

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20532

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW A 1,900 SQUARE FOOT CASINO USE IN AN EXISTING BUILDING IN A B-2 (GENERAL COMMERCIAL) ZONING 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 1,900 square foot casino use in an existing building in a B-2 (General Commercial) Zoning District, for property with the street address of 1151 Partridge Place and legally described as Lot 6B in Block 1 of Lot 6 Minor Subdivision of the Skelton Addition Subdivision, Phase 1, generally located south of Partridge Place and west of Montana Avenue, as shown on Certificate of Survey #613622, attached hereto as Exhibit "A";

WHEREAS, the Zoning Commission of the City of Helena, Montana, after holding a regularly scheduled public hearing on said 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 June 24, 2019,

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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
- (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

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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 a 1,900 square foot casino use in an existing building in a B-2 (General Commercial) Zoning District, for property with the street address of 1151 Partridge Place and legally described as Lot 6B in Block 1 of Lot 6 Minor Subdivision of the Skelton Addition Subdivision, Phase 1, generally located south of Partridge Place and west of Montana Avenue, as shown on Certificate of Survey #613622, attached hereto as Exhibit "A".

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

- A. The applicant must install a minimum of nine (9) bicycle parking spaces on the property in accordance with City Code.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 24TH DAY OF JUNE, 2019.

/S/ WILMOT COLLINS
MAYOR

ATTEST:

/S/ DEBBIE HAVENS
CLERK OF THE COMMISSION

613622/100

6587

90 MAY 23 PM 2:27

BOOK M PAGE 1
BY *William Skelton*

LEWIS & CLARK COUNTY
COUNTY CLERK

CERTIFICATE OF DEDICATION

WE, THE OWNERS, DO HEREBY CERTIFY THAT WE HAVE CAUSED TO BE SURVEYED SUBDIVIDED AND PLATTED INTO LOTS AS SHOWN BY THE PLAT HERETO ANNEXED THE FOLLOWING DESCRIBED TRACT OF LAND IN THE CITY OF HELENA, MONTANA TO-WIT

A tract of land in the southeast quarter of Section 18, Township 10 North, Range 3 West, Principal Meridian Montana, Lewis and Clark County, Montana, and being Lot 6, Block 1 of Skelton Addition Subdivision - Phase 1, filed as DOC#569219/E and further described by metes and bounds as follows:

Beginning at the west corner common to lots 5 & 6 of said block 1; thence N00°40'47"W, 201.86 ft; thence S00°40'57"E, 24.79 ft; thence S00°40'57"E, 44.66 ft; thence N89°34'53"E, 86.71 ft; thence S82°12'53"E, 56.06 ft; thence N89°34'53"E, 58.28 ft; thence S00°40'57"E, 24.79 ft; thence 46.63 ft. along a curve to the left, radius of 50.00 ft., central angle of 53°26'02" and a chord that bears S27°23'58"E, 44.96 ft; thence 186.89 ft. along a curve to the right, radius of 225.00 ft., central angle of 47°35'30" and a chord that bears S30°19'14"E, 181.57 ft.; thence S89°19'03"W, 343.68 ft. to the point of beginning.

THIS TRACT CONTAINS 66,027 SF. AND IS KNOWN AND DESIGNATED AS LOT 6 MINOR SUBDIVISION. WE HEREBY ESTABLISH THE UNDERGROUND UTILITY EASEMENT ALONG THE LOT LINES AS SHOWN AND DESCRIBED ON THIS PLAT.

SKELTON ADDITION, L.L.P.
BY: *William Skelton*
WILLIAM D. SKELTON
BY: *Rosana H. Skelton*
ROSANA H. SKELTON
BY: *David L. Crofts*
DAVID L. CROFTS
BY: *Ben Hurwitz*
BEN HURWITZ

STATE OF MONTANA)
County of Lewis & Clark) ss.
On this 17th day of May, 2000, before me, a Notary Public in and for the State of Montana, personally appeared *William Skelton, Rosana Skelton, David Crofts, Ben Hurwitz* to me to be the *owners* of the above described premises, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal on the day and year in this certificate first above written.

