

Kyle Holland, Planner II Community Development Department 316 North Park Avenue, Room 443 Helena, MT 59623

Phone: 406-447-8492 Fax: 406-447-8460 Email: <u>kholland@helenamt.gov</u>

helenamt.gov

Date: April 20, 2023

STAFF REPORT

- **To:** Helena Board of Adjustment
- From: Kyle Holland, City Planner II
- **Subject:** Consideration of:
 - 1. A variance from Section 11-23-10 to increase the aggregate area of wall signage from 200sf to 400sf, for a property with a legal description of Lot 3-A of the C. W. Cannon Addition to the City of Helena, Lewis and Clark County, Montana, as described on COS #3397792

The reason for the variance is for wayfinding and to appropriately scale the signage to the building.

This property is located at 1645 Vandelay Ave.

OVERVIEW

GENERAL INFORMATION

DATE OF APPLICATION: Application received March 29, 2023

PUBLIC HEARING DATE: Board of Adjustment - 5:30 p.m., Tuesday, May 02, 2023

PROPERTY OWNER:	Helena Specialty Center LLC
MAILING ADDRESS:	$1101~26^{\rm th}$ St South, Great Falls, MT 59405
CONTACT NUMBER:	(406) 455-5127
EMAIL ADDRESS:	

APPLICANT:	Danielle Grebe
MAILING ADDRESS:	$15\ 5^{th}$ St South, Great Falls, MT 59401
CONTACT NUMBER:	(406) 770-0771
EMAIL ADDRESS:	danig@lpwarchitecture.com

PROPERTY ADDRESSES: 1645 Vandelay, Helena, MT 59601

LEGAL DESCRIPTION:

Lot 3-A of the C. W. Cannon Addition to the City of Helena

GENERAL LOCATION: This property is generally located on the southwest corner of Vandelay Ave. and N. Oakes St.

PROPOSED LAND USE: Healthcare Facility

ADJACENT LAND USE:

North:Vacant Land, Opportunity BankSouth:Government building, Multi-occupancy retailEast:Overnight accommodation, MotelWest:Vacant Land

PRESENT ZONING: B-2

VARIANCE PROPOSALS:

1. A variance from Section 11-23-10 to increase the aggregate area of wall signage from 200sf to 400sf, for a property with a legal description of Lot 3-A of the C. W. Cannon Addition to the City of Helena, Lewis and Clark County, Montana, as described on COS #3397792

HISTORY OF APPLICABLE PERMITTING ACTION:

1) Building permit approved July 27th, 2022

ZONING EVALUATION for the properties legally addressed as 1645 Vandelay Ave., Helena, MT, located in a B-2 zoning district.

ZONING	Applicable ZONING	PRESENT	PROPOSAL	VARIANCE
REQUIREMENT	REGULATION	CONDITION		REQUIRED
City Code: §11-23-10 (B-2 District) (D)	Each business is permitted awning, wall, and/or marquee signs conforming to subsection <u>11-23-8</u> M of this chapter. The total aggregate area of such signs shall not exceed thirty percent (30%) of the building facade or that portion occupied by the business, to which they are applied or two hundred (200) square feet, whichever is less.	N/A	Increase total permitted sign area to 400sf	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 Thursday, April 20, 2023, no public comments have been received.

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 <u>Approve or Deny</u>

1. A variance from Section 11-23-10 to increase the aggregate area of wall signage from 200sf to 400sf, for a property with a legal description of Lot 3-A of the C. W. Cannon Addition to the City of Helena, Lewis and Clark County, Montana, as described on COS #3397792

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

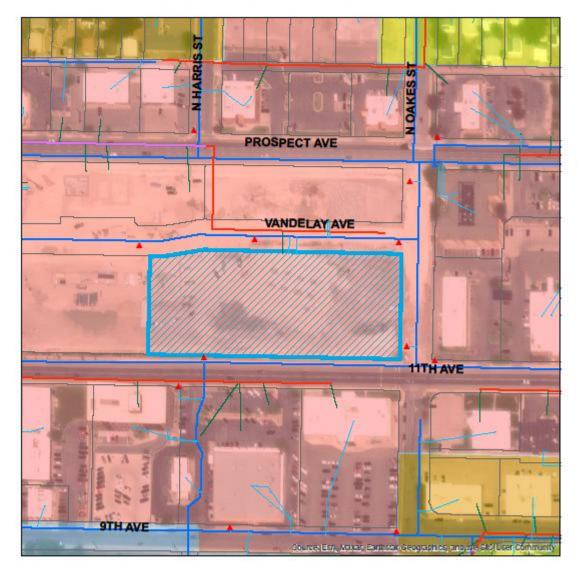
<u>Building Permit:</u> A building permit must be obtained within one (1) year.

