ITEM 2

2885 N Sanders St



Michael Alvarez, Planner II Community Development Department 316 North Park Avenue, Rm. 445 Helena, MT 59623

Phone: 406-447-8459 Fax: 406-447-8460 Email: <u>malvarez@helenamt.gov</u>

helenamt.gov

DATE: January 17, 2023

STAFF REPORT

- TO: Helena Board of Adjustment
- FROM: Michael Alvarez, City Planner II

SUBJECT: Consideration of:

A variance from Section §11-23-10 B-2 D to increase the allowable aggregate square footage of wall signs from 200sf to 540sf, for a property with a legal description of Lot 8A on COS #3395855 of the Custer Landing Major Subdivision, City of Helena, Lewis and Clark County, Montana.

This property is located at 2885 N Sanders St.

The reason for the variance is to install signage commensurate with the general size of buildings in the area and of similar size as has already been granted via variance to other buildings in the area.

OVERVIEW

GENERAL INFORMATION

DATE OF APPLICATION: Application received December 14, 2022

PUBLIC HEARING DATE: Board of Adjustment - 5:30 p.m., Tuesday, February 07, 2023

PROPERTY OWNER:	Barclay Holdings CXIII LLC
MAILING ADDRESS:	2415 Camelback, Ste 900, Phoenix, AZ 85016
CONTACT NUMBER:	(602) 224-4144
EMAIL ADDRESS:	RLAMotte@barclaygroup.com
REPRESENTATIVE:	Brian Barkemeyer
MAILING ADDRESS	1302 Charry Ave Helena MT 59601

MAILING ADDRESS: 1302 Cherry Ave, Helena, MT 59601

CONTACT NUMBER: (406) 449-3898

EMAIL ADDRESS: brian@alliancesigncompany.com

PROPERTY ADDRESS: 2885 N Sanders St, Helena, MT 59601

LEGAL DESCRIPTION:

Lot 8A on COS #3395855 of the Custer Landing Major Subdivision, City of Helena, Lewis and Clark County, Montana.

GENERAL LOCATION: This property is generally located on the east side of N Sanders St. Sportsman's Warehouse is across the street to the west and Winco is to its east.

PRESENT LAND USE: vacant land.

ADJACENT LAND USE AND ZONING:

North: parking, Planet Fitness, B-2 zoning

- South: Residence, multiple dwelling-unit (planned), CLM zoning (pending action to change to B-2)
- East: Winco, general retail, B-2 zoning
- West: Sportsman's Warehousing, general retail, B-2 zoning

PRESENT ZONING: B-2

VARIANCE PROPOSALS:

A variance from Section §11-23-10 B-2 D to increase the allowable aggregate square footage of wall signs from 200sf to 540sf, for a property with a legal description of Lot 8A on COS #3395855 of the Custer Landing Major Subdivision, City of Helena, Lewis and Clark County, Montana.

HISTORY OF APPLICABLE PERMITTING ACTION:

- 3035 N Sanders St Office Depot Oct, 2007: Received variance for size of signage. Total allowed on building 477sf.
- 2990 N Sanders St Sportsman's Warehouse Mar, 2013: Received variance for wall signage. Total allowed on building 675sf.
- 2995 N Sanders St WinCo Foods Aug, 2016: Received variance for wall signage. Total allowed area on building 475sf.
- 3035 N Sanders St Planet Fitness Received a sign permit for 554sf of wall signage.
- Building permit for 2885 N Sanders St (subject property) approved: Aug, 2022

ZONING EVALUATION for the properties legally addressed as 1727 and 1731 Golden St, Helena, MT, located in a R-2 zoning district.

ZONING REQUIREMENT	Applicable ZONING REGULATION	PRESENT CONDITION	PROPOSAL	VARIANCE REQUIRED
City Code: §11-23-10 B-2 D	Aggregate area of signage to be 200sf or less	1 temporary banner <200sf	3 <180sf signs of equal size (totaling 540sf)	Yes

BOARD OF ADJUSTMENT VARIANCE CRITERIA

Section 11-5-5 of the Helena Zoning Ordinance includes certain criteria that must be reviewed as part of the variance procedure.

To approve a requested variance for a new building or portion thereof, the board of adjustment shall consider the following standards and find as follows:

1. The variance will not create a significant risk to the public health, safety, or general welfare;

2. The variance 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; and 3. Strict compliance with the provisions of this title would create unnecessary hardship or practical

difficulty.

In evaluating the standards above, the board of adjustment may consider the following factors:

1. Special conditions and circumstances that are unique to the applicant's site, including the size of the property, unusual or extreme topography, or unusual shape of the property.

2. The height, location, or dimensions of existing structures located on the site or in the vicinity of the site.

3. Whether there is a prevalence of nonconformities in the vicinity of the site that are similar to the variance requested.

4. The subsequent imposition of zoning restrictions creating nonconforming lots or parcels, and governmental actions beyond the applicant's control.

5. Whether a literal interpretation of the provisions of this Title would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this Title.

6. The extent to which the hardship or difficulty results from the actions of the applicant.

7. Whether granting the variance requested will confer an unreasonable special privilege to the subject property that is not available to other properties similarly located in the same zoning district.

PUBLIC COMMENT:

As of Friday, January 27, 2023, no public comments have been received for the variance.

City Attorney's Office:

It is the recommendation of the City Attorney's Office, that staff does not make a recommendation to approve or deny a variance.

CONCLUSION

Montana law states the Board of Adjustment has authority to consider "...upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done." (76-2-323 MCA)

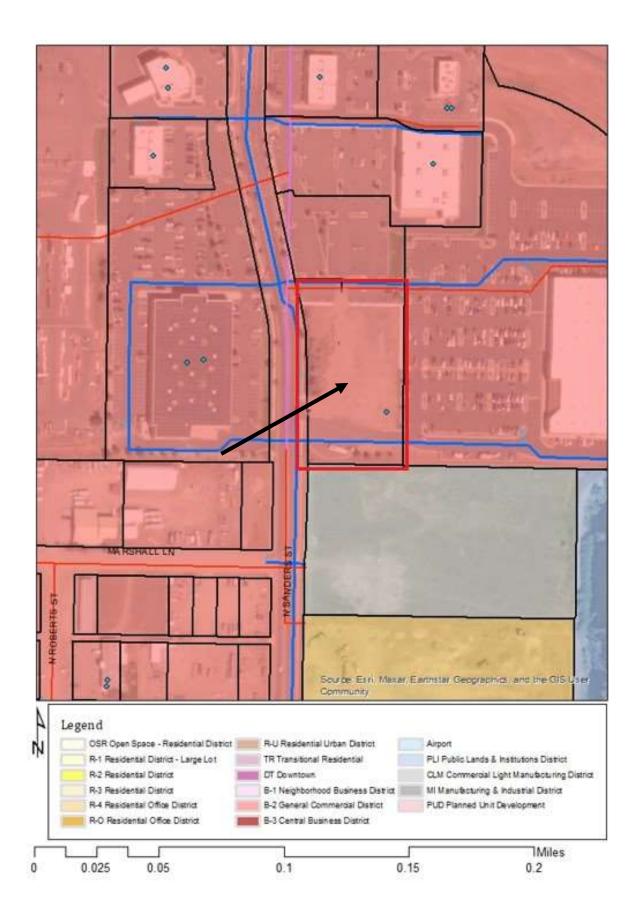
Motion:

Move to Approve or Deny

A variance from Section §11-23-10 B-2 D to increase the allowable aggregate square footage of wall signs from 200sf to 540sf, for a property with a legal description of Lot 8A on COS #3395855 of the Custer Landing Major Subdivision, City of Helena, Lewis and Clark County, Montana.

If the Board of Adjustment approves the requested variance, the following condition is recommended:

Sign Permit: A sign permit must be obtained within one (1) year.





Michael Alvarez, Planner II Community Development Department 316 North Park Avenue, Rm. 445 Helena, MT 59623

Phone: 406-447-8459 Fax: 406-447-8460 Email: <u>malvarez@helenamt.gov</u>

helenamt.gov

Jan 20, 2023

TO WHOM IT MAY CONCERN: Variances from setback requirements are being proposed in your area. Please review the enclosed description, and vicinity map. You may respond to the proposal at the public hearing or submit written comments prior to the February 07, 2023 Board of Adjustments public hearing to the City Planning Division, 316 North Park, Helena MT 59623. For written comments to be distributed to the Board of Adjustments with the staff report, they must be submitted to the City by **Jan 31, 2023**.

The Helena Board of Adjustments will hold a public hearing on the variance request on <u>Tuesday</u>, <u>February 07, 2023 at 5:30 p. m. via Zoom at https://zoom.us/i/95139091644</u>, Meeting ID: 951 3909 1644. Dial in at (346) 248-7799 or find your local Zoom phone number by going to <u>https://zoom.us/u/abx78Gko9e</u>.

Interested parties are encouraged to attend this meeting. We may not be able to reach all who may be interested in this application, and we encourage you to talk to your neighbors about this proposal.

PROPOSAL:

Item 2:

1. A variance from Section 11-23-11 to increase the allowable aggregate square footage of wall signs from 200sf to 540sf, for a property with a legal description of Lot 8A on COS #3395855 of the Custer Landing Major Subdivision, City of Helena, Lewis and Clark County, Montana.

The reason for the variance is to install signage commensurate with the general size of buildings in the area and of similar size as has already been granted via variance to other buildings in the area.

ADDRESS:

This property is located at 2885 N Sanders St.

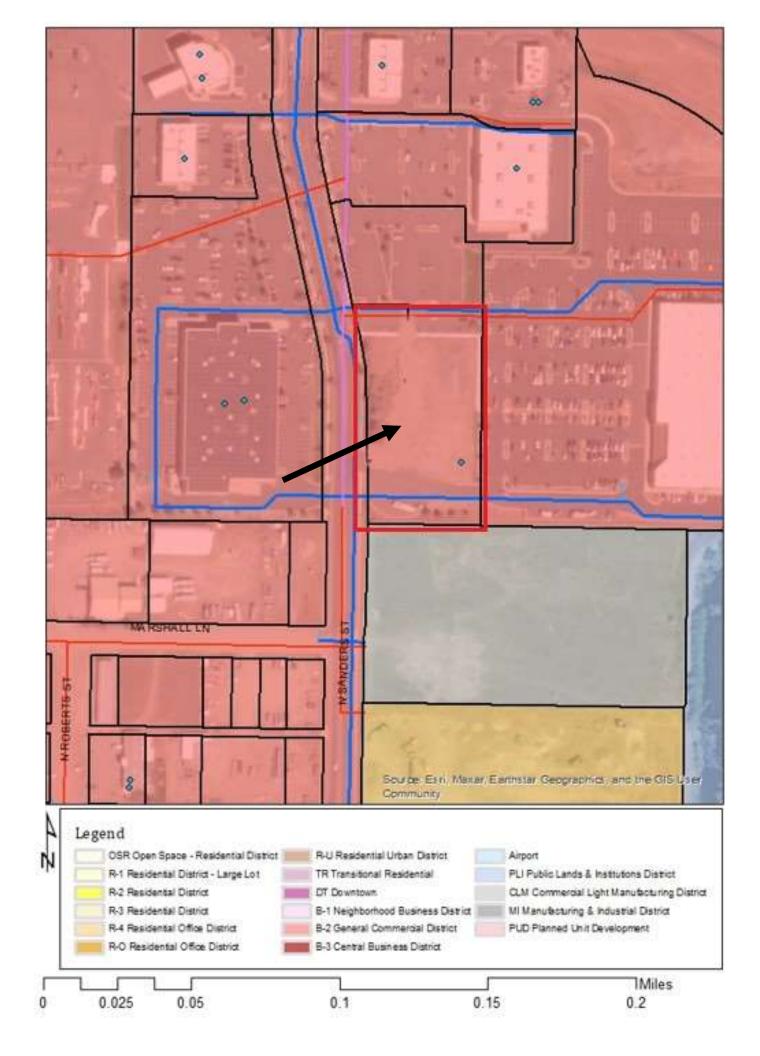
GENERALLY LOCATED:

This property is generally located on the east side of N Sanders St, west of Winco and south of Planet Fitness.

If you have questions concerning the proposed change, please contact the City Planning Division of the Community Development Department at 447-8459.

Sincerely,

Michael Alvarez, Planner II





BOARD OF ADJUSTMENT VARIANCE APPLICATION

Community Development Department, Planning Division 316 North Park Avenue, Room 445, Helena, MT 59623 406-447-8490; citycommunitydevelopment@helenamt.gov Date received:

RECEIVED By April Sparks at 12:02 pm, Dec 14, 2022

APPLICATION FEE: \$125.00 (PAYABLE TO THE CITY OF HELENA) ALL FEES ARE NON-REFUNDABLE

PROPERTY OWNER: Primary Contact?

Name:	Bracky Holdings CXIII LLC Primary Number:	602-224-4144	
Address:	BAACLAY Holdings CYIII LLC Primary Number: 2415 E CANNELLOACH Sunte 900 Phy Az Other Phone:	602-300-7369	Coll
Email:	RLA Motte Obrechygeoup. com		

APPLICANT (If different from property owner): Primary Contact?

Name:	Brian Barkemeyer	Primary Number:	406-449-3898
Address:	1302 Cherry Avenue Helena Mt	Other Phone:	
Email:	brian@alliancesigncompany.com	Company:	Alliance Sign Company

AUTHORIZED REPRESENTATIVE: Primary Contact?

standard and the proposed variance to the standard.

Name:	Brian Barkemeyer	Primary Number:	406-449-3898
Address:	1302 Cherry Avenue Helena Mt	Other Phone:	
Email:	brian@alliancesigncompany.com	Company:	Alliance Sign Company

Section A: PLEASE PROVIDE THE INFORMATION REQUESTED BELOW.

⊡	Address of Property	2885 N. Sanders Street	Helena	Mt	59601
_	//	Address	City	State	Zip Code
		ock & Lots, Subdivision, Co			
	Geocode				
	The most recent deed	for impacted property			
	Lot or Parcel Size (sq	uare feet)			
	Current and proposed	l use of structure or prope	erty: US Foods Gr	ocery Store	
Ū	Current Zoning Distric	et <u>B2</u>			
	Are there other related	d Land Use Applications b	eing submitted:	Yes 🗌 No 🗌	
	Submit proof of curre	nt paid taxes			
ন	1 copy of a scaled site	e plan and supporting dat	a/documents. Th	e site plan must clearly	show the existing

Section B: INDICATE WHICH VARIANCE(S) IS (ARE) BEING REQUESTED AND THE EXTENT OF THE VARIANCE.

EXAMPLE: [X] Reduce Front Lot Line Setback: From the required 10 feet to 3 feet.

Please provide all the information requested in the Application. An incomplete application may delay the review of your request. Please note: "N/A" is not an acceptable answer alone and requires an explanation if used.

