

DESIGN COMMITTEE GUIDELINES

Proposed guidelines to be followed by the Design Committee to
be created under the Drake Park Covenants

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DESIGN COMMITTEE GUIDELINES

REVIEW PROCESS

A. Initial Meeting

The Owner shall contact the Secretary of the Design Committee to arrange for an informational meeting with the Design Committee so that the Owner can acquire a clear understanding of the overall planning, architectural and landscape concepts of Drake Park. The Owner will be provided at this time with a design package of all information required at the inception of each project.

Included in this package will be:

- (1) the preliminary overall Development Plan for Drake Park;
- (2) the First Phase Unit Development Plan;
- (3) the First Phase Landscape Plan;
- (4) the First Phase Final Plat;
- (5) the Overall Drainage, Parking and Utilities Plan; and
- (6) other information as deemed appropriate by the Design Committee.

After this initial meeting, the Owner and his Architect shall develop his proposed plans in accord with the following schedule of submissions.

B. Conceptual Review

The Owner and his Architect shall prepare and submit to the Design Committee the following documents. These documents should generally reflect a level of detail equivalent to the Schematic Design Phase of standard A.I.A. Contracts.

(1) A street level plan at 1" = 40'-0", emphasizing general relationships of proposed improvements and open spaces including their relationship to existing and proposed improvements. The location of service areas, pedestrian paths, sitting areas, floor area and all major landscape features should be shown.

(2) Any additional plans required to define and communicate the total building concept for the proposed improvement.

(3) Building Sections (longitudinal and transverse) showing height relationships with proposed and existing buildings adjacent to the parcel. Scale: 1/8" = 1'-0" or greater.

(4) Building Elevations indicating the general architectural character and finish materials. Scale: 1/8" = 1'-0" or greater.

(5) All sketches, diagrams and other materials relevant to the proposal which were used by the Architect during the initial study and which will help clarify the Architect's problem and his solution of it.

(6) A written statement containing all pertinent statistical information, such as:

- 1) gross floor area
- 2) gross floor area by use
- 3) open space provided

C. Final Review

The Owner shall submit to the Design Committee for approval the final plans and specifications for the proposed work. Such plans must include but are not necessarily limited to the following:

- (1) a plot plan of the building and related improvements [to be prepared at a scale of 1" = 20'] together with any other project land included in the proposed work showing 1) the location of all existing and/or proposed improvements, 2) the proposed drainage plan, and 3) the proposed utility connections;
- (2) drawings showing landscaping and all improvements on Project Land to be designated common area [scale of 1" = 20'];
- (3) floor plans [scale of 1/8" = 1' or greater];
- (4) drawings showing all elevations [scale of 1/8" = 1' or greater];
- (5) description of exterior materials and colors;
- (6) description of all exterior signs;
- (7) building sections [minimum two at scale of 1/8" = 1'];
- (8) all appropriate details to adequately explain the proposed project;
- (9) the Owner's proposed construction schedule;
- (10) construction specifications;
- (11) description of the use to which the proposed facilities will be put if not readily apparent from the other material to be submitted; and
- (12) perspective rendering.

II. CONDITIONS FOR APPROVAL

A. In General

Subject to the provisions of section C below, the Design Committee shall approve the plans, drawings and specifications submitted to it only if the following conditions shall have been satisfied:

- (1) the Owner and the Owner's architect shall have strictly complied with the provisions herein;
- (2) the Design Committee finds that the plans and specifications conform to Drake Park Covenants, particularly to the requirements and restrictions of this section and to the Design Committee rules in effect at the time such plans were submitted to the Design Committee;

(3) the Design Committee finds that all improvements if constructed will be in accordance with all applicable building line, set-back, height, zoning, health and other provisions as required by the City of Fort Collins, the County of Larimer, the State of Colorado and the original development plan for Drake Park as approved by the City of Fort Collins and recorded; and

(4) the Owner has specifically agreed in writing to be bound by these Design Committee Guidelines in their entirety.

