

**City of Black Hawk
City Council
211 Church Street
May 28, 2014**

2:00 p.m.

WORK SESSION: Various City Rebates.

3:00 p.m.

RINGING OF THE BELL:

1. CALL TO ORDER:

2. ROLL CALL & PLEDGE OF ALLEGIANCE:

3. AGENDA CHANGES:

4. CONFLICTS OF INTEREST: (Council disclosures are on file w/City Clerk & Sec. Of State)

5A. INTRODUCTION OF NEW AMBULANCE DIRECTOR:

Brandon Daruna, Director, Gilpin Ambulance Authority

5B. PUBLIC COMMENT: *Please limit comments to 5 minutes*

(Notify the City Clerk if you wish to address Council on items not on the agenda)

6. APPROVAL OF MINUTES: May 14, 2014

7. PUBLIC HEARINGS:

A. Resolution 31-2014, A Resolution Conditionally Approving a Certificate of Appropriateness for the Lodge Casino for Installation of Window Replacements

B. Resolution 32-2014, A Resolution Approving a Variance From the Sign Code and Conditionally Approving a Certificate of Appropriateness for a Comprehensive Sign Plan for the Wild Card Casino

8. ACTION ITEMS:

C. Approval of the Bid for the 201 Church Street Blasting and Excavation Project.

9. CITY MANAGER REPORTS:

D. 151 Marchant Paint Bid - Lowest Bidder

10. CITY ATTORNEY:

11. EXECUTIVE SESSION:

12. ADJOURNMENT:

MISSION STATEMENT

The mission of the City of Black Hawk is to progressively provide cost effective programs and services of the highest quality to the community

**APPROVAL OF MINUTES
FOR MAY 14, 2014**

City of Black Hawk
City Council Minutes
May 14, 2014

Alderman Hal Midcap rang the bell.

1. CALL TO ORDER: The regular meeting of the City Council was called to order by Mayor Spellman Wednesday, May 14th, 2014 at 3:00 p.m.

ROLL CALL: Present were: Mayor Spellman, Aldermen Armbright, Bennett, Johnson, Midcap, Moates, and Torres.

2. ROLL CALL: Present were: Mayor Spellman, Aldermen Armbright, Bennett, Johnson, Midcap, Moates, and Torres.

Staff present: City Attorney Hoffmann, City Manager Lewis, Deputy City Clerk Stevens, Assistant to City Manager for Administration Greiner, Community Planning and Development Administrator Linker, IT Director Young, Fire Chief Taylor, Police Chief Cole, and Public Works Director Isbester.

PLEDGE OF ALLEGIANCE:

Mayor Spellman led the meeting in the recitation of the Pledge of Allegiance.

3. AGENDA CHANGES: Deputy City Clerk Stevens explained there were three changes to the Agenda. Item 7A has changed and items 7B and 7C have been added.

4. CONFLICTS OF INTEREST:

City Attorney Hoffmann asked Council to declare any Conflicts of Interest on any issue appearing on the agenda this afternoon other than those previous disclosures and conflicts that have already been disclosed and are on file with the City Clerk and Secretary of State.

City Attorney Hoffmann asked the audience if there were any objections to any member of Council voting on any issue on the agenda this afternoon. The audience had no objections.

5. PUBLIC COMMENTS:

6. APPROVAL OF
MINUTES for
April 23, 2014
**MOTION TO
APPROVE**

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve the Minutes of the April 23, 2014 meeting as presented.

MOTION PASSED

There was no discussion and the motion **PASSED**.

7. PUBLIC HEARINGS:

- A. CB 9, An Ordinance
Repealing and
Reenacting Article XV
to Chapter 6 of the
Black Hawk Muni-
cipal Code Regarding
Medical Marijuana

Mayor Spellman read the title.

City Attorney Hoffmann explained he would give an overview of Council Bills 7A and 7B together. Although they are separate ordinances, there is significant overlap in the two ordinances.

City Attorney Hoffmann stated there are a number of folks interested in opening marijuana businesses in town. The City has considered long and hard whether to allow this. Originally, the City had a medical marijuana ordinance in place and then imposed a moratorium to look at how this fit in with the City of Black Hawk comprehensive plan and whether it fit at all.

Currently, under Colorado law, in order to get a retail marijuana license, the first in line are those that have a current medical marijuana license. If the City has vendors that desire to go in imminently, the only way to allow this to happen is to have a medical marijuana licensing scheme in place. Applicants will apply concurrently for the medical marijuana license and the retail marijuana license.

CB 9 puts back into place medical marijuana ordinance City previously had with one major revision – location. Previously, the ordinance contained locational limitations based upon distance from other places. Now, ordinance identifies block on Gregory Street where such a business could be located.

CB 10 would follow with allowing retail marijuana establishments with the same distance limitations and the regulatory scheme for things like hours of operation, security, etc. in many respects

modeled upon what the State does for this type of business plus a little bit more. Qualification for applicants are more stringent than State because Black Hawk's ordinance requires successful previous operation of a medical marijuana business.

City Attorney Hoffmann also addressed specific questions he has gotten from Council. First, many communities across Colorado have struggled with the question "is it a violation of Federal law?" Yes, it is still contrary to Federal law. However, it is part of Colorado constitution in two respects: both the medical marijuana and the retail marijuana have been adopted as Colorado constitutional amendments. The Federal government has adopted a plan where they will not enforce federal law where state law allows this. The state of Colorado and municipalities in Colorado are taking significant steps in reliance on this plan.

Specific language built into ordinance that places the liability, if any, for violations of federal law on the vendors themselves. Council is acting under scope of Colorado constitutional authority when looking at this type of regulatory scheme. Issue cuts across many issues in relation to how to regulate this.

Other question City Attorney Hoffmann has had is not addressed in these ordinances, but will be addressed in an ordinance that is coming to council soon. The issue is in regards to injuries from hash oil production. This ordinance does not authorize this. First, this ordinance is in regards to commercial marijuana in retail store fronts. It does not allow industrial use in residences. There will be another ordinance coming soon that relies on state and federal law to make sure that residents and businesses understand that this type of use is a violation of Black Hawk Municipal Code.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB 9, An Ordinance Repealing and Reenacting Article XV to Chapter 6 of the Black Hawk Municipal Code Regarding Medical Marijuana open and invited anyone wanting to address the Board either "for" or "against" the proposed ordinance to come forward.

No one came forward to speak and Mayor Spellman declared the Public Hearing closed.

Alderman Torres asked about disposal of remnants from marijuana. What about disposal of expired products, etc.? Can trash from this be secure? He believes City should leave it to negotiate with people opening this type of business.

City Attorney Hoffmann stated there is specific language in both CB9 and CB 10, to give the City authority issue administrative

regulations regarding these ordinances to regulate help regulate items like the disposal of remnants and expired products.

Alderman Midcap stated there should be some language in ordinance to regulate concentrated marijuana like hash oil. He feels the language is too broad and people could take advantage of this. Maybe the vendors won't call it hash oil, but still could be strong.

City Attorney Hoffmann stated the danger lies with labeling and whether it is accurate. The Black Hawk ordinance can't be looked at in a vacuum. There are many state regulations that Black Hawk vendors will still be subject to, including the concentration of the products. City can certainly look at strength and manufacture of marijuana products as well as the hash oil issue in the new ordinance.

City Attorney Hoffmann stated the fundamental difference between this ordinance over earlier version is the new version of the ordinance only allows sales of marijuana— no manufacture or cultivation. When researching information for the forthcoming ordinance, he will look at the concentrate issue, the hash oil issue and the state law piece as well. He feels the City is fairly well covered by state law on this matter, but will look into it further

Alderman Midcap asked if City staff will be trained to recognize people intoxicated by marijuana.

Police Chief Cole stated police staff has been trained on detecting marijuana intoxicated people. However, a firm positive result requires blood test. There are several members of the Police Department that are DRE (Drug Recognition Experts). Other training is ongoing. This is uncharted waters and we will learn as we go

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Armbright to approve CB 9, An Ordinance Repealing and Reenacting Article XV to Chapter 6 of the Black Hawk Municipal Code Regarding Medical Marijuana

MOTION PASSED

There was no discussion and the motion **PASSED**.

- B. CB 10, An Ordinance Adopting a New Article XVIII to Chapter 6 of the Black Hawk Municipal Code Regarding Retail

Marijuana Establishments,
And Revoking in Part the
City's Temporary
Moratorium on
Marijuana Businesses
And Marijuana Social
Clubs

Mayor Spellman read the title.

City Attorney Hoffmann explained the only thing he would add in addition to what he stated under CB 9, is in Section 3, page 23 of 24 of the ordinance. If adopted, there will still be a temporary moratorium on marijuana social clubs. This is only thing left from the original moratorium. The City is still studying this type of use.

PUBLIC HEARING:

Mayor Spellman declared a Public Hearing on CB 10, An Ordinance Adopting a New Article XVIII to Chapter 6 of the Black Hawk Municipal Code Regarding Retail Marijuana Establishments, And Revoking in Part the City's Temporary Moratorium on Marijuana Businesses And Marijuana Social Clubs open and invited anyone wanting to address the Board either "for" or "against" the proposed ordinance to come forward.

No one came forward to speak and Mayor Spellman declared the Public Hearing closed.

MOTION TO APPROVE

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Moates to approve CB 10, An Ordinance Adopting a New Article XVIII to Chapter 6 of the Black Hawk Municipal Code Regarding Retail Marijuana Establishments, And Revoking in Part the City's Temporary Moratorium on Marijuana Businesses And Marijuana Social Clubs

C. Resolution 30-2014,
A Resolution Imposing
License Fees for Medical
Marijuana and Operating
Fees for Retail Marijuana
Pursuant to the Black
Hawk Municipal Code

Mayor Spellman read the title.

City Attorney Hoffmann explained this resolution is self-explanatory. It sets up fees for medical and retail marijuana businesses. Resolution establishes license fees for medical marijuana businesses as well as operating fees for retail marijuana

businesses. The difference in terminology is based upon the state statutes for each one.

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on Resolution 30-2014, A Resolution Imposing License Fees for Medical Marijuana and Operating Fees for Retail Marijuana Pursuant to the Black Hawk Municipal Code open and invited anyone wanting to address the Board either “for” or “against” the proposed ordinance to come forward.

No one came forward to speak and Mayor Spellman declared the Public Hearing closed.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Torres to approve Resolution 30-2014, A Resolution Imposing License Fees for Medical Marijuana and Operating Fees for Retail Marijuana Pursuant to the Black Hawk Municipal Code

MOTION PASSED

There was no discussion and the motion **PASSED** unanimously.

D. Resolution 29-2014,
A Resolution Approving
a Certificate of Appropriateness for the Exterior
Paint, Stain and Siding
Repair for the Historic
Residence Located at
151 Marchant Street Mayor Spellman read the title.

Community Planning and Development Administrator Linker explained this application is from Sean & Rebecca Conway. The application was taken before HPC and evaluated along with testimony from staff, consultants, and the applicants. HPC decided the Certificate of Appropriateness met intent of the City of Black Hawk Historic Restoration and Community Preservation Fund Guide to Programs as well as Section 16-368 of the Black Hawk Municipal Code and Sections 3 and 4 of the City of Black Hawk Residential Design Guidelines. HPC evaluated effect of proposed alterations on building’s eligibility for contributing status. HPC recommends approval of the Certificate of Appropriateness. Staff comments that building is highly visible and would improve character and appearance of immediate area as well as historic character of property itself. Staff recommends approval of the Certificate of Appropriateness

PUBLIC HEARING: Mayor Spellman declared a Public Hearing on Resolution 29-2014, A Resolution Approving a Certificate of Appropriateness for the Exterior Paint, Stain and Siding Repair for the Historic Residence Located at 151 Marchant Street open and invited anyone wanting to address the Board either “for” or “against” the proposed ordinance to come forward.

No one came forward to speak and Mayor Spellman declared the Public Hearing closed.

MOTION TO APPROVE

Alderman Armbricht **MOVED** and was **SECONDED** by Alderman Johnson to approve Resolution 29-2014, A Resolution Approving a Certificate of Appropriateness for the Exterior Paint, Stain and Siding Repair for the Historic Residence Located at 151 Marchant Street

MOTION PASSED There was no discussion and the motion **PASSED** unanimously.

8. ACTION ITEMS:

- E. Resolution 26-2014,
A Resolution Approving
the Service Agreement
for Vehicle Towing
Services Between the
City of Black Hawk and
D & J Towing and Recovery

Mayor Spellman requested that Resolutions 26, 27, and 28 be handled together.

Police Chief Cole explained Resolutions 26, 27, & 28 together. Police Department usually uses three towing companies on a rotating basis to handle vehicle impounds, etc. City has entered into service agreements with all three companies to ensure reasonable fees and consistent quality of service.

MOTION TO APPROVE

Alderman Johnson **MOVED** and was **SECONDED** by Alderman Moates to approve Resolution 26-2014, A Resolution Approving the Service Agreement for Vehicle Towing Services Between the City of Black Hawk and D & J Towing and Recovery, Resolution 27-2014, A Resolution Approving the Service Agreement for Vehicle Towing Services Between the City of Black Hawk and Help Towing, and Resolution 28-2014, A Resolution Approving the Service Agreement for Vehicle Towing Services Between the City of Black Hawk and Black Hawk Towing.

MOTION PASSED There was no discussion and the motion **PASSED** unanimously.

F. Resolution 27-2014,
A Resolution Approving
the Service Agreement
for Vehicle Towing
Services Between the
City of Black Hawk
and Help Towing Combined with Resolution 26-2014.

G. Resolution 28-2014,
A Resolution Approving
the Service Agreement
for Vehicle Towing
Services Between the
City of Black Hawk
and Black Hawk
Towing Combined with Resolution 26-2014.

H. 101 Marchant Street –
Roadway Easement Mayor Spellman read the title.

Community Planning and Development Administrator Linker explained main purpose for roadway easement is to remove stairs from front doorway into the City right-of way.

Alderman Armbright commented that it will be nice to have stairs removed.

**MOTION TO
APPROVE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to approve 101 Marchant Street – Roadway Easement.

Alderman Torres asked how stairs were approved in their present location in the first place.

Mayor Spellman stated the stairs were placed at the location before there was any approval process.

MOTION PASSED The motion **PASSED**.

I. Ratification of Phone
Poll – Change Order
For Removal of Certain

Retaining Walls on the
Winners Haven
Demolition Site

Mayor Spellman read the title.

City Manager Lewis stated the demolition of Winners Haven ended up with a couple of large retaining, not structural walls. There will be an additional charge to the contract for these walls to be taken down.