David M. Albert
Notary Public
Residing at: Helena, Montana
My Commission Expires: *May 15, 2001*

CERTIFICATE OF FINAL PLAT APPROVAL

THE CITY COMMISSION OF HELENA, LEWIS AND CLARK COUNTY, MONTANA DOES HEREBY CERTIFY THAT IT HAS EXAMINED THIS FINAL SUBDIVISION PLAT AND HAVING FOUND THE SAME TO CONFORM TO LAW, HEREBY APPROVES IT THIS _____ DAY OF _____

BY
DATED THIS 18th DAY OF *May* 2000.
Ken Morrison MAYOR, CITY OF HELENA
DATED THIS 18th DAY OF *May* 2000.
Debbie Harris CITY CLERK, CITY OF HELENA
DATED THIS 18th DAY OF *May* 2000.
John R. Kelly PUBLIC WORKS DIRECTOR, CITY OF HELENA
DATED THIS 22nd DAY OF *May* 2000.
Kathleen Macfie DIRECTOR OF PLANNING, CITY OF HELENA

CERTIFICATE OF COUNTY TREASURER

I HEREBY CERTIFY, PURSUANT TO SECTION 76-3-611(1)(b) MCA, THAT THE PROPERTY TAXES ARE PAID AND CURRENT

PROPERTY IDENTIFICATION NUMBER (PIN) *1888-18-4-02-50-000*

Linda De Hart By *Ken* *5-15-00*
TREASURER, LEWIS AND CLARK COUNTY, MONTANA

CERTIFICATE OF FILING BY CLERK AND RECORDER

STATE OF MONTANA
COUNTY OF LEWIS & CLARK Jss
FILED FOR RECORD THIS _____ DAY OF _____ O'CLOCK.

COUNTY CLERK AND RECORDER
LEWIS & CLARK COUNTY, MONTANA

CERTIFICATE OF SURVEYOR

I, DAVID M. ALBERT, LAND SURVEYOR, DO HEREBY CERTIFY THAT THE SURVEY OF THIS MINOR SUBDIVISION PLAT WAS MADE UNDER MY DIRECT SUPERVISION DURING THE MONTHS OF JANUARY, 2000 AND IS SHOWN AND DESCRIBED ON THE ACCOMPANYING PLAT.

DATED THIS 17th DAY OF *May* 2000
David M. Albert
DAVID M. ALBERT, 5203 S

CERTIFICATE OF EXAMINING LAND SURVEYOR

DATED this 18th day of *May*, 2000.
William Skelton 9962-LS
EXAMINING LAND SURVEYOR REG. NO.

PHYSICAL AND LEGAL ACCESS

PARTRIDGE PLACE & DREDGE DRIVE, EXISTING CITY STREETS, PROVIDE LEGAL AND PHYSICAL ACCESS TO THE LOTS.

BASIS OF BEARINGS

RECORD BEARINGS FROM PREVIOUS SURVEYS FOR THE EASTERLY R/W LINE OF MCHUGH DRIVE. (N 00° 52' 25" W)

RESTRICTIVE COVENANTS

RESTRICTIVE COVENANTS EXIST FOR THE LAND WITHIN THIS SUBDIVISION AND ARE RECORDED IN BOOK *119* PAGE *8152* ON FILE AT THE LEWIS & CLARK COUNTY CLERK AND RECORDER'S OFFICE.

LEGEND

- FOUND REBAR/ORANGE PLASTIC CAP MARKED "ALBERT 5203S"
- SET 5/8"x24" REBAR WITH ORANGE PLASTIC CAP MARKED "ALBERT 5203S"

