

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

## **RESOLUTION NO. 19721**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW  
A PORTION OF A FINANCIAL SERVICE USE WITH  
A DRIVE-THROUGH AND PARKING AREA  
TO BE LOCATED ON LOTS  
IN AN R-O (RESIDENTIAL-OFFICE) 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 portion of a financial service with a drive-through and parking area to be located on lots in an R-O (Residential-Office) District, which property is described as Lots 20 through 28 in Block 37 of the Central addition #2 to the City of Helena, except that portion conveyed to the Montana Department of Transportation for highway purposes, generally located east of North Last Chance Gulch and the alley in Block 37, south of East Lyndale Avenue, and west of Jackson Street, in Helena, Lewis and Clark County, Montana; and

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

1. That the proposed conditional use conforms generally with the objectives of the Comprehensive Plan.

2. That the proposed use will not adversely affect nearby properties or their occupants by:

(a) Measurably and substantially reducing the value or marketability of such properties;

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(b) Substantially increasing traffic, noise, glare, or odor on or adjacent to such properties;

(c) Substantially reducing or impairing the full enjoyment of such properties for the uses or purposes to which the same are presently put;

(d) Causing or increasing the likelihood of danger or peril from crime, fire, or other hazard to the public health, safety or welfare; or

(e) Causing any other quantifiable or demonstrable impact of substantial magnitude.

3. That the proposed use will meet all of the overall density, coverage, yard, and/or other applicable regulations of the district in which it is to be located.

4. That the proposal will not have any additional requirements as identified by Section 11-21-3(B) (relating to ingress and egress, parking areas, dumpster location, utilities, landscaping and screening, and signs and lighting).

5. That public hearings have been held by the Zoning Commission and the City Commission after required legal notices

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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 **January 12, 2010**, recommended that the Helena City Commission approve the described conditional use permit; and

**WHEREAS**, a public hearing was held on this matter at the regular City Commission meeting on **February 8, 2010**.

**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 portion of a financial service with a drive-through and parking area to be located on lots in an R-O (Residential-Office) District, which property is described as Lots 20 through 28 in Block 37 of the Central addition #2 to the City of Helena, except that portion conveyed to the Montana Department of Transportation for highway purposes, generally located east of North Last Chance Gulch and the alley in Block 37, south of East Lyndale Avenue, and west of Jackson Street, in Helena, Lewis and Clark County, Montana.

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**Section 2.** This conditional use permit is subject to the following conditions:

**A. Access:**

1. Vehicular access for Lyndale Avenue from the R-O zoned portion of the property must be reviewed and approved by the Montana Department of Transportation.

2. No vehicular access to the subject property is permitted along North Jackson Street.

**B. Completion of Conditions:** All required improvements must be completed within two (2) years of the date of this resolution and before utilizing the property.

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 8<sup>th</sup> DAY OF FEBRUARY, 2010.**

/S/ James E. Smith  
MAYOR

ATTEST:

/S/ Debbie Havens  
CLERK OF THE COMMISSION