**MOTION TO
APPROVE**

Alderman Armbright **MOVED** and was **SECONDED** by Alderman Moates to approve Ratification of Phone Poll – Change Order for Removal of Certain Retaining Walls on the Winners Haven Demolition Site

MOTION PASSED

There was no discussion and the motion **PASSED** unanimously.

9. CITY MANAGER REPORTS:

J. 271 Church Street –
Boundary Line
Agreement Letter
With Adjacent
Property Owners

City Manager Lewis gave an update from last meeting. City has received brief letter from both property owners. The letter is in Council packet. Both parties are truly working on boundary line adjustment. The City has received information from both parties to resolve this issue. However, the issue may not be resolved by end of month, but it is still in progress. If issue is not resolved, it will not delay bidding of project. If not resolved, City will pull this section out of bid packet and move ahead with the rest of the project.

K. 271 Church Street –

Clay Masonry Wall

City Manager Lewis stated the City has received information from original engineer that gave opinion on wall. Engineer gave detailed explanation on how to repair this wall. Said wall is fine if we follow his repair recommendations. It will be okay if we want to remove other white materials off wall. City Manager Lewis stated the City is well covered and ready to move ahead with this project.

10. CITY ATTORNEY:

City Attorney Hoffmann stated the M & D property acquisition has closed. City owns this property now. Also Colorado Supreme Court has accepted the filing and our amicus brief regarding challenging some of titles of ballot questions based upon Black Hawk's unique experience related to the impacts of gaming on a community.

City Attorney Hoffmann requested an Executive Session regarding specific legal and personnel matters.

11. EXECUTIVE SESSION:

**MOTION TO
ADJOURN**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Armbright to adjourn into Executive Session 3:40 p.m. to hold a conference with the City's attorney to receive legal advice on specific legal questions pursuant to C.R.S. § 24-6-402(b) and personnel matters pursuant to CRS 24-6-402(g).

MOTION PASSED

There was no discussion and the motion **PASSED** unanimously.

**MOTION TO
RECONVENE**

Alderman Bennett **MOVED** and was **SECONDED** by Alderman Johnson at 4:10 p.m.

MOTION PASSED

There was no discussion and the motion **PASSED** unanimously.

12. ADJOURNMENT:

Mayor Spellman declared the Regular Meeting of the City Council closed at 4:11 p.m.

Kelly K. Stevens, CMC
Deputy City Clerk

David D. Spellman
Mayor

**RESOLUTION 31-2014, A
RESOLUTION
CONDITIONALLY
APPROVING A
CERTIFICATE OF
APPROPRIATENESS FOR
THE LODGE CASINO FOR
THE INSTALLATION OF
WINDOW
REPLACEMENTS**

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

Resolution No. 31 -2014

TITLE: A RESOLUTION CONDITIONALLY APPROVING A CERTIFICATE OF APPROPRIATENESS FOR THE LODGE CASINO FOR THE INSTALLATION OF WINDOW REPLACEMENTS

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF BLACK HAWK, COLORADO, THAT:

Section 1. The City Council hereby determines to approve the Certificate of Appropriateness for The Lodge Casino for the installation of window replacements upon the satisfaction of the following conditions:

1. The proposed enhancements shall match the color of the existing window frames and glass in order to blend in with the character and the aesthetics of the building and the character of the gaming district; and
2. All applicable permits including building permits and right-of-way permits, if needed, are to be obtained before work can commence

RESOLVED AND PASSED this _____ day of _____, 2014.

David D. Spellman, Mayor

ATTEST:

Kelly K. Stevens, CMC, Deputy City Clerk

CITY OF BLACK HAWK

REQUEST FOR COUNCIL ACTION

CITY COUNCIL MEETING:

May 28, 2014

SUBJECT: Certificate of Appropriateness for the Lodge Casino Hotel Window Replacements

Robert Schnautz, applicant and representative of the owner of the property located at 240 Main Street (The Lodge Casino), requests approval of a Certificate of Appropriateness for two proposed larger window replacements.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The Lodge Casino is proposing to replace windows on their building located at the corner of Richman Street and Main Street in Black Hawk. The proposed improvements will replace existing hotel windows positioned outside of the White Buffalo restaurant to match the size of windows found elsewhere in the restaurant. The intent of the project is to increase interior lighting and views for restaurant guests. Metal trim will be installed to each new window in a manner that will match the existing window designs. No new window openings are proposed, just a larger opening for each proposed window.

Section 16-368 of the Black Hawk Municipal Code regulates the Certificate of Appropriateness procedures. Black Hawk's Commercial Design Guidelines also apply. The review is addressed in the attached staff report.

RECOMMENDATION:

Baseline Staff recommends City Council consider a **MOTION TO APPROVE WITH CONDITIONS** a Certificate of Appropriateness for the Lodge Casino window improvements, as submitted and included with this staff report with the conditions as follows:

1. The proposed enhancements shall match the color of the existing window frames and glass in order to blend in with the character and the aesthetics of the existing building and the character of the gaming district.
2. All applicable permits including building permits and right-of-way permits, if needed, are to be obtained before work can commence.

RESOLUTION DATE:

May 28, 2014

ORIGINATED BY:

Robert Schnautz of River Studio
Architects

STAFF PERSON RESPONSIBLE:

Vincent Harris, Baseline Corporation
Staff Report, Notice, and applicant's
application

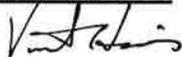
DOCUMENTS ATTACHED:

Yes No N/A

CITY ATTORNEY REVIEW:

INITIALS

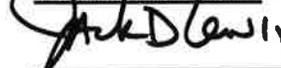
SUBMITTED BY:



5-16-14

Vincent Harris, Baseline Corporation

REVIEWED BY:



Jack D. Lewis, City Manager

Staff Report

STAFF REPORT: Certificate of Appropriateness – Lodge Casino Hotel Window Replacements
For: City Council (P-14-07)
Project: Lodge Casino Window Replacements – White Buffalo Restaurant
Property Address: 240 Main Street
Applicants: Robert Schnautz, River Studio Architects
Zoning: PUD (02-12 Black Hawk/Jacobs)
Prepared by: Cory Miller, Baseline Corporation
Approved by: Vincent Harris, Baseline Corporation
Reviewed by: Cynthia Linker, CP&D Administrator



BACKGROUND:

On April 25, 2014, the City of Black Hawk received an application for a Certificate of Appropriateness from Robert Schnautz of River Studio Architects on behalf of The Lodge Casino. The application proposes improvements that will replace existing hotel windows positioned on the exterior of the casino building located at 240 Main Street. These proposed windows will be located on the north facing facade of the building outside of the Hotel’s White Buffalo restaurant. The proposed location is outlined in the graphic below (Image 1a). No other additional improvements are proposed at this time.

The intent of this project is to increase interior lighting and views from the White Buffalo Restaurant located on the third floor. The proposed improvements increase the size of the existing windows to match the size and scale of the windows located on the “bridge” portion of the restaurant. Metal trim will be installed to frame each of the new windows in a manner that will match existing architectural improvements on the east facade. A diagram of the proposed window installation has been included below (Images 2 & 3).

Image 1a. Window Locations to be replaced. North façade of building facing Highway 119

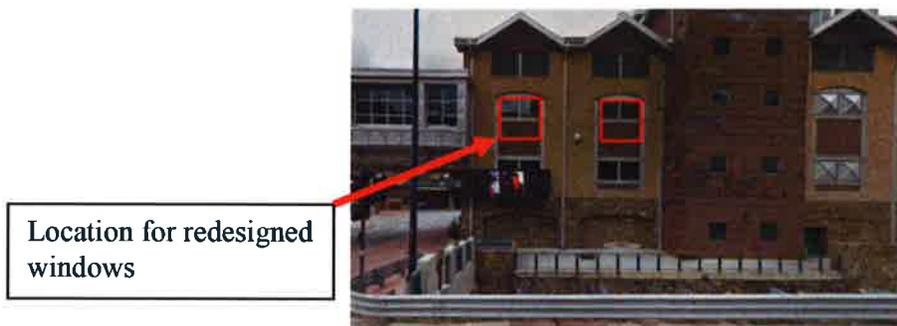


Image 2: Window Locations (Plan View)

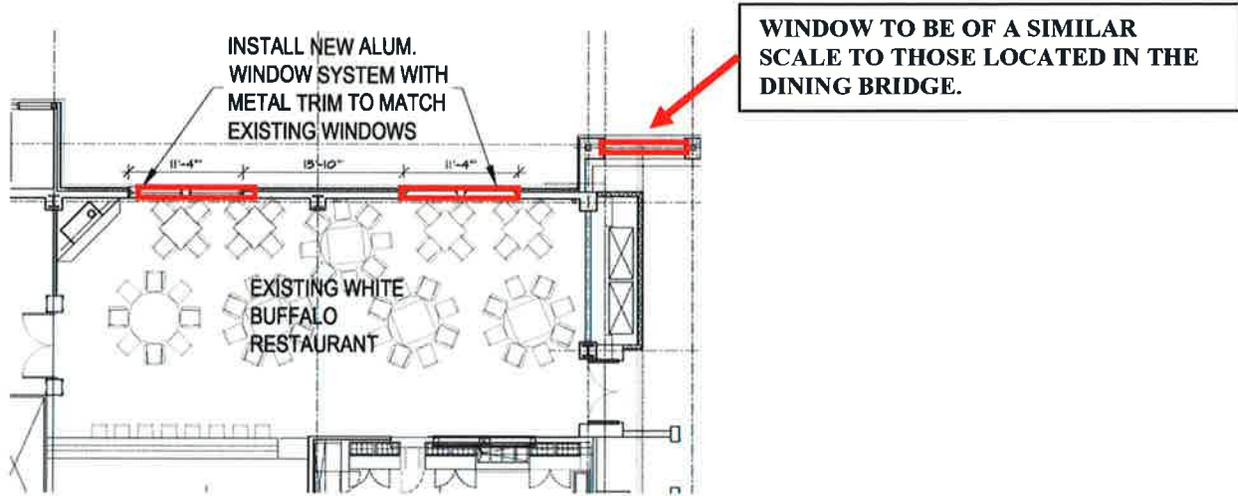


Image 3 Existing Hotel Windows and New Design



The proposed plans have been reviewed by staff for compliance with the City of Black Hawk’s Commercial Design Guidelines and the Municipal Code. The proposal’s compliance with these Design Guidelines follows.

APPLICABLE CITY OF BLACK HAWK REGULATIONS:

Excerpts from:

*City of Black Hawk
Municipal Code
Chapter 16 - Zoning*

Sec. 16-368: Any person seeking to renovate the exterior of, add to or construct a new building shall be subject to the following procedures. Any such renovation, construction or demolition shall be subject to the City's design standards.

16-368 (3). Procedure to authorize the erection, construction, reconstruction, alterations to or demolition of improvements.

a. No building permit or site development plan shall be issued unless accompanied by a Certificate of Appropriateness (CofA) issued by the City Council for any of the following acts:

- 1. Construction of a new building, structure or improvement;*
- 2. Alteration or reconstruction of, or addition to, the exterior of any improvement;*
- 3. Demolition of any improvement;*
- 4. Construction or erection of or addition to any improvement upon any land located within the City;*

16-368 (3) f. Criteria for determining appropriateness of proposed erection, construction, reconstruction or alteration. In determining appropriateness of a proposed site plan or building permit for the erection, construction or alteration of a building, the HPC and the City Council shall consider the following:

1. All plans, drawings and photographs as may be submitted by the applicant;

Staff comment: The applicant has submitted plans that are included in this Staff Report.

2. Information presented at a public hearing held concerning the proposed work;

Staff comment: Baseline staff as well as a representative of the Lodge Casino will provide additional information at the City Council meeting if needed.

3. The purpose of this Chapter;

Staff comment: The purpose of this Chapter is to ensure that all development, and in this case the window improvements, meet the zoning requirements of the City of Black Hawk. The property is zoned PUD. Staff finds that the existing building with proposed improvements will continue to uphold these zoning standards.

4. Compliance with this Code and the payment of all fees required by this Code;

Staff comment: The applicant has and will continue to pay all necessary fees.

5. The historical and architectural style, the general design, arrangement, texture, materials and color of the development, building or structure in question or its appurtenance fixtures; the relationship of such features to similar features of the other buildings within the City and the position of the building, structure, park or open space in relation to public right-of-way and to other buildings and structures in the City;

Staff comment: The proposed window replacements are of an appropriate design for the building.

6. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the City which cause it to possess a special character or special historical or aesthetic interest or value;

Staff comment: The proposed window redesign increases the size of each opening but will help establish a sense of visual continuity to the windows located along the existing dining bridge. The proposed change will have minimal noticeable effects on the façade of the Lodge Casino.

7. The design standards for the City:

Staff comment: The proposed window improvements to the building address the following standards within the Black Hawk Commercial Design Guidelines:

I. Alterations to Non-historic Buildings

a) When designing a remodeling project on a building with no historical architectural value, use existing historical architectural details found on other buildings within the City as a guide.

b) Do not reproduce or masquerade a non-historical building by applying historic appearing details, giving a false sense of history. The appearance of these buildings can be made more compatible with the existing historic context of Black Hawk by using simplified details and historical materials and colors in a contemporary way.

XV. Windows

- a) New windows shall be similar in height and width to those seen historically, depending on the historic building type model (commercial or industrial).*
- b) Windows, when repeated down the street, help to establish a rhythm or sense of visual continuity in the City.*
- c) The amount of the building face devoted to wall surface compared to openings shall be compatible with the historic character of the neighborhood and the historic model (commercial or industrial).*
- d) Maintain the distinction between ground floors and upper stories in the design of the windows.*
- e) New windows shall express the traditional dimensions, proportions and scale of historic windows seen in the historic building type upon which the building is modeled.*
- f) Where multi-pane windows are appropriate, true divided lights are preferred. Do not use "internal" muntins that are sandwiched between two layers of glass. Snap-in muntins may be used on larger areas of glass in new construction, provided they are installed on both sides of the glass.*
- g) Wood windows are preferred. Metal or vinyl-clad windows may be considered if the dimensions of their frame elements, and that of their finishes, appear similar to that of wood.*

- h) Genuine, transparent glass must be used in all windows. Plastic and acrylic glazing are inappropriate, as are opaque or reflective surfaces that hide indoor activities, create glare on the sidewalk, and do not provide pedestrian interest.*

Staff comments: The proposed windows follow the pattern and rhythm and continuity found along the dining bridge of the Lodge Casino. They also help establish distinction between the lower and upper floors of the casino. The proposed windows will utilize transparent glass and the proposed trim will be small to resemble materials found on the current building and neighboring properties.

