

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB51

ORDINANCE NUMBER: 2021-51

TITLE: A BILL FOR AN ORDINANCE (1) ZONING CERTAIN NEWLY ANNEXED PROPERTY WITHIN THE CITY OF BLACK HAWK TO COMMERCIAL/BUSINESS SERVICES (C/BS) ZONING DISTRICT AND A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY KNOWN AS THE LAKE GULCH WHISKEY RESORT AMENDMENT 1 PLANNED UNIT DEVELOPMENT, (2) REZONING CERTAIN PROPERTY WITHIN THE CITY OF BLACK HAWK TO DELETE THE PLANNED UNIT DEVELOPMENT (PUD) OVERLAY KNOWN AS THE LAKE GULCH WHISKEY RESORT PLANNED UNIT DEVELOPMENT, AND (3) REZONING CERTAIN OTHER PROPERTY WITHIN THE CITY OF BLACK HAWK TO COMMERCIAL/BUSINESS SERVICES (C/BS) ZONING DISTRICT AND A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY KNOWN AS THE LAKE GULCH WHISKEY RESORT AMENDMENT 1 PLANNED UNIT DEVELOPMENT (PUD), AND AMENDING THE CITY'S ZONING MAP TO CONFORM THEREWITH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. Findings of Fact.

a. On October 13, 2021, the City Council approved a Resolution determining that certain annexation petitions submitted in a series for the real property described in attached **Exhibit A** (collectively, the "Newly Annexed Real Property"), substantially complies with the requirements of C.R.S. § 31-12-107(1)(a) and set a public hearing for December 8, 2021, on the eligibility of the Real Property to be annexed into the City as provided by state law.

b. The City thereafter instituted the procedure for the initial zoning of the Newly Annexed Real Property.

c. An application was submitted for initially zoning the Newly Annexed Real Property to Commercial/Business Services (C/BS) with a Planned Unit Development (PUD) overlay district, pursuant to the City of Black Hawk Zoning Ordinance known as the Lake Gulch Whiskey Resort Amendment 1 Planned Unit Development.

d. In addition, application was submitted for rezoning certain property to eliminate the entire Planned Unit Development Overlay known as the Lake Gulch Whiskey Resort Planned Unit Development for the property more particularly described in **Exhibit B**, attached hereto and incorporated herein by this reference.

e. Finally, application was submitted for rezoning certain property previously subject to the Environmental Character Preservation (ECP), and Hillside Development - Mixed Use (HD) zoning districts to the Commercial/Business Services (C/BS) zoning district with a Planned Unit Development (PUD) overlay district known as the Lake Gulch Whiskey Resort Planned Unit Development Amendment 1 for the property more particularly described in **Exhibit C**, attached hereto and incorporated herein by this reference.

f. Public notice has been given of such combined zoning and rezoning by one publication in a newspaper of general circulation within the City and the official newspaper of the City at least fifteen (15) days before the public hearing of such amendment.

g. Notice of such proposed hearing was posted on the property that is subject to this application for fifteen (15) consecutive days prior to said hearing.

f. A need exists for zoning and rezoning the property that is subject to this application pursuant to Section 16-361 of the City of Black Hawk Zoning Ordinance as follows:

i. A need does exist for the zoning, and the PUD as amended will implement the objectives of the City of Black Hawk Zoning Ordinance;

ii. The proposal for zoning and rezoning conforms with and is not inconsistent with the Comprehensive Plan;

iii. Additional growth opportunities and placemaking in the City of Black Hawk have changed and the proposal warrants new uses on the property;

iv. Adequate circulation exists in the area to support the initial zoning and the proposed rezoning, and infrastructure will be constructed and extended to accommodate full build-out of the proposed project; and

v. Any additional cost for municipal-related services resulting from the proposal will not be incurred by the City, and are addressed in the Annexation Agreement to be approved concurrently herewith.

g. A need further exists for zoning and rezoning the property that is subject to this proposal pursuant to Section 16-135 of the City of Black Hawk Zoning Ordinance in that the proposed Lake Gulch Whiskey Resort Amendment 1 Planned Unit Development provides flexibility and will result in higher quality development based on the application of the purposes set forth in Section 16-135.

Section 2. The Real Property as described in **Exhibit A** is hereby initially zoned to Commercial/Business Services (C/BS) with a Planned Unit Development (PUD) overlay district known as the Lake Gulch Whiskey Resort Amendment 1 Planned Unit Development as provided in the Lake Gulch Whiskey Resort Amendment 1 Planned Unit Development Standards and Plan, which is attached hereto as **Exhibit D**, and incorporated by this reference.

Section 3. The property as described in **Exhibit B** is hereby rezoned to eliminate the entire Planned Unit Development (PUD) overlay district known as the Lake Gulch Whiskey Resort, and to retain the underlying Commercial/Business Services (C/BS) zone district.

Section 4. The property as described in **Exhibit C** is hereby rezoned to the Commercial/Business Services (C/BS) zone district with a Planned Unit Development (PUD) overlay district known as the Lake Gulch Whiskey Resort Amendment 1 Planned Unit Development as provided in the Lake Gulch Whiskey Resort Amendment 1 Planned Unit Development Standards and Plan, which is attached hereto as **Exhibit D**, and incorporated by this reference.

Section 5. The Zoning Ordinance and Zoning Map are hereby amended to conform with the zoning changes.

Section 6. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 7. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 8. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk

READ, PASSED AND ORDERED POSTED this 8th day of December, 2021.