Regards,

2. quella

Kyle Holland, Planner II Community Development Department City-County Building 316 N. Park Ave, Rm 443 Helena, MT 59601

1645 Vandelay Ave





Legend

R-2 Residential District R-0 Residential Office District B-2 General Commercial District PLI Public Lands & Institutions District



Kyle Holland, Planner II Community Development Department 316 North Park Avenue, Room 443 Helena, MT 59623

Phone: 406-447-8492 Fax: 406-447-8460 Email: <u>kholland@helenamt.gov</u>

Date: April 17, 2023

TO WHOM IT MAY CONCERN: Variances from district dimensional standards 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 May 02, 2023 Board of Adjustments public hearing to the City Planning Division, 316 North Park, Helena MT 59623.

The Helena Board of Adjustments will hold a public hearing on the variance request on <u>Tuesday, May</u> <u>02, 2023</u> at <u>5:30 p. m. via Zoom at https://zoom.us/j/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:

1. A variance from Section 11-23-10 to increase the aggregate area of wall signage from 200sf to 400sf, for a property with a legal description of Lot 3-A of the C. W. Cannon Addition to the City of Helena, Lewis and Clark County, Montana, as described on COS #3397792

The reason for the variance is for wayfinding and to appropriately scale the signage to the building.

ADDRESS:

This property is located at 1645 Vandelay Ave.

GENERALLY LOCATED:

This property is generally located on the southwest corner of Vandelay Ave. and N. Oakes St.

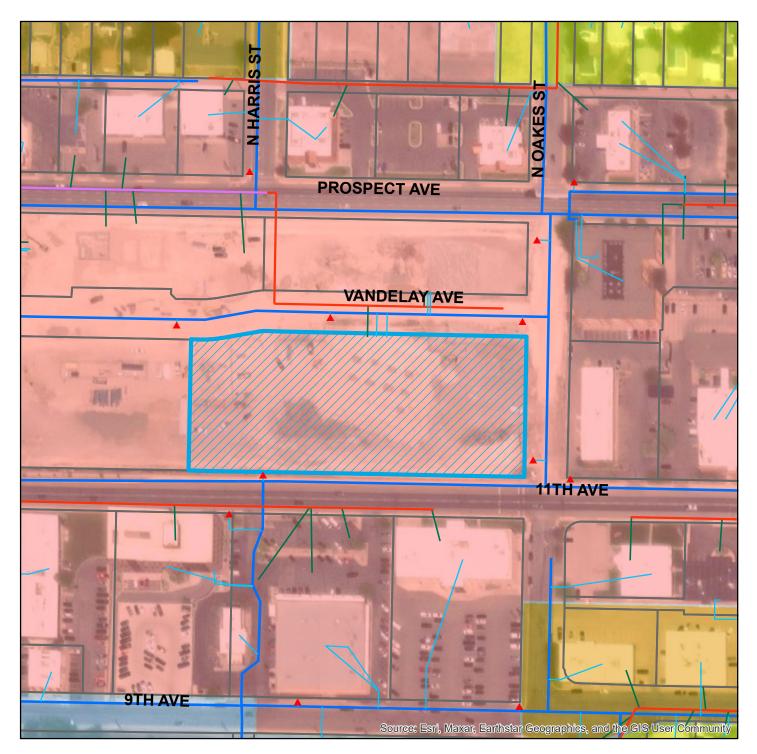
If you have questions concerning the proposed change, please contact the City Planning Division of the Community Development Department at 447-8459.

Sincerely,

y alla

Kyle Holland, Planner II Community Development Department City-County Building 316 N. Park Ave, Rm 443 Helena, MT 59601

1645 Vandelay Ave





Legend

R-2 Residential District R-O Residential Office District B-2 General Commercial District PLI Public Lands & Institutions District



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:

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

PROPERTY C	WNER: Primary Contact? 🗆		
Name:	Helena Specialty Center LLC	Primary Number:	406-455-5127
Address:	1101 26th Street South	Other Phone:	206-369-2803
Email:	Tom Cinko		
APPLICANT	(If different from property owner): Prin	nary Contact? 🗹	
Name:	Danielle Grebe	Primary Number:	406-770-0771
Address:	15 5th Street South	Other Phone:	
Email:	danig@lpwarchitecture.com	Company:	LPW Architects
AUTHORIZED	D REPRESENTATIVE: Primary Contact?		
Name:		Primary Number:	
Address:		Other Phone:	
Email:		Company:	

Section A: PLEASE PROVIDE THE INFORMATION REQUESTED BELOW.