Dimensional Criteria:

	Reduce front lot line setback: Front lot line setback #2 (corner lot): Reduce garage entrance setback: Reduce side lot line setback: Reduce rear lot line setback: Exceed building height limitation:
Lot	Coverage/Area Criteria:
	Lot coverage percentage: Front porch lot coverage percentage: Lot area per dwelling unit:
Lan	scaping Criteria:
	Reduce or eliminate landscaping area: Reduce or eliminate screening:
Parl	ing Criteria:
	Exceed the maximum parking spaces allowed: Reduce the amount of required on-site parking spaces: Reduce or eliminate loading berths: Reduce or eliminate required bicycle spaces: Reduce size of parking space:
<u>Sigr</u>	Criteria:
	Sign area (square footage): Requesting additional square footage for signage Sign height: Sign location: Number of signs:

□ Other:

Section C: BOARD OF ADJUSTMENTS VARIANCE REVIEW CRITERIA.

To approve a requested variance for a new building or portion thereof, the Board of Adjustment shall consider the following standards in section 11-5-5 of the Helena City Code and find as follows:

- 1. The variance will not create a significant risk to the public health, safety, or general welfare;
- 2. The variance 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; and
- 3. Excluding monetary hardship, strict compliance with the provisions of this title would create unnecessary hardship or practical difficulty.

These are the standards your application for variance will be judged on. Your answers in section D should speak to the review criteria.

It is the applicant's burden of proof to show that a variance should be granted. As part of your application, you are required to provide information for each of the following factors including all alternatives considered. Failure to provide adequate responses or requested documentation may result in a returned application.

Section D: EVALUATION FACTORS

1. Special conditions and circumstances that are unique to the applicant's site, including the size of the property, unusual or extreme topography, or unusual shape of the property.

If the above condition applies, state the specific factors and provide supporting documentation. For example, if the variance request is due to an abnormal lot configuration, provide a survey of the lot that specifically demonstrates the issue.

New store has a large square footage and needs larger signage to make signage noticable on the building

and make wayfinding easier.

2. The height, location, or dimensions of existing structures located on the site or in the vicinity of the site.

Ex: How is the proposed variance compatible with the other structures located on the site or in the vicinity of the site? On the site plan you provide, please represent accurately and to scale the height, location, and dimensions of existing structures.

Many box stores/grocery stores in the vicinity have signage that is in excess of the maximum square foota

Examples: WinCo Foods, Sportsman's Wharehouse, Planet Fitness

Details are attached

3. Whether there is a prevalence of nonconformities in the vicinity of the site that are similar to the variance requested.

If so, what are those nonconformities and provide supporting documentation. WinCo has a variance for increasing sign area - it is attached

Sportsman's Wharehouse has a variance for increasing sign area - it is attached

Planet Fitness does not have a variance

4. The subsequent imposition of zoning restrictions creating nonconforming lots or parcels, and governmental actions beyond the applicant's control.

Is the need for a variance request a result of government action? For example, the front yard setbacks were increased after construction of the structure, thereby creating the non-conformity. Explain.

Government has taken the action to allow others in vicinity to have larger sign area through the use of

variances.

5. Whether a literal interpretation of the provisions of this title would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this title.

For example, would the denial of the variance deny the property owner the right to safe placement of a garage where garages are typical? If so, explain.

Literal interpretation does deprive the property owner the rights that have been enjoyed by other businesses

in the area through the ability to have larger signage area.

6. The extent to which the hardship or difficulty results from the actions of the applicant. Explain the extent of the circumstances that are creating hardship or difficulty in compliance with the City Code and list alternatives and options considered by the applicant. Provide supporting documentation.

Lack of noticable signage on this building will cause the business to be overlooked and potentially cause

traffic issues for those trying to find the business due to lack of wayfinding.

7. Whether granting the variance requested will confer an unreasonable special privilege to the subject property that is not available to other properties similarly located in the same zoning district.

Granting this variance will not confer an unreasonable special privilege as many stores in the area are

utilizing larger square footage of signage.

8. Do you think a rebuttable presumption, as identified in City Code Section 11-5-5(E), should apply to your property, yes or no? For example, do you have an existing non-conforming structure that you wish to rebuild in the same location? If yes, show the original footprint of the building. Provide documentation that proves the existence of the prior nonconformity. Document that the nonconformity can be in compliance with building and fire codes.

There is not a rebuttable presumption.

9. Provide any additional information you would like the Board to consider.

IT IS THE POLICY OF THE CITY OF HELENA'S BOARD OF ADJUSTMENT TO NOT ACT ON A PROPOSAL IF THE APPLICANT/PROPERTY OWNER OR REPRESENTATIVE IS NOT PRESENT AT THE BOARD OF ADJUSTMENTS HEARING. CITY STAFF REPRESENT THE CITY AND CANNOT ANSWER QUESTIONS ON BEHALF OF THE APPLICANT AT THE BOARD OF ADJUSTMENT HEARINGS.

I HEREBY CERTIFY AND ACKNOWLEDGE THE STATEMENTS IN THIS APPLICATION AND ANY ATTACHED INFORMATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signed:

90ent Date: 12/9/2022 roperty Owner

Applicant:

(If different from Owner)

_____ Date: _/2-8-22

(Property owner must sign application)

It is recommended that the applicant contact neighbors to inform them of proposal and identify any concerns that the applicant may be able to address.

City Planning Staff represents the City; staff cannot answer questions for the applicant.

Stratus^m

stratusunlimited.com 888.503.1569

LOCATION NUMBER:

0181

SITE ADDRESS:

2885 N Sanders Street Helena, MT 59601



Infinite possibilities, ideal solutions.

SIGN CODE

Zoning Classification: b2

Ground Signs:

Max Sq Ft per face: not specified, total allowed area is 150 sq ft Max Sg Ft per sign: Total area of a freestanding sign shall not exceed one hundred fifty (150) square feet Overall height limit: 34 ft Number of ground signs allowed: 1 Can ground sign illuminate? Yes Is the cladding allowed? Yes If pylon is not allowed can we have a monument? Yes Setback restrictions: n/a Clearance restrictions: All signs shall have a minimum vertical clearance of eight feet (8') where there is pedestrian traffic beneath them and all signs shall have a minimum vertical clearance of fourteen feet (14') where they extend over any vehicular driveway or parking area. Visibility restrictions: n/a Vision Triangle: n/a Can sign project over walkways? Yes

Directional Signage:

Illumination Allowed? yes Permit Required? yes Maximum Sg Ft allowed? 6 sg ft Maximum Height? 4ft Logo Allowed? Logo identification shall be limited to not more than twenty five percent (25%) of the sign area.

Permit contact: planning division Permit contact phone: (406) 447-8490 Permit contact email: citycommunitydevelopment@helenamt.gov Is a variance allowed? yes Does application require a special review (Architect / Inspector / Historic)? If so, is there a standard schedule: no How many copies of the design are required? one Can we submit the documents via mail? email Does the filing requirements need to be submitted via local expeditor or installer? no Can an authorized agent provide landlord / owner approval? yes What applications need to be signed by owner? none List items that need to be notarized? none

Is the contractor's license or insurance required? yes

Wall Signs:

Wall signs (Qty): n/a

Sq Ft Calculation: The area of wall signs shall not exceed thirty percent (30%) of the building facade or elevation upon which they are placed. In no case shall the number of signs comprising the sign area, or the sign area itself, exceed individually or in aggregate, the number of signs or area permitted for the underlying zoning in which they are located unless having first obtained approval from the board of adjustment or through other appropriate administrative action. Total Sg Ft allowed: 200 sg ft or 30 ft Can wall signs be illuminated? yes

Window Signage:

Are there window signs restrictions: must be under 25% of the window covered Do we need to permit small signs not on street facing exterior walls? yes

Options for Refacing:

Do refaces require a permit? no

Banners / Temporary Signs:

Are banners allowed? yes Is a permit required? yes How long can they be left up? 30 days Material Restriction: not specified

Is this a Planned Unit Development? no Is this a special district? no Is there any color restriction? No sign shall be constructed which resembles any official marker erected by the city, state or any governmental agency, or which by reason of position, shape or color would conflict with the proper functioning of any traffic sign or sign Is a Certificate of Occupancy Required Prior to Obtaining Permits? yes Are there any planned changes to code? no Are Business Tax Receipt Required with application? no

S	tratus™	US. CHEF'STORE				Original	357893 11/05/21 CR	Rev 7	Req # Date/Artist Description 390194 07/08/22 PV
				SITE NUMBER:			365403 01/14/22 AS 374860 03/28/22 AS	Rev 9	390874 07/12/22 AS
	stratusunlimited.com	ADDRESS:	PAGE NO.:	181	JOE DURAN		376153 04/01/22 AS		
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SITE PLAN

Scale: Not To Scale

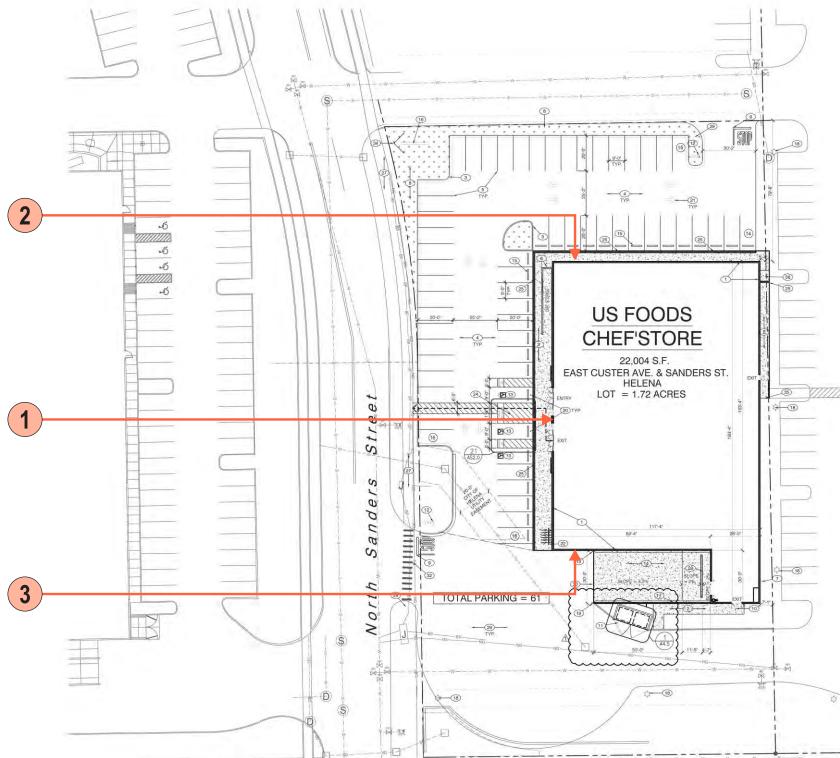


Stratus	US. CHEF'STORE		<u>ORDER NUMBER:</u> 1162486	<u>PROJECT NUMBER:</u> 4345	Original	Req # Date/Artist Description 357893 11/05/21 CR	Rev 7	# Req # Date/Artist Description 390194 07/08/22 PV
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stratusunlimited.com	ADDRESS: PAGE NO.:		181	JOE DURAN		374860 03/28/22 AS Updated map 376153 04/01/22 AS		
8959 Tyler Boulevard Mentor, Ohio 44060		ELECTRONIC FILE NAME:		Rev 5	386363 06/09/22 AS			
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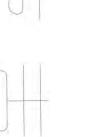


SITE PLAN

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PROPOSED ELEVATIONS



Scale: 1/16"=1'-0"

25'-4" x 193'-3-1/2" = 4896.7 sq ft facade 4896.7 x 0.3 = 1469.0 sq ft allowed

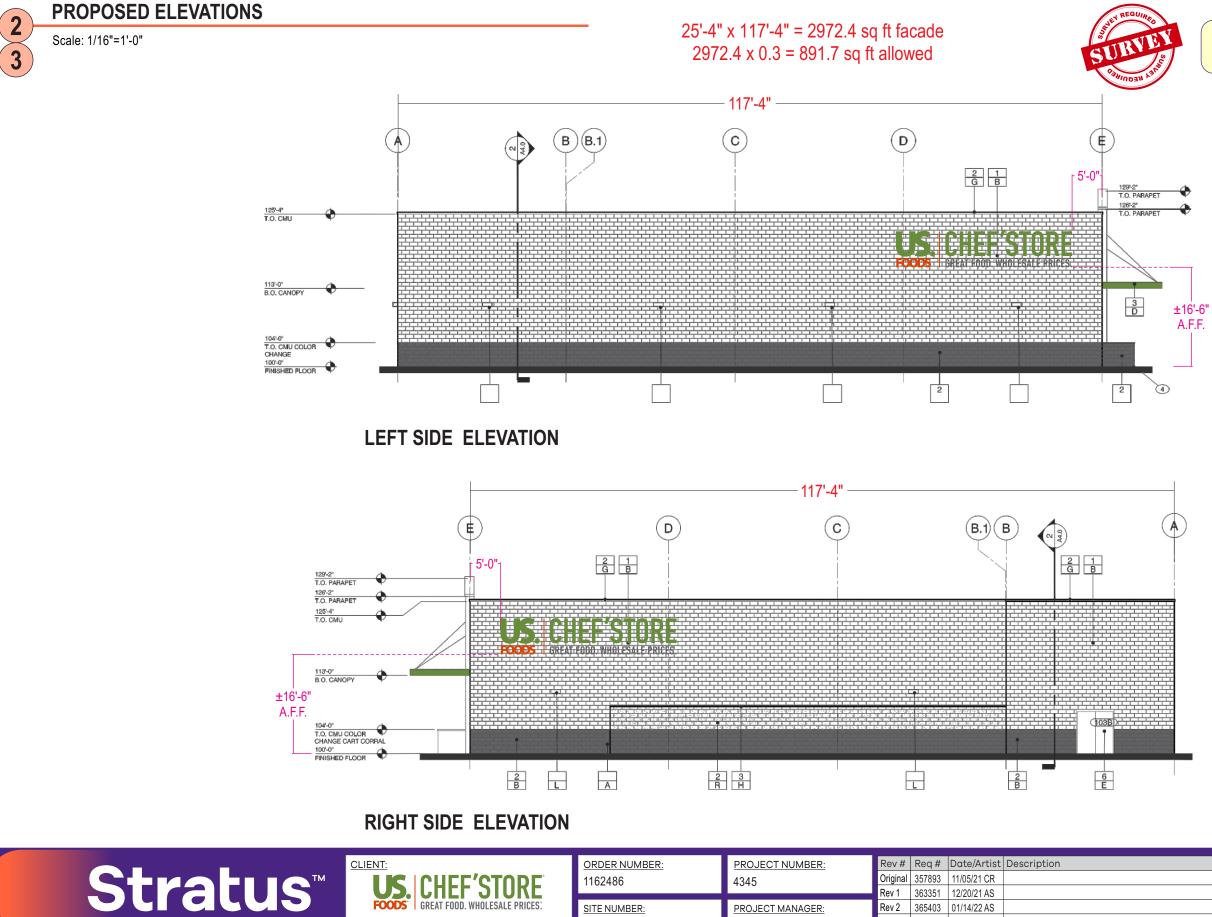




REAR ELEV	ATION								
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stratusunlimited.com			<u>site number:</u> 181	PROJECT MANAGER: JOE DURAN	Rev 2 365403 01/14/22 AS Rev 3 374860 03/28/22 AS Updated elevations Rev 4 376153 04/01/22 AS		-	07/12/22 AS	
8959 Tyler Boulevard Mentor, Ohio 44060 888.503.1569	2885 N SANDERS STREET HELENA, MT 59601	5	ELECTRONIC FILE NAME: K:\ACCOUNTS\U\US Foods\Local 0181_Helena_Permit_R9.cdr	tions\2021\MT\0181_Helena\	Rev 5 386363 06/09/22 AS Rev 6 387305 06/16/22 KW PRINTS ARE THE EXCLUSIVE PROPERTY OF STRATUS. THIS MATERIAL SHALL NOT BE USED, D	UPLICATED	, OR OTHEF	RWISE REPRODU	ICED WITHOUT THE PRIOR WRITTEN CONSENT OF STRATUS.