All such approval shall be in writing and may be conditioned upon the submission by the Owner or the Owner's architect of such additional plans and specifications as the Design Committee shall deem appropriate for the purpose of insuring that the construction of the proposed improvement shall be in accordance with the approved plans; provided, however, that plans, drawings and specifications which have been neither approved nor rejected within fifteen (15) days from the date of submission thereof to the Design Committee shall be deemed approved unless the Design Committee shall, prior to the expiration of the 15 day period, notify the Owner that an extension of the time period has been granted and the reason therefore. One set of plans as finally approved shall be retained and maintained by the Design Committee as a permanent record.

B. Notice of Disapproval

Notwithstanding the provision of Section A above, if within any fifteen (15) day period referred to above the members of the Design Committee, in their sole discretion, unanimously find that the proposed work would, for any reason whatsoever (including the design, height or location of any proposed improvement and the probable effect thereof on other Owners in the use and enjoyment of their private area, living area, and all common areas located on Project Land) be incompatible with Drake Park, then the Design Committee shall not approve the plans, drawings and specifications submitted to it and shall so notify the Owner concerned in writing setting forth the reasons for such disapproval.

C. Diligence After Approval

Upon receipt of approval from the Design Committee, the Owner shall, as soon as practicable, satisfy all conditions thereof and diligently proceed with the commencement and completion of all construction, reconstruction, refinishing, alterations and excavations pursuant to the approved plans. The Owner shall satisfy all conditions and commence the construction, reconstruction, refinishing, alterations or other work pursuant to the approved plans within a reasonable time from the date of approval, not to exceed six months. If the Owner shall

fail to comply with this paragraph, any approval given by the Design Committee shall be deemed revoked unless upon the written request of the Owner made to the Design Committee prior to the expiration of said reasonable time and upon a finding by the Design Committee that there has been no change in circumstances, the time for such commencement is extended in writing by the Design Committee. The Owner shall in any event complete the construction, reconstruction, re-finishing or alteration within a reasonable time not to exceed twelve months, after commencing construction thereof, except and for so long as such completion is rendered impossible or would result in great hardship to the Owner due to strikes, fires, national emergencies or natural calamities. If Owner fails to comply with this paragraph, the Design Committee shall notify the Association of such failure and the Association at its option, shall either complete the improvements or remove the improvements, and the Owner shall reimburse the Association for all expenses incurred in connection therewith.

D. Notice of Completion

Upon the completion of any construction or reconstruction of, or the alteration or refinishing of the exterior of, any improvement, or upon the completion of any other work for which approved plans are required under this section, the Owner shall give notice thereof to the Design Committee, and within sixty (60) days thereafter the Design Committee, or its duly authorized representative, may inspect such improvement to determine whether it was constructed, reconstructed, altered or refinished in substantial compliance with approved plans. If the Design Committee finds that such construction, reconstruction, alteration, or refinishing was not done in substantial compliance with approved plans, it shall notify the Owner of such noncompliance within such sixty (60) day period and shall require the Owner to remedy such noncompliance. If upon the expiration of sixty (60) days from the date of such notification the Owner shall have failed to remedy such noncompliance, the Design Committee shall notify the Association of such failure, and the Association, at its option, shall either remove the improvement or remedy the noncompliance and the Owner shall reimburse the Association for all expenses incurred in connection therewith. If for any reason the Design Committee fails to notify the Owner of such noncompliance within sixty (60) days after receipt of said notice of completion thereof from the Owner, the improvement shall be deemed to be in accordance with said approved plans.

III. SPECIFIC LIMITATIONS AND RESTRICTIONS

A. Building Architecture and Materials

All buildings and related improvements must be of a custom design nature, whose character and style accurately reflect the design concepts established for Drake Park. The style and basic architectural approach should be contemporary in feeling, rich in texture and warm in color. Integrity of structure and honesty in the use of materials will be required. Simple mass/and/void relationships are preferred.

Allowable exterior finish materials include wood siding, plywood siding, shingle siding, masonry in shades of tans, browns and other subdued earthen colors, architecturally finished concrete either cast-in-place or pre-cast, rock in shades of tans or browns.

Pitched roofs shall be constructed in cedar shingles, cedar shakes or of high quality asphalt composition shingles in shades of tans, browns, or other subdued earthen colors. Flat roofs shall be constructed of gravel materials which are tan or grey in color and provided with a parapet along the perimeter so as to conceal mechanical equipment to the maximum degree possible.

