEVEMENT
■	WALLS	CLADDING: SUCCESS
■	WALLS	CLADDING: TRIUMPH
■	WALLS	CLADDING: VICTORY
■	WALLS	CLADDING: CONQUEST
■	WALLS	CLADDING: DOMINANCE
■	WALLS	CLADDING: SUPREMACY
■	WALLS	CLADDING: HEGEMONY
■	WALLS	CLADDING: SOVEREIGNTY
■	WALLS	CLADDING: AUTONOMY
■	WALLS	CLADDING: INDEPENDENCE
■	WALLS	CLADDING: FREEDOM
■	WALLS	CLADDING: LIBERTY
■	WALLS	CLADDING: EQUALITY
■	WALLS	CLADDING: JUSTICE
■	WALLS	CLADDING: FAIRNESS
■	WALLS	CLADDING: INTEGRITY
■	WALLS	CLADDING: HONESTY
■	WALLS	CLADDING: TRANSPARENT
■	WALLS	CLADDING: ACCOUNTABLE
■	WALLS	CLADDING: RESPONSIBLE
■	WALLS	CLADDING: ETHICAL
■	WALLS	CLADDING: MORAL
■	WALLS	CLADDING: VIRTUOUS
■	WALLS	CLADDING: WISE
■	WALLS	CLADDING: KNOWLEDGEABLE
■	WALLS	CLADDING: SKILLFUL
■	WALLS	CLADDING: CAPABLE
■	WALLS	CLADDING: COMPETENT
■	WALLS	CLADDING: EFFECTIVE
■	WALLS	CLADDING: EFFICIENT
■	WALLS	CLADDING: PRODUCTIVE
■	WALLS	CLADDING: PROFICIENT
■	WALLS	CLADDING: EXPERT
■	WALLS	CLADDING: MASTER
■	WALLS	CLADDING: ARTISAN
■	WALLS	CLADDING: CRAFTSMAN
■	WALLS	CLADDING: PROFESSIONAL
■	WALLS	CLADDING: DEDICATED
■	WALLS	CLADDING: COMMITTED
■	WALLS	CLADDING: PASSIONATE
■	WALLS	CLADDING: ENTHUSIASTIC
■	WALLS	CLADDING: OPTIMISTIC
■	WALLS	CLADDING: POSITIVE
■	WALLS	CLADDING: UPLIFTING
■	WALLS	CLADDING: INSPIRING
■	WALLS	CLADDING: MOTIVATING
■	WALLS	CLADDING: EMPOWERING
■	WALLS	CLADDING: ENLIGHTENING
■	WALLS	CLADDING: ILLUMINATING
■	WALLS	CLADDING: CLARIFYING
■	WALLS	CLADDING: SIMPLIFYING
■	WALLS	CLADDING: ORGANIZING
■	WALLS	CLADDING: STRUCTURING
■	WALLS	CLADDING: SYSTEMATIZING
■	WALLS	CLADDING: STREAMLINING
■	WALLS	CLADDING: OPTIMIZING
■	WALLS	CLADDING: ENHANCING
■	WALLS	CLADDING: IMPROVING
■	WALLS	CLADDING: ELEVATING
■	WALLS	CLADDING: EXALTING
■	WALLS	CLADDING: GLORIFYING
■	WALLS	CLADDING: HONORING
■	WALLS	CLADDING: REVERENCING
■	WALLS	CLADDING: SACRIFICING
■	WALLS	CLADDING: SERVING
■	WALLS	CLADDING: HELPING
■	WALLS	CLADDING: ASSISTING
■	WALLS	CLADDING: SUPPORTING
■	WALLS	CLADDING: UPHOLDING
■	WALLS	CLADDING: MAINTAINING
■	WALLS	CLADDING: PRESERVING
■	WALLS	CLADDING: PROTECTING
■	WALLS	CLADDING: DEFENDING
■	WALLS	CLADDING: FIGHTING
■	WALLS	CLADDING: BATTLING
■	WALLS	CLADDING: STRUGGLING
■	WALLS	CLADDING: ENDURING
■	WALLS	CLADDING: PERSISTING
■	WALLS	CLADDING: PERSEVERING
■	WALLS	CLADDING: ENDURANCE
■	WALLS	CLADDING: STAMINA
■	WALLS	CLADDING: RESILIENCE
■	WALLS	CLADDING: FLEXIBILITY
■	WALLS	CLADDING: ADAPTABILITY
■	WALLS	CLADDING: TRANSFORMABILITY
■		

The Johnstown Plaza community will contain a mixture of studio, 1-, 2-, and 3-bedroom units in three buildings. All the unit floor plans offer an open-living concept with interiors that include dark wood cabinetry, stainless steel appliances, granite countertops and backsplashes, luxury wood grain flooring, and large kitchen islands. Washers and dryers are also included in each unit.



Studio: 2
 1 bedrm: 8
 2 bedrm: 6
 3 bedrm: 3
 19

TYPICAL FLOOR - 19

September 20, 2018 0 16 22

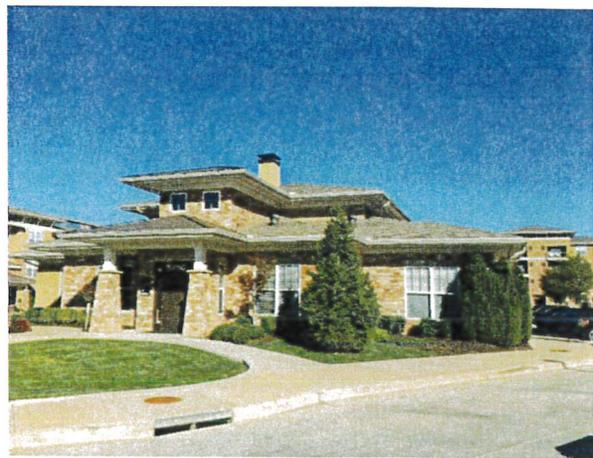
Johnstown Plaza Apartments

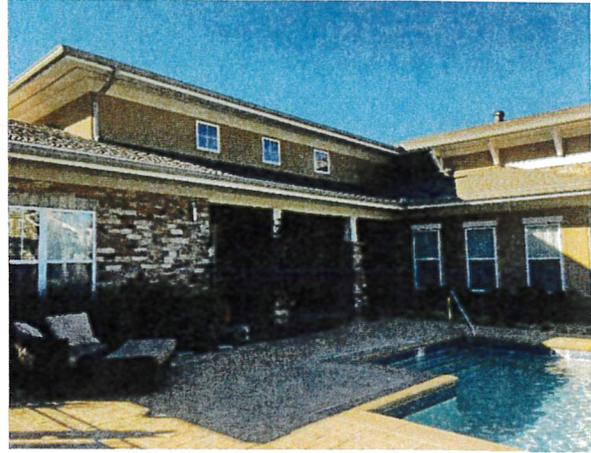
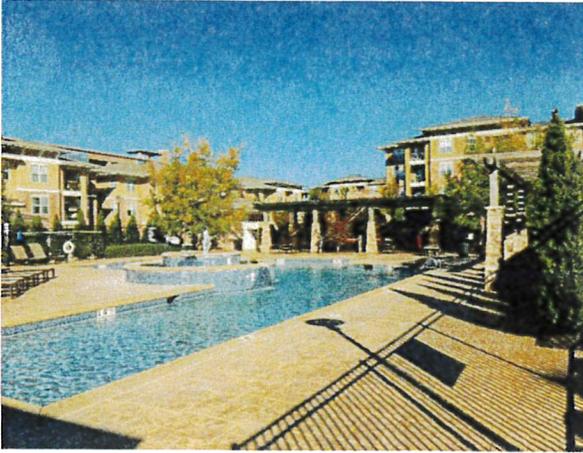
Lot H, Johnstown Plaza, SEC of Eisenhower & US 34, Johnstown, Colorado

Carson Development

DeGasperi & Associates Architecture

Similar Project Example





Bonds – Metro Districts – Master Association

This property is not within Thompson Crossing Metro Districts, the current 2534 Master Association or the 2534 Design Review Committee. Additionally, this property is not subject to the current bonds that were issued on the retail aspect of this area. This property is free and clear to be developed as the Town and Developer see fit.

Sewer Analysis

We will continue to determine the sanitary sewer availability and use demands of this project. Findings will be provided to the Town Engineer and Planner for review as soon as it is available. We will be working with Thompson Crossing Metro District and their sewer engineer (Galloway).

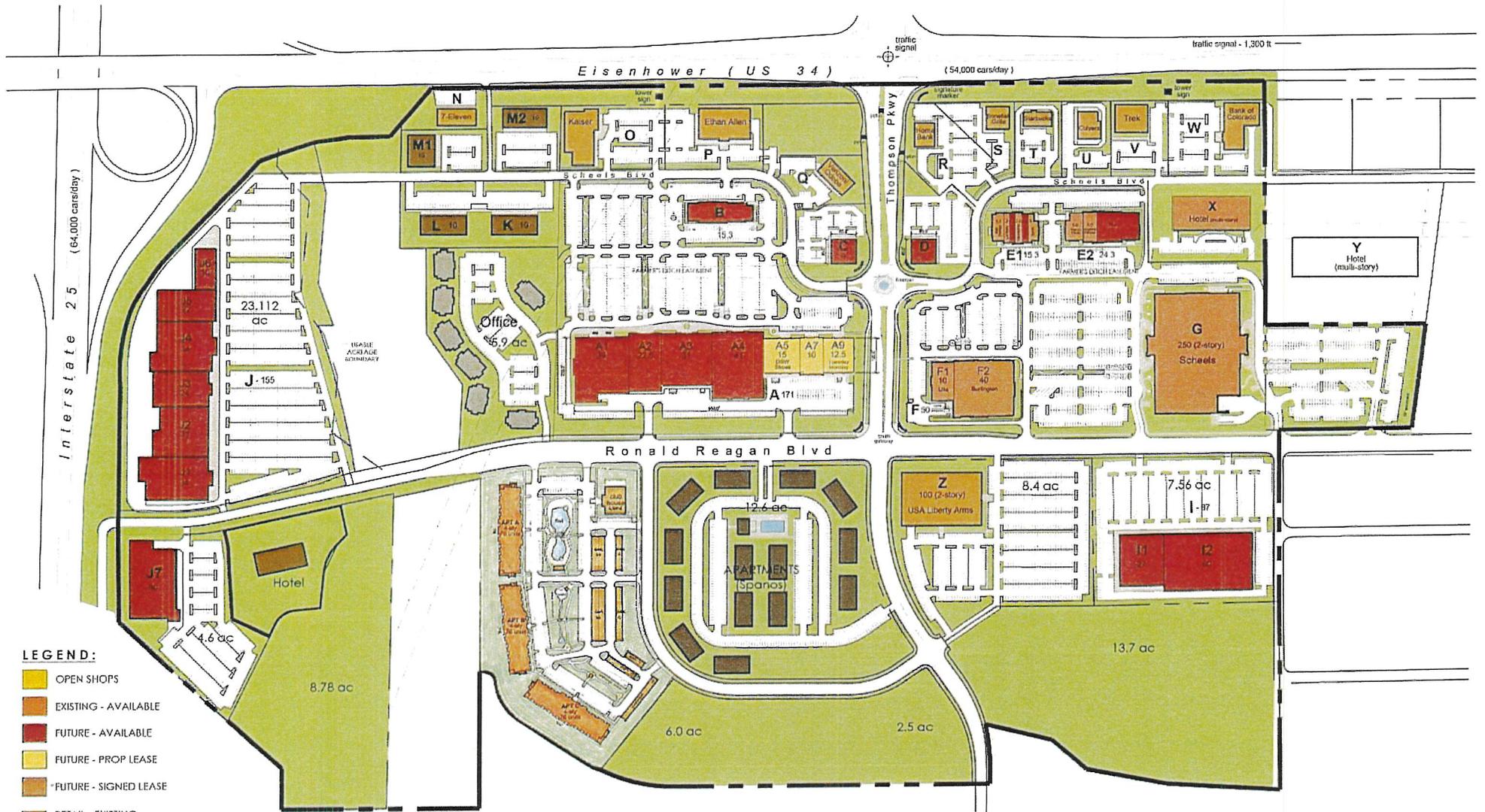
We appreciate your willingness to consider this high quality and very beneficial use to the overall 2534 project. We look forward to receiving your feedback and answering any questions that you may have. If you have any questions, feel free to contact me. Thank you.

Sincerely,

Jim Shipton
jshipton@pnt-llc.com

Attachments:

Johnstown Community Development Application
2534 Masterplan with subject Site identified Conceptual Sketch Plan
Site Plan Option 'A'
Elevations
Floor Plan



**COMENTS BY TOWN STAFF,
ADVISORS
AND OUTSIDE AGENCIES**

Town of

Johnstown

Planning and Zoning Department
450 S. Parish Ave. Johnstown, CO 80534
(970) 587-4664; Fax (970) 587-0141
www.townofjohnstown.com

DATE: *October 24, 2018*

REFERRAL OF APPLICATION

The Town of Johnstown has received the following application for review:

Project: *Amendment to Johnstown Plaza Design Book Land Use Map to add Multi-family.*

Location: *Johnstown Plaza Pad H, located South of Ronald Reagan Blvd. and West of Exposition Drive*

Applicant: *Carson Development*

Project Contact: *Jim Shipton, Point Consulting, LLC*

Please reply by: *November 21, 2018*

Tentative Planning and Zoning Commission Hearing: *December 12, 2018*

Planner: John Franklin jfranklin@townofjohnstown.com

This application is submitted to you for review. Any comments or recommendations you consider relevant to this request would be appreciated. Please reply by the above listed date so that we may include your comments with others. If additional documentation is required, please advise us as soon as possible.