ALL SIGN SIZES HAVE BEEN CALCULATED OFF **ARCHITECTURAL PRINTS AS SHOWN**



stratusunlimited.com
8959 Tyler Boulevard Mentor, Ohio 44060
888 503 1560

CLIENT:		ORDER NUMBER:	PROJECT NUMBER:	Rev #	Req #	Date/Artist	Description	Rev #	Req #	Date/Artist	Description
US. CHEF'STORE GREAT FOOD. WHOLESALE PRICES:		1162486	4345	Original	357893	11/05/21 CR		Rev 7	390194	07/08/22 PV	
				Rev 1	363351	12/20/21 AS		Rev 8	390553	07/11/22 PV	
		SITE NUMBER:	PROJECT MANAGER:	Rev 2	365403	01/14/22 AS		Rev 9	390874	07/12/22 AS	
		181	JOE DURAN	Rev 3	374860	03/28/22 AS	Updated elevations				
ADDRESS:	ELECTRONIC FILE NAME:		Rev 4	376153	04/01/22 AS						
2885 N SANDERS STREET		K:\ACCOUNTS\U\US Foods\Locations\2021\MT\0181_Helena\		Rev 5	386363	06/09/22 AS					
HELENA, MT 59601				Rev 6	387305	06/16/22 KW					
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ALL SIGN SIZES HAVE BEEN CALCULATED OFF **ARCHITECTURAL PRINTS AS SHOWN**



Stratus to include Nutserts in Channel Letters for threaded rod.

Rev #	Req #	Date/Artist	Description
Rev 7	390194	07/08/22 PV	
Rev 8	390553	07/11/22 PV	
Rev 9	390874	07/12/22 AS	

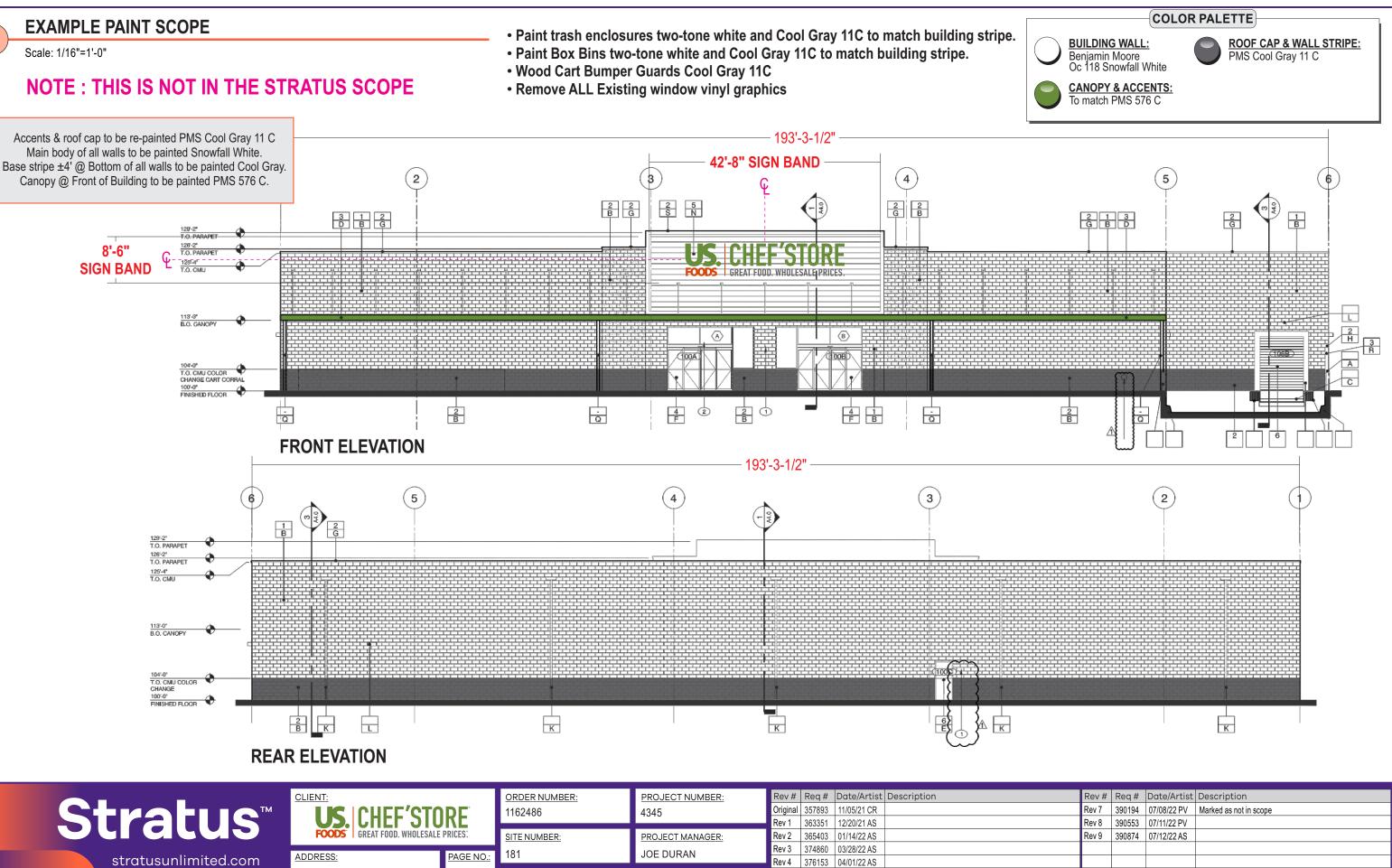
8959 Tyler Boulevard

Mentor, Ohio 44060

888.503.1569

2885 N SANDERS STREET

HELENA, MT 59601



ELECTRONIC FILE NAME:

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Rev 5 386363 06/09/22 AS

Rev 6 387305 06/16/22 KW

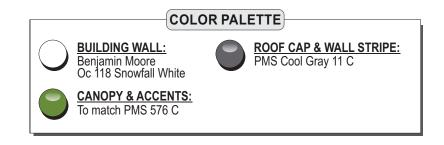
Rev #	Req #	Date/Artist	Description
Rev 7	390194	07/08/22 PV	Marked as not in scope
Rev 8	390553	07/11/22 PV	
Rev 9	390874	07/12/22 AS	

EXAMPLE PAINT SCOPE

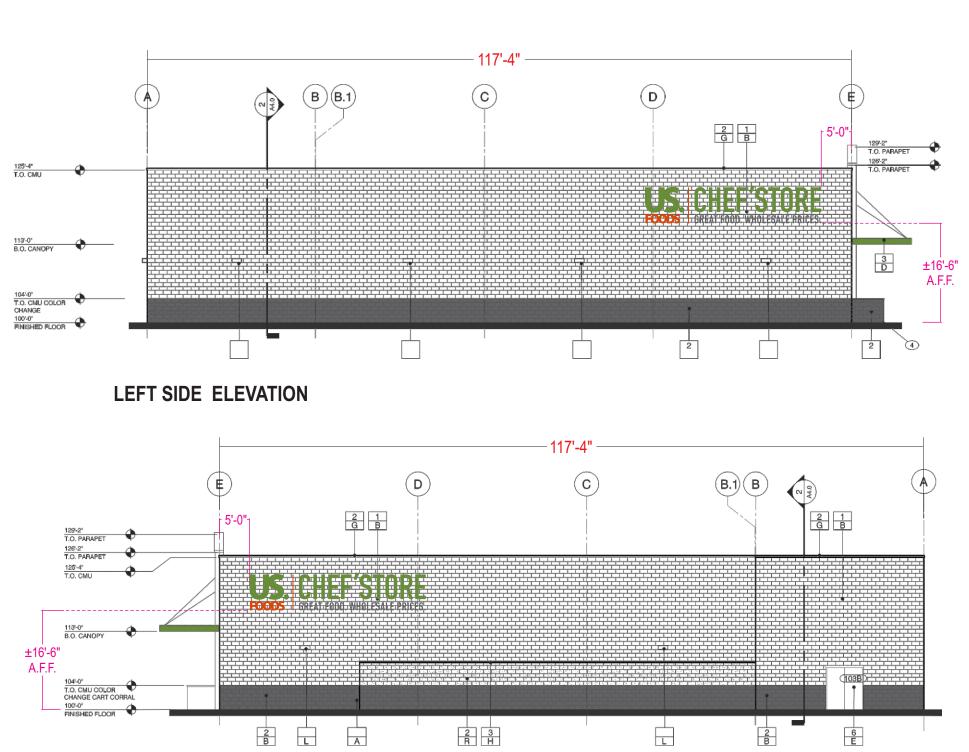
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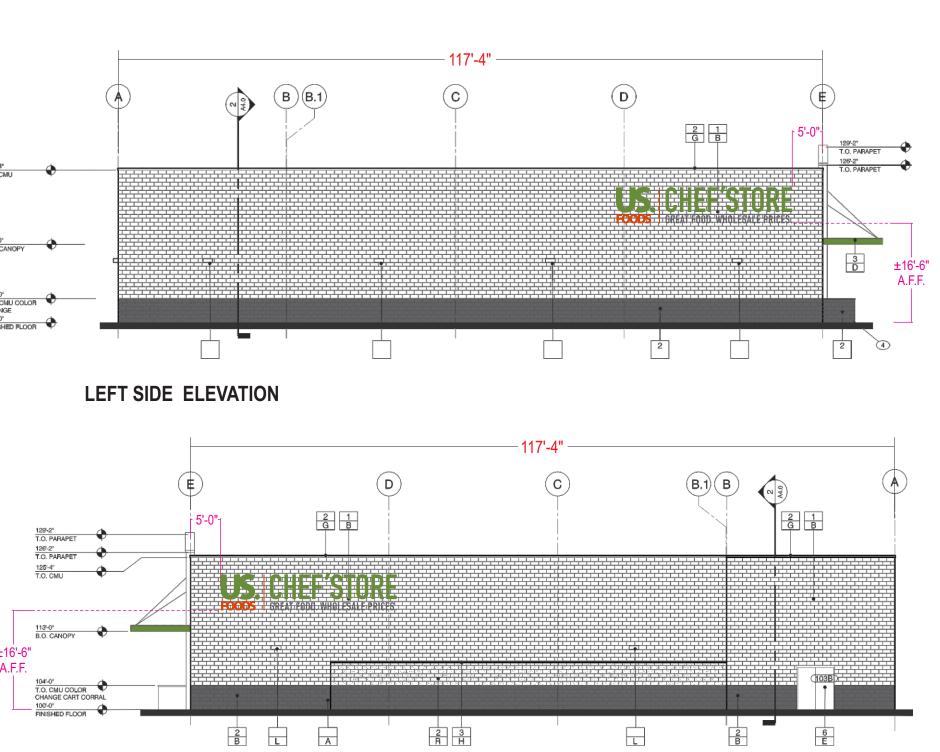
NOTE : THIS IS NOT IN THE STRATUS SCOPE

Accents & roof cap to be re-painted PMS Cool Gray 11 C Main body of all walls to be painted Snowfall White. Base stripe $\pm 4'$ @ Bottom of all walls to be painted Cool Gray. Canopy @ Front of Building to be painted PMS 576 C.



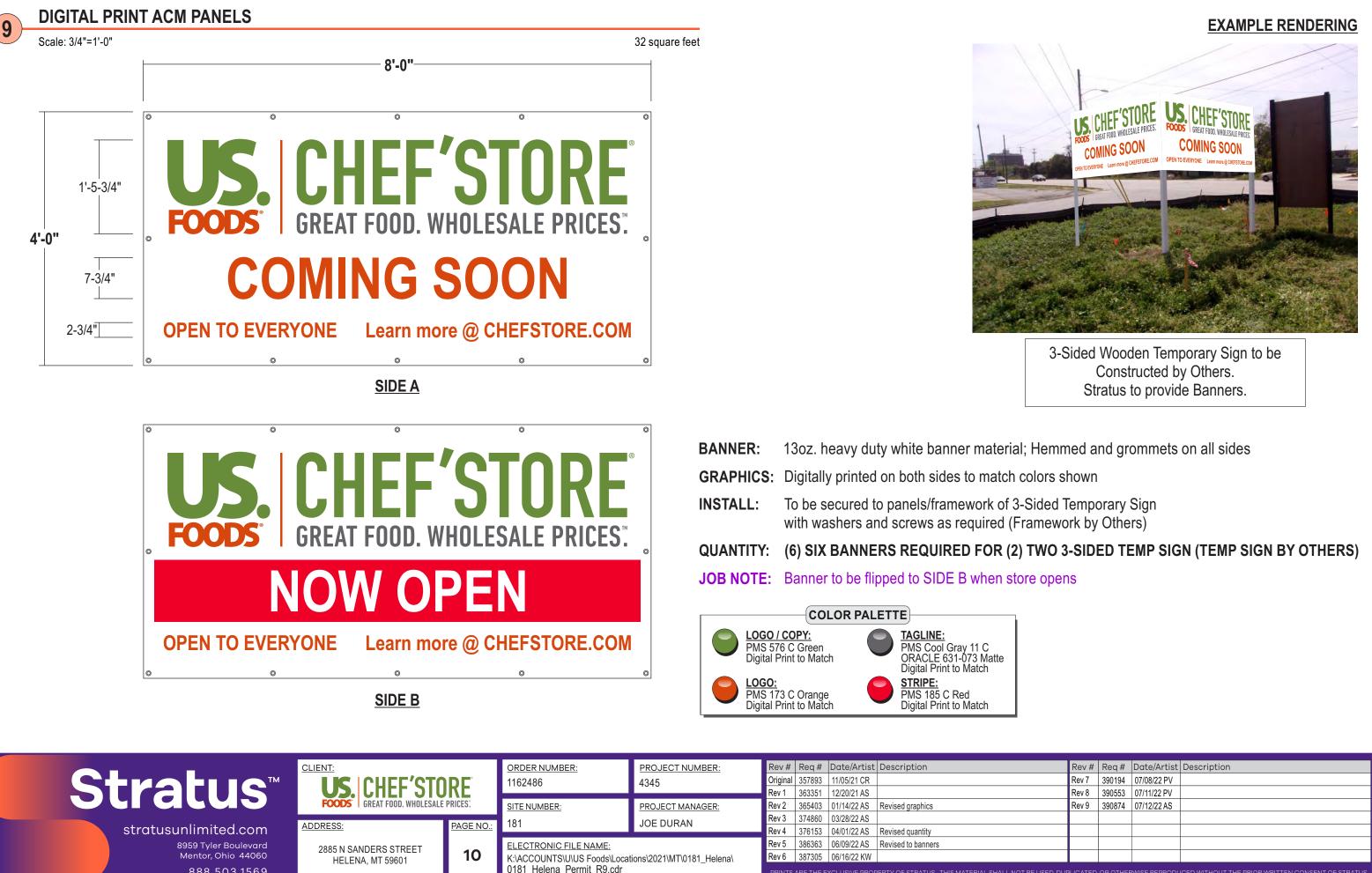
- Paint trash enclosures two-tone white and Cool Gray 11C to match building stripe.
- Paint Box Bins two-tone white and Cool Gray 11C to match building stripe.
- Wood Cart Bumper Guards Cool Gray 11C
- Remove ALL Existing window vinyl graphics