STAFF COMMENTS:

Staff from Baseline Corporation has evaluated the information provided by the Lodge Casino representative, Robert Schnautz. The City of Black Hawk Municipal Code allows for exterior renovations of non-residential buildings with the approval of a Certificate of Appropriateness. Staff from Baseline Corporation recommends that a Certificate of Appropriateness be granted. The proposed renovations are acceptable and meet the Commercial Design Guidelines adopted by the City of Black Hawk.

In summary, Staff recommends that a Certificate of Appropriateness for exterior window enhancements be granted, subject to the following conditions:

1. The proposed enhancements shall match the color of the existing window frames and glass in order to blend in with the character and the aesthetics of the existing building and the character of the gaming district.
2. All applicable permits including building permits and right-of-way permits, if needed, are to be obtained before work can commence.

FINDINGS:

City Council may *approve, conditionally approve, or deny* a Certificate of Appropriateness. To support this proposal, the following findings can be used:

The proposed Lodge Casino exterior renovations and improvements increase the visual and physical quality of the casino's façade as well as Main Street and Highway 119. The proposed improvements will increase the quality, efficiency, and hotel experience, making it an attractive and viable business operation. The proposal meets the intent of the criteria outlined in Section 16-368 of the Municipal Code and those found in Black Hawk's Commercial Design Guidelines as noted and evaluated in this staff report presented to City Council.

RECOMMENDATION:

Baseline Staff recommends City Council consider a **MOTION TO APPROVE WITH CONDITIONS** a Certificate of Appropriateness for the Lodge Casino window improvements, as submitted and included with this staff report with the conditions as follows:

1. The proposed enhancements shall match the color of the existing window frames and glass in order to blend in with the character and the aesthetics of the existing building and the character of the gaming district.
2. All applicable permits including building permits and right-of-way permits, if needed, are to be obtained before work can commence.

Attachments:

- Land Development Application Form
- Applicant Submittal

Applicant's Submittal



City of Black Hawk
 Community Planning and Development
 271 Gregory Street
 P.O. Box 68
 Black Hawk, CO 80422
 Ph: 303-582-0615 Fax: 303-582-2239

**LAND USE
 PRE-PLANNING
 APPLICATION**

DATE: MAY 4, 2014

APPLICANT NAME: ROBERT SCHNAUTZ, RIVER STUDIO ARCHITECTS

APPLICANT ADDRESS: 2546 15TH STREET- DENVER, COLORADO 80211

APPLICANT MAILING ADDRESS: SAME AS ABOVE

APPLICANT CONTACT NUMBER: 303.433.6078

EMAIL ADDRESS: BOB@RIVERSTUDIO.US

PROPERTY OWNER NAME: JACOBS ENTERTAINMENT INC.

PROPERTY OWNER ADDRESS: 240 MAIN STREET - BLACK HAWK, COLORADO 80422

PROPERTY OWNER MAILING ADDRESS: SAME AS ABOVE

PROPERTY OWNER CONTACT NUMBER: 303.582.1771

EMAIL ADDRESS: jeast@bhkw.com

PROJECT NAME: THE LODGE CASINO – WHITE BUFFALO WINDOW REPLACEMENT

PROJECT ADDRESS: 240 MAIN STREET - BLACK HAWK, COLORADO 80422

PROJECT DESCRIPTION: REPLACE/ENLARGE 2 WINDOWS IN THE WHITE BUFFALO RESTAURANT AT LEVEL 2 EAST SIDE OF THE BUILDING WITH LOW E INSULATING GLASS IN COMMERCIAL GRADE PRE-FINISHED ALUMINIUM FRAMES

IS PROPERTY WITHIN CITY LIMITS: YES NO

PRESENT ZONING: MILLSITE GAMING CURRENT USE: CASINO, WITH HOTEL, RESTAURANTS, PARKING & OFFICES

NAME OF EXISTING PLANNED UNIT DEVELOPMENT (IF APPLICABLE): BLACK HAWK / JACOBS PUD

NAME OF EXISTING SUBDIVISION PLAT (IF APPLICABLE): _____

GILPIN COUNTY ASSESSOR'S I.D. NO.(S): _____

EXISTING PROPERTY SIZE: APPROX. 40,000 SF _____ ACRES/SQ.FEET

(PLEASE ATTACH A COPY OF SURVEY/PLAT.)

EXISTING BUILDING SIZE: 377,000 SQ. FT. AND/OR NUMBER OF EXISTING RESIDENTIAL UNITS: 0

ACTION REQUESTED (COMPLETED BY CITY STAFF):

A list of required submittal items will be provided to the applicant at the conclusion of the Pre-Planning Process. A list of potential documents that may be required is attached.

ANNEXATION OF _____ ACRES OF LAND AND _____ ACRES OF RIGHT-OF-WAY

ZONING/REZONING: FROM: _____ TO: _____

PLANNED UNIT DEVELOPMENT (AMENDMENT)

FINAL PLAT: _____ EXISTING LOTS _____ PROPOSED LOTS

MINOR PLAT

SPECIAL USE PERMIT

VACATION OF EASEMENT: _____ RIGHT-OF-WAY: _____

VARIANCE

- SITE DEVELOPMENT PLAN
- CERTIFICATE OF APPROPRIATENESS
- TEMPORARY USE PERMIT
- HISTORIC PRESERVATION FUND GRANT
- FEMA ELEVATION CERTIFICATE
- FLOOD PLAIN DEVELOPMENT PERMIT
- MOTOR VEHICLE/RECREATION VEHICLE STORAGE PERMIT
- COMPREHENSIVE SIGNAGE PLAN/SIGN PERMIT
- BOARD OF APPEALS

PLEASE READ THE FOLLOWING

FOR INFORMATIONAL PURPOSES, SECTION 16-370 OF THE BLACK HAWK MUNICIPAL CODE ESTABLISHES THE REQUIREMENT FOR APPLICANTS TO PAY FEES TO COVER THE COSTS THE CITY MAY INCUR BY HAVING THE CITY APPROVED CONSULTANTS EVALUATE AND PROCESS APPLICATIONS. IF YOU HAVE ANY QUESTIONS RELATED TO THIS, PLEASE CONTACT US FOR CLARIFICATION.

CERTIFICATION:

I hereby certify that to the best of my knowledge and believe, all information supplied with this application is true and accurate and that consent of the property owner listed above, without which the requested action cannot lawfully be accomplished, has been granted. Permission is also hereby granted to the City of Black Hawk staff to physically enter upon and inspect the subject property and take photographs as necessary for preparation of the case. In addition, I have read and understand Section 16-370 of the Black Hawk Municipal Code and agree to the payment of any fees to the processing of this application.

SIGNATURE OF APPLICANT: Robert W. Schnautz, Architect DATE: 5/4/14

Staff Review Only. Do not write below this line.

All Submittal attachments included? Yes No

Public Hearing Required? Yes No

Administrative Approval: Yes No

Date: _____ Date: _____

REVIEW:

- City Surveyor
- Baseline
- Colorado Code
- Planning Dept. – Date
- Public Works – Date



City of Black Hawk
 Community Planning and Development
 271 Gregory Street
 P.O. Box 68
 Black Hawk, CO 80422
 Ph: 303-582-0615 Fax: 303-582-2239

**POTENTIAL DOCUMENT
 SUBMITTAL
 REQUIREMENTS**

PROJECT NAME: _____

REQUIRED ITEMS SELECTED BY CITY STAFF

- One legible copy (no faxed copies) of the recorded Warranty Deed(s), or other such recorded documents, reflecting current ownership and any recorded copies of all documents references within the Warranty Deed(s).
- If dedications to the City are to be made, one legible copy (no faxed copies) of the recorded Deed(s) of Trust, mortgage(s) and/or assignments to any and all lending agencies or individuals, including recorded legible copies of any document(s) referenced within the text.
- If the applicant is someone other than the current owner, a notarized letter of authorization empowering the applicant to act on behalf of the owner.
- A title commitment guaranteeing clear title, including legible, recorded copies of all documents referenced within the title commitment by book and page or reception number. The title commitment must have an "Effective date" no earlier than two weeks prior to the date of the Land Use Pre-Planning Application.
- If the owner or lender is a corporation, a joint venture, or a partnership, an authorization of signatures (official verification that the signatures are authorized to sign up on behalf of the corporation, joint venture or partnership) will be required in the form of:
 - A copy of the Articles of Incorporation and/or Corporate Bylaws, or a copy of the Partnership or Operating agreement, which identifies by proper name and title those authorized to sign on the corporation, joint venture or partnership's behalf, or
 - A certified corporate resolution by the board of directors specifically identifying and authorizing the signatories.
- A written description of the request. Include Structures location, size and general design.
- Annexation Petition.
- Annexation Plat.
- Site Development Plan: prepared in accordance with the Black Hawk Zoning Ordinance.
- Planned Unit Development (PUD): prepared in accordance with the Black Hawk Zoning Ordinance or conceptual site plan for rezoning proposals to non-Planned Unit Development zone district.
- Preliminary Map: prepared in accordance with the Black Hawk Subdivision Ordinance.
- Final Plat: prepared in accordance with the Black Hawk Subdivision Ordinance.
- ALTA Survey of property showing the property dimensions, existing structures, existing vegetation, adjacent roadways, etc.
- Lot Line Adjustment Plat: prepared in accordance with the Black Hawk Subdivision Ordinance.
- One copy of the Traverse Closure Sheet(s) which include the external boundary and all internal lots, and street centerlines.
- Preliminary Drainage Report: prepared in accordance with the Black Hawk Regulations.
- Final Drainage Report: prepared in accordance with the Black Hawk Regulations.
- Geological Report: prepared in accordance with the Black Hawk Subdivision Ordinance.
- Final Traffic Study: prepared in accordance with the Black Hawk Transportation Regulations.
- Final Grading and Erosion Control Plan; prepared in conformance with the Black Hawk Regulations.
- Preliminary Plans for Public Improvements.
- Quantities Estimates for Public Improvements including an 8-1/2 x 11" location map.
- Subdivision Agreement (SA) Information Sheet, if the SA is to be signed by someone other than the current owner of the property.
- A written legal description prepared by a registered land surveyor.
- Storm Water Management Plan (SWAMP).
- Other forms and applications:



4 May 2014

Vincent Harris, Planning Director
Ethan Watel, Senior Planner
Planning Director | Baseline Engineering
1950 Ford Street
Golden, Colorado 80401

RE: *The Lodge Casino- White Buffalo Replacement Windows*

Thank you for the opportunity to submit this request for approval of replacement windows at the White Buffalo Restaurant on Level 2, east side of the Lodge Casino.

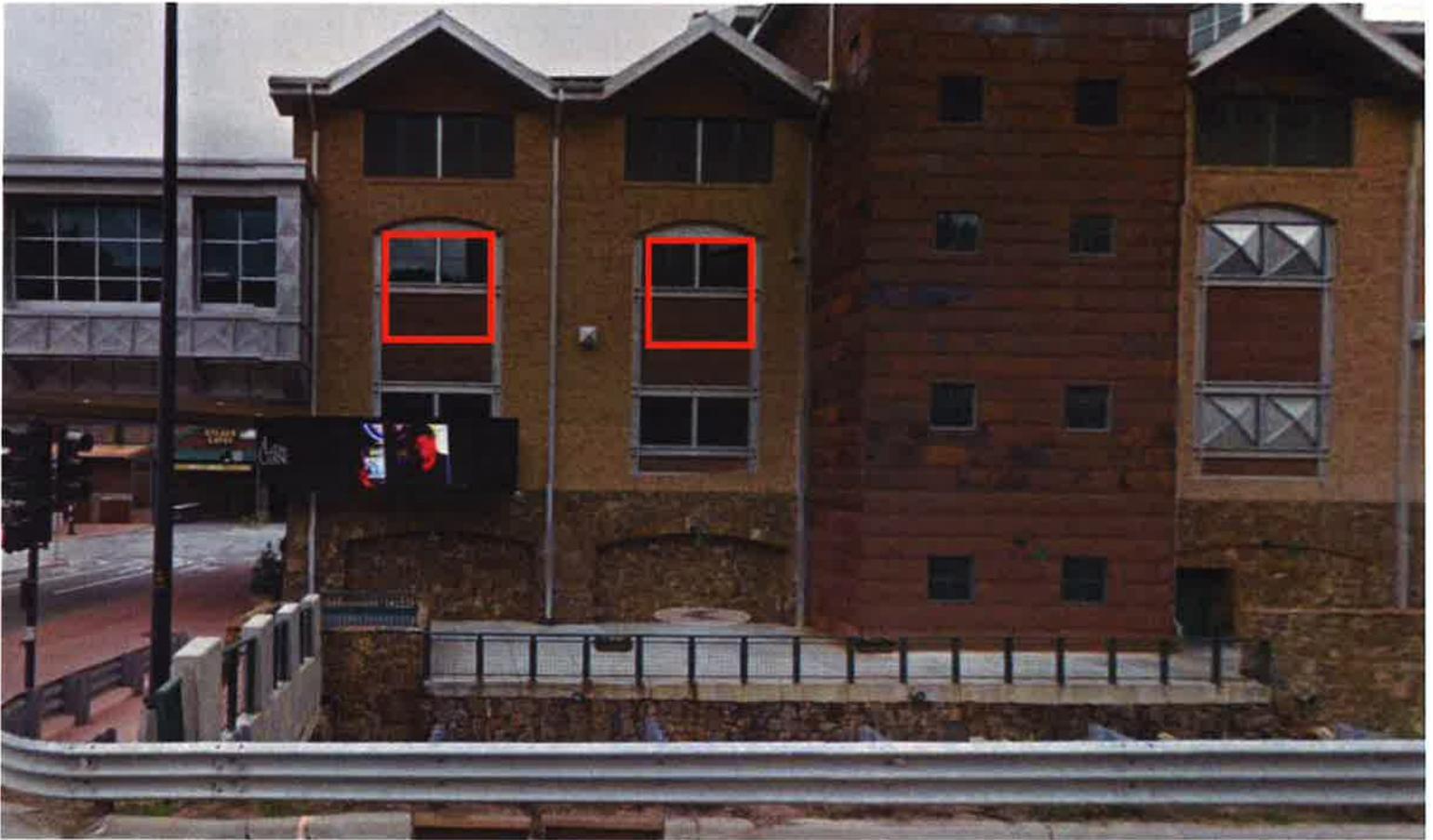
The owner's goal for this project is to improve the appeal of the White Buffalo Restaurant by replacing 2 small windows in the bar/ lounge area of the restaurant with larger windows to increase the ambient light and view in the room, and unify the dining experience by matching the windows on the "bridge" portion of the restaurant.