Address of Property	1645 Vandelay Ave	Helena	MT	59601
Address of Freperty	Address	City	State	Zip Code
Legal Description (Bl	ock & Lots, Subdivision,	COS#)		
Geocode				
The most recent dee	d for impacted property			
Lot or Parcel Size (so	quare feet) <u>68,459</u>			
Current and propose	d use of structure or pro	perty:	lealth Care	
Current Zoning Distri	ict			
Are there other relate	ed Land Use Applications	s being submitted:	Yes 🗌 No 🗌	
Submit proof of curre	ent paid taxes			
	te plan and supporting d posed variance to the st		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:	_
<u>Lot</u>	overage/Area Criteria:	
	Lot coverage percentage: Front porch lot coverage percentage: Lot area per dwelling unit:	
<u>Lan</u>	scaping Criteria:	
	Reduce or eliminate landscaping area:	
Par	ing Criteria:	
	 Reduce the amount of required on-site parking spaces: Reduce or eliminate loading berths: Reduce or eliminate required bicycle spaces: 	
<u>Sig</u>	Criteria:	
	Sign area (square footage): 400 sf mounted on building Sign height:	

□ 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.

The special condition in this instance is the multiple approaches to the building. There is building signage on

the east face to be visible from Oakes, on the west face to be visible from Vandelay, and on the south to

be visible to 11th Ave, and to associate the main entry to the building use.

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.

The signage is compatible with existing site access points, and main entrance points of the building.

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. We don't have access to the other building currently being develope on the site to know what they are

conforming with or otherwise.

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.

no

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.

signage on more than one faces of a building is typical, and is helpful to users for wayfinding

especially for healthcare where ease and expediency s is important.

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.

The hardship would be confusion due to an un-named face of the building and not identifying it's purpose

or where to go.

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.

We believe other building owners are in favor of clear identification of their building's purpose.

- 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.
- 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.

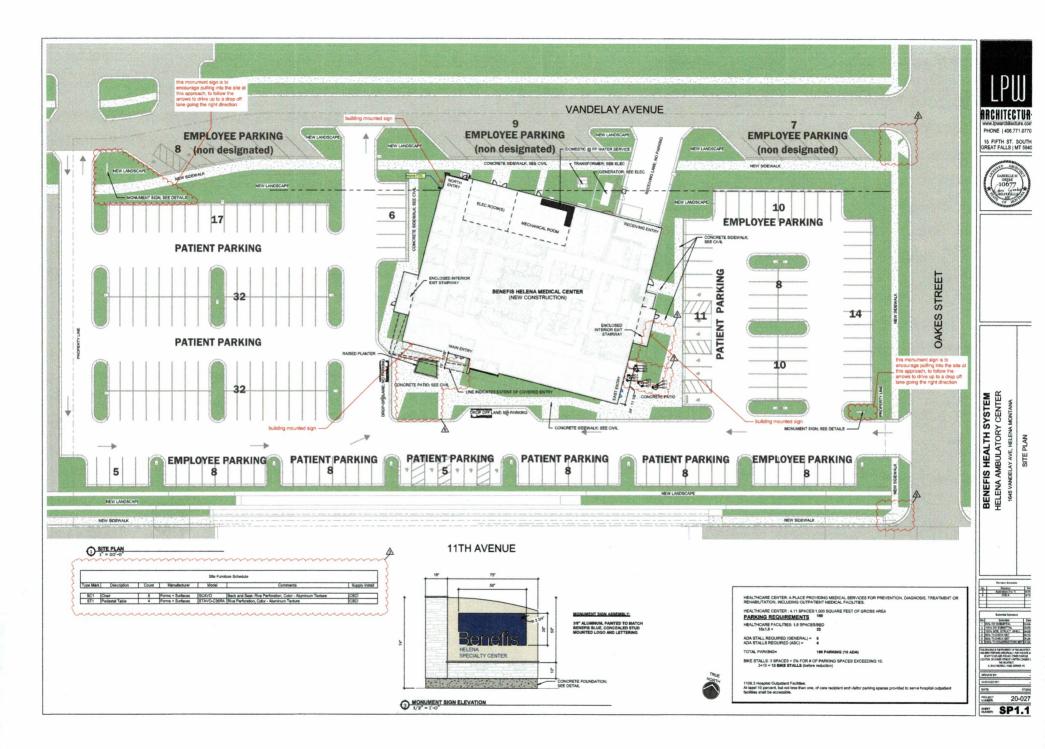
I HEREBY CERTIFY AND ACKNOWLEDGE THE STATEMENTS IN THIS APPLICATION AND ANY ATTACHED INFORMATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

