

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20778

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW A CASINO USE IN A B-2 (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 casino use in the B-2 Commercial Zoning District for a property legally described as Tract "A" on Certificate of Survey No. 432628/T, located in Lewis and Clark County, Montana;

WHEREAS, the Zoning Commission of the City of Helena, Montana, held a scheduled public hearing on the conditional use permit application related to the above-mentioned property on September 12, 2022, to gather facts and information from all interested parties as contemplated by Helena City Code § 11-3-6;

WHEREAS, the Zoning Commission has recommended that the Helena City Commission approve the conditional use permit subject to the following conditions:

1. An application for a building permit must be submitted within one (1) year.

2. Screening shall be put in place along the western lot line until such a time as the commercial property to the west is developed.

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3. All conditions must be met within one (1) year of CUP approval, as per Section 11-3-9 of the Helena City Code.

WHEREAS, a public hearing was held on October 17, 2022, in the Commission Chambers at 316 North Park Avenue in Helena, Montana, at 6:00 P.M. and via Zoom Meeting at webinar ID: <https://us06web.zoom.us/j/92124601320> 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, the Zoning Commission's recommendation, and whether the proposed conditional use meets the requirements of Helena City Code § 11-3-4A1 and A2, by weighing and balancing the following factors, as set forth in Helena City Code § 11-3-4B:

1. Location, character, and natural features of the subject property as it currently exists;
2. Type and size of the proposed structure and improvements and their relative location on the subject property;
3. Historical uses, established use patterns, and recent changes and trends in the neighborhood;
4. Conformity of the proposed use with the neighborhood plan, if one has been adopted;
5. Current and proposed pedestrian, vehicular, and bicycle

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traffic including ingress and egress, circulation, and parking;

6. Whether the use is consistent with the Helena Climate Change Action Plan;
7. Whether the proposal meets the zoning dimensional standards requirements for the zoning district without the need for a variance;
8. Hours of operation;
9. Noise;
10. Glare;
11. Odor; and
12. Expressed public opinion related to factors identified above.

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 notice has 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 adversely impact public health, safety, or general welfare; and

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3. That the proposed conditional use, as conditioned, will not adversely impact 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 to allow a casino use in the B-2 Commercial Zoning District for a property legally described as Tract "A" on Certificate of Survey No. 432628/T, located in Lewis and Clark County, Montana, subject to the following conditions:

1. An application for a building permit must be submitted within one (1) year.

2. Screening shall be put in place along the western lot line until such a time as the commercial property to the west is developed.

3. All conditions must be met within one (1) year of CUP approval, as per Section 11-3-9 of the Helena City Code.

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Section 2. City Commission may reconsider the granting of this conditional use permit or place additional conditions if the City becomes aware that the circumstances on the property have changed with respect to the 11-3-4B factors to the extent that they would change the City Commission's findings required by 11-3-4A.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA,

MONTANA, THIS 17th DAY OF OCTOBER, 2022.



ATTEST:

CLERK OF THE COMMISSION

MAYOR