

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

**RESOLUTION NO. 20065**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW A TAVERN/RESTAURANT TO BE LOCATED IN A CLM (COMMERCIAL-LIGHT MANUFACTURING) 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 tavern and restaurant to be located in an existing commercial structure on property in a CLM (Commercial-Light Manufacturing) District, which property is described as Block 17 in Montana Rail Link Lease #501564 for Dock Storage and Storage Shed, Lots 1 through 5 in Block 7, the 17-foot wide north-south alley in Block 7, as shown on the Quit Claim Deeds recorded in M Book 6, pages 565-566, in the office of the Lewis and Clark County Clerk and Recorder, and the closed and vacated east two feet of Dodge Avenue, as shown on the Quit Claim Deed recorded in Book 233 at page 293, in the office of the Lewis and Clark County Clerk and Recorder, all located in the Grand Avenue Addition, generally located west of North Montana Avenue and Argyle Street, with property addresses of 1517 and 1525 Dodge Avenue, in Helena, Lewis and Clark County, Montana; and

**WHEREAS**, the Zoning Commission of the City of Helena, Montana, after holding a regularly scheduled public hearing on said conditional use permit application on **December 10, 2013** to

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

**Res. No. 20065**

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 January 13, 2014**, 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 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

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

**Res. No. 20065**

(f) Type and size of structures and improvements and their relative locations on the subject property.

**WHEREAS**, based on its consideration of all of 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, subject to the fulfillment of the conditions set forth below, the proposed conditional use will not significantly increase risk to the public health, safety, or general welfare; and

3. That, subject to the fulfillment of the conditions set forth below, 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:**

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

**Res. No. 20065**

**Section 1.** A conditional use permit is hereby granted allowing a tavern and restaurant to be located in an existing commercial structure on property in a CLM (Commercial-Light Manufacturing) District, which property is described as Block 17 in Montana Rail Link Lease #501564 for Dock Storage and Storage Shed, Lots 1 through 5 in Block 7, the 17-foot wide north-south alley in Block 7, as shown on the Quit Claim Deeds recorded in M Book 6, pages 565-566, in the office of the Lewis and Clark County Clerk and Recorder, and the closed and vacated east two feet of Dodge Avenue, as shown on the Quit Claim Deed recorded in Book 233 at page 293, in the office of the Lewis and Clark County Clerk and Recorder, all located in the Grand Avenue Addition, in Helena, Lewis and Clark County, Montana, subject to the following conditions:

**1.** If on-street, accessible angle parking on Dodge Avenue is not approved by the City Commission, then parking calculations must be revised and the applicant must provide parking according to the Helena City Code.

**2.** All functional and preparation areas of the tavern and restaurant cannot exceed 11,700 square feet of gross floor area in the existing structure. The remainder of the existing

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

**Res. No. 20065**

structure not considered functional and preparation areas will be considered manufacturing and production area for the purpose of any future use and associated parking requirements.

3. Curb and sidewalk that conform to City standards must be installed from the subject property west along Argyle Street to National Avenue, along the west side of National Avenue, and then north to the parking area at 1600 National Avenue. The curb and sidewalk so installed must be ADA-compliant and must include ADA curb ramps at the intersections of Dodge Avenue and Argyle Street and National Avenue and Argyle Street.

4. The conditions of this CUP must be completed and fulfilled prior to any operation of the tavern and restaurant.

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 13<sup>th</sup> DAY OF JANUARY, 2014.**

/S/ James E. Smith  
**MAYOR**

**ATTEST:**

/S/ Debbie Havens  
**CLERK OF THE COMMISSION**