	Yom linko		
Signed:	Tom Cinko, Director of Facilities and Environmental Services	Date:	3/22/2023
	Property Owner	-	
Applicant:	Dani Grebe	Date:	3/22/23
	(If different from Owner)		

(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.



YESCO.

DESIGN

406.443.4172

with VESCO

bonding of the sign.

Revisions

2996 Bozeman Ave.

Helena, MT, 59601

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This drawing was created to assist you in visualizing our proposal. The original ideas herein are the property of YESCO LLC. Permission to copy or revise this drawing can

only be obtained through a written agreement

The colors shown are only approximated on

any computer monitor, inkjet or laser print.

The final product may vary slightly in color

This sign is installed in accordance with the requirements of Article 600 of the National Electrical Code and / or other applicable local

codes. This includes proper grounding and

Uı

from your computer monitor or print.

SCOPE OF WORK

MANUFACTURE & INSTALL TWO [2] S/FILLUMI-NATED CABINETS WITH PUSH-THRU GRAPH-ICS / MONUMENT STRUCTURES BY OTHERS -NOT IN CONTRACT

PERMITTING SIGN AREA: 26 FT² (EACH SIGN)

FINAL ELECTRICAL CONNECTION: CUSTOMER TO PROVIDE POWER TO SIGN LOCATION. YESCO TO CONNECT.

NOTES

V2

FIELD VERIFY ALL MEASUREMENTS & DETAILS / VERIFY SIGN TYPE & GRAPHICS LAYOUT

COLOR KEY

P1 Match Building ACM panel color -verify P2 P3

V1 3M 3630-36 Blue V1

Note: Unless otherwise noted, the colors depicted on this rendering may not match actual colors on finished display. Please refer to color-callouts and

No. Date / Description Ora 08 29 2022 their appropriate vendor specified samples for approved color specifications.

urg.	00.29.2022
Λ	02.06.2023
2	02.20.2023
JC) #
An	proval

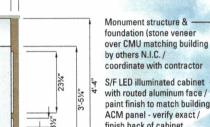
Approval

A/E Sign / Date Client Sign / Date

Benefis Helena

1645 Vandelay Ave. Helena, MT, 59601-9999 Acct. Exec: Ben Toney Designer: JS

OPY-50118 R2 ART



VERIFY

12"

coordinate with contractor S/F LED illuminated cabinet with routed aluminum face / paint finish to match building ACM panel - verify exact / finish back of cabinet

34" acrylic push-thru / apply -3M vinyl on faces



VERIFY

6'-3"

SIGN 01 - S/F MONUMENT SIGNS - QUANTITY: 2 SCALE: 1/2" = 1'-0"

YESCO.

DESIGN

406.443.4172

with YESCO.

2996 Bozeman Ave.

Helena, MT, 59601

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This drawing was created to assist you in

visualizing our proposal. The original ideas herein are the property of YESCO LLC. Permission to copy or revise this drawing can

only be obtained through a written agreement

The colors shown are only approximated on

any computer monitor, inkjet or laser print. The final product may vary slightly in color

from your computer monitor or print.

SCOPE OF WORK

--MANUFACTURE & INSTALL THREE [3] S/F LED ILLUMINATED CABINETS WITH PUSH-THRU LETTERS & THREE [3] SETS OF LED ILLUMINAT-ED PAN CHANNEL LETTERS

PERMITTING SIGN AREA: 112.32 FT² (EACH ID SIGN)

FINAL ELECTRICAL CONNECTION: **CUSTOMER TO PROVIDE POWER TO** SIGN LOCATION. YESCO TO CONNECT.