- We have reviewed the request and find no conflicts with our interests.
- Please see the attached letter.
- Comments:**

Please see attached Referral Comment Letter dated 11-12-18

Signature: *Gregory A. Weeks* Date: 11-12-18

Agency: Gregory A. Weeks, PE, LEED @ AP
As Town Engineer, Town of Johnstown, CO.



November 12, 2018

Mr. John Franklin
Town of Johnstown
450 S. Parish Avenue
Johnstown, CO 80534

RE: Johnstown Plaza Pad H
Amendment to Johnstown Plaza Design Book Land Use Map
Referral Review
TTG Job. No. 127-061 (18001183.19)

Dear Mr. Franklin,

We have reviewed the referral package as received electronically from the Town on 10/24/18 for the above referenced Project.

The package as submitted and reviewed consists of the following:

- Land Use Change Application Letter (with attachments), dated 10/24/18, by Point Consulting, LLC
- Community Development Parcel Zoning Application, dated 10/16/18, by Allen Schlup

In addition, we have received directly from Jim Shipton, Point Consulting, LLC (via email) copies of the updated Sanitary Sewer Master Plan (Sanitary Sewer Capacity Exhibit, dated 5/22/17 & Overall Sewer Demand Spreadsheet - dated 5/19/17). We anticipate these two documents were updated by Galloway, as the Thompson Crossing Metro District (TCMD) engineer. Mr. Shipton also included a copy of a 3/31/16 letter we authored regarding downstream sewer capacity during considerations for the Spanos II (Gateway II) Apartments development.

We have the following comments:

GENERAL COMMENTS:

1. Site Location:

The site proposed for rezoning consists of 11.5 acres of Schlup property located at the southwest quadrant of the intersection of Ronald Regan Blvd. and Exposition Drive, in the 2534 development area. The Spanos Phase I Apartments are located just east (across Exposition Drive) from the subject parcel. The Spanos Phase II (Gateway II) Apartments site is located to the east / south-east of the subject parcel.

The subject parcel currently appears to be planned within the 2534 documents as commercial property. The proposal is to rezone the parcel to allow multi-family development (with a projected apartment complex of 238 units).

2. Public Water:

- a. Based upon the projection of 238 apartments, and using the Town water demand planning standards, the domestic water demands of the proposed development would be anticipated to be approximately: 57 gpm average day demand, 114 gpm peak day demand, and 172 gpm peak hour demand. We do not have on hand information on what domestic water demand "allowance" may have been projected for this parcel during the 2534 water system planning. However, based on the projected sanitary demand allowance for the site (see subsequent comments below under sanitary sewer), the anticipated average day water demand site under the commercial zoning would appear to be approximately 11 gpm. Rezoning to multi-family (with 238 apartments) apparently would increase the site's average day demand by 46 gpm+/- . This equates to an increased demand equal to approximately 1% of the current Johnstown Water Plant capacity - which we would not anticipate being a problem.
- b. A utility water system modeling report for the proposed development has not been prepared and submitted at this time. Such an analysis will be necessary as part of the on-site development planning if the proposed multi-family development were to move ahead (if the rezoning is approved). The analysis would need to look at both domestic and fire demands for the site, and their impact on both the on-site and the surrounding water system supply and resulting system pressures. In the interim, the Town may wish to request that the TCMD (their engineer) review and comment on whether they anticipate the master planned 2534 water system (capacity and pressures) will be impacted adversely by the proposed land use change. (Our anticipation is that it would not be).
- c. The site is within the Loveland Fire and Rescue Authority (LFRA) service area of the Town. Carie Dann, Deputy Fire Marshal with LFRA, may wish to provide comment on anticipated Fire protection and Life Safety access considerations for this proposed development (if the rezoning were to occur).

3. Public Sanitary:

The existing site, under the current commercial zoning and using TCMD/Galloway projections of 80 gallons/person/day (gpcd) and 2.5 peaking factor (PF) and infiltration/inflow (I/I) allowance, is projected to generate approximately 28 gpm total peak sanitary flow. The TCMD/Galloway projection for the Multi-Family zoning development with 238 apartments (using the same 80 gpcd, 2.5 peaking factor and I/I allowances) is approximately 91 gpm total peak flow. Using the Town's standard capacity projection factor of 100 gpcd, with PF=2.5 and I/I allowance, the estimated peak flow would be approximately 107 gpm.

- a. Low Point Wastewater Treatment Plant (LPWWTP) Capacity Considerations:
The LPWWTP currently is operating at approximately 50% to 60% of its current Colorado Department of Public Health and Environment (CDPHE) permitted 0.5 million gallons per day (MGD) (347 gpm) and 1000 pounds per day (lbs/day) capacity. Based on permitted capacity considerations, capacity at the LPWWTP currently appears available for development of the parcel under either the current commercial zoning or under the proposed multi-family development. However, under the multi-family scenario, the additional loadings may place the LPWWTP very near 80% flow capacity of the plant. Once the plant reaches 80% of its current permitted capacity, CDPHE guidelines will require the Town to begin planning and design for expansion of the treatment plant.



b. Sanitary Sewer Collection System Considerations:

Internal 2534 Sewers: The proposed multi-family development (238 apartments) is projected to generate approximately 63 - 79 gpm more peak flow than was master planned for development under the current commercial zoning. The TCMD/Galloway 5/22/17 Sewer Capacity Exhibit indicates the internal 2534 sewer system should have adequate capacity to accommodate the increased flow.

Sanitary Interceptor Sewer Between 2534 Area and LPWWTP: The sanitary sewer system downstream of the 2534 development area contains a section of 15" diameter sewer main laid at 0.18% slope. This approximately 2074-foot-long section is the capacity limiting section of main between the 2534 development area and the LPWWTP. The 3/31/16 capacity analysis (which included the Schlup parcel developed at the commercial zoning) indicated that at the master planned buildout this bottleneck section of sewer essentially would be maxed out and would not have sufficient capacity to accommodate the increase in flow from the Schlup parcel with the proposed multi-family development. A potential resolution would be to eliminate this bottleneck by replacing the section of 15" main at 0.18% section of main with a new 18" main (which at the same 0.18% slope would increase the peak capacity from 2750 gpm +/- flowing at 50% full to 3250 gpm +/- flowing totally full.

NOTE: The sewer capacity projections/limitations discussed above are based on projected master planned sewer demand at buildout of parcels tributary to the subject sewer line. The average daily flow to the LPWWTP currently is around 175 - 200 gpm (daily average). Thus, at the current time, the sewer bottleneck location has sufficient capacity to accommodate the proposed rezoned Schlup parcel with the 238 apartments. Depending upon timing of development and buildout of the tributary property, and how that property develops (e.g. at lessor or greater use density than projected in the master plan, and with greater or lessor infiltration/inflow than included in the master planning projections), it could be many years into the future before the actual flows exceed the current bottleneck location capacity.

4. Stormwater:

The site drainage was planned for under the 2534 master drainage planning to drain ultimately to the 2534 Regional Water Quality-Stormwater Detention Pond 2000. The site falls within Basin 221 of the 2534 area and was master planned at 85% imperviousness. Whether the site is developed under the current commercial zoning, or the proposed Multi-Family rezoning, as long as the overall site imperviousness is 85% or less, the site's developed storm water runoff should be within the master planned allowances.

5. Site Access:

a. At this point in planning, location of proposed site access locations is not fixed. However, the conceptual layout included in the 10-24-18 Application Letter suggests two drive connections to Ronald Reagan Drive (to the north) and one drive connection to Exposition Drive (to the east). Comments from the Town's Transportation/Traffic Engineer (Charles Buck, FHU) may be warranted.



RECOMMENDATION

We have noted and discussed above issues related to the Public Water System and the Public Sanitary Sewer System. These issues should be considered and addressed to the as the Town considers the proposed amendment to the Johnstown Plaza Design Book Land Use Map (specifically to allow the proposed multi-family development of the Schlup parcel). If/once the issues noted are addressed to the Town's satisfaction, then we would have no Town Engineering objection to the proposed rezoning. If the requested rezoning ultimately is approved, before proposed development of the site begins, appropriate detailed engineering documentation will need to be prepared and submitted for subsequent Town Engineering review and approvals.

If there are any questions regarding any of our comments, or if further clarification is desired, please contact us.

Sincerely,

TTG, as Town Engineer for Johnstown



Gregory A. Weeks, PE, LEED ® AP
As Town Engineer, Town of Johnstown, CO.

cc: Jim Shipton, Point Consulting, LLC (via email)
Robert Van Uffelen, Galloway (via email)
Carie Dann, LFRA (via email)
Charles Buck, FHU (via email)



Town of

Johnstown

Planning and Zoning Department
450 S. Parish Ave. Johnstown, CO 80534
(970) 587-4664; Fax (970) 587-0141
www.townofjohnstown.com

DATE: *October 24, 2018*

REFERRAL OF APPLICATION

The Town of Johnstown has received the following application for review:

Project: *Amendment to Johnstown Plaza Design Book Land Use Map to add Multi-family.*

Location: *Johnstown Plaza Pad H, located South of Ronald Reagan Blvd. and West of Exposition Drive*

Applicant: *Carson Development*

Project Contact: *Jim Shipton, Point Consulting, LLC*

Please reply by: *November 21, 2018*

Tentative Planning and Zoning Commission Hearing: *December 12, 2018*

Planner: John Franklin jfranklin@townofjohnstown.com

This application is submitted to you for review. Any comments or recommendations you consider relevant to this request would be appreciated. Please reply by the above listed date so that we may include your comments with others. If additional documentation is required, please advise us as soon as possible.

We have reviewed the request and find no conflicts with our interests.
Please see the attached letter.

Comments:

Signature: _____

Date: _____

Agency: _____



MEMORANDUM

TO: John Franklin
FROM: Charles M. Buck, P.E., PTOE
DATE: November 20, 2018
SUBJECT: Traffic and Transportation Review
Johnstown Plaza Pad H – Amendment to Johnstown Plaza Design Book Land Use Map
FHU Reference No. 199201-01

I have reviewed the submittal materials provided for Johnstown Plaza Pad H. This site is located along the south side of Ronald Reagan Boulevard west of Exposition Drive. 238 residential apartments are proposed. This site is within the area designated Office/Flex/Retail in the recorded traffic study for 2534. No updated traffic studies or traffic engineering documents were provided in the submittal materials. I have, however, reviewed the materials that were provided from the perspective of traffic and transportation engineering, but not general civil or utility engineering. I have the following comments:

- I have no objection to the proposed apartments. My calculations indicate that the residential uses would generate substantially less traffic than what could be developed under the Office/Flex/Retail designation. The proposed land use is compatible with the existing adjacent Gateway residential development.
- The site plan concept shows two accesses to Ronald Reagan Boulevard and three accesses to Exposition Drive. This access plan is unacceptable as follows:
 - Ronald Reagan Boulevard is a collector roadway. Per Johnstown Standards, a minimum separation of 175 is required between accesses and intersections. There is only 300 feet between the existing Ridgeview Office Park access (on the north side of Ronald Reagan) and Exposition Drive. Only one access to Ronald Reagan will be allowed, and this access must align with the Ridgeview Office Park access.
 - Exposition Drive is also a collector roadway with the same 175- foot spacing limitation. Based on the site plan concept, the center access is too close to the northernmost access (the spacing is about 160 feet as measured on the site plan). This access should be moved south about 15 feet. Alternatively, a variance from Town standards may be requested. Any variance submitted should include justification based on traffic safety and operations.

The above comments constitute my review. Please call if you have any questions or if you need additional information.

FINAL LANDSCAPE & ARCHITECTURAL PLAN REVIEW FOR:

JOHNSTOWN PLAZA AMENDED LAND USE PLAN

LOCATED: PAD H, SOUTH OF RONALD REAGAN BLVD., WEST OF EXPOSITION DRIVE

RGA has reviewed the 10-24-18 submittal materials and project narrative for compliance to Johnstown's general landscaping and site development criteria for the proposed Multifamily rezoning request.

General Comments

1. Consulting staff supports the requested rezoning to add Multifamily to the existing Johnstown Plaza Office/Flex/Retail zoning classification. The proposed apartment use compliments the existing higher density residential use (Apartments) mid-block between the drainage feature to the west and additional retail east of Thompson Parkway.

Future Site Planning Comments

1. Meet all required landscape buffers along Ronald Reagan Blvd. and Exposition Drive per the applicable PUD standards.
2. Coordinate with the town's Traffic Engineer regarding permitted driveway cuts and spacing along Ronald Reagan Blvd and Exposition Drive.
3. Take cues from the adjacent Gateway at 2534 Apartments and incorporate low water vegetation/xeriscape design patterns along Exposition Drive.
4. Internally focused ponds or drainage features should be designed to connect to regional detention systems.
5. Provide native shrubs, bushes, and seed mixtures to blend the west side open space areas to compliment natural vegetation adjacent drainage features.
6. Architectural themes and materials should complement the adjacent Gateway at 2534 Apartments.
7. For garage units backing Exposition Drive, provide additional façade detailing and landscaping to soften blank wall views.
8. Coordinate with the Town Planner on required parking counts.

