

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

## RESOLUTION NO. 20492

### A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW A CASINO USE IN THE 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 4,236 gross square foot casino use in the B-2 (General Commercial) District, for property legally described as Lot 2 of the Rea Minor Subdivision, as shown on Certificate of Survey No. 3271290, in Helena, Montana;

**WHEREAS**, the Zoning Commission of the City of Helena, Montana, after holding a regularly scheduled public hearing on said conditional use permit application on September 11, 2018, 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;

**WHEREAS**, a public hearing was held on this matter at the regular City Commission meeting at 6:00 p.m. on October 15, 2018, 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

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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
- (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;

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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 4,236 gross square foot casino use in the B-2 (General Commercial) District, for property legally described as Lot 2 of the Rea Minor Subdivision, as shown on Certificate of Survey No. 3271290, in Helena, Montana.

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 15<sup>th</sup> DAY OF OCTOBER, 2018.**

**/S/ WILMOT J. COLLINS**  
**MAYOR**

**ATTEST:**

**/S/ DEBBIE HAVENS**  
**CLERK OF THE COMMISSION**