NOTES

FIELD VERIFY ALL MEASUREMENTS & DETAILS / VERIFY SIGN TYPE & GRAPHICS LAYOUT

co	LOR	KEY	

P1	Match 3M 3630-36 Blue
P2	
P3	
V1	3M 3630-36 Blue
V1	
V2	

Note: Unless otherwise noted, the colors depicted on this rendering may not match actual colors on finished display. Please refer to color-callouts and their appropriate vendor specified samples for approved color specifications.

requir Electr codes	ign is installed in accordance with the ements of Article 600 of the National ical Code and / or other applicable local . This includes proper grounding and ng of the sign.
	visions
No.	Date / Description
Org.	08.29.2022
$\underline{\Lambda}$	02.20.2023

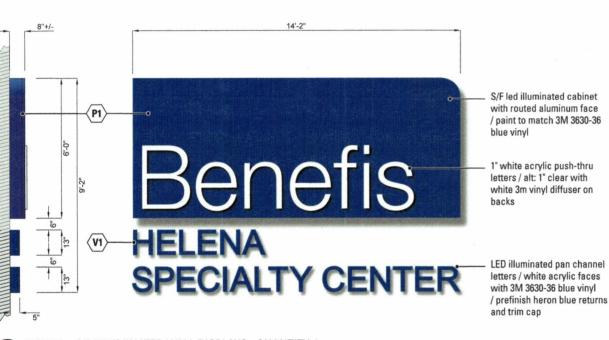
.... J0 # Approval A/E Sign / Date

Client Sign / Date

Benefis Helena

1645 Vandelay Ave. Helena, MT, 59601-9999 Acct. Exec: Ben Toney Designer: JS

OPY-50118 R1 ARI



SIGN 02 - S/F ILLUMINATED WALL DISPLAYS - QUANTITY: 3

SCALE: 3/8" = 1'-0"

SURVEY COMMISSIONED BY

DICK ANDERSON, REGISTERED AGENT OF DICK AND MARGARET ANDERSON FAMILY, LP

OWNERS OF RECORD

- 1. DICK ANDERSON, REGISTERED AGENT OF DICK AND MARGARET ANDERSON FAMILY, LP D&M DEVELOPMENT, LLC
- BENEFIS HEALTH SYSTEM, INC 4. OPPORTUNITY BANK OF MONTANA, INC

BASIS OF BEARINGS

CITY OF HELENA LOW DISTORTION PROJECTION

PURPOSE OF SURVEY

- 1. TO CREATE AND DEDICATE THE FOLLOWING RIGHT-OF-WAY TRACTS TO THE CITY OF HELENA:
- 1.1. OAKES STREET, BEING SEVENTY FEET (70') IN WIDTH, BETWEEN PROSPECT AVENUE AND 11TH AVENUE.
- 1.2. VANDELAY AVENUE, VARYING IN WIDTH, BETWEEN SANDERS STREET AND THE PROPOSED OAKES STREET.
- 2. TO RELOCATE COMMON BOUNDARIES IN BLOCKS 38 AND 58 OF THE NORTHERN PACIFIC ADDITION AND BLOCKS 31-34 OF THE C.W. CANNON ADDITION, INCLUDING THOSE PARCELS DESCRIBED IN DEED DOCUMENT NUMBERS 3365237 & 3374261. 3. TO AGGREGATE ALL UNDERLYING LOTS IN BLOCKS 38 AND 58 OF THE NORTHERN PACIFIC ADDITION AND BLOCKS 31-34 OF THE C.W. CANNON ADDITION, ALONG
- WITH VACATED STREETS AND VACATED ALLEYS WITHIN THE EXTENT OF SAID BLOCKS, IN CREATING LOTS 1-A THROUGH 4-A.

LOT INFORMATION

GROSS AREA: LOT AREA: AREA OF DEDICATED STREETS:

9.10	ACRES
7.03	ACRES
2.07	ACRES

PERIMETER DESCRIPTION

TRACTS OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 10 NORTH, RANGE 3 WEST, PRINCIPAL MERIDIAN MONTANA, LEWIS & CLARK COUNTY, MONTANA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF BLOCK 38 OF THE NORTHERN PACIFIC RAILROAD ADDITION TO THE CITY OF HELENA, DOCUMENT NO.1000742, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY BOUNDARY OF PROSPECT AVENUE; • THENCE NORTH 89'16'24" EAST, 942.92 FEET ALONG SAID SOUTHERLY