410 E. 5th Street
Loveland, CO 80537

phone 970.962.2471
fax 970.962.2922



TO: John Franklin, Town Planner, Town of Johnstown, Colorado

FROM: Carie Dann, Deputy Fire Marshal, Loveland Fire Rescue Authority, phone 970.962.2518, email carie.dann@cityofloveland.org

RE: Johnstown Plaza Apartment Project – Application for a land-use amendment to 2534 design

CC: Greg Weeks, Town Engineer, Town of Johnstown, Colorado

DATE: November 8, 2018

These comments pertain to a request to rezone property in the "2534" of Johnstown to add multi-family dwellings to permitted uses allowed under the 2534 design guidelines on site. The project name was submitted as "Johnstown Plaza Apartments" but a formal name will be determined. The Option A drawing proposed shows three R-2 occupancy buildings, detached garage structures and a clubhouse.

The development is located in the Loveland Fire Rescue Authority jurisdiction.

Loveland Fire Rescue Authority has no concerns regarding the rezoning or reclassifying of approved uses, so that an apartment complex can be designed and constructed.

PLEASE NOTE: LFRA will provide specific Fire Code requirements for emergency vehicle access, fire protection and addressing, if/when the rezoning request is approved and plans are formally submitted.

AGENDA ITEM 10B

PUBLIC HEARING

**HOTEL & RESTAURANT
LIQUOR LICENSE**

(Lazy Dog , LLC)

*NEW LIQUOR LICENSE PUBLIC HEARING PROCEDURE –

1. Open public hearing.
2. Receive information from staff.
3. Receive information from applicant.
4. Receive information from “parties in interest.” Parties in interest may also cross-examine the applicant.

(Parties in interest include adult residents of the designated neighborhood, the owner or manager of any business located within the designated neighborhood and the representative of any school within 500 feet of the proposed license. The representative of any organized neighborhood group within the designated neighborhood may present evidence, but may not cross-examine witnesses.)

5. Discretionary: Receive information from “others.” (*Only if the testimony would aid Council in considering the application.*)
6. Additional questions from Council, if any.
6. Close the public hearing. (*No more questions from Council.*)
7. Discussion and deliberation among Council.
8. Make a decision and/or motion from Council.

SUGGESTED MOTIONS

For Approval: I move to approve the Application for a Hotel & Restaurant License for Lazy Dog Tavern

For Denial: I move to deny approval of the Application for a Hotel & Restaurant License for Lazy Dog Tavern

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: March 4, 2019

ITEM NUMBER: 10A

SUBJECT: *Public Hearing – Lazy Dog Johnstown, LLC - New Hotel and Restaurant License

ACTION PROPOSED: Consider Issuance of a New Hotel and Restaurant License

PRESENTED BY: Town Clerk, Town Attorney

AGENDA ITEM DESCRIPTION: This item is a public hearing to receive comments regarding the proposed new Hotel and Restaurant License for Lazy Dog Johnstown, LLC DBA Lazy Dog Tavern, located at 4801 Thompson Parkway, Johnstown. When approving or denying an application, the Council acts as the local licensing authority and must consider if the reasonable requirements of the defined neighborhood are not presently being met by existing establishments, the desires of the adult inhabitants, and the number, type and availability of other similar liquor establishments located in or near the petitioned neighborhood as well as the moral character of the applicants.

LEGAL ADVICE: The Town Attorney has reviewed the documents submitted and will be available at the meeting to answer questions.

FINANCIAL ADVICE: The applicant has paid all applicable fees for both the State and the Town.

RECOMMENDED ACTION: Consider issuance of a new Hotel and Restaurant License for Lazy Dog Tavern.

SUGGESTED MOTION:

For Approval: I move to approve the issuance of a Hotel and Restaurant License for Lazy Dog Tavern.

For Denial: I move to deny the issuance of a new Hotel and Restaurant License for Lazy Dog Tavern.

Reviewed:

Town Manager

LIQUOR APPLICATION

Colorado Liquor Retail License Application

New License
 New-Concurrent
 Transfer of Ownership
 State Property Only

- All answers must be printed in black ink or typewritten
- Applicant must check the appropriate box(es)
- Applicant should obtain a copy of the Colorado Liquor and Beer Code: www.colorado.gov/enforcement/liquor

1. Applicant is applying as a/an
 Individual
 Limited Liability Company
 Association or Other
 Corporation
 Partnership (includes Limited Liability and Husband and Wife Partnerships)

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation FEIN Number
Lazy Dog Johnstown, LLC 82-5403672

2a. Trade Name of Establishment (DBA) State Sales Tax Number Business Telephone
Lazy Dog Tavern 303-888-7374

3. Address of Premises (specify exact location of premises, include suite/unit numbers)
4801 Thompson Parkway

City County State ZIP Code
Johnstown Larimer CO 80534

4. Mailing Address (Number and Street) City or Town State ZIP Code
4801 Thompson Parkway Johnstown CO 80534

5. Email Address
lazydogj@gmail.com

6. If the premises currently has a liquor or beer license, you must answer the following questions

Present Trade Name of Establishment (DBA)	Present State License Number	Present Class of License	Present Expiration Date
---	------------------------------	--------------------------	-------------------------

Section A Nonrefundable Application Fees	Section B (Cont.) Liquor License Fees
--	---

<input type="checkbox"/> Application Fee for New License \$550.00 <input checked="" type="checkbox"/> Application Fee for New License w/Concurrent Review \$650.00 <input type="checkbox"/> Application Fee for Transfer \$550.00	<input type="checkbox"/> Lodging & Entertainment - L&E (County) \$500.00 <input type="checkbox"/> Manager Registration - H & R \$75.00 <input type="checkbox"/> Manager Registration - Tavern \$75.00 <input type="checkbox"/> Manager Registration - Lodging & Entertainment \$75.00 <input type="checkbox"/> Manager Registration - Campus Liquor Complex \$75.00
---	---

Section B Liquor License Fees

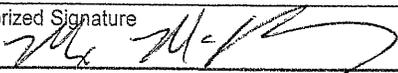
<input type="checkbox"/> Add Optional Premises to H & R \$100.00 X _____ Total _____ <input type="checkbox"/> Add Related Facility to Resort Complex \$75.00 X _____ Total _____ <input type="checkbox"/> Arts License (City) \$308.75 <input type="checkbox"/> Arts License (County) \$308.75 <input type="checkbox"/> Beer and Wine License (City) \$351.25 <input type="checkbox"/> Beer and Wine License (County) \$436.25 <input type="checkbox"/> Brew Pub License (City) \$750.00 <input type="checkbox"/> Brew Pub License (County) \$750.00 <input type="checkbox"/> Campus Liquor Complex (City) \$500.00 <input type="checkbox"/> Campus Liquor Complex (County) \$500.00 <input type="checkbox"/> Campus Liquor Complex (State) \$500.00 <input type="checkbox"/> Club License (City) \$308.75 <input type="checkbox"/> Club License (County) \$308.75 <input type="checkbox"/> Distillery Pub License (City) \$750.00 <input type="checkbox"/> Distillery Pub License (County) \$750.00 <input checked="" type="checkbox"/> Hotel and Restaurant License (City) \$500.00 ↓ Hotel and Restaurant License (County) \$500.00 <input type="checkbox"/> Hotel and Restaurant License w/one opt premises (City) \$600.00 <input type="checkbox"/> Hotel and Restaurant License w/one opt premises (County) \$600.00 <input type="checkbox"/> Liquor-Licensed Drugstore (City) \$227.50 <input type="checkbox"/> Liquor-Licensed Drugstore (County) \$312.50 <input type="checkbox"/> Lodging & Entertainment - L&E (City) \$500.00	<input type="checkbox"/> Master File Location Fee \$25.00 X _____ Total _____ <input type="checkbox"/> Master File Background \$250.00 X _____ Total _____ <input type="checkbox"/> Optional Premises License (City) \$500.00 <input type="checkbox"/> Optional Premises License (County) \$500.00 <input type="checkbox"/> Racetrack License (City) \$500.00 <input type="checkbox"/> Racetrack License (County) \$500.00 <input type="checkbox"/> Resort Complex License (City) \$500.00 <input type="checkbox"/> Resort Complex License (County) \$500.00 <input type="checkbox"/> Related Facility - Campus Liquor Complex (City) \$160.00 <input type="checkbox"/> Related Facility - Campus Liquor Complex (County) \$160.00 <input type="checkbox"/> Related Facility - Campus Liquor Complex (State) \$160.00 <input type="checkbox"/> Retail Gaming Tavern License (City) \$500.00 <input type="checkbox"/> Retail Gaming Tavern License (County) \$500.00 <input type="checkbox"/> Retail Liquor Store License-Additional (City) \$227.50 <input type="checkbox"/> Retail Liquor Store License-Additional (County) \$312.50 <input type="checkbox"/> Retail Liquor Store (City) \$227.50 <input type="checkbox"/> Retail Liquor Store (County) \$312.50 <input type="checkbox"/> Tavern License (City) \$500.00 <input type="checkbox"/> Tavern License (County) \$500.00 <input type="checkbox"/> Vintners Restaurant License (City) \$750.00 <input type="checkbox"/> Vintners Restaurant License (County) \$750.00
--	---

Questions? Visit: www.colorado.gov/enforcement/liquor for more information

Do not write in this space - For Department of Revenue use only

Liability Information			
License Account Number	Liability Date	License Issued Through (Expiration Date)	Total \$

Name Lazy Dog Johnstown, LLC		Type of License Hotel and Restaurant		Account Number	
7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years?					Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):					
(a) Been denied an alcohol beverage license?					<input type="checkbox"/> <input checked="" type="checkbox"/>
(b) Had an alcohol beverage license suspended or revoked?					<input checked="" type="checkbox"/> <input type="checkbox"/>
(c) Had interest in another entity that had an alcohol beverage license suspended or revoked?					<input type="checkbox"/> <input checked="" type="checkbox"/>
If you answered yes to 8a, b or c, explain in detail on a separate sheet.					
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.					<input type="checkbox"/> <input checked="" type="checkbox"/>
10. Are the premises to be licensed within 500 feet, of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?					<input type="checkbox"/> <input checked="" type="checkbox"/>
or Waiver by local ordinance? <input type="checkbox"/> <input type="checkbox"/>					
Other: _____					
11. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.					<input type="checkbox"/> <input type="checkbox"/>
12. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.					<input type="checkbox"/> <input type="checkbox"/>
13a. For additional Retail Liquor Store only. Was your Retail Liquor Store License issued on or before January 1, 2016?					<input type="checkbox"/> <input type="checkbox"/>
13b. Are you a Colorado resident?					<input checked="" type="checkbox"/> <input type="checkbox"/>
14. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any <u>current</u> financial interest in said business including any loans to or from a licensee.					<input checked="" type="checkbox"/> <input type="checkbox"/>
15. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by ownership, lease or other arrangement?					<input checked="" type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____					
a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:					
Landlord		Tenant		Expires	
The Dog, LLC		Lazy Dog Loveland, LLC		2043	
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 16.					<input type="checkbox"/> <input checked="" type="checkbox"/>
c. Attach a diagram that designates the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".					
16. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.					
Last Name		First Name		Date of Birth	
N/A					
Last Name		First Name		Date of Birth	
FEIN or SSN		FEIN or SSN		Interest/Percentage	
Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.					
17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises: Has a local ordinance or resolution authorizing optional premises been adopted?					<input type="checkbox"/> <input type="checkbox"/>
Number of additional Optional Premise areas requested. (See license fee chart)					<input type="text"/>
18. Liquor Licensed Drugstore (LLDS) applicants, answer the following:					
(a) Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise? If "yes" a copy of license must be attached.					<input type="checkbox"/> <input type="checkbox"/>
19. Club Liquor License applicants answer the following: Attach a copy of applicable documentation					
(a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?					<input type="checkbox"/> <input type="checkbox"/>
(b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?					<input type="checkbox"/> <input type="checkbox"/>
(c) How long has the club been incorporated?					<input type="text"/>
(d) Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?					<input type="checkbox"/> <input type="checkbox"/>
20. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following:					
(a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)					<input type="checkbox"/> <input type="checkbox"/>