RIGHT SIDE ELEVATION

Stratus	US. UNEF STUKE		<u>ORDER NUMBER:</u> 1162486		Original 357893	Date/Artist Description 11/05/21 CR 12/20/21 AS	Rev 7	390194		Description Marked as not in scope
			SITE NUMBER:			01/14/22 AS	Rev 9	390874	07/12/22 AS	
stratusunlimited.com	2885 N SANDERS STREET	PAGE NO.:	181	JOE DURAN		03/28/22 AS 04/01/22 AS				
8959 Tyler Boulevard Mentor, Ohio 44060		9				06/09/22 AS				
888.503.1569	HELENA, MT 59601 9		K:\ACCOUNTS\U\US Foods\Locations\2021\MT\0181_Helena\ 0181_Helena_Permit_R9.cdr		Rev 6 387305 06/16/22 KW PRINTS ARE THE EXCLUSIVE PROPERTY OF STRATUS. THIS MATERIAL SHALL NOT BE USED, DUPLICATED, OR OTHERWISE REPRODUCED WITHOUT THE PRIOR WRITTEN CONSENT OF STRATUS					



888.503.1569

CITY OF HELENA SIGN P	ERMIT 'LICATION sioned sig and site plans with	ELECT. SIGN	APPLICATION # ZONING DIST
any active variance approva	l information that applies. Prov	RECEIVED	VALUATION: 5
pages as needed to clearly de		DEC 1 1(s2007e 5)	PERMIT FEE:
1. ADDRESS/LOCATION	OF SIGN:	BUILDING DIVISION	
2. BUSINESS NAME: OF	Fire Dopot	PHONI	7 #
3. OWNER NAME: <u>Agra</u> ADDRESS: (IF OTHER	THAN LINE 1)	PHON	E# <u>708-908-56</u> 30
4. SIGN CONTRACTOR/II ADDRESS: APPLIED FOR	NSTALLER: QRS SI	CITY LICENSE	E# <u>4580303</u>
	RATE ELECTRICAL PERMIT	required on an electr Phon	NE#
ADDRESS:		MT. LICENSEI	
6. NEW/ADDITIONAL SIG	NAGE (WIDTH BY HEIG	HT EQUALS AREA: POLE H	EIGHT)
ANY VARIANCES ACTI		NY REQUIRED OR PENDING	
	<u>54"</u> x <u>41</u>	= 184.6 : HEIGHT 28	5 6"
WALL	<u>48"</u> X366"	= <u>14(0</u> : HEIGHT <u>22</u>	
XWALL	49" ×36"6"	= <u>140</u> : HEIGHT <u>22</u>	<u>c' 10 "</u>
ROOF	X=	; HEIGHT	-
PROJECTING	X=	: HEIGHT	-
FREE STANDING O	RX=	; HEIGHT	(clearance)
MARQUEE SIGN UNDER MARQUEE	X=	=; HEIGHT; HEIGHT/ <u>(clearance)</u>	
AWNING SIGN	X =	; HEIGHT/(clearance)	
		V -	UEICUT
Conditions modifying	; any of the above sign types/des	scription:	
CHANGEABLE	E COPY SIGN (MANUAL C	DRELECTRONIC)	
ROTATING SIG	IN OR OTHERWISE ANIMATE	ED	
OTHER			
7. EXISTING TO REMAIN:			
WALL	X =	=	
WALL	X=	HEIGHT	
WALL	X=	HEIGHT	
ROOF	X=	: HEIGHT	
PROJECTING	X=	; HEIGHT	
FREE STANDING OF	$\frac{4' \times 10'}{10} = 40$; HEIGHT	(clearance)

12	
	MARQUEE SIGNX; HEIGH.
	UNDER MARQUEE X = : HEIGHT/(clearance)
	AWNING SIGNX =; HEIGHT/(clearance) OTHER(PROVIDE DETAILED DESCRIPTION)X =; HEIGHT
	Conditions modifying any of the above sign types/description:
	ROTATING SIGN OR OTHERWISE ANIMATED
	OTHER
	8. SIGNAGE TO BE REMOVED (DESCRIPTION, SIZE AND LOCATION):
	remove any sign prior to the permit being issued or erected in violation of this Ordinance or in any way varying from the sign as approved. I, the undersigned hereby apply for a permit to erect the sign(s) described herein, and agree to conform with all provisions of the sign code. I hereby attest that the information provided above is true and accurate. I understand that any misrepresentation of such information may result in the invalidation of this permit. I have read the above instructions and fully understand my obligations under this permit. APPLICANT'S NUME:
Vot	APPROVED THIS 17 DAY OF December 2007 H. 36 Ale Zoning approved
	BY:
	Primary sign is to small to Allow for the installation of Secondary Signage that exceeds the proposed Primary Sign.
	a revised proposal reflecting Compliance with the BOA and and Decision will be required.
	24×161= 3984 0- 398,4sto- 10% or 161 × 2= 322 st
	24×161= 3484 of Store the Secondary Signs Could be 50% of Primary Sign Using either figure the Secondary Signs Could be 50% of Primary Sign 161 sf or 199 sf if 322 of 398 st

ORDER AND DECISION OF THE BOARD OF ADJUSTMENT <u>CITY OF HELENA, MONTANA</u>

WHEREAS, <u>Hawkins Companies</u> heretofore petitioned the Board of Adjustment for a variance of zoning requirements relating to the following real property located within the City of Helena, Montana:

GENERALLY DESCRIBED AS FOLLOWS:

Custer Landing Marketplace

SAID VARIANCE (S) BEING OF THE FOLLOWING NATURE: from Section 11-23-11-B of the Helena Zoning Ordinance to allow a single free-standing sign for joint tenant use to exceed the allowed sign area in a Planned Unit Shopping Center located in a B-2 (General Commercial) District. Legally described as TR 9A of COS # 606660/B, Helena, Montana. Generally located south of East Custer Avenue, east of North Montana and west of I-15.

WHEREAS, the Board of Adjustment gave notice and held a Public Hearing on said Petition as required by the applicable statutes and ordinances, and took testimony under oath from Petitioner and other interested parties, and said Board of Adjustment is now fully informed in the premises,

THE BOARD OF ADJUSTMENT FINDINGS ARE AS FOLLOWS: to grant a variance from Section 11-23-11-B of the Helena Zoning Ordinance to allow a single freestanding sign for joint tenant use to exceed the allowance of 150 square feet in this area by an additional 33 square feet and not to exceed 188 square feet. To allow the free standing sign to be located at the corner of E. Custer Avenue and the proposed extension of Sanders Street on the property legally described as TR 9A of COS # 606660/B, Helena, Montana. Generally located south of E. Custer Avenue, east of North Montana and west of I-15 with property addresses to be assigned. Subject to a condition that a sign permit be obtained within one year and compliance of all conditions of approval for the conditional use permit and that the conditions be met within one year of filing the final plat for the Custer Landing Subdivision.

IT IS HEREBY DETERMINED AND ORDERED that the variance petitioned for by the petitioner is **GRANTED**.

DONE AND DATED BY ORDER OF SAID BOARD OF ADJUSTMENT THIS <u>2nd</u> DAY OF <u>October</u>, 2007.

Jeff Martin, Acting Chairman Board of Adjustment

State of Montana County of Lewis & Clark

On this <u>GH</u> day of <u>November</u>, two thousand and seven, before me

ORDER AND DECISION OF THE BOARD OF ADJUSTMENT CITY OF HELENA, MONTANA

WHEREAS, <u>Hawkins Companies</u> heretofore petitioned the Board of Adjustment for a variance of zoning requirements relating to the following real property located within the City of Helena, Montana:

GENERALLY DESCRIBED AS FOLLOWS:

Custer Landing Marketplace

SAID VARIANCE (S) BEING OF THE FOLLOWING NATURE: from Section 11-23-11 (B.4) to allow additional wall signage on each façade of a building and an increase in the percentage of wall signage area for the building façade with the exterior entrance, for commercial buildings in a Planned Unit Shopping Center located in a B-2 (General Commercial) District. Legally described as TR 9A of COS # 606660/B, Helena, Montana. Generally located south of East Custer Avenue, east of North Montana and west of I-15.

WHEREAS, the Board of Adjustment gave notice and held a Public Hearing on said Petition as required by the applicable statutes and ordinances, and took testimony under oath from Petitioner and other interested parties, and said Board of Adjustment is now fully informed in the premises,

THE BOARD OF ADJUSTMENT FINDINGS ARE AS FOLLOWS: to allow a variance from Section 11-23-11-(B.4) for wall signs on building facades not to exceed two square feet of sign area for each linear foot of width or 10% of the front façade area, whichever is greater and to allow wall signs on the remaining facades not to exceed 50% of the front façade sign for commercial buildings in a Planned Unit Shopping Center located in a B-2 (General Commercial) District. Legally described as TR 9A of COS # 606660/B, Helena, Montana. Generally located south of East Custer Avenue, east of North Montana and west of I-15. Compliance with all conditions of the Conditional Use Permit and subdivision must be achieved within one year of filing the final subdivision plat.

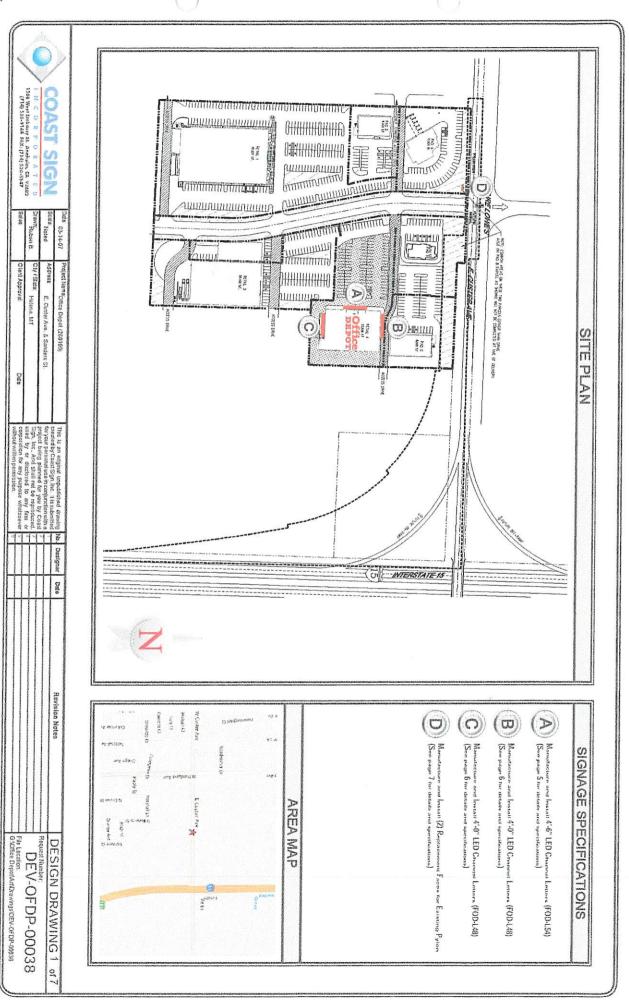
IT IS HEREBY DETERMINED AND ORDERED that the variance petitioned for by the petitioner is **<u>GRANTED</u>**.

DONE AND DATED BY ORDER OF SAID BOARD OF ADJUSTMENT THIS 2nd DAY OF October, 2007.

