

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 19886

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW A CASINO WITH UP TO 20 GAMING MACHINES TO BE LOCATED IN A B-2 (GENERAL COMMERCIAL) 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 on property in a B-2 (General Commercial) District, which property is described as Lot 2A of the Lowe's HIW Inc. Minor Subdivision, shown on Certificate of Survey filed under Document Number 3138123 in the records of the Clerk and Recorder of Lewis and Clark County, Montana, generally located north of East Custer Avenue, east of North Sanders Street, west of Interstate 15, and south of Lowe's Home Improvement Store, 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.

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

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eration 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 **October 11, 2011**, 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 **November 7, 2011**.

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

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Section 1. A conditional use permit is hereby granted allowing a casino with up to 20 gaming machines, to be located on property in a B-2 (General Commercial) District, which property is described as Lot 2A of the Lowe's HIW Inc. Minor Subdivision, shown on Certificate of Survey filed under Document Number 3138123 in the records of the Clerk and Recorder of Lewis and Clark County, Montana, generally located north of East Custer Avenue, east of North Sanders Street, west of Interstate 15, and south of Lowe's Home Improvement Store, in Helena, Lewis and Clark County, Montana, subject to the following condition:

A. A building permit must be obtained within one (1) year of the date of the approval of this resolution.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 7th DAY OF NOVEMBER, 2011.

/S/ James E. Smith
MAYOR

ATTEST:

/S/ Debbie Havens
CLERK OF THE COMMISSION