Name Lazy Dog Johnstown, LLC		Type of License Hotel and Restaurant	Account Number	
21. Campus Liquor Complex applicants answer the following:				
(a) Is the applicant an institution of higher education?				Yes <input type="checkbox"/> No <input type="checkbox"/>
(b) Is the applicant a person who contracts with the institution of higher education to provide food services? If "yes" please provide a copy of the contract with the institution of higher education to provide food services.				Yes <input type="checkbox"/> No <input type="checkbox"/>
22. For all on-premises applicants.				
a. Hotel and Restaurant, Lodging and Entertainment, Tavern License and Campus Liquor Complex, the Registered Manager must also submit an Individual History Record - DR 8404-I and fingerprint submitted to approved State Vendor through the Vendor's website. See application checklist, Section IV, for details.				
b. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit a Manager Permit Application - DR 8000 and fingerprints.				
Last Name of Manager McKay		First Name of Manager Maxwell		
23. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.				<input checked="" type="checkbox"/> <input type="checkbox"/>
24. Related Facility - Campus Liquor Complex applicants answer the following:				Yes <input type="checkbox"/> No <input type="checkbox"/>
a. Is the related facility located within the boundaries of the Campus Liquor Complex? If yes, please provide a map of the geographical location within the Campus Liquor Complex. If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex.				
b. Designated Manager for Related Facility- Campus Liquor Complex				
Last Name of Manager		First Name of Manager		
25. Tax Distraint Information. Does the applicant or any other person listed on this application including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? If yes, provide an explanation and include copies of any payment agreements.				<input type="checkbox"/> <input type="checkbox"/>
26. If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members . In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the applicant . All persons listed below must also attach form DR 8404-I (Individual History Record), and make an appointment with an approved State Vendor through their website. See application checklist, Section IV, for details.				
Name	Home Address, City & State	DOB	Position	%Owned
Steven Ross	2420 Lakota Ranch Rd, Erie, CO		Managing Member	85
Name	Home Address, City & State	DOB	Position	%Owned
Maxwell McKay	3299 Lowell Blvd, Denver, CO 80211		Member	10
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
** If applicant is owned 100% by a parent company, please list the designated principal officer on above.				
** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable)				
** If total ownership percentage disclosed here does not total 100%, applicant must check this box:				
<input checked="" type="checkbox"/> Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.				
Name		Type of License	Account Number	
Oath Of Applicant				
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.				
Authorized Signature 		Printed Name and Title Max McKay - owner/operator		Date 1/9/19
Report and Approval of Local Licensing Authority (City/County)				
Date application filed with local authority 1/16/19		Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application) March 4, 2019		

The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been:

- Fingerprinted
- Subject to background investigation, including NCIC/CCIC check for outstanding warrants

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license

(Check One)

- Date of inspection or anticipated date _____
- Will conduct inspection upon approval of state licensing authority

<input type="checkbox"/> Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,0000?	Yes	No
<input type="checkbox"/> Is the Liquor Licensed Drugstore(LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,0000?	<input type="checkbox"/>	<input type="checkbox"/>
NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.		
<input type="checkbox"/> Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period?	<input type="checkbox"/>	<input type="checkbox"/>

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S., and Liquor Rules. **Therefore, this application is approved.**

Local Licensing Authority for		Telephone Number	<input type="checkbox"/> Town, City <input type="checkbox"/> County	
Signature	Print	Title	Date	
Signature	Print	Title	Date	

In response to Question # 14 on the application:

I presently own the following business with liquor licenses:

Lazy Dog Erie
3100 Village Vista Drive
Erie, CO 80516

100% ownership

Imagine Entertainment, LLC
dba...Lazy Dog Boulder
1346 Pearl Street
Boulder, CO 80302

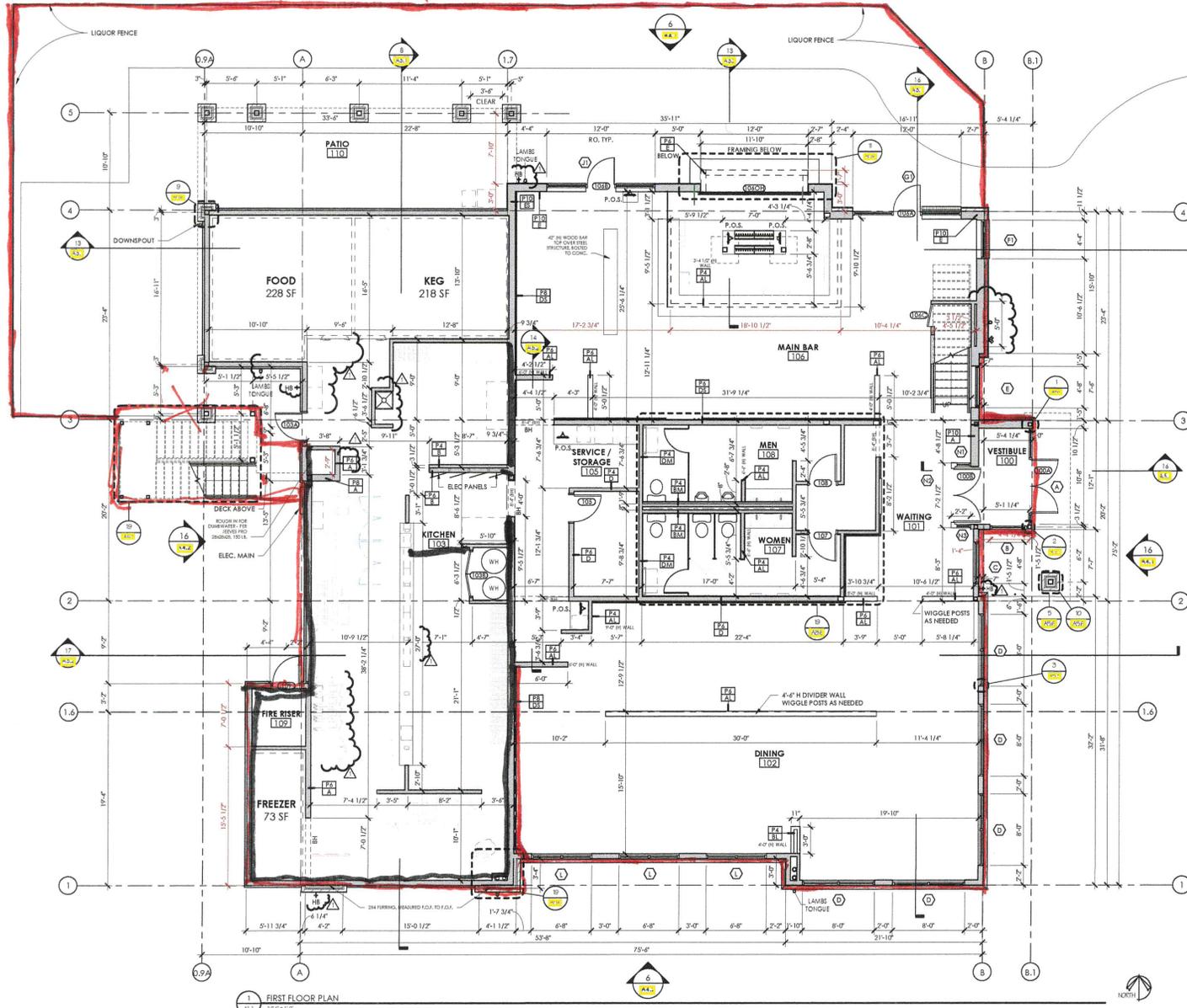
90% ownership.



Steven Ross

LICENSED PREMISES

MAIN FLOOR



1 FIRST FLOOR PLAN
1/8" = 1'-0"

WALL SYSTEM NOTES

- WALLS**
- F4 - 2x4 WOOD STUD FRAMING AT 16" O.C.
 - F4 - 2x4 WOOD STUD FRAMING AT 14" O.C.
 - F8 - 2x8 WOOD STUD FRAMING AT 16" O.C.
 - F10 - 2x10 WOOD STUD FRAMING AT 16" O.C.
- INTERIOR PARTITION SURFACES**
- A - STANDARD WALL: 1x LAYER 5/8" GYP. BD. ON EACH SIDE OF STUD FRAMING. TERMINATE FRAMING ABOVE HIGHEST ADJACENT FINISHED CEILING. LATERALLY BRACE FRAMING AT 4'-0" MIN. O.C. AND AT ENDS. PROVIDE SOUND BATT INSULATION FULL HEIGHT.
 - B - 1/2" SIDE FINISHED: 1x LAYER 5/8" GYP. BD. ON ONE SIDE OF STUD FRAMING ONLY. TERMINATE FRAMING ABOVE HIGHEST ADJACENT FINISHED CEILING. LATERALLY BRACE FRAMING AT 4'-0" MIN. O.C. AND AT ENDS.
 - D - DEMISING WALL: 1x LAYER 5/8" GYP. BD. ON EACH SIDE OF STUD FRAMING. TERMINATE GYP. BD. ON ONE SIDE 2" ABOVE HIGHEST ADJACENT FINISHED CEILING. EXTEND FRAMING FULL HEIGHT AND ATTACH TO DECK ABOVE W/ 3/4" TRACK. EXTEND GYP. BD. ON OTHER SIDE TO BOTTOM OF DECK. PROVIDE SOUND BATT INSULATION FULL HEIGHT TO DECK.
 - E - EXTERIOR WALL: 1x LAYER 1/2" OSB SHEATHING ON EXTERIOR SIDE 5/8" GYP. BD. ON INSIDE OF STUD FRAMING. PROVIDE R-19 MIN BATT INSULATION.
 - L - LOW WALL: 1x LAYER 5/8" GYP. BD. EACH SIDE OF STUD FRAMING. HT. INDICATED ON PLAN.
 - M - MOISTURE WALL: APPLY FIBER REINFORCED PANELS (FRP), OR TILE FROM FLOOR TO 8'-0" A.F.F. OVER 5/8" MOISTURE RESISTANCE GYP. BD. U.N.O.
 - S - SHEAR WALL: 1x LAYER OSB SHEATHING ON ONE SIDE OF STUD FRAMING W/ 1x LAYER 5/8" GYP. BD. EACH SIDE OF STUD FRAMING. RE. STRUCT.

INTERIOR NOTES

1. ALL INTERIOR WALLS ARE PA-A U.N.O.
2. ALL INTERIOR DIMENSIONS ARE TO FACE OF STUD WALLS U.N.O.
3. PROVIDE GYP. BOARD CONTROL JOINTS AT WALLS OVER 25'-0" IN LENGTH
4. FRAME DOOR OPENINGS 2" FROM FACE OF PERPENDICULAR WALL ON HINGE SIDE AND 1'-7" FROM FACE OF PERP. WALL ON LATCH SIDE P.A.C.O.
5. ALL ANGLED BLOCKS ARE A MULTIPLE OF 45° U.N.O.
6. PROVIDE WOOD BLOCK OR METAL STRAP BACKING IN PARTITIONS AS NEEDED TO PROVIDE FOR WALL MOUNTED EQUIPMENT, CABINETS, ACCESSORIES, ETC. IT SHALL BE THE RESPONSIBILITY OF THE GC TO COORDINATE THE REQUIRED LOCATIONS FOR BACKING.

EXTERIOR NOTES

1. ALL DIMENSIONS FOR EXTERIOR LAYOUT PURPOSES ARE TO GRID LINES. FACE OF SHEATHING, WHICH IS FACE OF FOUNDATION U.N.O.
2. ALL EXTERIOR WALLS ARE PA-E U.N.O.
3. ALL STUCCO CONTROL JOINTS TO ALIGN WITH WINDOW HEADS, JAMBLS WALLS OR CENTER ON VERTICAL/HORIZONTAL MULLIONS. U.N.O.
4. ALL WINDOW AND STOREFRONT OPENINGS ARE ROUGH OPENING DIMENSIONS U.N.O.
5. ALL WINDOW FRAMES TO HAVE END DAMS & POCKET FILLERS.

infusion
ARCHITECTS, LLC
206 East 4th Street, Loveland, Colorado 80537

ELDER
CONSTRUCTION

russell mills
FROELICH
ENGINEERS

INTEGRATED MECHANICAL, LLC

ADRIAN
MECHANICAL CONTRACTORS

LAZY DOG TAVERN
4801 Thompson Parkway, Johnston, CO 80534
LAZY DOG TAVERN PARTNERS

CONSTRUCTION SET

Issued For Bid	07/05/2018
Issued For Cost	08/05/2018
Issued For Permits	08/05/2018
Issued For Construction	10/08/2018
Revision Number	Revision Date
1	11/02/2018

ASI-001

Sheet:

18007

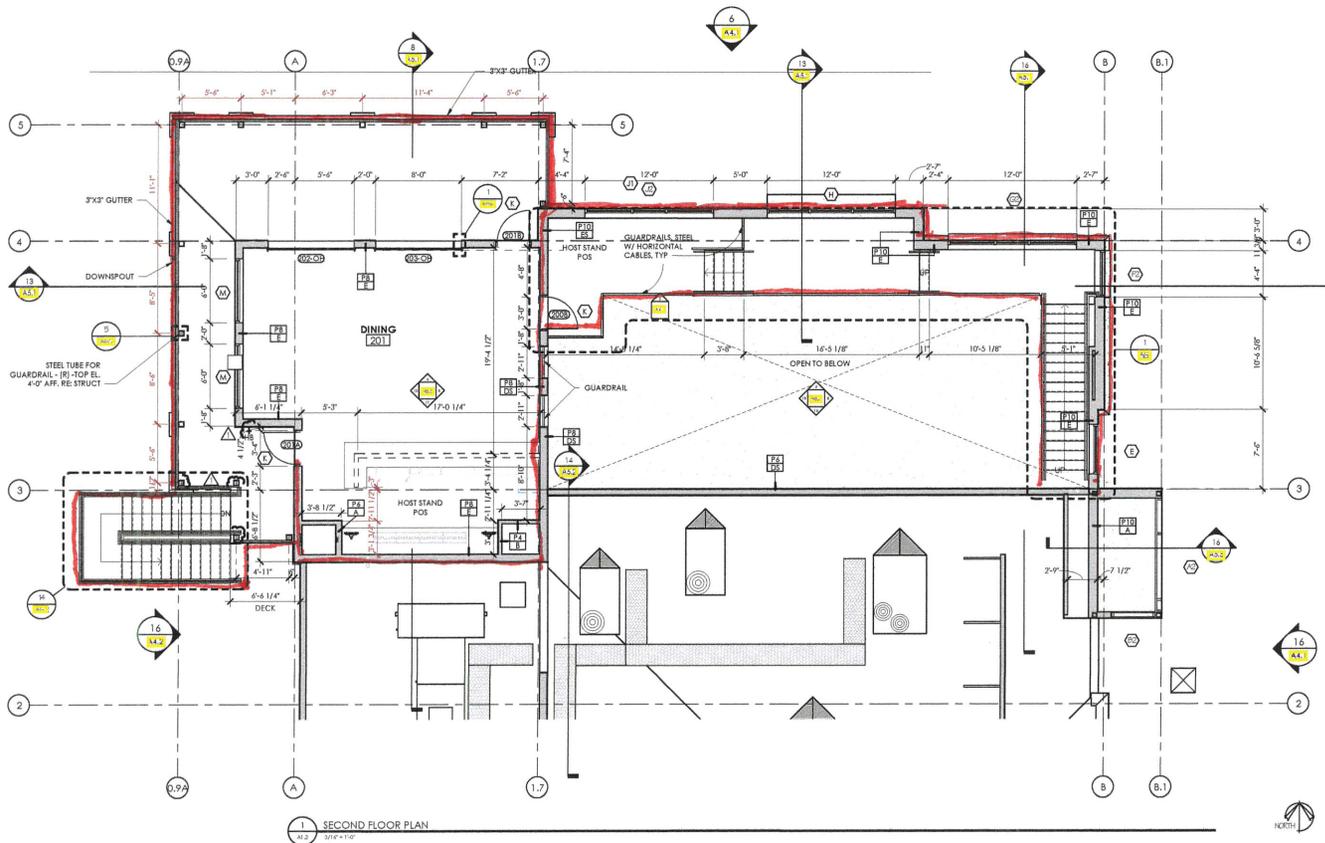
Plot Date: 11/02/18 7:30:24 AM

FIRST FLOOR PLAN

A1.1

ROOF DECK. 2ND FLOOR

Issued For: EDC	07/23/2018
Issued For: P&I	08/05/2018
Issued For: Construction	10/05/2018
Revision Number	Revision Date
	11/02/2018