Our attached submittal, previously submitted on 4/14/14, includes conceptual plan & elevation drawings comparing existing and proposed window units, along with a photo of the existing exterior face of the building with an outline illustrating the replacement window sizes. The exterior color of the windows will match the existing silver gray finish of the "bridge" windows, and other architectural details of the building.

We look forward to the opportunity to discuss this proposal and answer any questions at the upcoming City Council meeting on May 28, 2014. Please contact me with any questions or concerns.

Respectfully,
RIVER STUDIO ARCHITECTS
Robert W Schnautz
Robert W. Schnautz, Principal

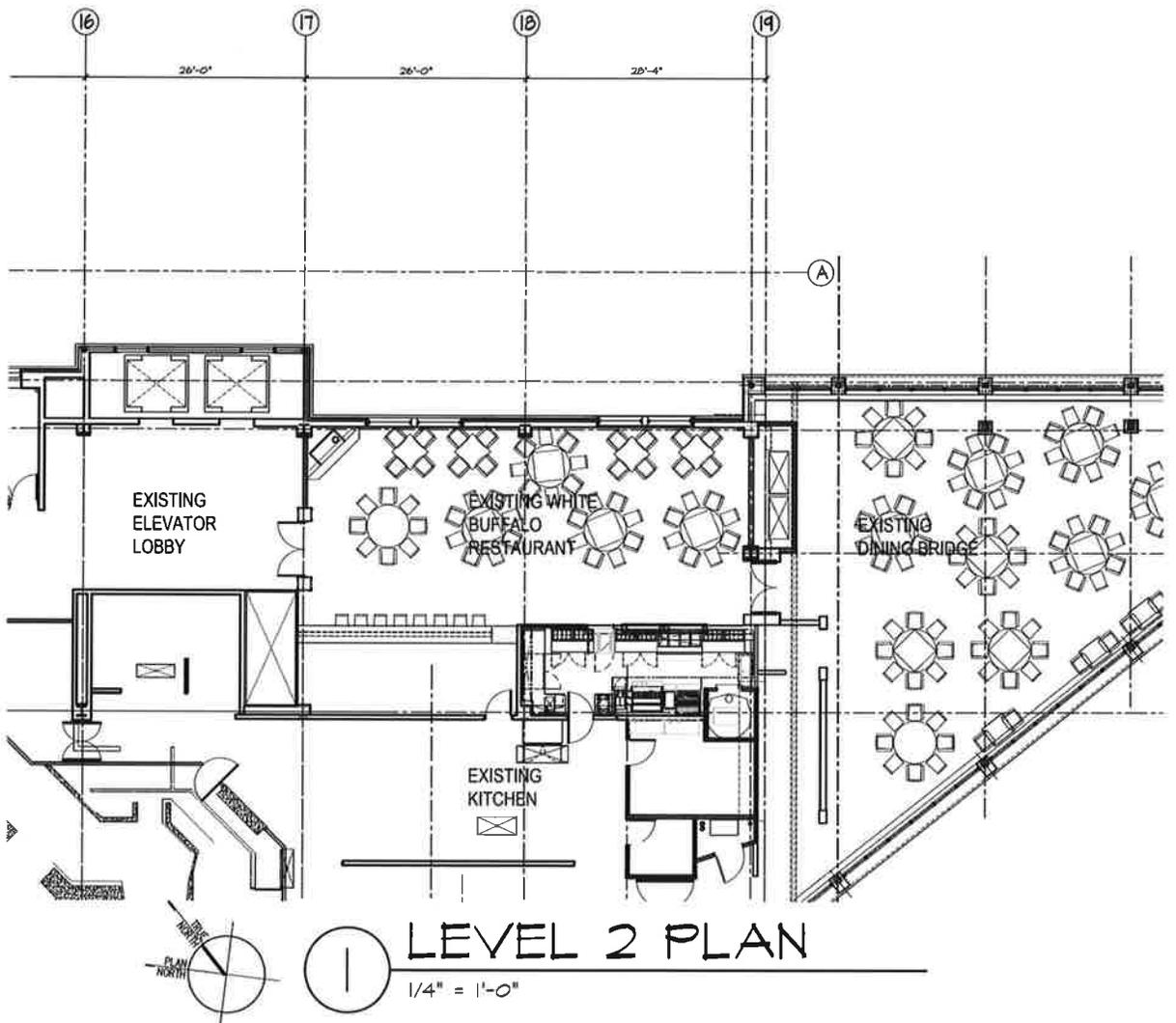
RIVER STUDIO ARCHITECTS
2546 15th STREET | SUITE 200
DENVER, COLORADO 80211
V: 303.433.6078
E: bob@riverstudio.us
W: www.riverstudio.us



RIVER
 STUDIO ARCHITECTS
 59 Oakcherry Rd Golden Colorado 80401
 (303) 433-6078 FAX (303) 528-4083

Date:	04-14-14
Issue:	REVIEW
Drawn By:	RSA
Project:	THE LODGE CASINO WHITE BUFFALO WINDOWS

Scale:	1/4" = 1'-0"
Drawing:	AB1



LEVEL 2 PLAN

1/4" = 1'-0"

RIVER
 STUDIO ARCHITECTS
 59 OakCherry Rd. Golden, Colorado 80401
 (303) 433-6078 FAX (303) 526-4083

Drawn By: RSA	Date: 04-14-14
Project: THE LODGE CASINO WHITE BUFFALO WINDOWS	Issue: REVIEW

Drawing: A4.0	Scale: 1/4" = 1'-0"
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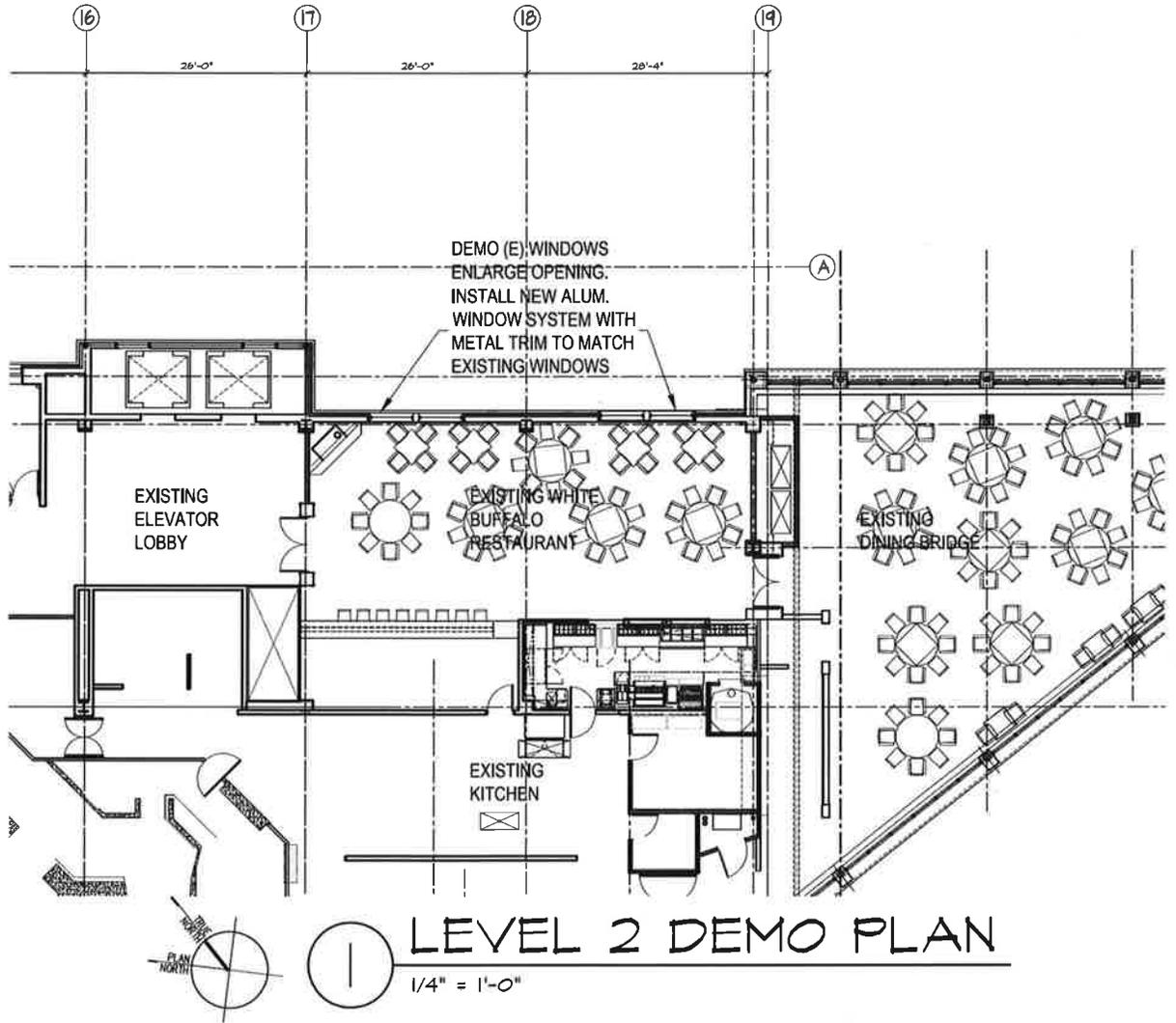
EAST ELEVATION

1/4" = 1'-0"

RIVER
 STUDIO ARCHITECTS
 59 Drakeberry Rd. Golden, Colorado 80401
 (303) 435-6078 FAX (303) 526-4053

Drawn By: RSA	Date: 04-14-14
Project: THE LODGE CASINO WHITE BUFFALO WINDOWS	Issue: REVIEW

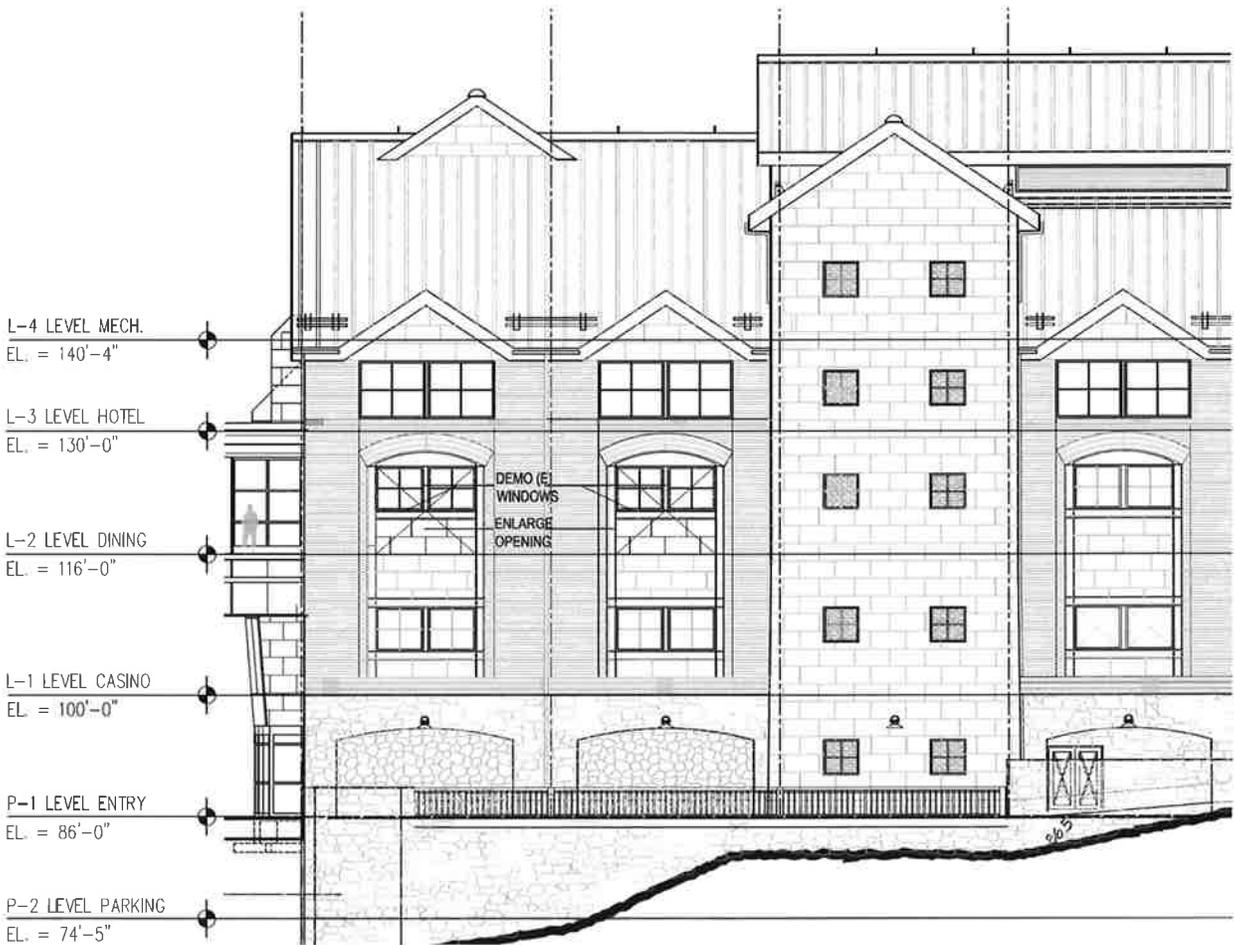
Drawing: A2.1	Scale: 1/4" = 1'-0"
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RIVER
 STUDIO ARCHITECTS
 59 Osage Cherry Rd
 Golden, Colorado 80401
 (303) 433-6078 FAX (303) 526-4083

Date: 04-14-14	Issue: REVIEW
Drawn By: RSA	Project: THE LODGE CASINO WHITE BUFFALO WINDOWS