FINAL PLAT

MINOR SUBDIVISION/AMENDED PLAT

OF LOT 6, BLOCK 1

SKELTON ADDITION SUBDIVISION-PHASE 1

CREATING LOTS 6A & 6B

DATE: 4-11-00
REVISED: 5-12-00
DWG.: 51-21.DWG

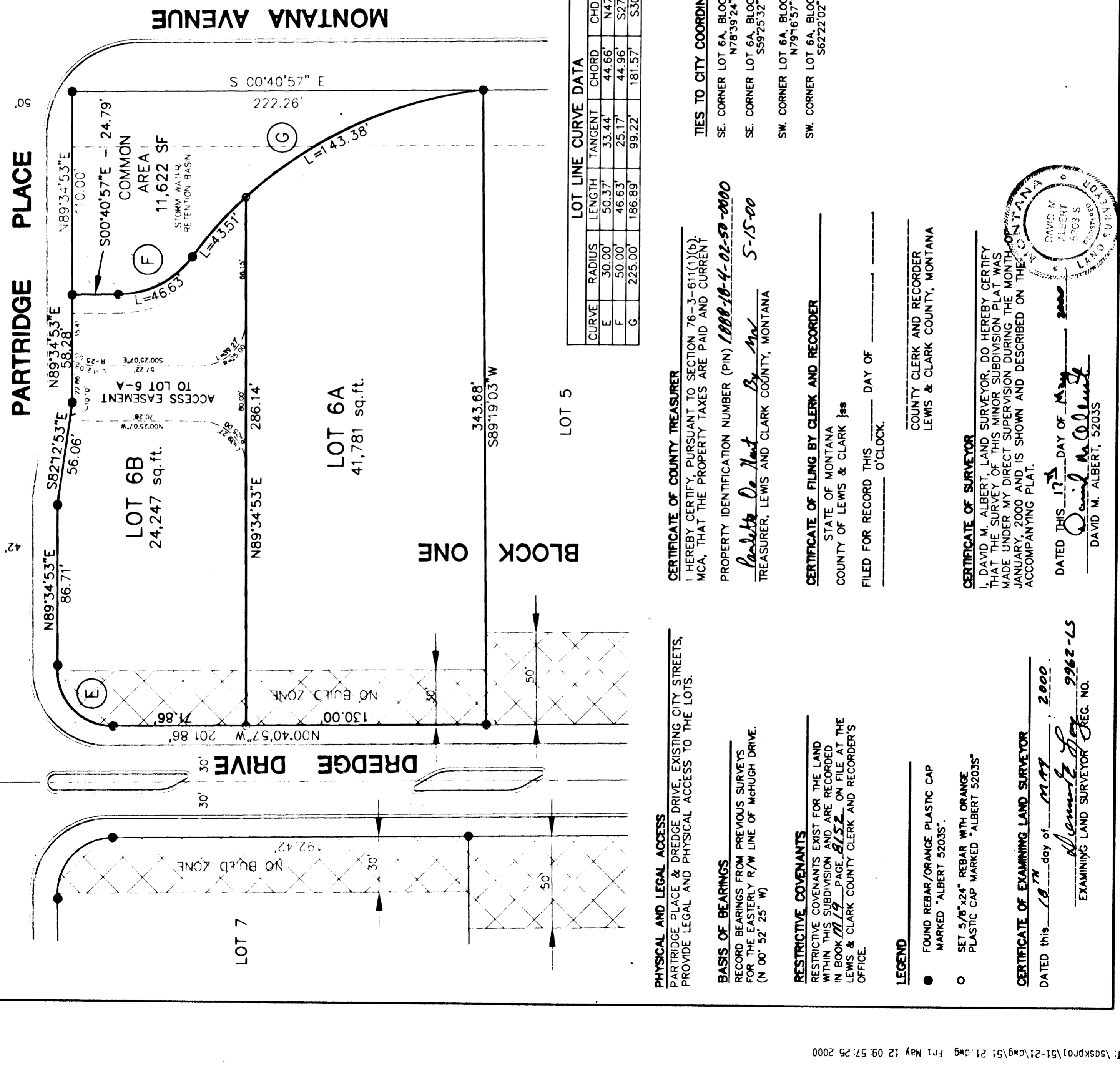
COUNTY: LEWIS & CLARK
PRINCIPAL MERIDIAN, MONTANA

DATE: 4-11-00
REVISED: 5-12-00
DWG.: 51-21.DWG

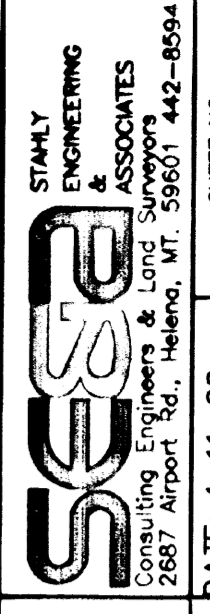
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STANLEY ENGINEERING & ASSOCIATES
Consulting Engineers & Land Surveyors
2687 Airport Rd., Helena, MT, 59601 442-8594



DATE: 4-11-00
REVISED: 5-12-00
DWG.: 51-21.DWG

DATE: 4-11-00
REVISED: 5-12-00
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