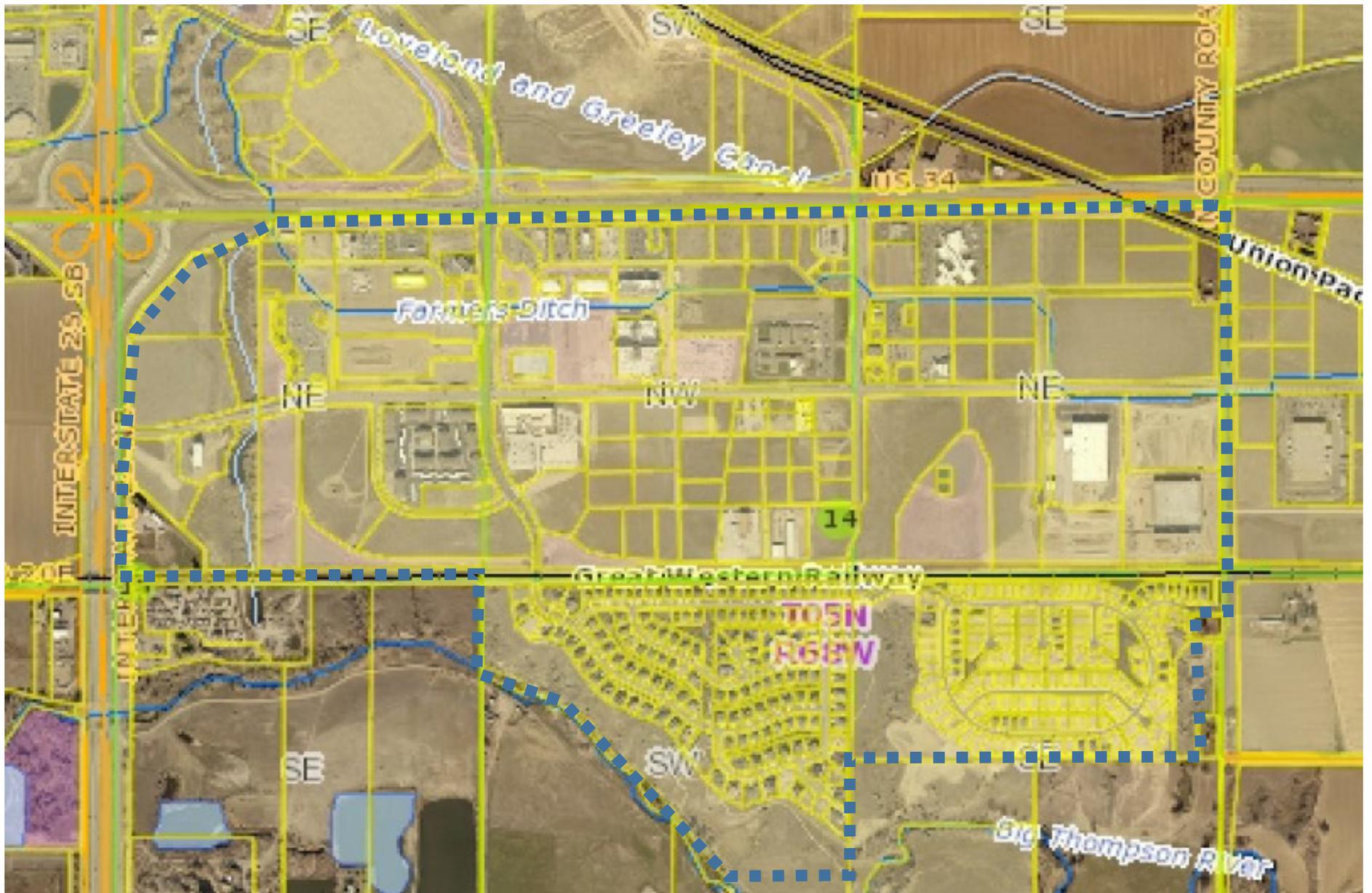


1 SECOND FLOOR PLAN
11/2/18

WALL SYSTEM NOTES

- WALLS**
- P4 - 2x4 WOOD STUD FRAMING AT 16" O.C.
 - P5 - 2x6 WOOD STUD FRAMING AT 16" O.C.
 - P8 - 2x8 WOOD STUD FRAMING AT 16" O.C.
 - P10 - 2x10 WOOD STUD FRAMING AT 16" O.C.
- INTERIOR PARTITION SUFFIXES**
- A - STANDARD WALL 1x LAYER 5/8" GYP. BD. ON EACH SIDE OF STUD FRAMING. TERMINATE FRAMING ABOVE HIGHEST ADJACENT FINISHED CEILING. LATERALLY BRACE FRAMING AT 4'-0" MIN. O.C. AND AT ENDS. PROVIDE SOUND BATT INSULATION FULL HEIGHT.
 - B - SLIDE FINISHED 1x LAYER 5/8" GYP. BD. ON ONE SIDE OF STUD FRAMING ONLY. TERMINATE FRAMING ABOVE HIGHEST ADJACENT FINISHED CEILING. LATERALLY BRACE FRAMING AT 4'-0" MIN. O.C. AND AT ENDS.
 - D - DEMISING WALL 1x LAYER 5/8" GYP. BD. EACH SIDE OF STUD FRAMING. TERMINATE GYP. BD. ON ONE SIDE 2' ABOVE HIGHEST ADJACENT FINISHED CEILING. EXTEND FRAMING FULL HEIGHT AND ATTACH TO DECK ABOVE WJ SLIP TRACK. EXTEND GYP. BD. ON OTHER SIDE TO BOTTOM OF DECK. PROVIDE SOUND BATT INSULATION FULL HEIGHT TO DECK.
 - E - EXTERIOR WALL 1x LAYER 1/2" OSB SHEATHING ON EXTERIOR SIDE. 5/8" GYP. BD. ON INSIDE OF STUD FRAMING. PROVIDE 8-19 MIN BATT INSULATION.
 - L - LOW WALL 1x LAYER 5/8" GYP. BD. EACH SIDE OF STUD FRAMING. HT. INDICATED ON PLAN.
 - M - MOISTURE WALL APPLY FIBER REINFORCED PANELS (FRP) OR TILE FROM FLOOR TO 8'-0" A.F.F. OVER 5/8" MOISTURE RESISTANCE GYP. BD. U.N.O.
 - S - SHEAR WALL 1x LAYER OSB SHEATHING ON ONE SIDE OF STUD FRAMING W/ 1x LAYER 5/8" GYP. BD. EACH SIDE OF STUD FRAMING. RE. STRUCT.
- INTERIOR NOTES**
1. ALL INTERIOR WALLS ARE P-4 U.N.O.
 2. ALL INTERIOR DIMENSIONS ARE TO FACE OF STUD WALLS U.N.O.
 3. PROVIDE GYP. BOARD CONTROL JOINTS AT WALLS OVER 25'-0" IN LENGTH
 4. FRAME DOOR OPENINGS 8" FROM FACE OF PERPENDICULAR WALL ON HINGE SIDE AND 1'-7" FROM FACE OF PERP. WALL ON LATCH SIDE U.N.O.
 5. ALL ANGLED WALLS ARE A MULTIPLE OF 45° U.N.O.
 6. PROVIDE WOOD BLOCK OR METAL STRAP BACKING IN PARTITIONS AS NEEDED TO PROVIDE FOR WALL MOUNTED EQUIPMENT, CABINETS, ACCESSORIES, ETC. IT SHALL BE THE RESPONSIBILITY OF THE GC TO COORDINATE THE REQUIRED LOCATIONS FOR BACKING.
- EXTERIOR NOTES**
1. ALL DIMENSIONS FOR EXTERIOR LAYOUT PURPOSES ARE TO GRID LINES. FACE OF SHEATHING, WHICH IS FACE OF FOUNDATION U.N.O.
 2. ALL EXTERIOR WALLS ARE P-4 U.N.O.
 3. ALL STUCCO CONTROL JOINTS TO ALIGN WITH WINDOW HEADS, JAMBS, WALLS OR CENTER ON VERTICAL/HORIZONTAL MULLIONS. U.N.O.
 4. ALL WINDOW AND STOREFRONT OPENINGS ARE ROUGH OPENING DIMENSIONS U.N.O.
 5. ALL WINDOW FRAMES TO HAVE END DAMS & POCKET FILLERS.

MAP OF AREA PETITIONED



LAZY DOG - Neighborhood

SURVEY RESULTS

SUMMARY

Dates of Petitioning February 5, 2019 through February 12, 2019

Total Doorknocks:

Not at Home or Business Owners/Managers Not Available

(13)

(1)

Not Qualified to Sign

Preferred to Not Participate

Parties in Interest that Participated

82

14

3

3

80

Number of Signatures in Favor

80

Breakdown of Reasons of Signatures in Opposition:

- | No need
- | Abhorrence of Alcohol
- | Religious Objections
- | Usage Objections
- | Miscellaneous Reason
- | No Reason Given
- | Total Signatures

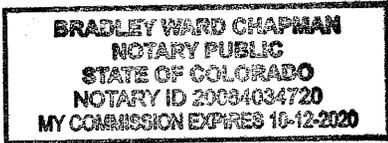
AFFIDAVIT OF CIRCULATOR

I, Max McKay, do hereby certify that I was the circulator of the attached petitions and further, that I personally witnessed each signature appearing on the petitions. To the best of my knowledge, each signature thereon is the signature of the person whose name it purports to be, each address given opposite each name is the true address of the person that signed, that each person who signed the petition represented themselves to be 21 years of age or older, and that each person who signed the petition had the opportunity to read, or have read to them, the petition in its entirety and understands its meaning. I also hereby affirm that no promises, threats, or inducements were employed whatsoever in connection with the presentation of this petition and that every signature appearing hereon was completely free and voluntarily given.

Max McKay
Circulator

STATE OF COLORADO)
) SS.
COUNTY OF WELD)

Subscribed and sworn to before me this 12th day of February, 2019 ^{BC}



Bradley Ward Chapman
Notary Public

10-12-2020
My commission expires

POLICE REPORT

TOWN OF JOHNSTOWN POLICE DEPARTMENT

Information 3.2% Beer or Liquor Application

- Name and address of Applicant} Lazy Dog Johnstown, LLC
4801 Thompson Parkway
Johnstown, CO 80534
1. Trade Name and Address} Lazy Dog Tavern
4801 Thompson Parkway
Johnstown, CO 80534
2. Date of Application: 01/16/2019
3. Type of Application: Hotel & Restaurant License
4. Documents Accompanying Application
- A. Local and State License Fees} Submitted with application
 - B. Evidence of Correct Zoning} PUD
 - C. Building Plans and or Sketch of Interior} Submitted
 - D. Distance from School as per State} N/A
 - E. Deed or Lease or Assignment of Lease or Ownership} Lease
5. Evidence of Public Notice
- A. Posting of Premises} Posted February 20, 2019
 - B. Legal Publication } Johnstown Breeze January 21, 2019
6. Investigation: Police Department Case#}
- A. Applicant has made application for a new Hotel & Restaurant License.
 - B. Background Investigation: Applicant has been fingerprinted and background check completed
8. Findings of fact:
- A. The required fees were submitted.
 - B. It is my recommendation the Hotel & Restaurant License be approved.



