

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

## RESOLUTION NO. 20523

### A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW EIGHTY-FIVE (85) DWELLING UNITS IN THE R-2 (RESIDENTIAL) 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 eighty-five (85) dwelling units in the R-2 (Residential) District, for property with the street address of 2200 Henderson Street and legally described as a tract of land in the Southeast quarter of Northwest quarter of SECTION 24, TOWNSHIP 10 NORTH, RANGE 4 WEST, P.M.M., Lewis and Clark County Montana, more particularly described as follows: Beginning at a point which is located South 89°59' West 420.5 feet from the above described point of beginning South 89°59' West, along 40 line, 704.6 feet; thence South 400.5 feet of the North right of way line of N.P.R.R.; thence Southeasterly along said North right of way line 885.0 feet, to the West line of Henderson Street extension road; thence North 7°22' West, along said west line of Henderson Street extension road, 760.38 feet, to the point of beginning, in Helena, Montana (as described in Book M33, Page 4325);

**WHEREAS**, the Zoning Commission of the City of Helena, Montana, after holding a regularly scheduled public hearing on said

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conditional use permit application on April 9, 2019, 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 May 6, 2019, 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, the Zoning Commission's recommendation, and 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

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(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, as conditioned, will not significantly increase risk to the public health, safety, or general welfare; and

3. That the proposed conditional use, as conditioned, 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 eighty-five (85) dwelling units in the R-2 (Residential) District, for property with the street address of 2200 Henderson

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Street and legally described as a tract of land in the Southeast quarter of Northwest quarter of SECTION 24, TOWNSHIP 10 NORTH, RANGE 4 WEST, P.M.M., Lewis and Clark County Montana, more particularly described as follows: Beginning at a point which is located South 89°59' West 420.5 feet from the above described point of beginning South 89°59' West, along 40 line, 704.6 feet; thence South 400.5 feet of the North right of way line of N.P.R.R.; thence Southeasterly along said North right of way line 885.0 feet, to the West line of Henderson Street extension road; thence North 7°22' West, along said west line of Henderson Street extension road, 760.38 feet, to the point of beginning, in Helena, Montana (as described in Book M33, Page 4325).

**Section 2.** The proposed conditional use is subject to the following continuing conditions:

- A. Landscaping is required to mitigate noise impacts to the west along the coincident border with the existing residential neighborhood.
- B. Duplexes and triplexes are required to mitigate the type and size of structure impacts to the west along the coincident boarder with the existing residential

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neighborhood.

- C. A lock on the gate on the connection to Larson Street is required to mitigate pedestrian, vehicular, and bicycle traffic impacts.

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA,  
MONTANA, THIS 6<sup>TH</sup> DAY OF MAY, 2019.**

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

**ATTEST:**

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