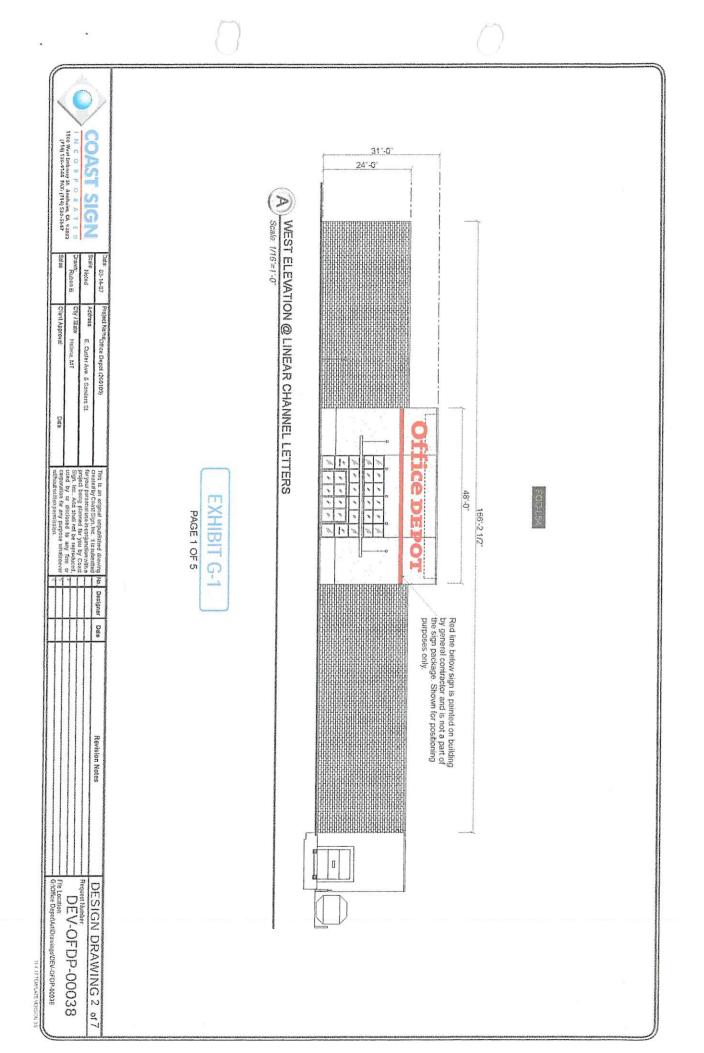
Jeff Martin, Acting Chairman Board of Adjustment

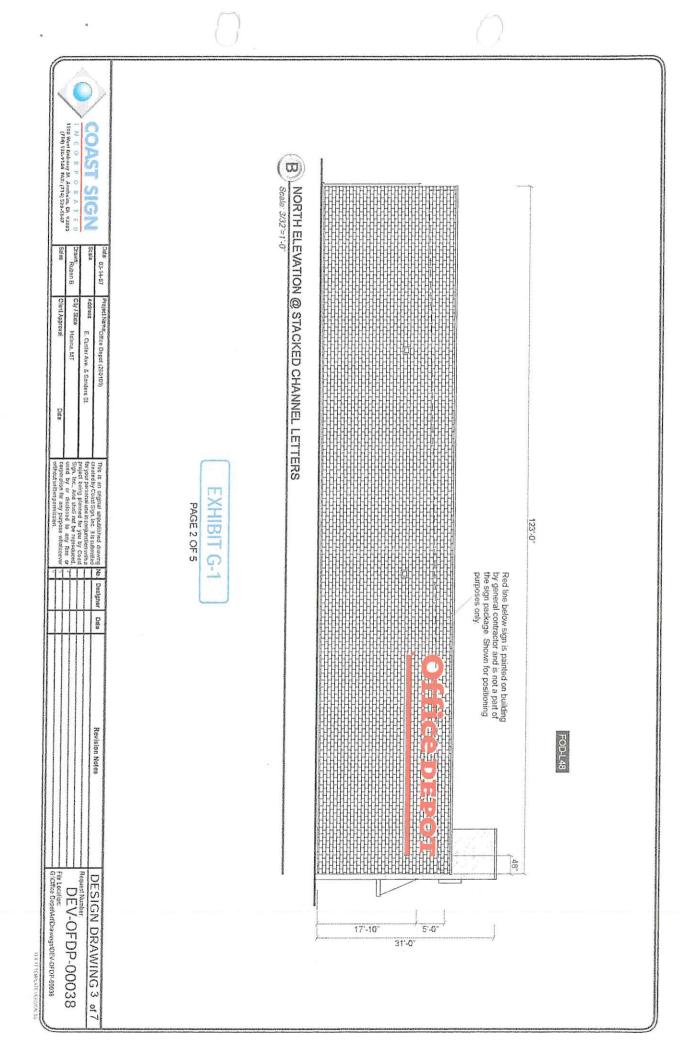
State of Montana County of Lewis & Clark

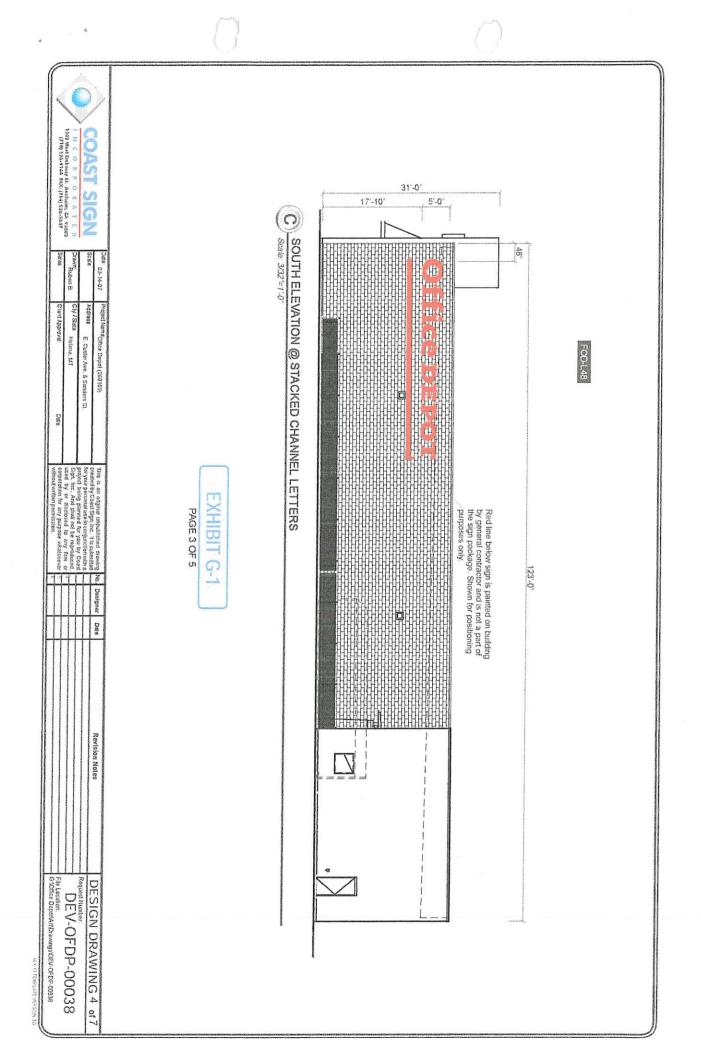
On this <u>L. H.</u> day of <u>November</u>, two thousand and seven, before me



TER TERRITATE VERS







0 I N C O R P O R A T E D 1500 West Embassy St. Amshalm, CA 92802 (714) 526-9144 #AX1 (714) 529-5847 04 OAST SIGN Þ ffice DEPO 3'-0 1/1" U 0 41'-0 1/2" (1) 120V, 20A CIRCUIT REQUIRED ELECTRICAL REQUIREMENTS: Drown: Ruben B. Scale Date: 03-14-07 0 Sala **EXHIBIT G-1** FOD-L54 PAGE 4 OF 5 20'-0 1/2" City / State: Halana, MT Project Name Office Depot (250103) D 0 Clent Approvel Address: E. Custer Ave. & Sanders St. 19'-9" In OVERALL SQ. FT. 4'-6" x 41'-0 ½" =184.6 0 Offe for your personal use in conjunction with a project being planned for you by Coast Sign. Inc., And shall not be reproduced of used by or disclosed to any fram control of any purpose whatsoever This is an original unpublished drawing treated by Coast Sign, Inc. It is submitted 11113 Designer ACEVILIC #1338 WHITE PARAFILEX 945 ffice DEPOT ACTIVITY ACCENT OF ACTIVITY ACCENT OF ACCENT OF ACCENT ACCENTA ACCE Sel Obs SECTION 0 0 00 0 ۲ 0 0 0 6 DRo NAL **Revision Notes** ELECTRICAL: 120 VOLT 22 AMP CIRCUIT(S) BROUGHT TO SIGN AREA BY OWNER: FINAL CONNECTION BY SIGN INSTALLER. 10 WHIP LENGTHS REQUIRED LETTER BODY: .083 AL UMINUM BACKS 8. 063 AL UMINUM RETURNS; AUMINUM INTERNAL BRACING 8. COMPONENTS; SEAL ALL JOINTS WITH SLUCONE CAULKING NOTE: ALL ELECTRICAL PENETRATIONS TO BE IN ONE HORIZONTAL LINE ILLUMINATION: REDRED GELCORE TETRA XLLED SYSTEM (5 PER FT.), ALL HARDWARE TO BE UL APPROVED FACE 177 PIGMENTED CYRO 21 SG RED CHEMICALLY BONDED TO 1" JEWELITE TRIM TYP. CHANNEL LETTER SPECIFICATIONS GENERAL SPECIFICATIONS 063 ALUMINUM BACK 177 PIGMENTED CYRO FACE 211 SG RED BLOCKINGAS REQUIRED RED.RED GELCORE TETRA XL LED SYSTEM (5 LED'S P/FT) JUNCTION BOX BY ELECTRICIAN REMOTE POWER SUPPLY(NOT SHOWN) ELECTRICAL PRIMARYTHRU % SEALTITE % WEEP HOLES FOR DRANAGE - MN, 2 PER LETTER 36 RIVNUT AND BOLT WITH WASHERS 5" .063 ALUMINUM RETURN PRE-COAT RED/WHITE 1" RED JEWELITE TRIM File Location: G:NOffice DepotMntDrawings/DEV-OFDP-00036 DESIGN DRAWING 5 of 7 DEV-OFDP-00038 U/L LABELS REQUIRED Constant & match using Cine U ... Used Created ands & Privational Visional Earth and Style Logic

4

0 1 N C O R P O R A T E D 1500 West Embassy St. Anehaim, CA 92802 (714) 520-9144 FAX; (714) 520-5647 OAST SIGN 40 ⋗ ffice DEPO 2'-8 1/1" UU 0 (1) 120V, 20A CIRCUIT REQUIRED ELECTRICAL REQUIREMENTS: 36'-6" Drewn: Ruben B. 53 6 8003 Dats 03-14-07 0 EXHIBIT G-1 FOD-L48 PAGE 5 OF 5 17'-10" Project NameOffice Depot (260109) 1 Civilate Halena, MT U ٢ Address: Olent Approval E. Custer Ave. & Sanders St 17-8 % OVERALL SQ. FT. 0 Date 4'-0" x 36'-6" =146 The is an edgowal unposibilited drawing created by Coasing inc. It is automated for your personal area to conjunction with a project using humened for your yCoasing sign. Inc., And shall not be reproduced, used by cer disclosed to any form of cooperation for any purpose whatloover in without availant and shalloover in the shalloo }--@--} 31116 Designer ffice depot ACEPTLIC #7018 WHITE PARAMLEX 955 ACRYLIC CYRC 211 59 RED 1 3N VENYL #3592-63 SECTION 0 00 6 0 Q Q 6 0 0 Date **Revision Notes** ILLUMINATION: REDRED GELCORE TETRA XL LED SYSTEM (5 PER FT.); ALL HARDWARE TO BE UL APPROVED FACE 177 PIGMENTED CYRO 21 SG RED; CHEMICALLY BONDED TO 1" JEWELITE TRIM LETTER BODY 063 ALUMINUM BACKS 8, 063 ALUMINUM RETURNS, ALUMINUM RITERINAL BRACING & COMPONENTS, SEAL ALL JOINTS WITH SLLCONE CAULKING NOTE: ALL ELECTRICAL PENETRATIONS TO BE IN ONE HORIZONTAL LINE ELECTRICA. 120 VOLT 22 AMP CIRCUIT(S) BROUGHT TO SIGN AREA BY OWNER. FINAL CONNECTION BY SIGN INSTALLER. 10' VHIP LENGTHS REQUIRED TYP. CHANNEL LETTER SPECIFICATIONS GENERAL SPECIFICATIONS 1' RED JEWELITE TRIM 1053ALUMNUM BACK 177 FIGMENTED OVRO FACE 211 SG RED BLOCKING AS REQUIRED RED-RED GELCORE TETRA XL LED SYSTEM (5 LED'S P/FT) JUNCTION BOX BY ELECTRICIAN REMOTE POWER SUPPLY(NOT SHOWN) ELECTRICAL PRIMARY THRU % SEALTITE % WEEP HOLES FOR DRAINAGE - MIN. 2 PER LETTER % RIVNUT AND BOLT WITH VASHERS 5" .063 ALUMINUM RETURN PRE-COAT REDAWHITE File Location: G Writice DepatMrtWrawings/DEV-OFDP-00036 DESIGN DRAWING 6 of 7 DEV-OFDP-00038 U/L LABELS REQUIRED CONFLICTS FRAME AND CONFLICE AND CONFLICTS

1.12



floy Ce

PERMITAPPLICATION COMMUNITY DEVELOPMENT / BUILDING DIVISION 316 N. PARK, ROOM 435, HELENA, MT 59623, (406) 447-8437 or (406) 447-8438

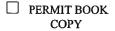
City of Helena

Application Number Property Address . Geo-Code Old Water Account . Tenant nbr, name . Application type des Property Zoning . Application valuatio		16-00000723 3035 N SAND 1888-20-2-0 PLAN COMM, ALTER B2-GENERAL 1127665	ERS ST 4-26-0000	ate 8/22/16 FIT-OUT
 Application desc PLANET FITNESS TENA	NT FIT-OUT			
 Owner PLANET FITNESS PF MANAGEMENT GROUP 141 WEST CAMPBELL RD (518) 377-0006 Structure Informatic	5C - 3	LANGI 2270 BILL (406	656-0629	MT 59102
 Permit	SIGN 4 NEW WALL	SIGNS	an Check Fee . luation	: 29240
 Fee summary C Permit Fee Total Plan Check Total Grand Total	harged 397.00 397.00 397.00	Paid 397.00 00 397.00	Credited .00 .00 .00	Due .00 .00 .00
	12-	n mm		*

City of Helena



APPLICANT COPY INSPECTOR COPY



CITY OF HELENA SIGN PERMIT APPLICATION ELECT. SIGN APPLICATION # 16-723 SUBMIT: 2 copies of dimensioned sign -d site plans with IF ZONING DIST B - 2	
any active variance approval information that applies. Provide additional VALUATION: 29, 2.40	<u> </u>
pages as needed to clearly detail new and existing signs. (see line 5) PERMIT FEE: \$397.00	
1. ADDRESS/LOCATION OF SIGN: 3035 N SANDERS, HELENA, MT	
2. BUSINESS NAME: DLAIVOT FITNESS PHONE # 576-376-5125	
3. OWNER NAME: DAVID (EOM PHONE #	
4. SIGN CONTRACTOR/INSTALLER: YESCO PHONE # 443-4172 ADDRESS: 2994 BOZOMAN AVE CITY LICENSE PY PN D APPLIED FOR	
5. ELECTRICIAN: (SEPARATE ELECTRICAL PERMIT REQUIRED ON AN ELECTRICAL SIGN) NAME: PHONE#	
NAME: PHONE# ADDRESS: MT. LICENSED Y N UNKNOWN	
6. NEW/ADDITIONAL SIGNAGE (WIDTH BY HEIGHT EQUALS AREA: POLE HEIGHT)	
ANY VARIANCES ACTIVE? YESNO ANY REQUIRED OR PENDING? YESNO	
\checkmark WALL $\cancel{0'}$ $\times \frac{30'}{\cancel{4'}} \frac{30'}{\cancel{1'}}$: HEIGHT $2.7'$ \checkmark WALL $2'-5''$ $\times 25' -6'' - 92 $ HEIGHT $2.2'$ \checkmark WALL $2'-5'' \times 25' -6'' - 92 $ HEIGHT $2.2'$ \checkmark WALL $2'-5'' \times 25' -6'' - 92 $ HEIGHT $2.2'$ \checkmark WALL $2'-5'' \times 25' -6'' - 92 $ HEIGHT $2.2'$ \checkmark WALL $2'-5'' \times 26' - 7$	
PROJECTING X = HEIGHT	
FREE STANDING ORX =; HEIGHT/(clearance) MONUMENT	
MARQUEE SIGN X = ; HEIGHT UNDER MARQUEE X = ; HEIGHT/(clearance)	
AWNING SIGN X = HEIGHT/(clearance)	
OTHER(PROVIDE DETAILED DESCRIPTION)X; HEIGHT	
Conditions modifying any of the above sign types/description:	
CHANGEABLE COPY SIGN (MANUAL ORELECTRONIC)	
ROTATING SIGN OR OTHERWISE ANIMATED OTHER	
7. EXISTING TO REMAIN:	
WALL X =: HEIGHT WALL X =: HEIGHT WALL X =: HEIGHT	
ROOFX; HEIGHT	
PROJECTINGX _=: HEIGHT	
FREE STANDING ORX =; HEIGHT/(clearance) MONUMENT	

45

1110

AND DECISION OF THE BOARD OF ADJUSTMENT **CITY OF HELENA, MONTANA** ORDER

WHEREAS,

betitioned the Board of Adjustment for a variance of zoning requirements relating to the following real property located within the City of Helena, Montana: heretofore Sportsman's Warehouse

GENERALLY DESCRIBED AS FOLLOWS:

1122

2990 North Sanders Street, Custer Landing Shopping Center

feet of the total aggregate area of the building façade. The property is legally described as Tract 9-A of COS #606660/B, Helena, Montana; generally located south of East Custer Avenue, east of North Montana Avenue, west of the proposed extension of North Sanders 11-23-10(D) of the Helena Zoning Ordinance to allow wall signs to exceed (200) square from Section SAID VARIANCE (S) BEING OF THE FOLLOWING NATURE: Street, with a property address of 2990 North Sanders Street.