CHIEF OF POLICE



DATE

AGENDA ITEM 10C

**PUBLIC HEARING
ORDINANCE NO. 2019-158**

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: March 4, 2019

ITEM NUMBER: 10C

SUBJECT: *Continued Public Hearing – (First Reading) Consider Ordinance No. 2018-154, an Ordinance Amending Chapter 8 of the Johnstown Municipal Code to Include Article VI Concerning the Operation of Golf Cars

ACTION PROPOSED: Approve Ordinance No. 2018-154 on first reading

PRESENTED BY: Town Attorney and Chief Phillips

AGENDA ITEM DESCRIPTION: Ordinance No. 2018-154 amends Chapter 8 of the Johnstown Municipal Code to include Article VI, which permits the operation of golf cars on the roads within the Town according to certain terms and conditions.

The term “golf car” as used in the Ordinance has the meaning provided by state statute, which is as follows: “A self-propelled vehicle not designed primarily for operation on roadways and that has: (a) A design speed of less than twenty miles per hour; (b) At least three wheels in contact with the ground; (c) An empty weight of not more than one thousand three hundred pounds; and (d) A carrying capacity of not more than four persons. To be operable on Town roads, the golf car must also be equipped with: front headlamps, front and rear turn signal lamps, rear tail lamps and stop lamps, a rearview mirror or mirrors, a parking brake, a front windshield, seat belts for each occupant, two (2) rear reflectors and a slow moving vehicle sign. The operator of the golf car must be 21, have a valid license and be properly insured. The operator is subject to the Town’s traffic laws.

The golf cars may only travel on roads with a speed limit of 25 miles per hour or less, except that the golf cars may cross a road, including State Highway 60, that has a speed limit greater than 25 miles per hour at an at grade crossing to continue traveling along a roadway with a speed limit of 25 miles per hour or less. In addition, if the owner of the golf car resides at a street address where operation of the golf car is not permitted due to the speed restriction, the owner would be entitled to drive the shortest route to and from the owner’s residence to a street where the golf car is allowed to operate. Golf cars are not permitted on Town paths or trails. The ordinance does not apply to Town-operated golf cars.

On November 5, 2019, the Ordinance was presented to Town Council for a public hearing on first reading. At that hearing, Council continued the public hearing and requested that provisions be added requiring that the golf car be inspected and issued a permit by the Johnstown Police Department. Pursuant to Council’s direction, Section 8-87 was added into the Ordinance, providing, among other requirements, that the golf car be inspected every three years and that, after passing inspection, the owner pay a permit fee of \$20.00 to operate the golf car on Town roads.

LEGAL ADVICE: Ordinance No. 2018-154 was prepared by the Town Attorney.

FINANCIAL ADVICE: N/A.

RECOMMENDED ACTION: Approve Ordinance No. 2018-154 on first reading.

SUGGESTED MOTION:

For Approval: I move to approve Ordinance No. 2018-154, an Ordinance Amending Chapter 8 of the Johnstown Municipal Code to Include Article VI Concerning the Operation of Golf Cars.

For Denial: I move to deny approval of Ordinance No. 2018-154.

Reviewed:

Town Manager

Ordinance No. 2019-158

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2019-158

AN ORDINANCE AMENDING CHAPTER 8 OF THE JOHNSTOWN MUNICIPAL CODE TO INCLUDE ARTICLE VI CONCERNING THE OPERATION OF GOLF CARS

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

WHEREAS, Chapter 8 of the Johnstown Municipal Code regulates vehicles and traffic; and

WHEREAS, based initially on a request from a citizen of the Town, the Town Council desires to amend Chapter 8 of the Johnstown Municipal Code to include Article VI to permit the operation of golf cars on the roadways and streets within the Town according to the terms and conditions set forth herein; and

WHEREAS, the Town Council finds that it is in the best interest of the Town of Johnstown to amend Chapter 8 of the Johnstown Municipal Code to include Article VI concerning the operation of golf cars.

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

Section 1. Chapter 8 of the Johnstown Municipal Code is hereby amended to include Article VI, which shall read as follows:

Article VI Golf Cars

Sec. 8-84 Definition

“Golf Car” shall have the meaning set forth in Section 42-1-102 (39.5), C.R.S., as amended, and shall mean, unless the state statute is otherwise amended:

A self-propelled vehicle not designed primarily for operation on roadways and that has:

- (a) A design speed of less than twenty miles per hour;
- (b) At least three wheels in contact with the ground;
- (c) An empty weight of not more than one thousand three hundred pounds; and
- (d) A carrying capacity of not more than four persons.

Sec. 8-85 Operation of Golf Cars

- (a) No person shall operate a Golf Car on the roadway or a street within the Town, except as provided for in this Article.
- (b) An operator of a Golf Car shall have been legally issued and possess a currently valid driver's license and be twenty one (21) years of age or older.
- (c) Every Golf Car operating on a Town street or roadway as allowed herein shall be equipped, at a minimum, with the following equipment:
 - (1) Front headlamps;
 - (2) Front and rear turn signal lamps;
 - (3) Rear tail lamps and stop lamps;
 - (4) A rearview mirror or mirrors;
 - (5) A parking brake;
 - (6) A front windshield;
 - (7) Seat belts for each occupant;
 - (8) Two (2) rear reflectors as either part of the tail lamps or separately; and
 - (9) A slow moving vehicle sign, as provided for by state law, shall be attached on the rear of the Golf Car, and shall be visible in daylight and at night from all distances between six hundred feet (600') and one hundred feet (100') from the rear when directly in upper beam of headlamps.
- (d) The number of persons allowed to travel in a Golf Car shall be limited to the number of seats in the Golf Car, in accordance with the design of the Golf Car, but in no event shall there be more than four (4) persons.
- (e) Every child passenger in a Golf Car shall be secured in a child restraint device as required by state law for children riding as passengers in a motor vehicle.
- (f) Golf Cars shall be restricted to operation on streets and roadways within the Town of Johnstown that have a speed limit of twenty five (25) miles per hour or less; except that a Golf Car may be operated to directly cross a roadway, including State Highway 60, that has a speed limit greater than twenty five (25) miles per hour at an at grade crossing to continue traveling along a roadway with a speed limit equal to or less than twenty five (25) miles per hour. Notwithstanding the foregoing, Golf Cars shall not be operated on, or be permitted to cross, the Interstate 25 Frontage Road. If the owner of the Golf Car resides at a street address where operation of a Golf Car is not

allowed due to this speed restriction, the owner shall be allowed to drive the shortest route to and from the owner's residence to a street where the Golf Car is allowed to operate.

- (g) Golf Cars shall be restricted to operation on streets and roadways within the Town of Johnstown as provided for herein. Golf Cars shall not be allowed on Town paths or trails.
- (h) An operator of a Golf Car must carry proof of complying insurance, as described in Section 8-86, at all times while operating the Golf Car on the Town streets or roadways.
- (i) The Town permit sticker, as described in Section 8-87, must be visible at all times when the Golf Car is being operated on the Town streets or roadways.

Sec. 8-86 Insurance requirements

Prior to the operation of a Golf Car on a Town street or roadway as allowed herein, each owner shall obtain and carry a liability insurance policy for that Golf Car, which liability insurance policy shall provide coverage for all operators of the Golf Car, meeting the following minimum requirements:

- (a) The liability insurance policy shall be issued by an insurance carrier authorized to do business in the state of Colorado;
- (b) The liability insurance policy shall cover a Golf Car operating on public streets and roadways; and
- (c) The liability insurance policy shall have coverage with a minimum sum of one hundred thousand dollars (\$100,000.00) for damages to property of others, a minimum sum of one hundred thousand dollars (\$100,000.00) for damages for or on account of bodily injury or death of one person as a result of any one accident, and, subject to such limit as to one person, a minimum sum of three hundred thousand dollars (\$300,000.00) for or on account of bodily injury to or death of all persons as a result of any one accident.

Sec. 8-87 Inspection and permitting requirements

The Golf Car shall be inspected for safety and for the required equipment by the Johnstown Police Department every three years and issued a Town permit sticker. The Golf Car owner must show proof of a current driver's license and complying insurance at the time of inspection and permitting. The permit fee shall be \$20.00 for the three year permit, which fee may be modified by resolution of Town Council. A copy of the ordinance regulating the operation of Golf Cars on the Town streets and roadways and a copy of Johnstown Police Department Rules and Regulations, if any, shall be provided to the Golf Car owner at the time of inspection and permitting.

Sec. 8-88 Traffic laws

Every person operating a Golf Car in the Town shall be subject to all traffic laws adopted by the Town, and may be subject to the issuance of a summons and complaint for any such traffic violation. Upon conviction of any traffic violation, penalties established in Section 8-26 of this Chapter shall apply. A traffic ticket issued to any operator of a Golf Car shall be governed by the procedures set forth in this Chapter.

Sec. 8-89 Town operated Golf Cars

Notwithstanding any provision contained in this Article, the Town, by and through its staff, employees, contractors or agents, shall be authorized and permitted to operate Golf Cars on Town paths, trails and areas within the parks, greenbelts, open spaces and recreation facilities for public safety, upkeep and maintenance purposes.

Section 2. Publication and Effective Date. This Ordinance, after its passage on final 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 _____, 2019.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this ___ day of _____, 2019.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

Permit Sticker No. _____
Valid Until _____

TOWN OF JOHNSTOWN GOLF CAR REGISTRATION (Golf Cars only)

Fee: **\$20.00** (Cash only) - Permit valid for Three (3) Years

Registered Owner Information

Name _____
Address _____ Unit# _____
City _____ State _____ Zip _____
Phone (H) _____ (Cell) _____ (Work) _____

Driver's License # _____ State _____ Valid....Yes No
Proof of InsuranceYes No

Golf Car Inspection for required equipment:

- 1. Head lamps..... Yes No
- 2. Front and rear turn signals Yes No
- 3. Tail lamps..... Yes No
- 4. Stop lamps..... Yes No
- 5. Reflex reflectors; one red on each side as far to rear as practicable and one red on rear..... Yes No
- 6. Exterior mirror mounted on the driver's side of the vehicle or an interior rear view mirror..... Yes No
- 7. Windshield..... Yes No
(Driver must wear state approved safety goggles if no windshield)
- 8. Seat belts (type one or two) at all seat positions..... Yes No
(Wearing seat belts is recommended but not required)
- 9. Parking Brake..... Yes No
- 10. Slow moving emblem displayed on rear per MTC 234..... Yes No
- 11. Englewood Golf Car Permit sticker on rear..... Yes No

Golf Car Information

Year _____ Make _____ Model _____ Color _____
Serial Number or Golf Car Identification Number _____
Golf Car designed to carry _____ persons. (No more than 4 allowed.)

Registered owner acknowledges receipt of Golf Car Information Packet containing the applicable Ordinance and Johnstown Police Department Rules and Regulations, if any, associated with Golf Car travel on the streets of Johnstown, Colorado.

Registered Owner: _____ Date _____ Time _____
Signature

Inspection/Registration completed and approved by: _____
Date _____ Time _____ Signature / Badge #

FEE \$20.00 Cash only Paid _____ Collected by: _____
Signature / Badge #

AGENDA ITEM 10D

**AMENDMENT NO. 3
TO AGREEMENT BETWEEN
TOWN OF JOHNSTOWN
AND
ADOLPHSON & PETERSON CONST.**

(Johnstown Community Recreation Center)

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: March 4, 2019

ITEM NUMBER: 10D

SUBJECT: Consider Approval of Amendment No. 3 to Agreement Between the Town of Johnstown and Adolfson & Peterson Construction– Johnstown Community Recreation Center Construction Project

ACTION PROPOSED: Approve Amendment No. 3

ATTACHMENTS: 1. Document A133
2. Exhibit A.3 – Bid Pack 3 GMP

PRESENTED BY: Mr. Beau LaCouture, Construction Consulting Owner’s Representative

AGENDA ITEM DESCRIPTION:

On April 6th, 2018 the Town of Johnstown entered into a professional services agreement with Adolfson & Peterson Construction (Construction Manager/General Contractor) for preconstruction services related to the construction of the Johnstown Community Recreation Center. Amendment No. 1 approved on October 15, 2018 established a Guaranteed Maximum Price for the Initial portion of the cost of construction of the facility as well as the Construction Manager’s fee for \$2,808,662. Amendment No. 2 (1b) to the agreement increased the scope including the structural, electric, mechanical, plumbing and other components, bringing the total Guaranteed Maximum Price to \$17,861,342.00. The current proposed Amendment No. 3 will be the Final Guaranteed Maximum Price for the facility construction and has been established at \$29,015,161.00. The scope and bids provided includes the interior finishes for the facility.

This does not include elements that will need to be purchased related to FF&E for the facility prior to its completion.

LEGAL ADVICE:

The agreement was reviewed by the Town Attorney

FINANCIAL ADVICE:

Funds for this expenditure have been appropriated in the FY2019 budget in the amount of \$29.2 million for construction of this facility.

RECOMMENDED ACTION: Approve Amendment No. 3 as suggested below.

SUGGESTED MOTIONS:

For Approval: I move we approve Amendment No.3 (including Exhibit A) to the Agreement between the Town of Johnstown and Adolfson & Peterson Construction in an amount not to

exceed \$29,015,161.00, and authorize the owner's representative (Mr. LaCouture), with approval from the Town Manager, to approve change orders in an amount not to exceed the construction budget amount of \$29.2 million without Council approval.

For Denial:

I move we deny approval of Amendment No. 3 to the Agreement between the Town of Johnstown and Adolfson & Peterson Construction.