David D. Spellman, Mayor

ATTEST:



Melissa A. Greiner, CMC, City Clerk



Exhibit A

A PART OF SECTIONS 17 & 18, TOWNSHIP 3 SOUTH, RANGE 72 WEST OF THE 6TH P.M., COUNTY OF GILPIN, STATE OF COLORADO – AS DESCRIBED IN LAKE GULCH WHISKEY RESORT ANNEXATION PLATS NOS. 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 AND 18.

Exhibit B

A PART OF SECTIONS 17 & 18, TOWNSHIP 3 SOUTH, RANGE 72 WEST OF THE 6TH P.M., CITY OF BLACK HAWK, COUNTY OF GILPIN, STATE OF COLORADO – AS DESCRIBED IN LAKE GULCH WHISKEY RESORT ANNEXATION PLATS NO. 1, 2, 3, 4, 5, 6, AND 7 RECORDED AT REC. NOS. 165790, 165792, 165794, 165796, 165798, 165800, AND 165802.

Exhibit C

A PART OF SECTIONS 7, 8, 17 & 18, TOWNSHIP 3 SOUTH, RANGE 72 WEST OF THE 6TH P.M., CITY OF BLACK HAWK, COUNTY OF GILPIN, STATE OF COLORADO – AS DESCRIBED IN LAKE GULCH WHISKEY RESORT ANNEXATION PLATS NO. 1, 2, 3, 4, 5, 6, AND 7, ALSO INCLUDING THE PARCELS OF LAND KNOWN AS TRACTS 1-5 OF THE BLACK HAWK SWAP PARCELS RECORDED AT S-21-20, GILPIN COUNTY RECORDS, ALSO INCLUDING THE RARUS LODE US MINERAL SURVEY NO. 1025AM, GOLD TUNNEL LODE NOS. 14, 16, AND 21 US MINERAL SURVEY NO. 4589, ALSO INCLUDING THOSE PORTIONS OF THE CLAY COUNTY LODE US MINERAL SURVEY NO. 360, THE CALEDONIA LODE US MINERAL SURVEY NO. 519, THE ALICE LODE US MINERAL SURVEY NO. 18785, AND THE ELIZABETH LODE US MINERAL SURVEY NO. 15894 THAT ARE WITHIN THE CITY OF BLACK HAWK PATENTED BOUNDARY, EXCEPT THE MARY MILLER LODE US MINERAL SURVEY NO. 969. AS THE INTERESTS MAY BE MORE PARTICULARLY DESCRIBED IN DEEDS AT REC. NOS. 166456, 166457, 166458, 166765, 168271, 168405, 169086, 169441, AND 169460, GILPIN COUNTY RECORDS.

LAKE GULCH WHISKEY RESORT AMENDMENT 1

A PART OF SECTIONS 7, 8, 17 & 18, TOWNSHIP 3 SOUTH, RANGE 72 WEST OF THE 6TH P.M.,
CITY OF BLACK HAWK, COUNTY OF GILPIN, STATE OF COLORADO

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Planning

As a first step, the project manager should determine the project goals and objectives. The project manager should also determine the project scope, which includes the project's start and end dates, the project's budget, and the project's resources. The project manager should also determine the project's risks, which include the project's potential for failure, the project's potential for cost overruns, and the project's potential for schedule delays. The project manager should also determine the project's communication plan, which includes the project's communication channels, the project's communication frequency, and the project's communication responsibilities.

Organizing

The project manager should organize the project team, which includes the project's members, the project's roles, and the project's responsibilities. The project manager should also organize the project's resources, which include the project's budget, the project's equipment, and the project's materials. The project manager should also organize the project's risks, which include the project's potential for failure, the project's potential for cost overruns, and the project's potential for schedule delays. The project manager should also organize the project's communication plan, which includes the project's communication channels, the project's communication frequency, and the project's communication responsibilities.

Staffing

The project manager should staff the project team, which includes the project's members, the project's roles, and the project's responsibilities. The project manager should also staff the project's resources, which include the project's budget, the project's equipment, and the project's materials. The project manager should also staff the project's risks, which include the project's potential for failure, the project's potential for cost overruns, and the project's potential for schedule delays. The project manager should also staff the project's communication plan, which includes the project's communication channels, the project's communication frequency, and the project's communication responsibilities.

Directing

The project manager should direct the project team, which includes the project's members, the project's roles, and the project's responsibilities. The project manager should also direct the project's resources, which include the project's budget, the project's equipment, and the project's materials. The project manager should also direct the project's risks, which include the project's potential for failure, the project's potential for cost overruns, and the project's potential for schedule delays. The project manager should also direct the project's communication plan, which includes the project's communication channels, the project's communication frequency, and the project's communication responsibilities.

Controlling

The project manager should control the project team, which includes the project's members, the project's roles, and the project's responsibilities. The project manager should also control the project's resources, which include the project's budget, the project's equipment, and the project's materials. The project manager should also control the project's risks, which include the project's potential for failure, the project's potential for cost overruns, and the project's potential for schedule delays. The project manager should also control the project's communication plan, which includes the project's communication channels, the project's communication frequency, and the project's communication responsibilities.

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LAKE GULCH WHISKEY RESORT AMENDMENT 1

A PART OF SECTIONS 7, 8, 17 & 18, TOWNSHIP 3 SOUTH, RANGE 72 WEST OF THE 6TH P.M.,
CITY OF BLACK HAWK, COUNTY OF GILPIN, STATE OF COLORADO



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MOUNTAIN WHISKEY

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Black Hawk, Colorado

DESIGNER'S RESPONSIBILITY TO THE CONTRACTOR'S DESIGN TEAM
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ISSUE/REVISION SCHEDULE				
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No 2 of 2
PUD PLAN