

# **RESOLUTIONS OF THE CITY OF HELENA, MONTANA**

## **RESOLUTION NO. 19906**

### **A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW A LICENSED PREMISES WITH A SPECIAL BEER/WINE LICENSE FOR A NONPROFIT ARTS ORGANIZATION LOCATED IN A B-2 (GENERAL COMMERCIAL) DISTRICT AND WITHIN 600 FEET OF A SCHOOL PROPERTY 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 licensed premises with a special beer/wine license for a nonprofit arts organization located in a B-2 (General Commercial) District, which property is described as Lot 6A in both the Henry Thompson Placer Mining Claim and the Original Helena Townsite, as shown on Certificate of Survey filed under Document Number 619524-B in the records of the Clerk and Recorder of Lewis and Clark County, Montana, generally located north of East Lawrence Street, east of Jackson Street, and west of North Cruse Avenue, in Helena, Lewis and Clark County, Montana; and

**WHEREAS**, the Helena City Commission finds as follows:

1. The proposed conditional use will not significantly increase risk to the public health, safety, or general welfare.
2. 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.

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3. The proposed conditional use meets the requirements of subsections 11-3-5A1 and A2 of the Helena City Code, after consideration of the following factors:

(a) Pedestrian, vehicular, and bicycle traffic;

(b) On street parking;

(c) Noise;

(d) Glare;

(e) Odor; and

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

4. 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.

**WHEREAS**, the Zoning Commission of the City of Helena, Montana, after holding a regularly scheduled public hearing on said conditional use permit application on **March 13, 2012**, recommended that the Helena City Commission approve the described conditional use permit; and

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WHEREAS, a public hearing was held on this matter at the regular City Commission meeting on **April 9, 2012**.

**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 licensed premises with a special beer/wine license for a nonprofit arts organization located in a B-2 (General Commercial) District, which property is described as Lot 6A in both the Henry Thompson Placer Mining Claim and the Original Helena Townsite, as shown on Certificate of Survey filed under Document Number 619524-B in the records of the Clerk and Recorder of Lewis and Clark County, Montana, generally located north of East Lawrence Street, east of Jackson Street, and west of North Cruse Avenue, in Helena, Lewis and Clark County, Montana.

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 9<sup>th</sup> DAY OF APRIL, 2012.**

**ATTEST:**

**/S/ James E. Smith**  
**MAYOR**

**/S/ Debbie Havens**  
**CLERK OF THE COMMISSION**