Scale: 1/4" = 1'-0"	Drawing: A4.1
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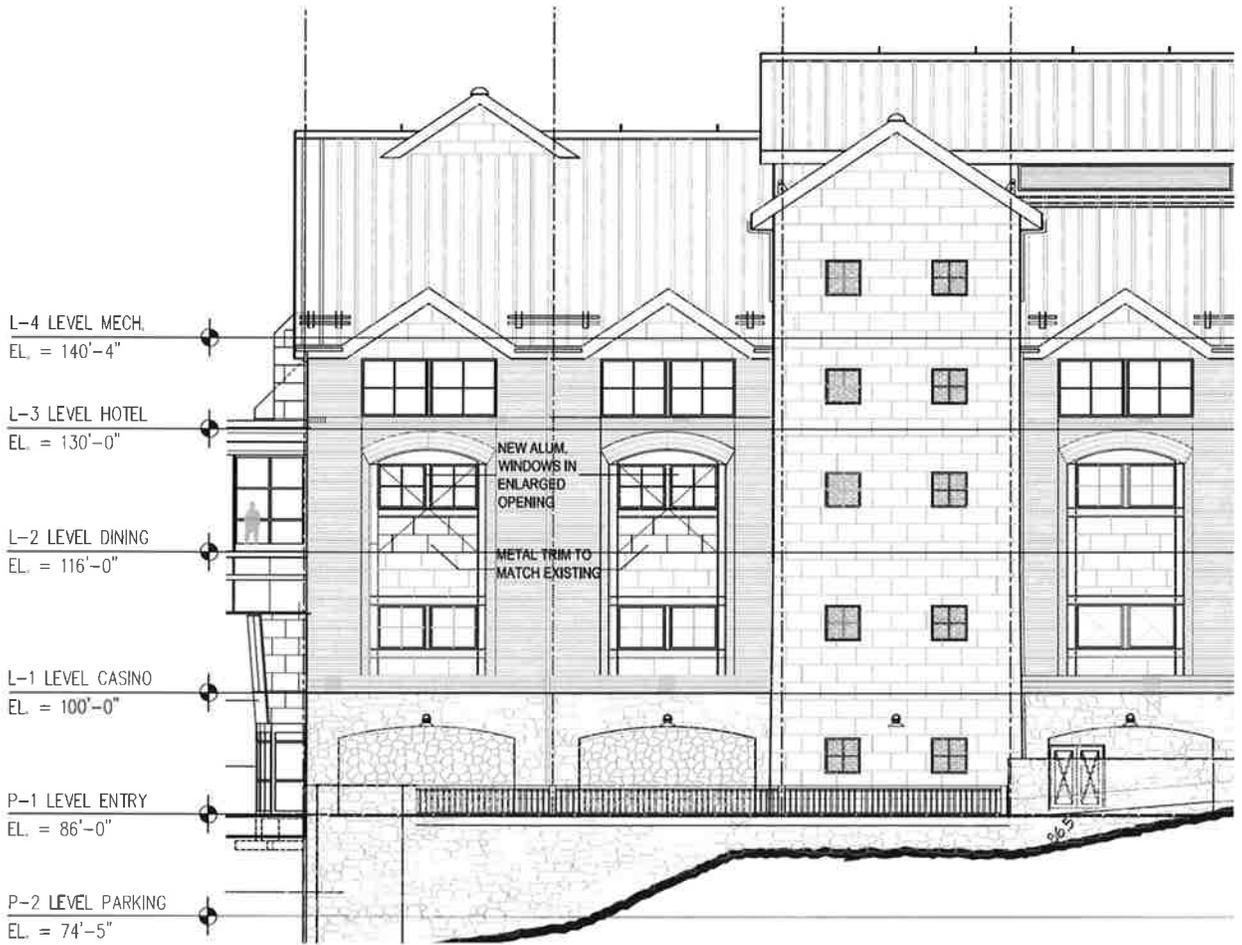


① EAST ELEVATION
 1/4" = 1'-0"

RIVER
 STUDIO ARCHITECTS
 59 Drakeberry Rd. Golden, Colorado 80401
 (303) 433-8078 FAX (303) 525-4093

Date: 04-14-14	Issue: REVIEW
Drawn By: RSA	Project: THE LODGE CASINO WHITE BUFFALO WINDOWS

Scale: 1/4" = 1'-0"	Drawing: A4.2
------------------------	------------------



1 EAST ELEVATION
 1/4" = 1'-0"

RIVER
STUDIO ARCHITECTS
59 Chickadee Rd. Golden, Colorado 80401
(303) 433-8078 FAX (303) 526-4083

Drawn By: RSA	Date: 04-14-14
Project: THE LODGE CASINO WHITE BUFFALO WINDOWS	Issue: REVIEW

Drawing: A4.3	Scale: 1/2" = 1'-0"
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① EAST ELEVATION
1/2" = 1'-0"

**RESOLUTION 32-2014, A
RESOLUTION APPROVING
A VARIANCE FROM THE
SIGN CODE AND
CONDITIONALLY
APPROVING A
CERTIFICATE OF
APPROPRIATENESS FOR
A COMPREHENSIVE SIGN
PLAN FOR THE WILD
CARD CASINO**

**STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK**

Resolution No. 32 -2014

TITLE: A RESOLUTION APPROVING A VARIANCE FROM THE SIGN CODE AND CONDITIONALLY APPROVING A CERTIFICATE OF APPROPRIATENESS FOR A COMPREHENSIVE SIGN PLAN FOR THE WILD CARD CASINO

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF BLACK HAWK, COLORADO, THAT:

Section 1. The variance from the Black Hawk Sign Code for the Wild Card Casino to allow 31.42 additional square feet of signage is hereby approved.

Section 2. The City Council hereby determines to approve the Certificate of Appropriateness for the Comprehensive sign Plan for the Wild Card Casino upon the satisfaction of the following conditions:

- A. Prior to issuance of any building, electrical, and sign Permits for any sign along Main Street that may project into the public right-of-way, a survey must be completed to verify whether a license agreement pertaining to said sign shall be processed and considered by the City Council;
- B. Projecting signs will comply with the regulations pertaining to height limitations and placement as stated in the Black Hawk Sign Code;
- C. Proper building, electrical, and sign permits shall be applied for and approved prior to the installation of any new sign; and
- D. The City will perform a day and night site inspection to evaluate the brightness of the LED electronic message sign facing Main Street to assure it is consistent with the health, safety and welfare of the City.

RESOLVED AND PASSED this _____ day of _____, 2014.

David D. Spellman, Mayor

ATTEST:

Kelly K. Stevens, CMC, Deputy City Clerk

CITY OF BLACK HAWK

REQUEST FOR COUNCIL ACTION

CITY COUNCIL MEETING:

May 28, 2014

SUBJECT: Certificate of Appropriateness Approval for a Comprehensive Sign Plan and a Variance to the allowed sign area allowed

On April 28, 2014, the City of Black Hawk received an application for a Certificate of Appropriateness for a Comprehensive Sign Plan (CSP) from Professional Video and Photography on behalf of the Wild Card Casino. Attached is the staff report explaining the CSP as well a need for a Variance to the sign area allowed with the sign code regulations. Please refer to the staff report for a summary of the proposed CSP and variance.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Sections 15-13 (Sign Code) and 16-366 (Zoning Code) of the Municipal Code regulate the need for Comprehensive Sign Plans (CSP) and Variances. Section 16-368 of the Black Hawk Municipal Code regulates the Certificate of Appropriateness procedures. This application requests approval of a CSP with 249.02 square feet of sign area with 8 signs, as well as a Variance to the Municipal Code related to the amount of allowed sign area. The variance request is for 31.42 additional sign area above the allowed sign area.

RECOMMENDATION:

Baseline Staff recommends City Council consider a **MOTION TO APPROVE** the variance of 31.42 sq.ft. from the maximum 217.6 sq.ft. allowed sign area, based upon Section 16-366(2) with the following findings;

1. *Due to exceptional and extraordinary circumstances unique to the property or structure for which the variance is sought, the strict enforcement of the provisions of this Chapter would cause an unnecessary hardship to the applicant.*
2. *The circumstances, causing the unnecessary hardship were not created by an owner or user of the property or by the applicant for the variance.*
3. *The hardship is not established on the basis of lack of knowledge of the restrictions upon constructing or altering a structure; nor by the purchasing of a property without knowledge of applicable restrictions; nor by showing that greater profit would result if the variance were granted;*
4. *The circumstances causing the unnecessary hardship are particular to the land or structure for which the variance is sought and do not apply generally to land and buildings in the zoning district in which the property is located;*
5. *The variance requested is the minimum deviation from this Chapter necessary to allow the same and no greater use as that allowed of other land or structures in the same zoning district;*
6. *The granting of the variance will not injure the appropriate use of adjacent conforming properties, will not impair an adequate supply of light and air, will not impair the view from adjacent property and will not substantially diminish or impair property values within the surrounding area;*

7. *The granting of the variance will be consistent with the spirit, purpose and intent of this Chapter and will not create a situation which alters the character of the area surrounding the property for which the variance is granted;*
8. *The granting of the variance will secure and in no way diminish the public safety and welfare; nor impair prevention of or increase risk of fire; flood, traffic congestion or other hazard;*
9. *The granting of the variance is necessary to cause substantial justice to be done; and*
10. *The granting of the variance will not allow uses or densities not permitted in the zoning district in which it is granted nor allow the expansion or establishment of a nonconforming use.*

In addition, Baseline staff recommends City Council consider another **MOTION TO APPROVE WITH FOUR CONDITIONS** a Certificate of Appropriateness for a Comprehensive Sign Plan as submitted and included with this staff report with the following conditions:

1. Prior to issuance of any Building, Electrical, and Sign Permits for any sign along Main Street that may project into the public right-of-way, a survey must be completed to verify whether a license agreement pertaining to said sign shall be processed and approved by the City Council.
2. Projecting signs will comply with the regulations pertaining to height limitations and placement as stated in the City Code.
3. Proper Building, Electrical, and Sign Permits shall be applied for and approved prior to the installation of any new sign.
4. Staff from Baseline will perform a day and night site inspection to evaluate the brightness of the LED electronic message sign facing Main Street.

RESOLUTION DATE:

May 28, 2014

ORIGINATED BY:

Ed and Shirley Smith

STAFF PERSON RESPONSIBLE:

Vincent Harris, Baseline Corporation
Staff Report, Notice, and applicant's application

DOCUMENTS ATTACHED:

Yes No N/A
INITIALS _____

CITY ATTORNEY REVIEW:

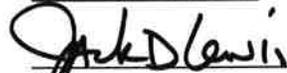
REVIEWED BY:

SUBMITTED BY:



5-16-14

Vincent Harris, Baseline Corporation



Jack D. Lewis, City Manager

Staff Report



STAFF REPORT: Certificate of Appropriateness Approval for a Comprehensive Sign Plan and Variance Request for the Wild Card Casino (P-14-10)

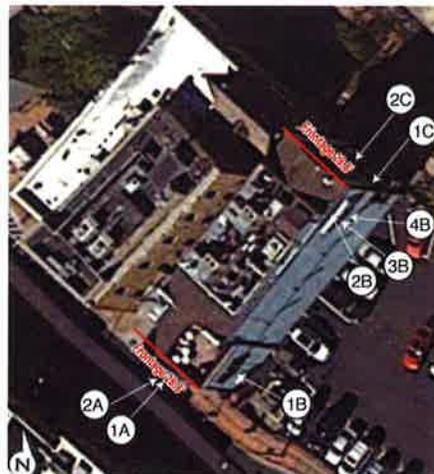
For: City Council
Project: Wild Card Casino Comprehensive Sign Plan
Property Address: 120 Main Street
Applicants: Professional Video & Photography Robert Butcher on behalf of Wild Card Casino
Zoning: GOLD District
Prepared by: Zeljko Spiric, Baseline Corporation
Approved by: Vincent Harris, Baseline Corporation
Reviewed by: Cynthia Linker, CP&D



BACKGROUND:

On April 28, 2014, the City of Black Hawk received an application for a Certificate of Appropriateness for a Comprehensive Sign Plan (CSP) from Professional Video and Photography on behalf of the Wild Card Casino. The intent of this submittal is to create a plan that will include existing signs and allow installation of new signs. Attached to this staff report is a copy of the CSP document that catalogues all signs. The Casino is permitted 128 sq. ft. of sign area without a CSP and 217.6 sq.ft. (with the 70% additional allowance) with a CSP per the existing sign code (Chapter 15 of the Municipal Code).

In total, Wild Card Casino proposes 8 signs totaling approximately 249.02 sq.ft. Among the proposed 8 signs are three (3) Electronic Message Centers that will be utilized to advertise the casino promotions and activities. The signs will be placed at various spots on the building (see Images 1 and 2). To permit the signs as proposed, in addition to the Certificate of Appropriateness, a variance must also be considered by Council to allow Wild Card Casino to exceed the permitted sign area by approximately 31.42 sq.ft. Excerpts from the proposed CSP, indicating the proposed signs and their locations, have been included below.



Proposed Sign Locations

Image 1: Sign Location Map

Proposed Signs

REF.	SIGNS	QTY.	ILLUMINATION	ELEVATION	SQ FT
(1A)		1	NON ILLUMINATED	NORTH MAIN STREET	18.5 ft ²
(2A)		1	LED	NORTH MAIN STREET	26.67 ft ²
(1B)		1	LED	EAST MAIN STREET	38.34 ft ²
(2B)		1	NON ILLUMINATED	EAST MAIN STREET	6.25 ft ²
(3B)		1	INTERNALLY ILLUMINATED	EAST MAIN STREET	65.31 ft ²
(4B)		1	NON ILLUMINATED	EAST MAIN STREET	9.1 ft ²
(1C)		1	NON ILLUMINATED	SOUTH HWY 93	43.68 ft ²
(2C)		1	LED	SOUTH HWY 93	42.17 ft ²
PERMITTED SQ FT					PROPOSED SQ FT
217.6 ft ²					249.02 ft ²

Image 2: Proposed Sign Details

The proposed Comprehensive Sign Plan has been reviewed by staff for compliance with Chapter 15 (Sign Code – Sign Regulations) of the Black Hawk Municipal Code.

APPLICABLE CITY OF BLACK HAWK REGULATIONS:

Sections 15-13 (Sign Code) and 16-366 (Zoning Code) of the Municipal Code regulate the need for Comprehensive Sign Plans (CSP) and Variances. This staff report relates the need for City Council to review and take action on the proposed Comprehensive Sign Plan and a Variance. The Black Hawk Municipal Code requires a public hearing necessitating a notice in the paper and posting of the property. Both the notification and posting have been completed.

The CSP is provided by the City of Black Hawk Municipal Code to offer more flexibility with the number, size, proportion and balance of signs. The City of Black Hawk Municipal Code permits a total allowable square footage of signage to be calculated at one square foot per linear foot of building frontage. Each building is allowed a minimum of 128 sq.ft. The CSP allows for a total signage area calculated at 135% of the total allowed sign area. An additional 35% of sign area is permitted for those CSP's that propose utilization of Electronic Message Centers (EMC). The total sign area proposed may be a maximum of one-hundred and seventy percent (170%) of the permitted sign area allowed on the subject property, if all requirements are met. Excerpts from the Black Hawk Code as they relate to the regulation of Comprehensive Sign Plans are included below. Those regulations that are particular to this submittal have been provided along with staff comments.