Petition as required by the applicable statutes and ordinances, and took testimony under oath from Petitioner and other interested parties, and said Board of Adjustment is now WHEREAS, the Board of Adjustment gave notice and held a Public Hearing on said fully informed in the premises,

THE BOARD OF ADJUSTMENT FINDINGS ARE AS FOLLOWS: to grant a variance from Section 11-23-10(D) of the Helena Zoning Ordinance to allow wall signage to exceed (200) square feet of total aggregate area for the building façade on the principle building located on property in the B-2 (General Commercial District) known as Sportsman's Warehouse. The variance would allow 197.4 square feet on the front façade and 158.9 square feet on each of the remaining 3 facades for a total excess of signage allowed of 475 square feet. This is conditioned upon the applicant obtaining a sign permit within one year. IT IS HEREBY DETERMINED AND ORDERED that the variance petitioned for by the petitioner is **GRANTED**

DONE AND DATED BY ORDER OF SAID BOARD OF ADJUSTMENT THIS , 2007. DAY OF September 4TH

Chairman of the Board of Adjustment war

State of Montana County of Lewis & Clark

On this 10^{-1} day of 10^{-1} two thousand and seven, before me Bernadette M. Lahr a Notary Public for the State of Montana, personally appeared Jason Davis known to me to be the Chairman of the Board of Adjustment of the City of Helena, Montana. On this 10⁴1-

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal, the $\overline{(2^{4})^{-}}$ day of $\overline{(2^{4})^{-}}$ day of $\overline{(2^{4})^{-}}$, 2007 in this certificate first above written. 2007 in this certificate first above written.

Notary Public for State of Montana 0 -Sund

Residing at Helena, Montana. My commission expires September 25, 2009.



page # of codes. This includes proper grounding and bonding of the sig





199.2sf

"9"

scale: 1/8"=1'-0"

"WinCo Foods"

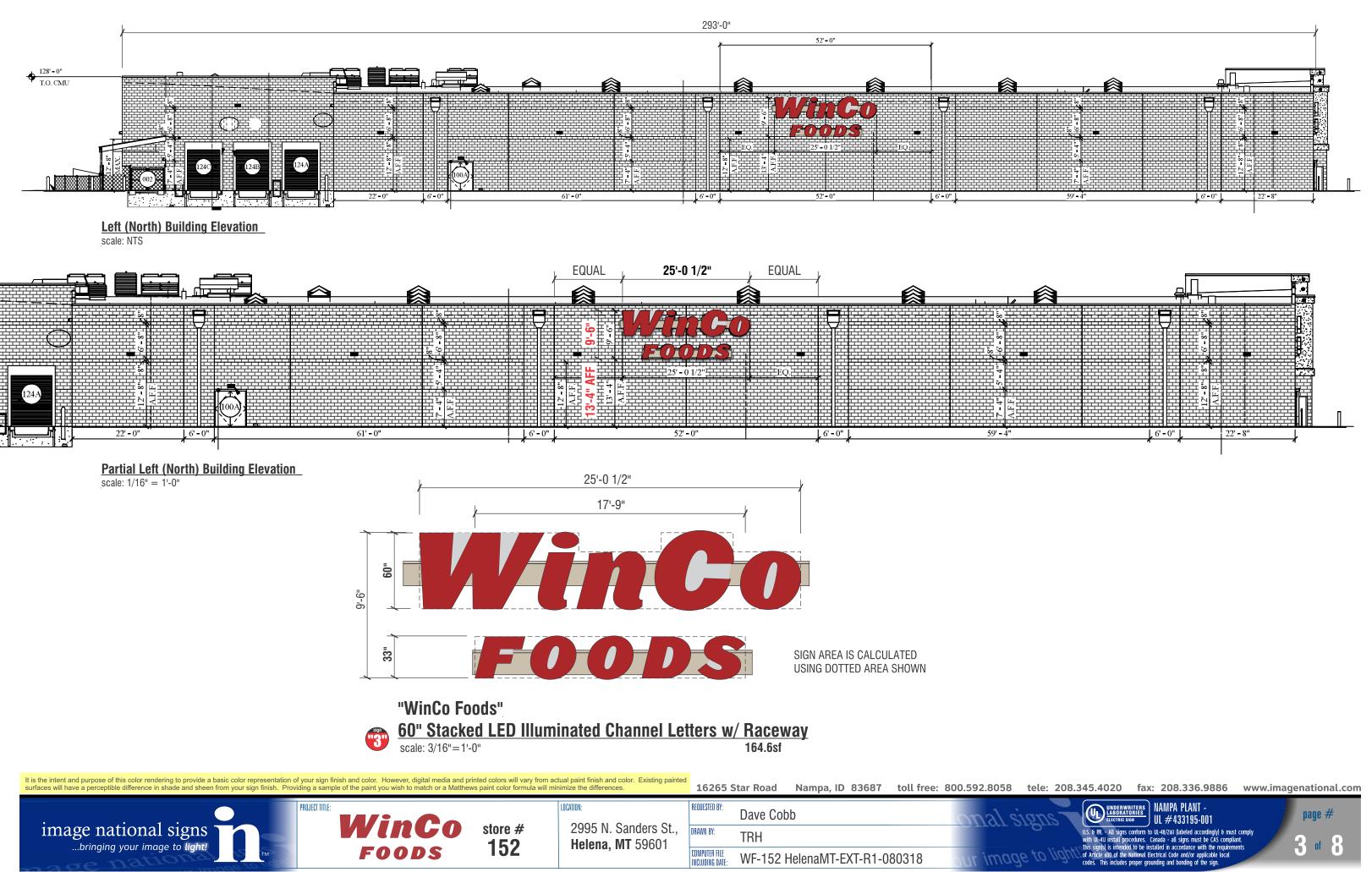
scale: 1/8"=1'-0"

LED ILLUMINATED CHANNEL LETTERS - STACKED LAYOUT

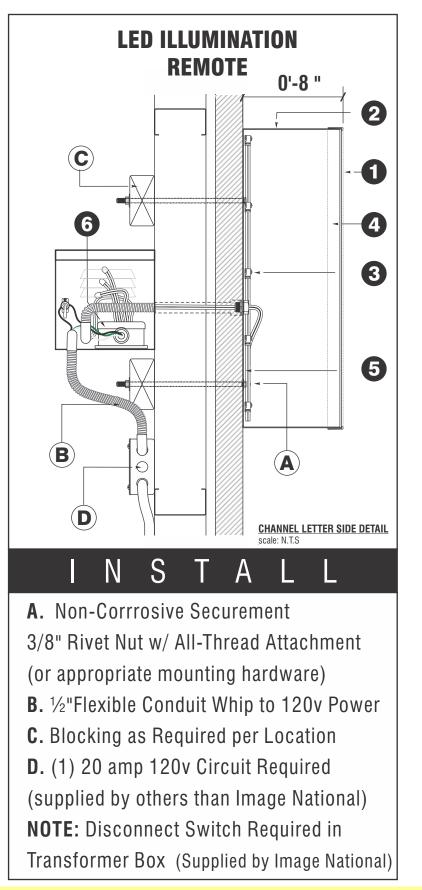
sign

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"An Employee Owned Company" LED ILLUMINATED **CHANNEL LETTERS - STACKED LAYOUT/RACEWAY** 100.1sf



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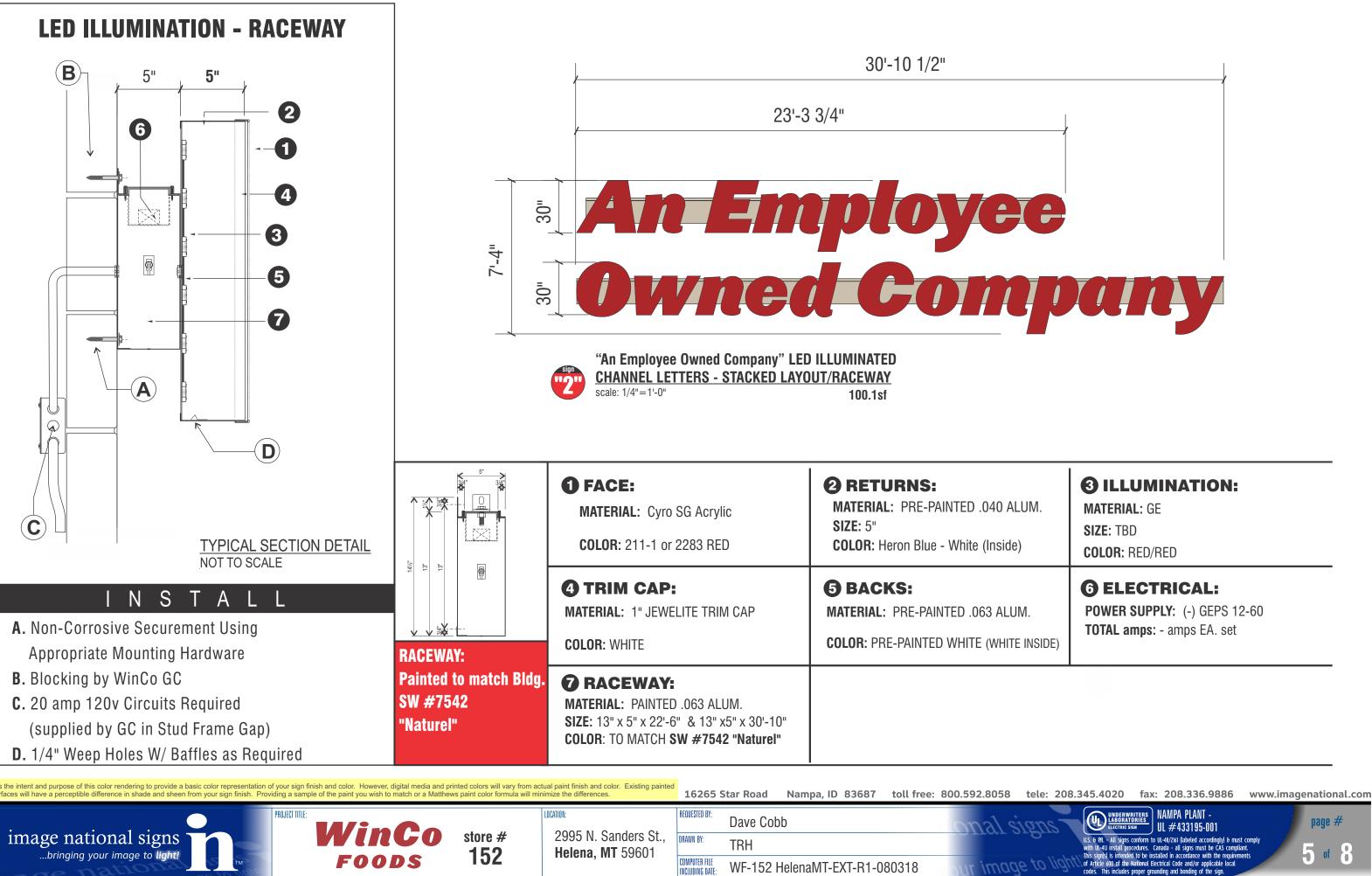
However, digital media and printed colors will vary from actual paint finish and color. Existing painted wish to match or a Matthews paint color formula will min toll free: 800.592.8058 tele: 208.345.4020 16265 Star Road Nampa, ID 83687 our sign finish. Providing a sample of the paint **REQUESTED BY** Dave Cobb image national signs 2995 N. Sanders St., store # DRAWN BY: TRH 152 Helena. MT 59601 ..bringing your image to light! COMPUTER FIL WF-152 HelenaMT-EXT-R1-080318 INCLUDING DATE:

