

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20352

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW A K-12 EDUCATION USE IN A B-3 (CENTRAL BUSINESS) 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 K-12 Education Use for up to 30 students in approximately 3,325 square feet of an existing building in a B-3 (Central Business) District, for property legally described as Lots 6-A, 7, 8 & 9 in Block 405 of the Original Helena Townsite, generally located south of West Lawrence Street and west of Fuller Avenue, with a property address of 324 Fuller Avenue, in Helena, 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 June 19, 2017, to gather facts and information from all interested parties as contemplated by Helena City Code § 11-3-6, has unanimously recommended that the Helena City Commission approve the described conditional use permit, subject to the following conditions:

1. The applicant or property owner must successfully petition the Helena Parking Commission and Helena City Commission for the establishment of at least one (1) and no more

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than three (3) 15-minute, free, on-street parking spaces on the west side of Fuller Avenue in the 300 block.

2. All approved 15-minute parking spaces must be installed and signed before the school goes into operation; and

WHEREAS, a public hearing was held on this matter at the regular City Commission meeting at 6:00 p.m. on July 10, 2017, 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; and

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;

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(e) Odor; and

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

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; 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 K-12 Education Use for up to 30 students in

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approximately 3,325 square feet of an existing building in a B-3 (Central Business) District, for property legally described as Lots 6-A, 7, 8 & 9 in Block 405 of the Original Helena Townsite, generally located south of West Lawrence Street and west of Fuller Avenue, with a property address of 324 Fuller Avenue, in Helena, Montana.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 10th DAY OF JULY, 2017.

/S/ JAMES E. SMITH
MAYOR

ATTEST:

/S/ DEBBIE HAVENS
CLERK OF THE COMMISSION