Reviewed and Approved for Presentation:

Town Manager



AIA Document A133™ – 2009 Exhibit A

Guaranteed Maximum Price Amendment

for the following PROJECT:

(Name and address or location)

Johnstown Community Recreation Center
Weld CR17 and CR 46 ½ - NE Intersection
Johnstown, CO 80534

THE OWNER:

(Name, legal status and address)

The Town of Johnstown
450 S. Parish Ave.
Johnstown, CO 80534

THE CONSTRUCTION MANAGER:

(Name, legal status and address)

AP Mountain States, LLC dba Adolfson & Peterson Construction
797 Ventura St.
Aurora, CO 80011

ARTICLE A.1

§ A.1.1 Final Guaranteed Maximum Price

Pursuant to Section 2.2.6 of the Agreement, the Owner and Construction Manager hereby amend the Agreement to establish a Final Guaranteed Maximum Price (“fGMP”) for the scope of work already contracted (Bid Pack 1 Exhibit A.1 & Bid Pack 1B Exhibit A.2) and Project Documents as modified through Bid Pack 3 (‘100% CD final construction documents’) dated 12/14/2018, which is attached hereto and incorporated herein by reference, for a complete project scope as defined by the Project Documents and this Exhibit A.3. As agreed by the Owner and Construction Manager, the Guaranteed Maximum Price is an amount that the Contract Sum shall not exceed for the entire scope of work. The Contract Sum consists of the Construction Manager’s Fee plus the Cost of the Work, as that term is defined in Article 6 of this Agreement. This fGMP is the sum of previously executed interim guaranteed price amendments (“iGMPs”) and the final portion of work contracted off of the Bid Pack 3 drawings. This fGMP is no longer an estimate once accepted and executed via this Exhibit A.3 and the dollar value listed is the contract sum of the entire project, not in addition to the previously executed Exhibit A.1 & A.2, and supersedes and replaces the iGMPs executed on October 15, 2018 and November 19, 2018.

§ A.1.1.1 The Contract Sum (fGMP) is guaranteed by the Construction Manager not to exceed Twenty Nine Million, Fifteen Thousand, One Hundred Sixty One Dollars and No Cents (\$29,015,161), subject to additions and deductions by Change Order as provided in the Contract Documents.

§ A.1.1.2 **Itemized Statement of the Guaranteed Maximum Price.** Provided below is an itemized statement of the Guaranteed Maximum Price organized by trade categories, allowances, contingencies, alternates, the Construction Manager’s Fee, and other items that comprise the Guaranteed Maximum Price.

(Provide below or reference an attachment.)

ADDITIONS AND DELETIONS:

The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

AIA Document A201™–2007, General Conditions of the Contract for Construction, is adopted in this document by reference. Do not use with other general conditions unless this document is modified.

Refer to Exhibit A.3 – Bid Pack 3 GMP

§ A.1.1.3 The Guaranteed Maximum Price is based on the following alternates, if any, which are described in the Contract Documents and are hereby accepted by the Owner:
(State the numbers or other identification of accepted alternates. If the Contract Documents permit the Owner to accept other alternates subsequent to the execution of this Amendment, attach a schedule of such other alternates showing the amount for each and the date when the amount expires.)

Refer to Exhibit A.3 – Bid Pack 3 fGMP

§ A.1.1.4 Allowances included in the Guaranteed Maximum Price, if any:
(Identify allowance and state exclusions, if any, from the allowance price.)

Item

Refer to Exhibit A.3 – Bid Pack 3 fGMP

§ A.1.1.5 Assumptions, if any, on which the Guaranteed Maximum Price is based:

Refer to Exhibit A.3 – Bid Pack 3 fGMP

§ A.1.1.6 The Guaranteed Maximum Price is based upon the following Supplementary and other Conditions of the Contract:
(Table Deleted)

§ A.1.1.7 The Guaranteed Maximum Price is based upon the following Specifications:
(Either list the Specifications here, or refer to an exhibit attached to this Agreement.)

(Table Deleted)

Bid Pack 3 Specifications dated 12/14/2018

§ A.1.1.8 The Guaranteed Maximum Price is based upon the following Drawings:
(Either list the Drawings here, or refer to an exhibit attached to this Agreement.)

Bid Pack 3 Drawings dated 12/14/2018

(Table Deleted)

A.1.1.9 The Guaranteed Maximum Price is based upon the following other documents and information:
(List any other documents or information here, or refer to an exhibit attached to this Agreement.)

Refer to Exhibit A.3 – Bid Pack 3 fGMP

ARTICLE A.2

§ A.2.1 The anticipated date of Substantial Completion established by this Amendment:

The date of Substantial Completion is May 15, 2020, absent written approval by the Owner of time extensions. The Owner and the Contractor agree that it would be impractical and extremely difficult to estimate the damages, including, but not limited to indirect, incidental, special and consequential damages, which Owner might suffer if the Contractor fails to achieve Substantial Completion within the Contract Time. Owner and Contractor have determined and agree that fair and reasonable compensation for the damages Owner may suffer if Contractor fails to achieve Substantial Completion within the Contract Time is one-thousand dollars (\$1,000.00) per day (“Liquidated

Damages”), and Contractor agrees to pay the said amount for each day after the expiration of the Contract Time until such time as the Contractor achieves Substantial Completion. Notwithstanding the foregoing, Liquidated Damages shall not exceed fifty-percent (50%) of Contractor’s Fee (Construction Manager’s Fee described in Article 5 of the Agreement). Such Liquidated Damages shall be Owner’s sole and exclusive remedy, and not as a penalty, for Contractor’s failure to achieve Substantial Completion within the Contract Time, but shall not limit other remedies that may otherwise be available for matters unrelated to achieving Substantial Completion within the Contract Time.

OWNER *(Signature)*

CONSTRUCTION MANAGER *(Signature)*

(Printed name and title)

(Printed name and title)

Additions and Deletions Report for AIA® Document A133™ – 2009 Exhibit A

This Additions and Deletions Report, as defined on page 1 of the associated document, reproduces below all text the author has added to the standard form AIA document in order to complete it, as well as any text the author may have added to or deleted from the original AIA text. Added text is shown underlined. Deleted text is indicated with a horizontal line through the original AIA text.

Note: This Additions and Deletions Report is provided for information purposes only and is not incorporated into or constitute any part of the associated AIA document. This Additions and Deletions Report and its associated document were generated simultaneously by AIA software at 14:01:19 ET on 02/27/2019.

PAGE 1

Johnstown Community Recreation Center
Weld CR17 and CR 46 ½ - NE Intersection
Johnstown, CO 80534

The Town of Johnstown
450 S. Parish Ave.
Johnstown, CO 80534

...

AP Mountain States, LLC dba Adolfson & Peterson Construction
797 Ventura St.
Aurora, CO 80011

...

§ A.1.1 Final Guaranteed Maximum Price

...

Pursuant to Section 2.2.6 of the Agreement, the Owner and Construction Manager hereby amend the Agreement to establish a ~~Guaranteed Maximum Price~~ Final Guaranteed Maximum Price (“fGMP”) for the scope of work already contracted (Bid Pack 1 Exhibit A.1 & Bid Pack 1B Exhibit A.2) and Project Documents as modified through Bid Pack 3 (“100% CD final construction documents”) dated 12/14/2018, which is attached hereto and incorporated herein by reference, for a complete project scope as defined by the Project Documents and this Exhibit A.3. As agreed by the Owner and Construction Manager, the Guaranteed Maximum Price is an amount that the Contract Sum shall not ~~exceed~~ exceed for the entire scope of work. The Contract Sum consists of the Construction Manager’s Fee plus the Cost of the Work, as that term is defined in Article 6 of this Agreement. This fGMP is the sum of previously executed interim guaranteed price amendments (“iGMPs”) and the final portion of work contracted off of the Bid Pack 3 drawings. This fGMP is no longer an estimate once accepted and executed via this Exhibit A.3 and the dollar value listed is the contract sum of the entire project, not in addition to the previously executed Exhibit A.1 & A.2, and supersedes and replaces the iGMPs executed on October 15, 2018 and November 19, 2018.

...

§ A.1.1.1 The Contract Sum (fGMP) is guaranteed by the Construction Manager not to exceed (\$Twenty Nine Million, Fifteen Thousand, One Hundred Sixty One Dollars and No Cents (\$29,015,161)), subject to additions and deductions by Change Order as provided in the Contract Documents.

PAGE 2

Refer to Exhibit A.3 – Bid Pack 3 GMP

...

Refer to Exhibit A.3 – Bid Pack 3 fGMP

...

Item

Refer to Exhibit A.3 – Bid Pack 3 fGMP

—

Item

Price (\$0.00)

...

Refer to Exhibit A.3 – Bid Pack 3 fGMP

...

Document

Title

Date

Pages

...

Section

Title

Date

Pages

...

Bid Pack 3 Specifications dated 12/14/2018

...

§ A.1.1.8 The Guaranteed Maximum Price is based upon the following Drawings:

...

Bid Pack 3 Drawings dated 12/14/2018

...

Number

Title

Date

...

§-A.1.1.9 The Guaranteed Maximum Price is based upon the following other documents and information:

...

Refer to Exhibit A.3 – Bid Pack 3 fGMP

PAGE 3

The date of Substantial Completion is May 15, 2020, absent written approval by the Owner of time extensions. The Owner and the Contractor agree that it would be impractical and extremely difficult to estimate the damages, including, but not limited to indirect, incidental, special and consequential damages, which Owner might suffer if the Contractor fails to achieve Substantial Completion within the Contract Time. Owner and Contractor have determined and agree that fair and reasonable compensation for the damages Owner may suffer if Contractor fails to achieve Substantial Completion within the Contract Time is one-thousand dollars (\$1,000.00) per day (“Liquidated Damages”), and Contractor agrees to pay the said amount for each day after the expiration of the Contract Time until such time as the Contractor achieves Substantial Completion. Notwithstanding the foregoing, Liquidated Damages shall not exceed fifty-percent (50%) of Contractor’s Fee (Construction Manager’s Fee described in Article 5 of the Agreement). Such Liquidated Damages shall be Owner’s sole and exclusive remedy, and not as a penalty, for Contractor’s failure to achieve Substantial Completion within the Contract Time, but shall not limit other remedies that may otherwise be available for matters unrelated to achieving Substantial Completion within the Contract Time.

Exhibit A.3
GMP for Bid Pack 3 Drawings



797 Ventura Street, Aurora, CO 80011

Project: Johnstown Recreation Center
Owner: Town of Johnstown
Architect: Perkins + Will

Date: 02/20/19
Estimator: Chris Cooper
Project SF: 69,143
Duration in Months: 18.00