With the proposed extra 31.42 sq ft of sign area the applicant needs to request a variance to be approved in advance of the CSP being approved. Included below is an evaluation for both the variance request and the CSP review.

**The City of Black Hawk
Municipal Code
Chapter 16 – Zoning Code
Application Procedures and
Submittal Requirements**

Sect. 15-63 (b). Appeals and Variances

(b) Sign variances shall be processed in accordance with Article XV of Chapter 16 of this Code.

Sect.16-366. Variances and appeals.

According to Section 16-366(2) of the City of Black Hawk Municipal Code, "requests for relief from the regulations and development standards of this Chapter 16 (Zoning) may be taken to the Board of Appeals (Board of Aldermen) when the strict application of this Chapter will deprive a property of the privileges enjoyed by other property of the same zoning classification in the same zoning district because of special circumstances applicable to a property, including its size, shape, topography, location or surrounding."

In considering such requests the Board of Appeals needs to find that all of the following exist:

1. *Due to exceptional and extraordinary circumstances unique to the property or structure for which the variance is sought, the strict enforcement of the provisions of this Chapter would cause an unnecessary hardship to the applicant.*

The casino building is small and has two street frontages whereas the other larger buildings have larger street frontages. The current Sign Code limits the amount of allowed sign area a business can have.

2. *The circumstances, causing the unnecessary hardship were not created by an owner or user of the property or by the applicant for the variance.*

The circumstances, causing the unnecessary hardship were not created by the owner.

3. *The hardship is not established on the basis of lack of knowledge of the restrictions upon constructing or altering a structure; nor by the purchasing of a property without knowledge of applicable restrictions; nor by showing that greater profit would result if the variance were granted;*

The Wild Card Casino is asking for a proportional amount of sign area in comparison to other similar sized businesses in the City. The variance would not result in a greater profit for this business in comparison to other businesses in the area.

4. *The circumstances causing the unnecessary hardship are particular to the land or structure for which the variance is sought and do not apply generally to land and buildings in the zoning district in which the property is located;*

The location of the business with two street frontages and a rather short building frontage, limits the amount of sign area to place on the building and provides a code limitation on the amount of sign area the business can install. The sign package proposed is tasteful and well designed.

5. *The variance requested is the minimum deviation from this Chapter necessary to allow the same and no greater use as that allowed of other land or structures in the same zoning district;*

The requested increase in sign area is over the allowed 170% for a CSP, but overall their proposed sign area is comparable to other similar businesses in the City. The Applicant is asking for 31.42 sq.ft. in addition to the 217.6 sq.ft. currently allowed for this property. The proposed sign area is not excessive.

6. *The granting of the variance will not injure the appropriate use of adjacent conforming properties, will not impair an adequate supply of light and air, will not impair the view from adjacent property and will not substantially diminish or impair property values within the surrounding area;*

A concern does exist that the proposed EMC sign (shown on CSP as 2A) facing Main Street may be too bright for the passers-by. The impact of the sign on pedestrians and motorists will be evaluated post sign inspection. In the event that the sign is found to be too bright, dimming of the LED will be necessary and technology on new signs allows such reduction in brightness.

7. *The granting of the variance will be consistent with the spirit, purpose and intent of this Chapter and will not create a situation which alters the character of the area surrounding the property for which the variance is granted;*

The additional sign area will not alter the character of the building. Rather, the new signs will help conform the signage to the surrounding businesses in the City.

8. *The granting of the variance will secure and in no way diminish the public safety and welfare; nor impair prevention of or increase risk of fire; flood, traffic congestion or other hazard;*

The variance, if granted, as recommended will not diminish the public safety and welfare of the city.

9. *The granting of the variance is necessary to cause substantial justice to be done;*

The proposed increase in sign area will be in character with the other businesses in the City.

10. *The granting of the variance will not allow uses or densities not permitted in the zoning district in which it is granted nor allow the expansion or establishment of a nonconforming use.*

The granting of the variance will not affect densities in the zone district nor expand a nonconforming use.

***The City of Black Hawk
Municipal Code
Chapter 15 – Sign Code
Article IV – Sign Regulations***

Sec. 15-13. Comprehensive Sign Plans. *The Comprehensive Sign Plan is the device and process employed by the City to ensure an appropriate balance between building architecture, signage and neighborhood aesthetics. This Section assumes that strict compliance with preceding sections of this Chapter provides effective signage for smaller properties and developments and meets community goals for appearance and safety. However, as developments grow in size, opportunities for more effective signage increases. Larger sites offer opportunities for alternative regulation of the number, size, proportion and balance of signs according to alternative standards consistent with the types of establishments, state of the art technology and their approved architecture character.*

Sec. 15-13(b) Applicability.

(1) Any building located in a nonresidential district wanting to have additional sign area than allowed in a Standard Sign Plan and wanting the ability to utilize special event banners and signs for any special event as defined in the Black Hawk Municipal Code. The regulations governing a Certificate of Appropriateness can be found in Section 16-368 (City Council historic review process) of the Black Hawk Municipal Code.

(2) Comprehensive Sign Plans are not permitted within Residential Districts as defined by this Chapter.

Sec. 15-13 (c) Application filing. Applications for Comprehensive Sign Plans shall be submitted to the Planning Department.

Staff Comment: The applicant has chosen to voluntarily prepare a Comprehensive Sign Plan for the Wild Card Casino.

Sec. 15-13 (d) Submittal requirements.

- (1) Applicants must submit a detailed Comprehensive Sign Plan with attached written stipulations for review and approval. Such stipulations shall consider all appropriate concerns including, but not limited to, the following items: location, relationship of signs to adjacent properties, size, height, color, lighting, technology options, orientation, construction materials and typography.
- (2) Comprehensive Sign Plans shall include:
 - a. All signs, their location in site plan format, and color renderings of the proposed signage. Where sign lighting will have a significant impact on the visual interpretation of the sign, color renderings should be submitted to show the effects of the proposed signs and lighting.
 - b. Dimensions of each proposed sign listed in a chart summarizing the total area of each and all proposed signs together with the total allowed sign area for the property. The height above grade shall be indicated for blade signs and freestanding signs.
 - c. A statement as to the calculation of the allowed sign area based on the appropriate building frontage length for the building.
 - d. The site plan shall include the property lines of the subject site in order to determine that all signage is contained on the property.

Sec. 15-13 (e) Submittal requirements. In case of projecting or blade signs that utilize the airspace above public right-of-way, a license agreement will be generated by the City of Black Hawk for the applicant to review and it shall be reviewed for approval by City Council.

Staff Comment: All regulations have been fulfilled.

Sec. 15-13(f) No minimum or maximum standards are established for the Comprehensive Sign Plan, except as follows:

- (1) The total sign area proposed may not exceed one hundred and thirty-five percent (135%) of the permitted sign area allowed on the subject property as calculated and regulated in Section 15-61. An additional thirty-five percent (35%) of sign area may be granted to a Comprehensive Sign Plan if the application includes the use of electronic message signs (EMS). Therefore, the total sign area proposed may be a maximum of one-hundred and seventy percent (170%) of the permitted sign area allowed on the subject property, if all requirements are met.
- (2) Permanent window signage shall meet the requirements as set forth in Section 15-43(8).
- (3) Temporary Banner Sign and Special Event Signs:

a. Temporary Banner Sign: One temporary vinyl style banner sign is allowed only if included in an approved Comprehensive Sign Plan. A temporary banner sign shall not count toward the maximum sign area permitted for a given business and shall adhere to the following regulations:

- 1. There shall not be more than one (1) Temporary Banner Sign attached to the building; and*
- 2. Such sign shall be placed in the approved designated display location on the building and shall be constructed out of high quality material; and*
- 3. Such sign shall be allowed to be made of flexible plastic, cardboard, vinyl, fabric or similar non-rigid water-proof material; and*
- 4. Such sign shall be attached in an inconspicuous manner without zip ties, ropes or other similar visible material; and*
- 5. Such sign shall be adhered to the building with grommets and be attached with nuts, bolts or other similar non-visible fasteners; and*
- 6. Such sign shall not exceed thirty-two (32) square feet in size; and*
- 7. Placement of such sign shall be allowed for thirty (30) consecutive days, six (6) times in a calendar year as specified by the business owner and proper notification to the Planning Department for such days.*

b. Special Event Signs: Special Event Signs are allowed only if included in an approved Comprehensive Sign Plan Signs that are related to approved special events as defined in this Chapter 15 and Article X of Chapter 6 (Section 6-332) shall adhere to these regulations and are also subject to approval of a sign permit from the Planning Department and approval by staff, subject to and adhere to the following:

Standards:

- 1. Special Event Signs are allowed with the permitted special event provided that the sign area shall be limited to a total of seventy-five (75) square feet and a maximum of three (3) such signs. Such signs must be on private property and securely attached to the wall of a permitted building or permitted structure on the site in a manner that does not allow the sign to wave or flap in any way; and*
- 2. Special Event Signs and any other approved special event associated items shall be located within one-hundred (100) feet of the permitted special event area on the property which must be shown on the Comprehensive Sign Plan and sign permit for the special event.*
- 3. Method of attachment shall be shown in detail in the Comprehensive Sign Plan and no strings, rope or similar attachment item shall be visible from 50 feet or more from such attachment location ; and*
- 4. Special Event Signs shall not be placed above the roof line of any building or structure: and.*
- 5. Special Event signs shall not be counted toward the allowed sign area for a property or business.*

Staff Comment: The property abuts public right-of-way on two sides: Main Street and State Highway 119. In total, the building façade on the subject property abuts 56 linear feet of public right-of-way. Per code, each building may have a minimum of 128 sq.ft. of sign area. Based on the above regulation, the Wild Card Casino is permitted a total of 217.6 sq.ft. of sign area. The proposed CSP proposes approximately 249.02 sq.ft of sign area. The plan exceeds the allowed sign area by 31.42 sq.ft. Exceeding the amount of sign area necessitates the need for a variance which is permitted by Section 15-63 and 16-366 of the Black Hawk Municipal Code, in order to allow the Comprehensive Sign Plan to be reviewed and approved.

Sec. 15-13(g) *The Comprehensive Sign Plan shall be reviewed in terms of its impact on surrounding land uses and its compatibility with the purposes of this Chapter and with other City planning and zoning programs and regulations.*

Sec. 15-13(i) Council review and approval. *Within sixty (60) days of receipt of a complete application, the Council shall act to approve, approve with conditions or deny the application. The comprehensive sign plan shall be approved if:*

- (1) *Implementation of the comprehensive sign plan will provide signage more compatible with the surrounding development and designed with a high quality appearance; and*

Staff Comment: The proposed signs are compatible with the other business signs that surround the property in the heart of Black Hawk's gaming district.

- (2) *Implementation of the comprehensive sign plan will result in architecture and graphics of a scale appropriate for the surrounding neighborhood and development area; and*

Staff Comment: The proposed signs are compatible with surrounding properties in terms of size and scale. The signs do not over-encumber the façade of the subject building and complements the existing architecture.

- (3) *Implementation of the comprehensive sign plan will provide signage consistent with the architecture and site plan characteristics of the proposed or existing project; and*

Staff Comment: Both existing and new signs are consistent in both size and form with the architecture and site characteristics.

- (4) *Implementation of the comprehensive sign plan will be materially beneficial in achieving the goals and objectives of the City's standards that relate to community design and aesthetics; and*

Staff Comment: The proposed signs meet the objectives of the City's standards and match existing approved aesthetics.

- (5) *Implementation of the comprehensive sign plan will be materially beneficial in achieving the goals and objectives cited in the purpose of the Sign Code; and*

Staff Comment: The proposed sign plan meets the purpose of the comprehensive sign plan program.

Sec. 15-13(j) Modifications: *Once authorized by the Council, a Comprehensive Sign Plan may be modified through the following procedure:*

(1) *Regardless of size, any building with a Comprehensive Sign Plan will require an approval, either by City Council or Administrative, to make changes to the said plan.*

a. *City Council approval is required for changes to a Comprehensive Sign Plan for major modifications (changes to greater than 10% of the initial approved Comprehensive Sign Plan sign area) as long as the total sign area allowed is not exceeded.*

b. *Administrative approval is required for changes to signs including minor modifications (changes to 10% or less of the initial approved Comprehensive Sign Plan sign area).*

Staff Comment: No previous Comprehensive Sign Plan existed for Wild Card Casino. In light of the recent Sign Code changes, the client has decided to prepare a CSP.

STAFF COMMENTS:

Staff from Baseline Corporation has reviewed and evaluated the prepared Comprehensive Sign Plan provided for the Wild Card Casino and finds the document to be in compliance with the regulations established in Sec. 15-13(f), which states that the total sign area used may not exceed one hundred and thirty-five (135%) of the permitted sign area. An additional thirty-five percent (35%) of sign area may be granted to a Comprehensive Sign Plan if the application includes the use of electronic message signs (EMS). Therefore, the total sign area proposed may be a maximum of one-hundred and seventy percent (170%) of the permitted sign area allowed on the subject property, if all requirements are met. The CSP document includes approximately 249.02 total square feet of sign area. The total permitted sign area for the Wild Card Casino, based on building street frontage, is 217.6 sq.ft. To permit the sign area as proposed, in addition to the Certificate of Appropriateness, a variance must also be considered by Council to allow Wild Card Casino to exceed the allowed sign area by approximately 31.42 sq.ft.

Also, staff has identified one blade sign and LED that may project into the City owned right-of-way along Gregory Street. To confirm if either of the signs project into the City owned right-of-way the owner of the Wild Card Casino will need to complete a property boundary survey of the Casino. And, if the survey determines that there is an encroachment, a license agreement between the City of Black Hawk and Wild Card Casino will need to be prepared to adequately describe the encroachment. The agreement shall, in addition to the blade sign, include any additional signs that may be encroaching into the right-of-way. At this time, Staff recommends that a survey of the property is completed before the permit is issued for such sign(s) and a license agreement is established. A condition to this need is included.

The applicant has chosen not to include any proposed *Banner or Special Event signage* with this proposed Comprehensive Sign Plan (CSP). If they chose to have such type of signs in the future they will need to amend this CSP, if approved, to allow these type of signs on the property and/or the building.

In summary, Staff recommends that a 31.42 sq.ft. **Variance** from the maximum sign area allowed for the property be granted based upon the findings included above related to the criteria to evaluate variances to the code.

In addition, Staff recommends that the proposed **Comprehensive Sign Plan** for the Wild Card Casino be approved and a Certificate of Appropriateness be granted, subject to four conditions:

1. Prior to issuance of any Building, Electrical, and Sign Permits for any sign along Main Street that may project into the public right-of-way, a survey must be completed to verify whether a license agreement pertaining to said sign shall be processed and approved by the City Council.