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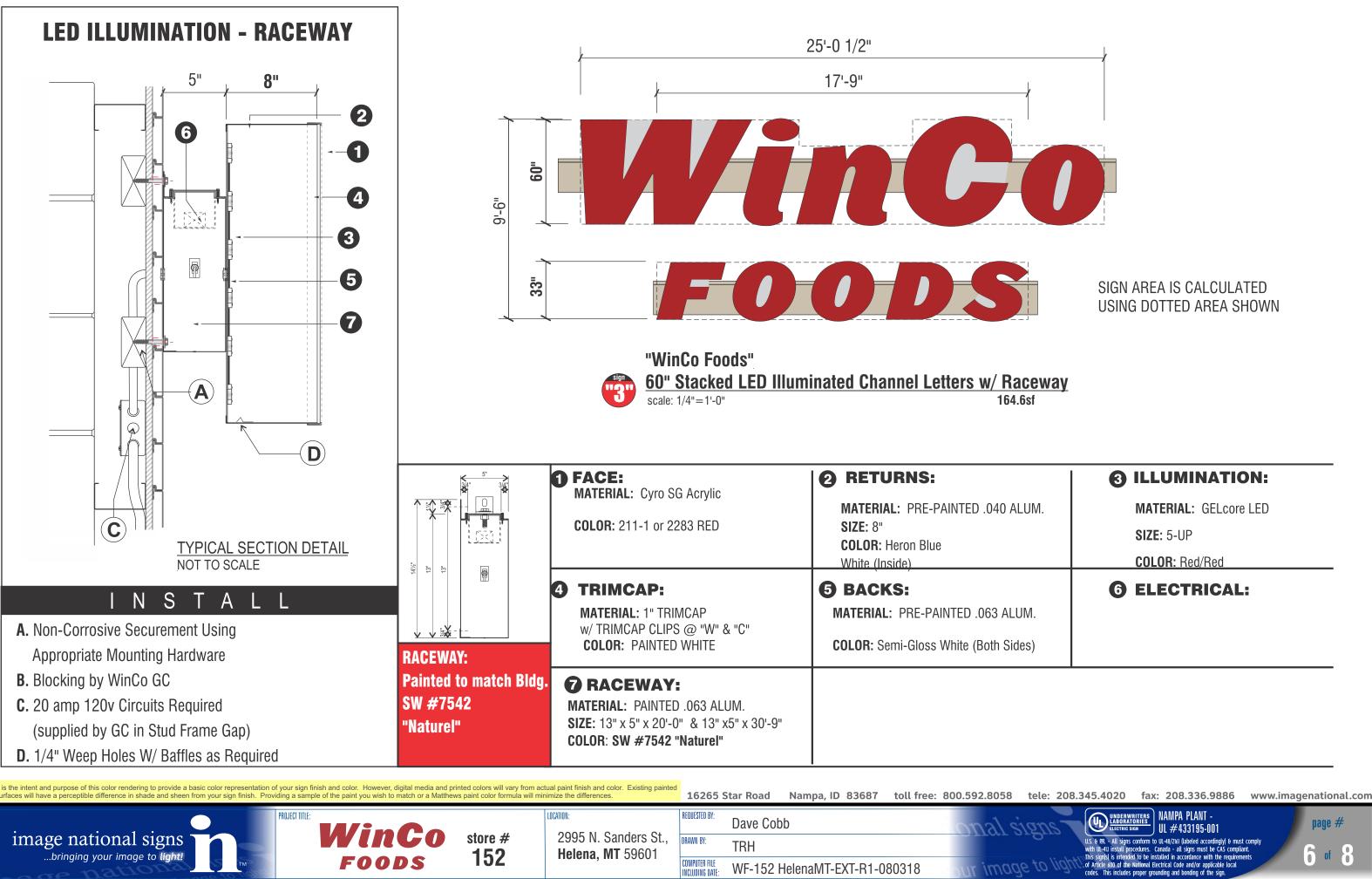
SIGN AREA IS CALCULATED USING DOTTED AREA SHOWI

MATERIAL: GELcore LED



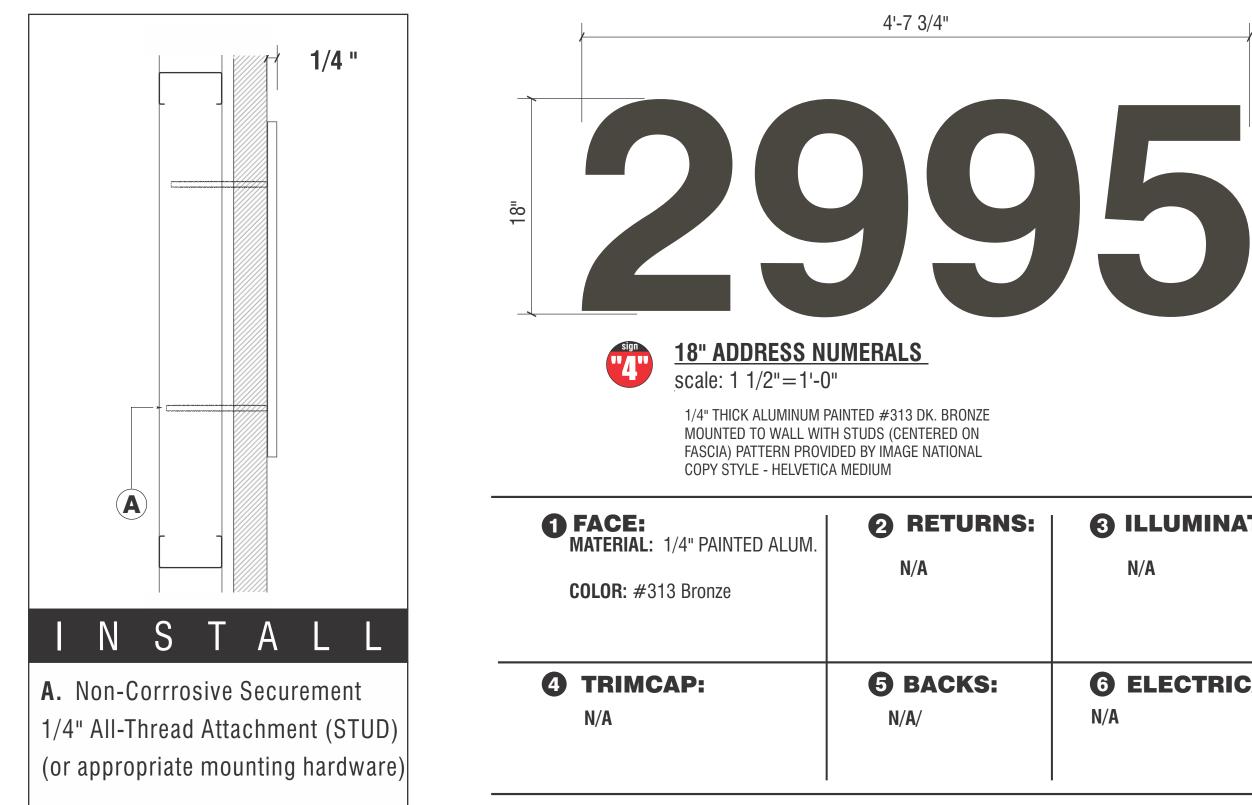


	③ ILLUMINATION:
ALUM.	MATERIAL: GE
	SIZE: TBD
le)	COLOR: RED/RED
	6 ELECTRICAL:
UM.	POWER SUPPLY: (-) GEPS 12-60
te inside)	TOTAL amps: - amps EA. set



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	③ ILLUMINATION:
ALUM.	MATERIAL: GELcore LED
	SIZE: 5-UP
	COLOR: Red/Red
	6 ELECTRICAL:
UM.	
des)	

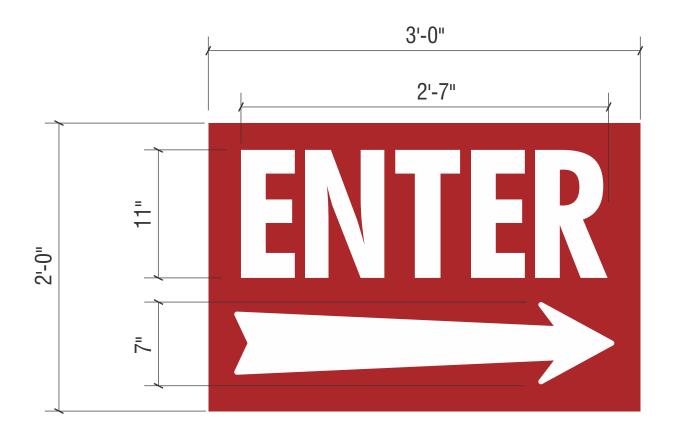


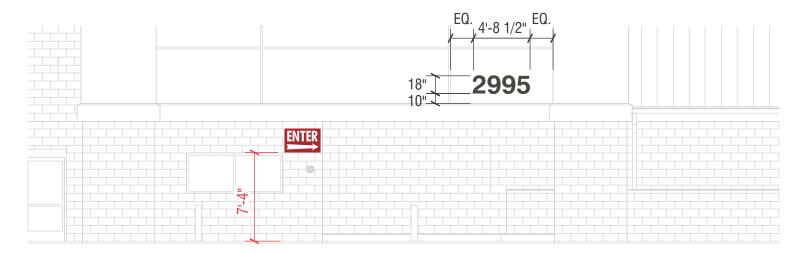


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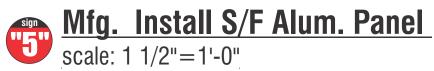
3 ILLUMINATION:

6 ELECTRICAL:





Partial Front Building Elevation scale: 1/8"=1'-0"



Mfg. (1) New Pre-Painted White .080 Alum. Panel 2'-0" x 3'-0" w/ 1st Surface 3M 3630-73 Dk. Red Vinyl Overlay w/ Weeded Copy & Arrow Install New Panel As Shown



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City of Helena

August 24, 2016

Michael Wall Wall Family – Power Townsend Foundation Box 4879 Helena, MT 59604

RE: Board of Adjustment Order and Decision

Dear Mr. Wall:

Enclosed you will find a copy of the Order and Decision of the city of Helena Board of Adjustment. Please keep this as an official record of the approved:

variance from Section 11-23-10 (B-2 District D) of City Code to exceed 200 sf of wall signage allowed by an additional 274 square feet. The square footage of wall sign area will be divided amongst three (3) separate wall sign elevations. Two (2) signs (199.2 sf and 108.7 sf of sign area) will be installed on the north facade of the building and one (1) sign containing 164.6 sf of sign area will be installed on the east elevation; for a building proposed to be located on property in a B-2 (General Commercial Business) District; for property legally described as Tract 10-A per COS #3283781, Helena, Montana; generally located south of East Custer Avenue, west of Interstate 15, and east of North Sanders Street, property address to be assigned to Tract 10-A with the following conditions: 1. A building permit must be obtained within one (1) year and 2. A sign permit must be obtained within one (1) year of obtaining a building permit.

When applying for your building permit, please include a copy of the Order and Decision along with your other documentation.

If you need additional information regarding this subject, please contact me at 447-8490.

Sincerely,

Helen Sautter Administrative Assistant III Community Development

Enclosure (1) CC: Nate Coombs

Community Development Department

Planning Division 316 North Park Avenue Helena, MT 59623 Telephone: 447-8490 E-mail: hsautter@helenamt.gov

ORDER AND DECISION OF THE BOARD OF ADJUSTMENT CITY OF HELENA, MONTANA

WHEREAS, Wall Family – Power Townsend Foundation, heretofore petitioned the Board of Adjustment for a variance of zoning requirements relating to the following real property located within the city of Helena, Montana, with a legal address of:

Tract 10-A per COS #3283781

SAID VARIANCE BEING OF THE FOLLOWING NATURE: variance from Section 11-23-10 (B-2 District.D) of City Code to exceed 200 sf of wall signage by an additional 274 square feet for a building proposed to be located on property in a B-2 (General Commercial Business) District.

WHEREAS, the Board of Adjustment gave notice and held a Public Hearing on said Petition as required by the applicable statutes and ordinances, and took testimony under oath from Petitioner and other interested parties, and said Board of Adjustment is now fully informed in the premises.

THE BOARD OF ADJUSTMENT FINDINGS ARE AS FOLLOWS: Approves the following variance.

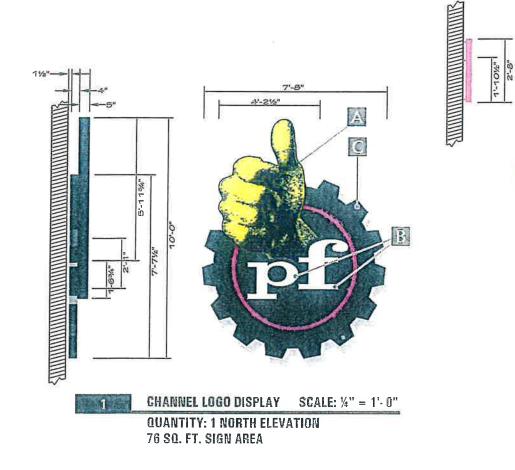
SAID VARIANCE BEING OF THE FOLLOWING NATURE: variance from Section 11-23-10 (B-2 District D) of City Code to exceed 200 sf of wall signage allowed by an additional 274 square feet. The square footage of wall sign area will be divided amongst three (3) separate wall sign elevations. Two (2) signs (199.2 sf and 108.7 sf of sign area) will be installed on the north facade of the building and one (1) sign containing 164.6 sf of sign area will be installed on the east elevation; for a building proposed to be located on property in a B-2 (General Commercial Business) District; for property legally described as Tract 10-A per COS #3283781, Helena, Montana; generally located south of East Custer Avenue, west of Interstate 15, and east of North Sanders Street, property address to be assigned to Tract 10-A with the following conditions: 1. A building permit must be obtained within one (1) year and 2. A sign permit must be obtained within one (1) year of obtaining a building permit.

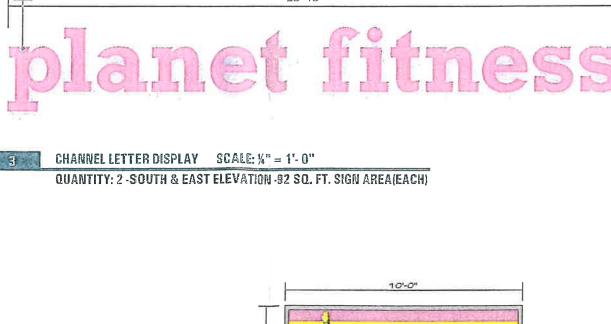
IT IS HEREBY DETERMINED AND ORDERED that the variance petitioned for by the petitioner is APPROVED.

DONE AND DATED BY ORDER OF SAID BOARD OF ADJUSTMENT THIS <u>5th DAY OF</u> <u>JULY, 2016</u>.

