

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20229

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW A CASINO WITH UP TO 20 GAMING MACHINES TO BE LOCATED IN A B-3 (CENTRAL BUSINESS) DISTRICT IN THE CITY OF HELENA, MONTANA

WHEREAS, the Helena City Commission has before it a request to grant a conditional use permit to allow a casino with up to 20 gaming machines to be located in a B-3 (Central Business) District, on property described as Lots 93 and 94 in Parcel 39 of the Third Subdivision of the Last Chance Revision, being a portion of the Original Helena Townsite to the City of Helena, Montana, generally located east of North Last Chance Gulch, west of North Jackson Street and north of Broadway Street, with a property address of 101 North Last Chance Gulch, Suites A & B, in Helena, Lewis and Clark County, Montana, as shown on plats filed under document numbers 263165 and 249871; and

WHEREAS, the Zoning Commission of the City of Helena, Montana, after holding a regularly scheduled public hearing on said conditional use permit application on **December 8, 2015**, to gather facts and information from all interested parties as contemplated by Helena City Code § 11-3-6, has recommended that the Helena City Commission approve the described conditional use permit, subject to the following condition:

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Resol. No. 20229

The operational hours of the casino are to coincide with the legal hours established for the sale of alcoholic beverages (8 a.m. to 2 a.m.) seven days a week.

WHEREAS, a public hearing was held on this matter at the regular City Commission meeting **at 6:00 p.m. on January 11, 2016**, in the Commission Chambers in the City-County Building, 316 North Park Avenue, in Helena, Montana as contemplated by Helena City Code § 11-3-7;

WHEREAS, the City Commission has considered the information contained in the application, the information presented at said public hearing and the Zoning Commission's recommendation, and has considered whether the proposed conditional use meets the requirements of Helena City Code § 11-3-5A1 and A2 by weighing and balancing the following factors as set forth in Helena City Code § 11-3-5B:

- (a) Pedestrian, vehicular, and bicycle traffic;
- (b) On street parking;
- (c) Noise;
- (d) Glare;
- (e) Odor; and

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Resol. No. 20229

(f) Type and size of structures and improvements and their relative locations on the subject property.

WHEREAS, based on its consideration of all those matters, the Helena City Commission hereby specifically finds as follows:

1. That public hearings have been held by the Zoning Commission and the City Commission after required legal notices have been given, and the public has been given an opportunity to be heard on the matter;

2. That the proposed conditional use will not significantly increase risk to the public health, safety, or general welfare; and

3. That the proposed conditional use will not significantly reduce or impair the peaceful use of existing property or improvements in the vicinity and the zoning district in which the subject property is located.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. A conditional use permit is hereby granted allowing a casino with up to 20 gaming machines to be located in a B-3 (Central Business) District, on property described as Lots

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Resol. No. 20229

93 and 94 in Parcel 39 of the Third Subdivision of the Last Chance Revision, being a portion of the Original Helena Townsite to the City of Helena, Montana, generally located east of North Last Chance Gulch, west of North Jackson Street and north of Broadway Street, with a property address of 101 North Last Chance Gulch, Suites A & B, in Helena, Lewis and Clark County, Montana, as shown on plats filed under document numbers 263165 and 249871, subject to the following condition:

The operational hours of the casino are to coincide with the legal hours established for the sale of alcoholic beverages (8 a.m. to 2 a.m.) seven days a week.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 11th DAY OF JANUARY, 2016.

/S/ James E. Smith
MAYOR

ATTEST:

/S/ Debbie Havens
CLERK OF THE COMMISSION