2. Projecting signs will comply with the regulations pertaining to height limitations and placement as stated in the City Code.
3. Proper Building, Electrical, and Sign Permits shall be applied for and approved prior to the installation of any new sign.
4. Staff from Baseline will perform a day and night site inspection to evaluate the brightness of the LED electronic message sign facing Main Street.

FINDINGS:

Within sixty (60) days of receipt of a complete application, the City Council may approve, conditionally approve, or deny the application for Comprehensive Sign Plan. Sections 15-13 (a) Purpose and (b) Applicability provide the ability of the property owner to submit the application. Following are findings that can be referred to relate to the criteria in Section 15-13 (i):

- (1) Implementation of the Comprehensive Sign Plan will provide signage that is compatible with the surrounding development and designed with a high quality appearance; and
- (2) Implementation of the Comprehensive Sign Plan will result in architecture and graphics of a scale appropriate for the surrounding neighborhood and development area; and
- (3) Implementation of the Comprehensive Sign Plan will provide signage consistent with the architecture and site plan characteristics of the proposed or existing project; and
- (4) Implementation of the Comprehensive Sign Plan will be materially beneficial in achieving the goals and objectives of the City's standards that relate to community design and aesthetics; and
- (5) Implementation of the Comprehensive Sign Plan will be materially beneficial in achieving the goals and objectives cited in the purpose of the Sign Code.

RECOMMENDATION:

Baseline Staff recommends City Council consider a **MOTION TO APPROVE** a variance of 31.42 sq.ft. from the maximum 217.6 sq.ft. allowed sign area, based upon the following findings found in Section 16-366(2) of the Municipal Code.

1. *Due to exceptional and extraordinary circumstances unique to the property or structure for which the variance is sought, the strict enforcement of the provisions of this Chapter would cause an unnecessary hardship to the applicant.*
2. *The circumstances, causing the unnecessary hardship were not created by an owner or user of the property or by the applicant for the variance.*
3. *The hardship is not established on the basis of lack of knowledge of the restrictions upon constructing or altering a structure; nor by the purchasing of a property without knowledge of applicable restrictions; nor by showing that greater profit would result if the variance were granted;*
4. *The circumstances causing the unnecessary hardship are particular to the land or structure for which the variance is sought and do not apply generally to land and buildings in the zoning district in which the property is located;*
5. *The variance requested is the minimum deviation from this Chapter necessary to allow the same and no greater use as that allowed of other land or structures in the same zoning district;*

6. *The granting of the variance will not injure the appropriate use of adjacent conforming properties, will not impair an adequate supply of light and air, will not impair the view from adjacent property and will not substantially diminish or impair property values within the surrounding area;*
7. *The granting of the variance will be consistent with the spirit, purpose and intent of this Chapter and will not create a situation which alters the character of the area surrounding the property for which the variance is granted;*
8. *The granting of the variance will secure and in no way diminish the public safety and welfare; nor impair prevention of or increase risk of fire; flood, traffic congestion or other hazard;*
9. *The granting of the variance is necessary to cause substantial justice to be done;and*
10. *The granting of the variance will not allow uses or densities not permitted in the zoning district in which it is granted nor allow the expansion or establishment of a nonconforming use.*

In addition, Baseline Staff recommends City Council consider a **MOTION TO APPROVE WITH FOUR CONDITIONS** a Certificate of Appropriateness for a Comprehensive Sign Plan as submitted and included with this staff report. The conditions are as follow:

1. Prior to issuance of any Building, Electrical, and Sign Permits for any sign along Main Street that may project into the public right-of-way, a survey must be completed to verify whether a license agreement pertaining to said sign shall be processed and approved by the City Council.
2. Projecting signs will comply with the regulations pertaining to height limitations and placement as stated in the City Code.
3. Proper Building, Electrical, and Sign Permits shall be applied for and approved prior to the installation of any new sign.
4. Staff from Baseline will perform a day and night site inspection to evaluate the brightness of the LED electronic message sign facing Main Street.

Attachments:

- Land Development Application Form
- Comprehensive Sign Plan document

Applicants Submittal



City of Black Hawk
 Community Planning and Development
 211 Church Street
 P.O. Box 68
 Black Hawk, CO 80422
 Ph: 303-582-0615 Fax: 303-582-2239



DATE: 04/28/14

APPLICANT NAME: Edward E Smith and Shirley J Smith

APPLICANT ADDRESS: 120 Main Street Black Hawk, CO 80422

APPLICANT MAILING ADDRESS: Box 513 Black Hawk, CO 80422

APPLICANT CONTACT NUMBER: 303.582.3412 or 303.582.3508

EMAIL ADDRESS: wildcardca@aol.com

PROPERTY OWNER NAME: Edward E Smith and Shirley J Smith

PROPERTY OWNER ADDRESS: 65 Hideaway Road Evergreen, CO 80439

PROPERTY OWNER MAILING ADDRESS: Box 513 Black Hawk, CO 80422

PROPERTY OWNER CONTACT NUMBER: 303.582.3412 or 303.582.3508

EMAIL ADDRESS: wildacardca@aol.com

PROJECT NAME: Wild Card Casino Sign Addition

PROJECT ADDRESS: 120 Main Street Black Hawk, CO 80422

PROJECT DESCRIPTION: Addition of LED Sign Panel 77" x 48"

IS PROPERTY WITHIN CITY LIMITS: YES NO

PRESENT ZONING: Casino CURRENT USE: Casino

NAME OF EXISTING PLANNED UNIT DEVELOPMENT (IF APPLICABLE): _____

NAME OF EXISTING SUBDIVISION PLAT (IF APPLICABLE): _____

GILPIN COUNTY ASSESSOR'S I.D. NO.(S): _____

EXISTING PROPERTY SIZE: _____ ACRES/SQ.FEET

(PLEASE ATTACH A COPY OF SURVEY/PLAT.)

EXISTING BUILDING SIZE: _____ SQ. FT. AND/OR NUMBER OF EXISTING RESIDENTIAL UNITS: _____

ACTION REQUESTED (COMPLETED BY CITY STAFF):

A list of required submittal items will be provided to the applicant at the conclusion of the Pre-Planning Process. A list of potential documents that **may** be required is attached.

- ANNEXATION OF _____ ACRES OF LAND AND _____ ACRES OF RIGHT-OF-WAY
- ZONING/REZONING: FROM: _____ TO: _____
- PLANNED UNIT DEVELOPMENT (AMENDMENT)
- FINAL PLAT: _____ EXISTING LOTS _____ PROPOSED LOTS
- MINOR PLAT
- SPECIAL USE PERMIT
- VACATION OF EASEMENT: _____ RIGHT-OF-WAY: _____
- VARIANCE
- SITE DEVELOPMENT PLAN

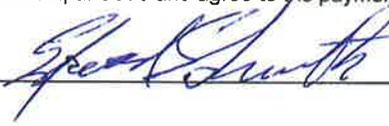
- CERTIFICATE OF APPROPRIATENESS
- TEMPORARY USE PERMIT
- HISTORIC PRESERVATION FUND GRANT
- FEMA ELEVATION CERTIFICATE
- FLOOD PLAIN DEVELOPMENT PERMIT
- MOTOR VEHICLE/RECREATION VEHICLE STORAGE PERMIT
- COMPREHENSIVE SIGNAGE PLAN/SIGN PERMIT
- BOARD OF APPEALS

PLEASE READ THE FOLLOWING

FOR INFORMATIONAL PURPOSES, SECTION 16-370 OF THE BLACK HAWK MUNICIPAL CODE ESTABLISHES THE REQUIREMENT FOR APPLICANTS TO PAY FEES TO COVER THE COSTS THE CITY MAY INCUR BY HAVING THE CITY APPROVED CONSULTANTS EVALUATE AND PROCESS APPLICATIONS. IF YOU HAVE ANY QUESTIONS RELATED TO THIS, PLEASE CONTACT US FOR CLARIFICATION.

CERTIFICATION:

I hereby certify that to the best of my knowledge and believe, all information supplied with this application is true and accurate and that consent of the property owner listed above, without which the requested action cannot lawfully be accomplished, has been granted. Permission is also hereby granted to the City of Black Hawk staff to physically enter upon and inspect the subject property and take photographs as necessary for preparation of the case. In addition, I have read and understand Section 16-370 of the Black Hawk Municipal Code and agree to the payment of any fees to the processing of this application.

SIGNATURE OF APPLICANT:  DATE: 4/28/2014

Staff Review Only. Do not write below this line.

All Submittal attachments included? Yes No

Public Hearing Required? Yes No

Administrative Approval: Yes No

Date: _____

Date: _____

REVIEW:

- City Surveyor – CCS Consulting
- Baseline Corporation
- Colorado Code Consultants
- Community Planning and Development
- Public Works



**Wild Card Saloon
120 Main Street
Black Hawk, CO 80422**

**CITY OF BLACK HAWK
MAYOR'S CERTIFICATE**

THE FORGOING CERTIFICATE OF APPROPRIATENESS IS
APPROVED BY THE BOARD OF ALDERMEN OF THE CITY
OF BLACK HAWK, COLORADO

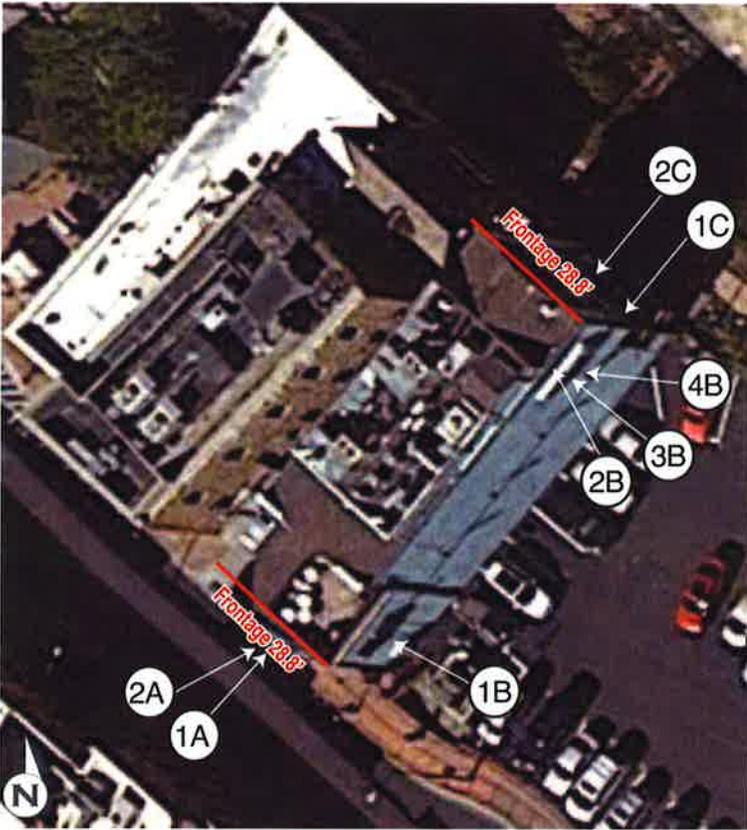
THIS _____ DAY OF _____ 2014

BY: _____
MAYOR OF THE CITY OF BLACK HAWK

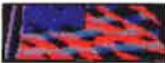
ATTEST: _____
CITY CLERK

**Professional Video & Photography
Robert Butcher
355 S. Teller St. #200
Lakewood, CO 80226**

**Wild Card Saloon & Casino Sign Plan
April 28, 2014**



Frontage 28.8 ft. + 28.8 ft. = 57.6 ft.
 Minimum frontage granted per Code = 128 ft.
 Total sign area allowed = 128 x 1.7 = 217.6 sq. ft

REF.	SIGNS	QTY.	ILLUMINATION	ELEVATION	SQ FT.
1A		1	NON ILLUMINATED	NORTH MAIN STREET	18.5 ft ²
2A		1	LED	NORTH MAIN STREET	25.67 ft ²
1B		1	LED	EAST MAIN STREET	38.34 ft ²
2B		1	NON ILLUMINATED	EAST MAIN STREET	6.25 ft ²
3B		1	INTERNALLY ILLUMINATED	EAST MAIN STREET	65.31 ft ²
4B		1	NON ILLUMINATED	EAST MAIN STREET	9.1 ft ²
1C		1	NON ILLUMINATED	SOUTH HWY 93	43.68 ft ²
2C		1	LED	SOUTH HWY 93	42.17 ft ²
TOTALS					
					217.6 ft ²
					249.02 ft ²

1A DOUBLE FACE NON ILLUMINATED PAINTED WOOD SIGN
QUANTITY 1

SIDE VIEW



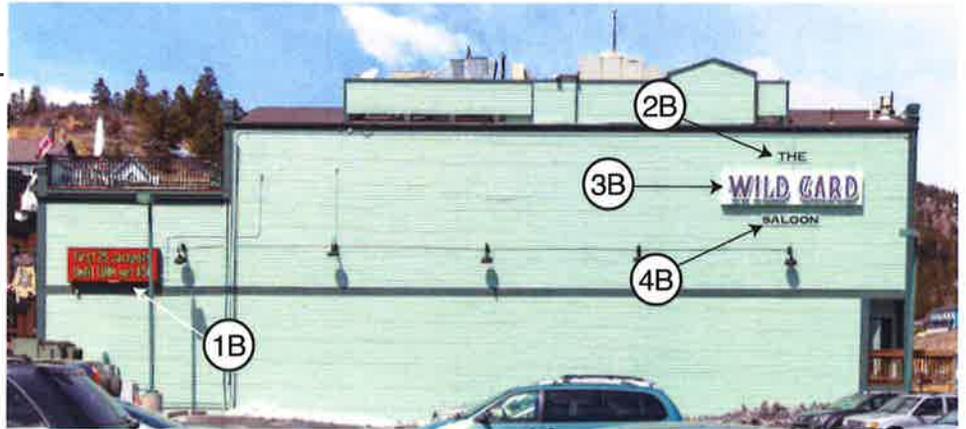
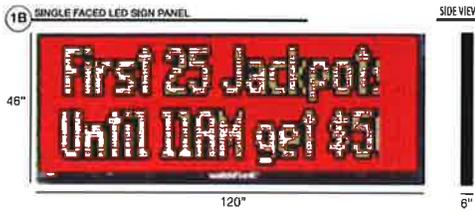
2A SINGLE FACED LED SIGN PANEL

SIDE VIEW



SIGN SPECS

1A	SIGN	MATERIAL	PAINTED WOOD
		LIGHTING	NON ILLUMINATED
		FINISH	PAINTED
2A	CABINET	MATERIAL	LED SIGN CABINET
		LIGHTING	LED
		PAINT	BLACK
		FINISH	SATIN
		MATERIAL	LED