All roof penetration such as flues, etc. should be given careful consideration and painted out to be as inconspicuous as possible.

On the exterior of all buildings, excluding roofs and window materials, a maximum of three different materials are allowed.

No reflective materials (with the exception of glass and building hardware) may be used on the exterior surfaces.

Window and door frames may be constructed of aluminum, provided that the aluminum is anodized in shades of brown, dark grey, or black.

B. Signs

Generally all graphics and signs must be designed as an integrated element of the individual building. They should be simple and legible in style, properly scaled to the building and the overall project. The materials and colors used should be in keeping with the materials and color of the building.

No signs of any type will be allowed above the fascia line of the building on which it is placed.

No mechanical, flashing or blinking sign or graphic element of any type will be allowed.

No banners or other type of wind activated sign or advertising devices will be allowed.

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Illumination must be carefully designed so as not to cause light or glare to be cast into any of the surrounding properties or onto any other project within the Drake Park Development. Backlighting or indirect lighting is preferred.

Other than the general project sign, information signs, and directional signs, free standing signs are not encouraged. If an individual Owner feels that such a sign is essential to his project, it will be considered by the Design Committee. The design of such signs must be of a low profile and securely constructed of wood, stone, masonry or concrete and must be in keeping with the general design concepts for Drake Park, and integrated with the individual project for which it is proposed. Internal or backlighting of such signs is preferred. Flood lighting will be allowed only if it is proved to the satisfaction of the Design Committee that such lighting does not cast light or glare into the surrounding neighborhood or into any other project in the Drake Park Development.

No signs will be allowed in the windows of the buildings.

C. Outside Lights

Lighting on and upon the exterior of improvements shall be in keeping with the general design concepts of Drake Park. Indirect lighting is preferred. Decorative lighting must be carefully integrated with the building and the overall project lighting.

Lighting in common areas, pedestrian paths, and parking areas shall be of a type as selected by the Design Committee. This lighting must be provided to the degree necessary to provide for safety and security to the satisfaction of the Design Committee. The location of such lighting fixtures must be carefully located so as not to cast light or glare into the surrounding area or into any individual improvement within Drake Park.

D. Landscaping. The minimum landscaping to be provided in connection with any improvement on Project Land will be the applicable portion of the landscaping required by the official Drake Park Landscape Plan contained in the original Development Plan for Drake Park as approved by the City of Fort Collins. Additional landscaping is strongly encouraged. Landscape materials should be of species which are indigenous to the area, in conformance with the rules and regulations of the City of Fort Collins, and compatible with the development. A copy of approved plant list materials is available from the Grantor.

The final landscape plan for each building envelope shall be submitted to and approved by the Design Committee. Upon approval the Owner shall submit

the final landscape plan to the Planning Office of the City of Fort Collins for their review and approval.

E. Parking. Any improved parking areas to be provided, whether separately constructed or constructed in connection with any improvement on Project Land, will be consistent with the parking area plan contained in the original Development Plan for Drake Park as approved by the City of Fort Collins and recorded. Any changes to the original Development Plan must have the prior approval of both the Design Committee and the City of Fort Collins. Every attempt must be made to encourage people to park in the assigned areas determined by the Association including the installation of such special signs and/or markings as the Association may at times or from time to time require.

F. Drainage. All site development will be done at the sole cost of the Owner and must be such that drainage is consistent with the overall drainage plan as developed for Drake Park and approved by the City of Fort Collins.

G. Engineering and Grading. The Grantor will pay for the initial engineering for drainage for Drake Park. Initial engineering will be deemed to constitute only that engineering that the Grantor feels in its sole discretion is reasonably necessary to assure Grantor that the overall drainage plan is appropriate for all elevations of Drake Park. All other engineering, including any engineering related to specific improvements or conforming specific improvements to the overall drainage plan, will be borne by the Owner. Owners may be allowed, subject to the express approval of the Design Committee, to make certain changes in the overall drainage plan, provided further that such changes do not adversely affect other Owners or potential Owners and that all expenses of any such change are borne by the Owner proposing such change. All other expenses, such as expenses for grading and compacting, will be borne by the Owner.