Bridget Holland Chairman, Board of Adjustment









CHANNEL	LIGHTING	WHITE LED
	FACE COLOR	WHITE #7328
	VINYL COLOR	DIGITAL PRINT DETAIL
	TRIM CAP COLOR	
	RETURN COLOR	PRE-PAINTED BLACK
CHANNEL	LIGHTING	WHITE LED
	FACE COLOR	WHITE #7328
	TRIM CAP COLOR	RBLACK
	RETURN COLOR	PRE-PAINTED BLACK
RSE PAN	LIGHTING	WHITE LED
FORCED	FACE COLOR	BLACK
I CIICLE	RETURN COLOR	BLACK
	VINYL COLOR	3M 3630-118 INTENSE MAGENTA
		(RING) & 3M 180C-10 WHITE
	STAND-OFF	11/2"
RSE PAN	LIGHTING	WHITE LED
	FACE COLOR	MATCH 3M 3630-118
	RETURN COLOR	MATCH 3M 3630-118
	STAND-OFF	11%"
RATE	TYPE	LEXAN OR ACRYLIC
NT FACES	AINAT	3M BLACK, YELLOW, MAGENTA
		& DIGITAL PRINT (HAND)



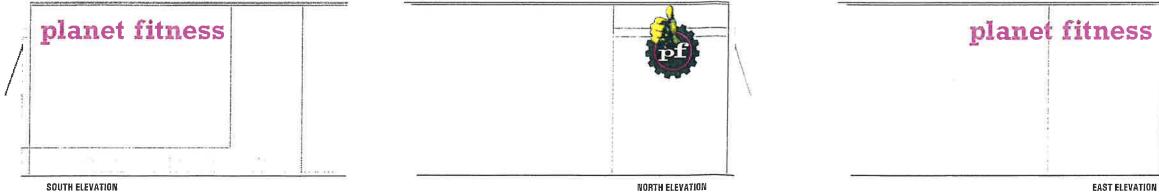
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PLANET FITNESS	
3505 N. SANDERS	
CITY / STATE / ZIP: HELENA, MT	
ACCOUNTEXECUTIVE: DAVE SATHER	
DESIGNER:	
J. SCHULLER ORIGGIALDATE:	
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= 2013 YESCO LLC
All fights reserved WWW.yesco.com
PLANET FITNESS
3505 N. SANDERS
HELENA, MT Account executive:
DAVE SATHER
J. SCHULLER
8-14-16
Client Signature / Date
NOTE UNLESS OTHERWISE NOTED, ELECTRICAL
RUNS OR FINAL ELECTRICAL CONNECTION Charges are not included, illuminated Displays will be wired for 120 volt fower Unlessotherwise indicated.
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MARUFACTURER THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE EOD OF THE NATIONAL ELECTRICAL CODE
AND FOR OTHER APPLICADLE LOCAL CODES. THIS INCLUDES PROFER GROUNDING AND DONDING OF THE SIGN.
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Property Tax ID: 44608 Status: Current Realware#: 188820204240 Receipt: 6111 2022 Owner(s): BARCLAY HOLDINGS CXII LL		2415 E PHOEN Levy I	g Address: E CAMELBACK RD STE IIX, AZ 850164295 District: Tax District 01	900
)22 Value:	2022 Taxes:	View Pie Charts		2022 Payments:
farket: \$325,593 axable: \$6,154	First Half: \$2 Second Half: \$2	2,667.11 Due: 11/3 2,667.10 Due: 5/3 5,334.21		First Half:\$2,725.57Second Half:\$0.00Total:\$2,725.57(May include penalty & interest)
📃 Detail		📃 Detail]	
D22 Legal Records: Geo Code: 05-1888-20-2-04 Gubdivision: (CLM) SubDivi rRS: T10 N, R03 W, Sec. 20 Legal: CUSTER LANDING MA ot 8, COS #3148378 te: The accuracy of this data te: The accuracy of this data d Payments to: vis & Clark County 5 North Park Ave; Room #11 ena, Montana 59623	ision CLM Lot: 8 AJOR, S20, T10 N, R03 V a is not guaranteed. Pro	V,		
one: (406) 447-8329				

© 2023 Tyler Technologies, Inc. iTax Version 2022.4.0.0

3397749 B: M60 P: 9822 DEED 05/03/2022 02:25:42 PM Page 1 of 5 Fees: \$40.00 Amy Reeves, County Recorder Lewis & Clark County, MT

When recorded return to: Barclay Group Venture Capital, L.L.C. 2415 E. Camelback Road, #900 Phoenix, AZ 85016

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, **GRH Jenks LLC**, an Idaho limited liability company, and **JGH Helena LLC**, an Idaho limited liability company (collectively, "**Grantor**"), whose address is 855 W. Broad Street, Suite 300, Boise, Idaho 83702, does hereby BARGAIN, SELL, AND CONVEY unto **Barclay Holdings CXII**, LLC, an Arizona limited liability company ("**Grantee**"), whose address is 2415 E. Camelback Road, #900, Phoenix, Arizona 85016, the following described real property located in the City of Helena, County of Lewis and Clark, State of Montana, which is further described in the attached <u>Exhibit A</u>, which exhibit is attached hereto and made a part hereof by this reference (the "**Property**");

TO HAVE AND TO HOLD said Property, with its appurtenances unto Grantee and to Grantee's heirs and assigns forever. And Grantor, for itself, its heirs and assigns, does hereby covenant to and with Grantee, that Grantor is the owner of said Property; that the Property is free from all encumbrances, except liens of taxes, levies, and assessments not yet due and payable, easements, restrictions, and other matters of public record; and that Grantor will warrant and defend Grantee as to persons claiming by or through Grantor, but not further or otherwise;

SUBJECT TO the following restriction: the Property, or any part thereof, shall not be used (i) for the primary sale of Asian Food, such that the sale of Asian Food items in the aggregate by any occupant shall not exceed 10% of such occupant's gross sales, or (ii) in a way which unreasonably interferes with access to Lot 3 (legally described below), including Lot 3's building and signs, from streets adjacent to Lot 3 (collectively, the "**Restrictive Covenants**"). The term "**Asian Food**" includes, without limitation, Chinese, Japanese (including sushi), Vietnamese, Thai, food generally recognized as Chinese food, and soy sauce based food. The limitation on the sale of Asian Food shall not apply to Barclay Holdings CXII, LLC, an Arizona limited liability company, on the Property to the extent the Property is used as a prototypical Chef's Store for the sale of bulk food and restaurant supplies and the sale of Asian Food does not include foods that are prepared for immediate consumption without further cooking, processing, or division into individual portions. "Lot 3" means Lot 3 of the Custer Landing Major Subdivision to the City of Helena, Lewis and Clark County, Montana, as shown on plat filed under Document Number 3148378. LESS AND EXCEPT that portion of Lot 3 deeded to the Montana Department of Transportation September 30, 2009 in M Book 40, Page 9286, records of Lewis and Clark County, Montana.

The Restrictive Covenants shall run with the land and shall bind and inure to the benefit of the grantor, grantee, the owner of Lot 3, and each of their successors and assigns; provided, however, the Restrictive Covenants shall automatically terminate if Lot 3 ceases to be used for an Asian Food restaurant for a period of one full calendar year.

IN WITNESS WHEREOF, Grantor has hereunto caused the deed to be executed this $\frac{2}{10}$ day of <u>Harch</u>, 20<u>22</u>. 3 rd May

[END OF TEXT; SIGNATURE PAGES FOLLOW.]

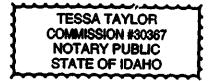
3397749 B: M60 P: 9822 DEED 05/03/2022 02:25:42 PM Page 2 of 5 JGH Helena LLC, an Idaho limited liability company «

By:

Name: Sybil Hawkins Its: Manager

STATE OF IDAHO)) ss County of ADA)

This record was acknowledged before me on March 3, 2022, by Sybil Hawkins as Manager of JGH Helena LLC, an Idaho limited liability company.



Notary Public My commission expires:

3397749 B: M60 P: 9822 DEED 05/03/2022 02:25:42 PM Page 3 of 5 GRH Jenks LLC, an Idaho limited liability company

By: GRH Management LLC, an Idaho limited liability company, Its Manager

By: Name: Brian Huffaker Its: President

)) ss

)

County of ADA

STATE OF IDAHO

This record was acknowledged before me on <u>April</u>, 2022, by Brian Huffaker as President of GRH Management LLC, Manager of **GRH Jenks LLC**, an Idaho limited liability company.

₹	TESSA TAYLOR
\$	COMMISSION #90387
2	NOTARY PUBLIC
Ł	STATE OF IDAHO
₹.	SIALEO

Notary Public My commission expires:

3397749 B: M60 P: 9822 DEED 05/03/2022 02:25:42 PM Page 4 of 5

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

Lot 8A of the AMENDED PLAT OF LOTS 7 AND 8 OF THE FINAL PLAT OF CUSTER LANDING MAJOR SUBDIVISION, located in the City of Helena, in the northwest quarter of Section 20, Township 10 North, Range 3 West, Principal Meridian, Montana, Lewis and Clark County Montana, filed under Document 3395855.

AMENDED PLAT OF LOTS 7 AND 8 OF THE FINAL PLAT OF **CUSTER LANDING MAJOR SUBDIVISION**

LOCATED IN THE CITY OF HELENA, IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 10 NORTH, RANGE 3 WEST, P.M.M.,

LEWIS AND CLARK COUNTY, MONTANA

Survey Commissioned by: Barclay Group, LLC Dates of Survey: September - October 2021 Purpose of Survey: Relocate Common Boundaries

LEGAL DESCRIPTION OF LOT 7A

Those portions of Lot 7 and Lot 8 of the Final Plat of Custer Landing Major Subdivision, filed under Document Number 3148378, records of Lewis and Clark County, Montana, located in the City of Helena, Montana, in the northwest quarter of Section 20, Township 10 North, Range 3 West, Lewis and Clark County, Montana, more particularly described as follows, with all bearings contained herein referenced to the City of Helena Low-Distortion Projection:

Beginning at the northwest corner of said Lot 7, monumented with a #5 rebar topped with a 2-inch aluminum cap marked "9758LS"; thence S12°00'24"E 158.69 feet along the east right-of-way of Sanders Street; thence S14°23'13"E 41.56 feet along said east right-of-way to the south line of the 35-foot wide access drive and utility easement in said Lot 7; thence along said easement line N89°11'54"E 215.35 feet to the west boundary of Certificate of Survey Number 3292754; thence N1°05'00"W 122.18 feet along said west boundary to the south boundary of Lot 4 of said Document Number 3148378; thence along said south boundary the following five (5) courses: (1) S89°09'08"W 29.99 feet; (2) N0°38'27"W 67.21 feet; (3) S89°22'50"W 189.20 feet; (4) N22°57'51"W 13.76 feet; (5) S77°08'51"W 31.86 feet to the Point of Beginning, containing 0.986 acres more or less, and subject to any easements of record or apparent on the ground.

LEGAL DESCRIPTION OF LOT 8A

Those portions of Lot 7 and Lot 8 of the Final Plat of Custer Landing Major Subdivision, filed under Document Number 3148378, records of Lewis and Clark County, Montana, located in the City of Helena, Montana, in the northwest quarter of Section 20, Township 10 North, Range 3 West, Lewis and Clark County, Montana, more particularly described as follows, with all bearings contained herein referenced to the City of Helena Low-Distortion Projection:

Beginning at the southwest corner of said Lot 7, monumented with a #5 rebar topped with a 2-inch aluminum cap marked "9758LS"; thence along the east right-of-way of Sanders Street the following three (3) courses: (1) N0°39'51"W 223.34 feet; (2) 121.87 feet along a curve to the left having a delta of 13°43'22", a radius of 508.85 feet, and a chord bearing and distance of N7°31'32"W 121.58 feet; (3) N14°23'13"W 18.22 feet to the south line of the 35-foot wide access drive and utility easement in said Lot 7; thence along said easement line N89°11'54"E 215.35 feet to the west boundary of Certificate of Survey Number 3292754; thence S1°05'00"E 362.58 feet along said west boundary to the north boundary of Certificate of Survey Number 3198943; thence S89°25'20"W 199.16 feet along said north boundary to the Point of Beginning, containing 1.665 acres more or less, and subject to any easements of record or apparent on the ground.

CERTIFICATE OF AMENDED PLAT APPROVAL

CERTIFICATE OF SUBDIVISION AND DEQ EXEMPTIONS

We, the undersigned representatives for GRH Jenks LLC and JGH Helena LLC, do hereby certify that the purpose of this survey is to relocate common boundaries, and is therefore exempt from review as a subdivision under the Montana Subdivision and Platting Act pursuant to Section 76-3-207(1)(d), MCA: "for five or fewer lots within a platted subdivision, the relocation of common boundaries."

This survey is subject to 24.183.1104(1)(f)(iii)(C), ARM "The area that is being removed from one tract of record and joined with another tract of record is not itself a tract of record. Said area shall not be available as a reference legal description in any subsequent real property transfer after the initial transfer associated with the amended plat on which said area is described, unless said area is included with or excluded from adjoining tracts of record."

We further certify that parcels 7A and 8A are exempt from DEQ review in accord with 76-4-125(2)(d), MCA because they are located within the jurisdictional area of the City of Helena, which has adopted a growth policy pursuant to Title 76, Chapter 1, MCA, and which is a first-class municipality. The City Commission has certified to DEQ, pursuant to 76-4-127, MCA, that adequate storm water drainage and adequate municipal facilities will be provided.

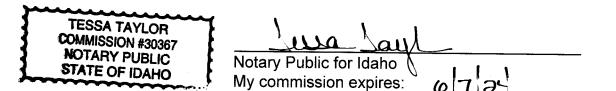
<u>Bran Hullaker</u> GRH Jenks LLC

Brian Huffaker, President of GRH Management LLC, its Manager

STATE OF IDAHO)

) SS. County of Ada

This record was acknowledged before me on December 33, 2021, by Brian Huffaker, as President of GRH Management LLC, the Manager of GRH Jenks LLC, an Idaho limited liability company.



City of Helena Community Development Date

Citv of Helena Engineer

CERTIFICATE OF EXAMINING LAND SURVEYOR

ERIK ULMER, acting as an examining land surveyor for Lewis and Clark County, Montana, do hereby certify that I have examined this Certificate of Survey and find that the survey data shown hereon meet the conditions set forth by or pursuant to 76-3-611(2)(a), MCA.

1801725

Examining Land Surveyor

CERTIFICATE OF COUNTY TREASURER

I hereby certify pursuant to 76-3-207(3), MCA, that all real property taxes and special assessments assessed and levied on the land described on this Amended Plat have been paid.

Assessment Codes: 44607, 44608

Lewis and Clark County Treasurer

CLERK AND RECORDER

3395855 COS 03/23/2022 01:36 PM Pages: 1 of 2 Fees: 166.00 Amy Reeves Clerk & Recorder: Lewis & Clark MT MARTIN AN MARTINA AND A CANADA A

Sybil Hawkins, Manager

STATE OF IDAHO)) SS. County of Ada

This record was acknowledged before me on December 31, 2021, by Sybil Hawkins, as Manager of JGH Helena LLC, an Idaho limited liability company.

TESSA TAYLOR COMMISSION #30367 Notary Public for Idano NOTARY PUBLIC My commission expires: STATE OF IDAHO

CERTIFICATE OF SURVEYOR



engineers · surveyors · planners · scien		NW 	SECTION 20 		RANGE 3W
FIELD WORK: <u>GPQ</u> DRAWN BY: JJR CHECKED BY: <u>GBG</u>	DATE: <u>12/9/2021</u> SCALE: <u>1"=40'</u> PROJ. #: <u>6920001</u>	<u>LEWIS & CL</u> PLOTTED DA getchell		COUNTY 1PLOTTED	, MONTANA BY: <u>gunnar b.</u> 1 OF2_
DRAWING NAME: R:\6920\002 Custer Landing AmPlat\ACAD\Survey\6920002 Am Plat.dwg					