2B SINGLE FACE NON ILLUMINATED PAINTED WOOD SIGN
QUANTITY 1

3B SINGLE FACE INTERNALLY ILLUMINATED SIGN
QUANTITY 1

4B SINGLE FACE NON ILLUMINATED PAINTED WOOD SIGN
QUANTITY 1

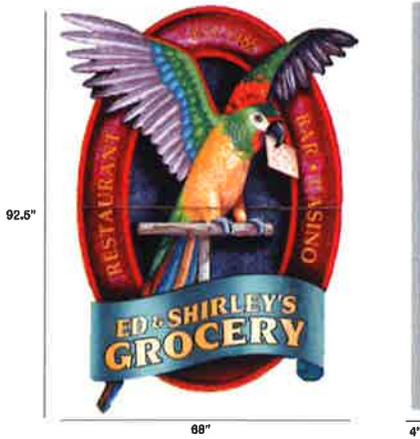


SIGN SPECS

Item	Category	Material	Lighting	Paint/Finish	Color
1B	CABINET	MATERIAL	LED SIGN CABINET		
		LIGHTING	LED		
		PAINT	BLACK		
		FINISH	SATIN		
2B	SIGN	MATERIAL	PAINTED WOOD		
		LIGHTING	NON ILLUMINATED		
		FINISH	PAINTED		
3B	CABINET	MATERIAL	ALUMINUM W/ACRYLIC FACE		
		LIGHTING	WHITE LED		
		MATERIAL	ACRYLIC		
		BACKUP COLOR	#7328 WHITE ACRYLIC		
		LAYER	1x1 SURFACE		
		VINYL	AVERY BACKLIT DIGITAL VINYL		
4B	SIGN	MATERIAL	PAINTED WOOD		
		LIGHTING	NON ILLUMINATED		
		FINISH	PAINTED		

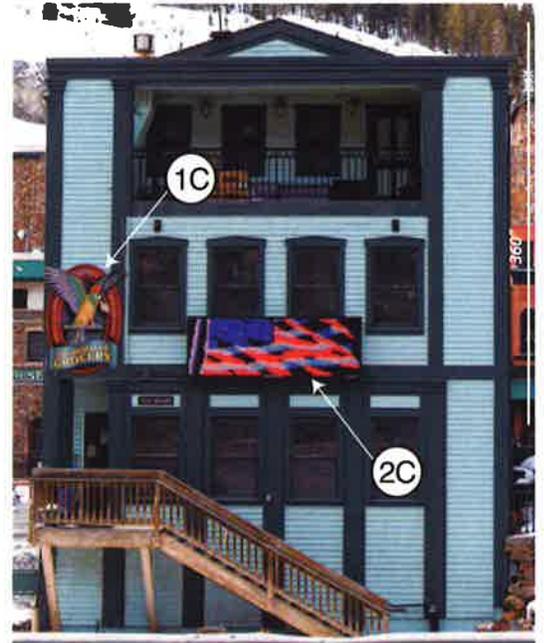
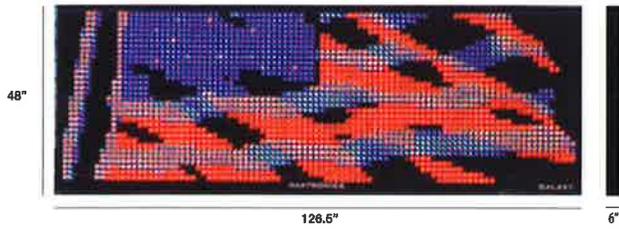
1C DOUBLE FACE NON ILLUMINATED PAINTED WOOD SIGN
QUANTITY 1

SIDE VIEW



2C SINGLE FACED LED SIGN PANEL
QUANTITY 1

SIDE VIEW



SIGN SPECS		
1C	SIGN	
	MATERIAL	PAINTED WOOD
	LIGHTING	NON ILLUMINATED
2C	FINISH	PAINTED
	CABINET	
	MATERIAL	LED SIGN CABINET
	LIGHTING	LED
	PAIN	BLACK
FINISH	SATIN	
MATERIAL	LED	

**APPROVAL OF THE
BID FOR THE
201 CHURCH STREET
BLASTING AND
EXCAVATION PROJECT**



CITY OF BLACK HAWK

REQUEST FOR COUNCIL ACTION

SUBJECT: Approval of the bid for the 201 Church Street Blasting and Excavation project.

RECOMMENDATION: If the Board of Aldermen chooses to approve the contract between the City of Black Hawk and Grapes and Sons Excavating, LLC, the recommended motion is as follows: “Approve the 201 Church Street Blasting and Excavation Contract with Grapes and Sons Excavating, LLC, in the amount of \$162,750.00.”

SUMMARY AND BACKGROUND OF SUBJECT MATTER: The property formerly known as 201 Church Street has been removed and is scheduled to be reconstructed as the City’s information technology offices. Architectural and engineering plans for this job are nearing completion and will be put out to bid in the next month or so. The blasting and excavation portion of this project was broken out and bid separately, in the hopes of starting construction at an earlier date and saving money by not allowing this portion of the work to be marked up by a General Contractor. The site will be approximately excavated to subgrade level, thus minimizing the earthwork necessary during construction of the building and associated paved areas.

The 201 Church Street Blasting and Excavation project was advertised in the Weekly Register-Call. Two contractors attended the mandatory pre-bid meeting and only Grapes and Sons, LLC submitted a bid. The City has worked successfully with Grapes and Sons, LLC on several recent projects, including two blasting and excavation projects on High Street with similar Scopes of Work. The unit prices received for the 201 Church Street Blasting and Excavation project are in line with these previous two blasting and excavation projects whereby Grapes was successful low bidder against other contractors. The blasting sub-contractor will be A & A Drilling and Blasting, with whom the City has also worked successfully in the past.

After completion of blasting and excavation, the resulting rock slope will likely need to be scaled and evaluated by the City’s on-call geotechnical engineering firm, at which time additional stabilization measures may be recommended.

FUNDING SOURCE: Program Expenses / Capital/Grant Projects: 203-0000-502-58-35

WORKSHOP DATE: May 28, 2014

ESTIMATED DATE OF PROJECT COMPLETION: July 11, 2014

ORIGINATED BY: Tom Isbester/Matt Reed

STAFF PERSON RESPONSIBLE: Tom Isbester/Matt Reed *MR*

DOCUMENTS ATTACHED: Bid Schedule from Grapes and Sons, LLC

RECORD: [] Yes [X] No

CITY ATTORNEY REVIEW: [] Yes [X] No [] N/A INITIALS _____

SUBMITTED BY:

REVIEWED BY:



Thomas Isbester, Public Works Director

Jack Lewis, City Manager

City of Black Hawk
201 Church Street Blasting and Excavation
BID SCHEDULE

No.	Item Description	Units	Quantity	Unit Price	Item Price
-----	------------------	-------	----------	------------	------------

Blasting and Excavation

1	Mobilization and Demobilization	LS	1	4500-	4500-
2	Blasting Mats	LS	1	4400-	4400-
3	Seismic Monitoring	LS	1	1800-	1800-
4	Pre-Split Drilling and Blasting	SY	400	27-	10800-
5	Production Drilling and Blasting	LS	1	68,500-	68,500-
6	Remove Existing Tree	EA	4	150-	600-
7	Unclassified Excavation	CY	4500	14.50	65,250-
8	CDOT Class 6 Roadbase	CY	300	23.00	6900-

BIDDER will complete the Work in accordance with the Contract Documents for a TOTAL BID PRICE (Sum of Bid Items 1 - 8) of:

One hundred sixty two thousand seven hundred and fifty (words) Dollars \$ 162,750- (figures) ✓

**151 MARCHANT
PAINT BID – LOWEST
BIDDER**

	Independent Painting Eric Miller cochlpclub@gmail.com 720-938-5398	Sandoval Painting Olga Sandoval 303-809-9028	Continental Color Painting Pete Saucler pcsaucler@hotmail.com 720-353-8765	Thomas A. Mason Co. Tom Mason glna@tamason.com 970-887-1818	Trindl Decorating West Eric Trindl trindldecorating@gmail.com 303-710-2422	Waldron Custom Coatings Eric Waldron ejw223@yahoo.com 303-304-9963	Genesis Painting/Constr. Mark Schymanski mark@genesis-painting.com 303-679-8509
Base Bid Scope of Work							
Prep and Paint Exterior Metal Fence	Incl.	Incl.	\$1,000	Incl.	Incl.	Incl.	Incl.
Prep and Stain Exterior Deck/Porch Area	Incl.	Incl.	Incl.	Incl.	Incl.	Incl.	Incl.
Base Bid Stain Product	Super Deck	Benjamin Moore	Benjamin Moore	Sherwin Williams	Benjamin Moore	Sherwin Williams	
Prep and Paint Exterior Surfaces of Home	\$9,250	\$4,500	\$10,000	\$18,577	\$19,750	\$4,600	\$7,400
Base Bid Paint Product	Benjamin Moore	Benjamin Moore	Benjamin Moore	Sherwin Williams	Benjamin Moore	Sherwin Williams	Sherwin Williams Super
Total Base Bid Scope of Work	\$9,250	\$4,500	\$11,000	\$18,577	\$19,750	\$4,600	\$7,400
Alternate Scope of Work							
Upgrade to Sherwin Williams Duration							\$650
Total Alternate Scope of Work							

Spray painting with back roll
Hand wash confirmed - no change in price
Siding replacement will be charged as a change order or with bid contingency

Power wash quoted - Hand wash requested

Cost for deck stain requested



Office of the City Manager

201 Selak Street
P.O. Box 68
Black Hawk, CO 80422
www.cityofblackhawk.org

303-582-2219 Office
303-582-0429 Fax

Mayor

David D. Spellman

Aldermen

Linda Armbright
Paul G. Bennett
Jim Johnson
Hal Midcap
Greg Moates
Benito Torres

City Attorney

Corey Y. Hoffmann

City Manager

Jack D. Lewis

**Assistant to the City Manager
for Administration**

Melissa A. Greiner

City Clerk

Jeanie M. Magno

**Community Planning &
Development Administrator**

Cynthia L. Linker

Finance Director

Lance R. Hillis

Fire Chief

Donald E. Taylor

IT Director

Jeffrey L. Young

Police Chief

Stephen N. Cole

Public Works Director

Thomas Isbester

May 16, 2014

The Honorable John W. Hickenlooper
Governor of Colorado
State Capitol Room 136
200 E. Colfax Avenue
Denver, Colorado 80203

Delivered via email: gov_correspondence@state.co.us

Dear Governor Hickenlooper:

I am writing because I respectfully request your veto on HB 14-1375, legislation that unnecessarily complicates urban renewal projects.

When adopting legislation, we first ask that you do no harm. This bill complicates urban renewal, which threatens to leave blighted communities and brownfields unchanged, while encouraging sprawl and negatively impacting water supplies, air quality and transportation dollars as development instead seeks out unincorporated greenfields. If this is the vision of those that support HB 14-1375, then we ask you to "VETO" the bill to ensure responsible development, infill, affordable housing, and economic benefit to all taxing entities.

HB 14-1375 claims to restore "fairness" to urban renewal. The arguments for the bill oversimplify complex financial arrangements that, in addition to achieving the primary purpose of urban renewal to remedy and prevent blighted conditions, also bring jobs and economic growth to property that would otherwise not be redeveloped in the marketplace. Other taxing entities are guaranteed 100% of their property tax revenue they would have otherwise received while 100% of the investment to make the project happen is made by private developers and municipalities – in accordance with the original intent of the statute. When the project is complete and the blighted conditions remedied, successful projects produce a windfall of property tax revenue to the other taxing entities – revenue in amounts that never would have existed otherwise.

Many supporters of HB 14-1375 nonetheless acknowledged that solid data analyzing the benefits and impacts of urban renewal and tax increment financing on all taxing jurisdictions – school districts, counties, special districts, and even the state – does not exist. While several smaller studies have been performed, a comprehensive study of benefits and impacts, taking into account all taxing bodies, and performed by a credible, independent third party, has never been performed. Such a proposal was advanced in the General Assembly but was defeated by the supporters of HB 14-1375. We would submit that it is premature to select HB 14-1375 as the solution without first more precisely defining the problem it is intending to solve.

Please veto HB 14-1375, and lend your support to a proper study of tax increment financing in Colorado.

Sincerely,

Jack D. Lewis
City Manager



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CITY OF BLACK HAWK
MEMORANDUM

**TO: MAYOR AND BOARD OF ALDERMEN
JACK D. LEWIS, CITY MANAGER
KELLY STEVENS, DEPUTY CITY CLERK**

**FROM: COREY Y. HOFFMANN, CITY ATTORNEY
RYAN S. MALARKY, ESQ.**

DATE: MAY 19, 2014

RE: HOUSE BILL 14-1193

This memorandum addresses recent legislation signed by Governor Hickenlooper that concerns the imposition of fees for the research and retrieval of public records under the Colorado Open Records Act, C.R.S. §§ 24-72-200.1, *et seq.* The Colorado General Assembly recently passed House Bill 14-1193 (“HB1193”) and Governor Hickenlooper signed it into law on May 2, 2014. HB1193 amends C.R.S. § 24-72-205, which addresses the copy, printout, or photograph of a public record.

HB1193 requires that a research and retrieval fee cannot be imposed in response to a records request unless the records custodian has either posted on its website or otherwise published a written policy establishing the fee. C.R.S. § 24-72-205(6). The written policy must specify under what conditions a fee will be imposed and the amount of that fee. *Id.* Importantly, HB1193 states that a records custodian can only impose the fee in response to a records request received after the posting or publishing of the policy. *Id.* If the records custodian receives a records request before posting/publishing the written policy, the records custodian cannot impose a research and retrieval fee for that records request. *Id.*

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HB1193 places additional limits on the fee that a custodian can impose. First, it prohibits a custodian from charging for the first one (1) hour of time spent on researching and retrieving the records. *Id.* Once that first hour has passed, the custodian may then begin imposing a fee. Second, the maximum hourly fee that the custodian can charge is \$30.00. This hourly fee will be revised every five (5) years to correspond with the federal Consumer Price Index.

In response to HB1193, local governments must review their research and retrieval fee policies to ensure they conform to C.R.S. § 24-72-205(6). Because HB1193 takes effect on July 1, 2014, we recommend the City create and post/publish a written policy no later than June 30, 2014. We would be glad to assist with the preparation of the policy.

As always, if you have any questions, please do not hesitate to contact us.