Project Summary Sheet - Estimated Cost of the Work

		BP3 - Building	BP3 - Sitework	BP1 - Early Civil Package	BP1b - Remaining Trades	Project Subtotal		
Division #0	Procurement and Contracting Requirements	\$394,086	\$0	\$131,362	\$420,359	946,807	\$13.68 /SF	3.6% of Direct Costs
Division #1	General Requirements	\$4,643	\$13,078	\$504,399	\$456,728	978,849	\$14.16 /SF	3.7% of Direct Costs
Division #2	Existing Conditions	\$0	\$0	\$132,699	\$0	132,699	\$1.92 /SF	0.5% of Direct Costs
Division #3	Concrete	\$0	\$0	\$0	\$1,418,584	1,418,584	\$20.52 /SF	5.3% of Direct Costs
Division #4	Masonry	\$0	\$0	\$0	\$2,643,353	2,643,353	\$38.23 /SF	9.9% of Direct Costs
Division #5	Metals	\$0	\$0	\$0	\$1,916,343	1,916,343	\$27.72 /SF	7.2% of Direct Costs
Division #6	Wood, Plastics, and Composites	\$439,549	\$0	\$0	\$0	439,549	\$6.36 /SF	1.7% of Direct Costs
Division #7	Thermal and Moisture Protection	\$1,367,926	\$0	\$0	\$89,600	1,457,526	\$21.08 /SF	5.5% of Direct Costs
Division #8	Openings	\$1,061,992	\$0	\$0	\$0	1,061,992	\$15.36 /SF	4.0% of Direct Costs
Division #9	Finishes	\$3,031,933	\$0	\$0	\$0	3,031,933	\$43.85 /SF	11.4% of Direct Costs
Division #10	Specialties	\$283,058	\$47,510	\$0	\$0	330,568	\$4.78 /SF	1.2% of Direct Costs
Division #11	Equipment	\$154,780	\$113,120	\$0	\$0	267,900	\$3.87 /SF	1.0% of Direct Costs
Division #12	Furnishings	\$31,310	\$56,348	\$0	\$0	87,658	\$1.27 /SF	0.3% of Direct Costs
Division #13	Special Construction	\$0	\$0	\$0	\$2,652,058	2,652,058	\$38.36 /SF	10.0% of Direct Costs
Division #14	Conveying Equipment	\$0	\$0	\$0	\$92,483	92,483	\$1.34 /SF	0.3% of Direct Costs
Division #21	Fire Suppression	\$0	\$0	\$0	\$240,495	240,495	\$3.48 /SF	0.9% of Direct Costs
Division #22	Plumbing	\$0	\$0	\$0	\$653,741	653,741	\$9.45 /SF	2.5% of Direct Costs
Division #23	Heating, Ventilating and Air Conditioning	\$0	\$0	\$0	\$2,498,244	2,498,244	\$36.13 /SF	9.4% of Direct Costs
Division #25	Integrated Automation	\$0	\$0	\$0	\$0	0	\$0.00 /SF	0.0% of Direct Costs
Division #26	Electrical	\$0	\$0	\$0	\$1,601,595	1,601,595	\$23.16 /SF	6.0% of Direct Costs
Division #27	Communications	\$0	\$0	\$0	\$726,646	726,646	\$10.51 /SF	2.7% of Direct Costs
Division #28	Electronic Safety and Security	\$0	\$0	\$0	\$101,635	101,635	\$1.47 /SF	0.4% of Direct Costs
Division #31	Earthwork	\$0	\$0	\$1,085,969	\$0	1,085,969	\$15.71 /SF	4.1% of Direct Costs
Division #32	Exterior Improvements	\$0	\$749,355	\$0	\$1,014,512	1,763,867	\$25.51 /SF	6.6% of Direct Costs
Division #33	Utilities	\$40,346	\$0	\$448,449	\$0	488,795	\$7.07 /SF	1.8% of Direct Costs
Subtotal		\$6,809,622	\$979,412	\$2,302,878	\$16,526,376	\$26,618,288	\$384.97 /SF	100.0% of Project
Utility Tap & Development Fees	By Owner	By Owner	By Owner	By Owner	By Owner	By Owner	\$0.00 /SF	
Permit Allowance	N/A	N/A	N/A	N/A	N/A	N/A	\$0.00 /SF	0.00% of Project
Use Tax	N/A	N/A	N/A	N/A	N/A	N/A	\$0.00 /SF	0.00% of Project
Design Contingency	\$17,024	\$2,449	\$11,514	\$41,316	72,303	\$1.05 /SF	0.25% of Subtotal	
Estimate Contingency	\$34,133	\$4,909	\$11,572	\$82,838	133,453	\$1.93 /SF	0.50% of Subtotal	
Construction Contingency	\$171,520	\$24,669	\$58,149	\$416,263	670,601	\$9.70 /SF	2.50% of Subtotal	
Builders Risk Insurance	W/ BP1 on 29.2mm	W/ BP1 on 29.2mm	\$54,977	\$0	54,977	\$0.80 /SF	0.20% of Project	
Comprehensive General Liability Insurance	W/ BP1 on 29.2mm	W/ BP1 on 29.2mm	\$334,429	\$0	334,429	\$4.84 /SF	1.15% of Costs	
Sub Bonding Subguard	\$76,931	\$11,596	\$20,005	\$187,791	296,324	\$4.29 /SF	1.20% of Costs	
Performance, Labor & Material Bond	W/ BP1 on 29.2mm	W/ BP1 on 29.2mm	\$221,232	\$0	221,232	\$3.20 /SF	0.76% of Project	
Escalation Allowance	\$0	\$0	\$0	\$0	0	\$0.00 /SF	0.00% of Project	
General Contractors Fee	\$182,174	\$26,215	\$77,253	\$442,149	727,791	\$10.53 /SF	2.50% of Costs	
Preconstruction Services	W/ Amendment #1	W/ Amendment #1	W/ Amendment #1	W/ Amendment #1	21,094	\$0.00 /SF	Per RFP Resonse	
Estimated Cost of Construction Bid Pack 3		\$7,291,404	\$1,049,250	\$3,092,011	\$17,696,735	\$29,150,492	\$421.60 /SF	100.0% of Project
Accepted Price Options Incorporated into the GMP								
Alternate #2 - Powder Coated Metal Lockers ILO Phenolic Lockers						(\$34,634)		
Alternate #7 - Provide Lockable Cubbies with Doors in Group Exercise ILO Open Cubbies						\$5,712		
Landscape Alt #3 - Provide Concrete Fitness Trail ILO Crusher Fines						\$31,901		
Provide Z furring behind ariscraft ILO green girls						(\$138,310)		
Total Cost with Accepted Price Options Incorporated						\$29,015,161		



Revised 2/19/2019

Price Options List
Johnstown Recreation Center

DD Cost Estimate	\$29,150,492
Target Budget	\$29,200,000
Delta	-\$49,508
Total Accepted Costs	-\$135,332
Revised Cost Estimate with Accepted Costs	\$29,015,161
Total Pending Cost Savings Items	\$0

This decisions and scope changes documented on this price options list supersede all other contract documents and exhibits. To the extent Contractor provides value engineering suggestions, or comments with respect to the Drawings and Specifications, Client acknowledges that such services are preliminary and advisory only and not professional design services. Client shall refer all such suggestions and comments to the Architect or other design professionals designated by Client for review and evaluation and final determination regarding their adoption prior to Client's acceptance thereof. Client further acknowledges that, unless or until the Construction Agreement (hereinafter defined) provides otherwise, that the Architect, Architect's consultants, and all other consultants engaged by Client or the Architect shall be solely responsible for the adequacy of the design (as revised or modified by such suggestions or comments, or otherwise), and that Contractor is not responsible for the adequacy of the Drawings and Specifications, or for confirming the absence of errors or omissions that may exist therein. In addition, Contractor shall not be held liable and does not warrant or

Item Number	Date	Description of Item	Status	Pending Cost Addition	Pending Cost Reduction	Accepted Cost	Rejected Cost	Comments	Decision Date
00 - Alternates / Program Discussions									
00 - 001	2/4/2019	Alternate #1 - Add Vinyl Film to Interior Surface of All Exterior Glazing	Pending	82,637					3/20/2019
00 - 002	2/4/2019	Alternate #2 - Powder Coated Metal Lockers ILO Phenolic Lockers	Accepted			(34,634)		Accepted at 2/19 O.A.C.	5/1/2019
00 - 003	2/4/2019	Alternate #3 - Butt-Glazed Glass Wall Above Mezzanine At Fitness Balcony	Pending	43,036					3/20/2019
00 - 005	2/4/2019	Alternate #6 - Add Keypads to Doors Per Door Schedule (31 locations)	Pending	9,321				ROM cost based on residential type schlage	3/1/2019
00 - 006	2/4/2019	Alternate #7 - Provide Lockable Cubbies with Doors in Group Exercise ILO Open Cubbies	Accepted			5,712		Accepted at 2/19 O.A.C.	5/1/2019
00 - 007	2/4/2019	Alternate #8 - Provide FMOB Partitions ILO Ceiling Hung	Rejected				(1,118)	Rejected at 2/19 O.A.C.	5/1/2019
00 - 008	2/4/2019	Alternate #9 - Provide Full Height Tile at Locker Room Wet Walls ILO 6'-0" AFF at Typical Wet Walls	Pending	8,047					5/1/2019
00 - 009	2/4/2019	Alternate #10 - Add 4 Burner Range w/ Oven, Convection Oven, and Fire Suppression to Hood	Pending	25,475				P+W to provide direction on grease trap	3/20/2019
00 - 010	2/4/2019	Alternate #11 - Add Motorized Shades to Lobby East Glazing	Rejected				17,767	Rejected at 2/19 O.A.C.	7/11/2019
00 - 011	2/4/2019	Alternate #12 - Add Utility Shed Adjacent to Trash Enclosure	Pending	130,767					4/15/2019
00 - 015	2/4/2019	Alternate #12a - Provide for future shed construction	Pending	28,319					4/15/2019
00 - 012	2/4/2019	Landscape Alt #1 - Add Playground Adjacent to Multipurpose Field and EWF	Pending	71,067				Allowance	6/1/2019
00 - 013	2/4/2019	Landscape Alt #2 - Provide Synthetic Miniturf Field ILO Grass/Sod	Pending	111,944					6/1/2019
00 - 014	2/4/2019	Landscape Alt #3 - Provide Concrete Fitness Trail ILO Crusher Fines	Accepted			31,901		Accepted at 2/19 O.A.C.	6/1/2019
00 - 015	2/6/2019	Provide Screenwall for transformer at southwest corner of site (2 sides)	Rejected				8,747	Rejected at 2/19 O.A.C.	6/1/2019
00 - 016	2/12/2019	Provide Athletic Lighting at Multi purpose field (R.O.M. cost pending final pricing)	Pending	164,001				ROM Cost, High Priority	4/15/2019
02 - Site Work (Divisions 31, 32, 33)									
03 - Concrete									
04 - Masonry									
05 - Steel									
06 - Carpentry									
07 - Thermal and Moisture Protection									
08 - Doors and Windows									
09 - Finishes									
09 - 002	2/4/2019	Add Lapendary Panels as Add Alternate	Pending	60,836					
09 - 002	2/4/2019	Provide Z furring behind arriscraft ILO green girls	Accepted			(138,310)		Accepted at 2/19 O.A.C.	
10 - Specialties									
11 - Equipment									
12 - Furnishings									
12 - 003	10/17/2018	Add tables and chairs to construction budget	Pending	136,449				26 fixed tables and chairs	
13 - Special Construction									
14 - Conveying Systems									
15 - Mechanical Systems (Divisions 22, 23, 24, & 25)									
16 - Electrical and Low Voltage Systems (Division 26, 27, 28)									

SUMMARY OF WORK

This estimate for Johnstown Rec Center will include the development of the 10 acre site, a new 2-Story recreation center that is approximately 69,143 square feet, with a natatorium, gymnasium, elevated jog track, childcare facilities, and multipurpose rooms. It is anticipated that construction will start in October of 2018, and work will be completed in May of 2020.

CLARIFICATIONS AND ASSUMPTIONS

GENERAL CLARIFICATIONS

- (3) separate contingencies have been included in the estimate:
 - Design Contingency – 0.25% - This contingency is included to cover scope that has not been anticipated at this time, but will be required for completion of design. It is anticipated that this contingency will be reduced to 0% at the time of 100% Construction Documents, this will be used for change documents issued during the GMP pricing such as Amendment 1.
 - Estimate Contingency - 0.50% - This contingency is included to cover estimating inaccuracies and items that result from scope review meetings with subcontractors. This contingency can also be used for change documents received once all subcontract scope has been bought out and bound by a returned executed copy of the contracts .
 - Construction Contingency – 2.5% - This contingency is included to protect the contractor against the risks assumed in providing a GMP estimate. This contingency is included for the following purposes: estimate inaccuracies, unfavorable bidding from trade contractors, contract default in payment or performance by a subcontractor or supplier, cost of corrective work not provided for elsewhere, other conditions which result in an increase to the cost of the work. This contingency shall not be used for changes in the work or unforeseen conditions.
- The previous escalation allowance has been eliminated.
- This is a GMP for the cost of construction, no land fees, architectural fees, legal fees, land development fees, tap fees, etc. have been included.
- The cost of the building permit has been excluded.
- Sales tax has not been included.
- It is assumed all work will be completed during a standard 40-hour work week. No allowance for overtime or off-hours work has been included.
- This estimate is based on the use of the AIA A133, 2009 edition and the AIA 201, 2007 edition, with A&P's standard contract modifications. Any deviation from these contract terms may result different costs and pricing.

General Requirements

- An allowance for project weather protection is included for the amount of \$200,000
- An allowance for project dewatering is included for the amount of \$120,000

- An allowance for project scaffolding and platforms is included for the amount of \$80,000

Sitework

- Onsite soils at building pad to be overexcavated and reconditioned to 3' per soils report
- All hardscape surface to have soils scarified and reconditioned per drawings
- No rock demo and removal is anticipated and is not included

Substructure

- Aggregate piers are based on a design bearing pressure of 5000 psf

Structure

- An allowance for galvanizing the exposed steel connections is included in the amount of \$20,000
- An allowance for additional damproofing anticipated pending addendum is included in the amount of \$7,500.

Interior Construction

- Building Code Signage allowance is included for the amount of \$20,000
- Building Wayfinding Signage allowance is included for the amount of \$15,000
- Monument building sign allowance is included for the amount of \$30,000
- Food Service Allowance is included for the amount of \$75,000
- Playground equipment - Child Watch/Preschool allowance is included for the amount of \$35,000
- Competitive timing system allowance is included for the amount of \$50,000
- Card Access system allowance is included in the amount of \$33,600
- Intrusion detection system allowance is included in the amount of \$12,500
- Electronic Surveillance system allowance is included for the amount of \$55,535

Services

- A new 6" fire service is included
- A new 2 1/2" domestic water service is included (no tap fees)
- Domestic water meter is by others
- All fire hydrant assemblies are existing and any new hydrants are not included
- No Seismic requirements are included in the MEP and fire protection scopes

ITEMS BY OTHERS

- All independent testing and inspections, including commissioning
- All fees associated with utilities will be paid for by the owner (water, electric, gas)
- Any expenses associated with dry utilities and getting them to the site (cable, fiber, power and gas)
- Removal or working with hazardous materials, including asbestos and lead abatement as defined by OSHA.
- All moving costs
- All artwork - purchasing, moving, and installation
- Technology - Computers, Servers, phones, etc. – purchasing, moving and installation

- Furniture, Desks, chairs, tables, moveable casework – purchasing, moving and installation
- Audio / Visual Projectors
- Projection Screens, Smart Boards
- Televisions
- Residential Equipment
- Land Costs
- Legal Fees
- Architectural and Engineering Fees
- Technology – Servers, computers, phones, etc.
- Owner contingency
- Supply of chemicals for pool startup, initial balancing (labor) included
- Utilities to transfer at pool startup and Substantial Completion

DOCUMENTS

This estimate is based on the following documents:

- Bid Pack 3 drawings dated 12/14/2018
- Specifications dated 12/14/2018
- No Addenda included