- RIGHT-OF-WAY BOUNDARY TO THE NORTHWEST CORNER OF LOT 1 OF BLOCK 59 OF SAID NORTHERN PACIFIC ADDITION, SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY BOUNDARY OF PREVIOUSLY VACATED OAKES STREET; • THENCE SOUTH 00'43'06" EAST, 420.18 FEET ALONG SAID EASTERLY BOUNDARY
- TO THE NORTHERLY RIGHT-OF-WAY BOUNDARY OF 11TH AVENUE;
- THENCE SOUTH 89'18'09" WEST, 943.48 FEET ALONG SAID NORTHERLY BOUNDARY TO THE EASTERLY RIGHT-OF-WAY BOUNDARY OF SANDERS STREET
- AS ESTABLISHED ON CERTIFICATE OF SURVEY DOCUMENT NO.3361374: • THENCE NORTH 00'38'32" WEST, 419.70 FEET ALONG SAID EASTERLY BOUNDARY TO THE POINT OF BEGINNING;

CONTAINING 9.10 ACRES, MORE OR LESS, ALONG WITH AND SUBJECT TO ALL EASEMENTS OF RECORD OR APPARENT ON THE GROUND.

CERTIFICATE OF SURVEYOR

I, NICHOLAS C. FISH, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF MONTANA, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND IS SHOWN AND DESCRIBED ON THE ACCOMPANYING PLAT.

I FURTHER CERTIFY THAT MONUMENTS THAT WILL BE DISTURBED BY THE INSTALLATION OF IMPROVEMENTS WILL BE SET AT A LATER DATE WITHIN 240 DAYS OF THE DATE OF WHICH THE SURVEY WAS FILED PURSUANT TO 24.83.1101(d) ARM.

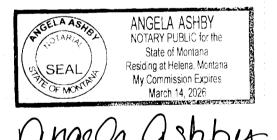
NICHOLAS C. FISH, MONTANA REG. NO. 33886 LS



WE FURTHER CERTIFY THAT THE PURPOSE IS OF THIS SURVEY IS TO CREATE RIGHT-OF-WAY TRACTS, THAT ARE EXEMPT FROM REVIEW UNDER THE MONTANA SUBDIVISION AND PLATTING ACT PURSUANT TO M.C.A. 76-3-201(h), AND THAT A SUBSEQUENT CHANGE IN THE USE OF THE LAND TO A RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL USE IS SUBJECT TO REVIEW.

WE, THE UNDERSIGNED OWNERS OF THE PROPERTY, DO HEREBY CERTIFY THAT THE LAND SHOWN ON THIS PLAT AS BEING DEDICATED TO THE USE OF THE PUBLIC, INCLUDING STREETS AND OTHER PUBLIC IMPROVEMENTS, IS HEREBY DEDICATED. GRANTED. AND DONATED TO THE CITY OF HELENA FOR SUCH USE

STATE OF MONTANA COUNTY OF LEWIS AND CLARK A 'I ON THIS 5 DAY OF April ___, 2000 BEFORE ME PERSONALLY APPEARED

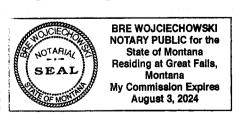




PAR THERE IN JOHN GOODNOW, REGISTERED AGENT

STATE OF MONTANA COUNTY OF LEWIS AND CLARK

ON THIS CALL DAY OF ACTIL, 2000, BEFORE ME PERSONALLY APPEARED





AMENDED PLAT

AMENDING BLOCKS 38 & 58 OF THE PLAT OF THE NORTHERN PACIFIC ADDITION TO HELENA, DOCUMENT NO.1000742 AND BLOCKS 31, 32, 33 AND 34 OF THE PLAN OF C.W. CANNON'S ADDITION TO HELENA, DOCUMENT NO.1000738 LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 10 NORTH, RANGE 3 WEST, P.M.M., LEWIS & CLARK COUNTY, MONTANA

CERTIFICATE OF EXEMPTION FROM SUBDIVISION REVIEW

WE, THE UNDERSIGNED OWNERS OF THE PROPERTY HEREIN DESCRIBED, HEREBY CERTIFY THAT THE DIVISION OF LAND SHOWN ON THIS AMENDED PLAT IS EXEMPT FROM REVIEW AS A SUBDIVISION IN ACCORDANCE WITH THE PROVISIONS OF SECTION 76-3-207(1)(d) WHICH STATES: "FOR FIVE OR FEWER LOTS WITHIN A PLATTED SUBDIVISION, THE RELOCATION OF COMMON BOUNDARIES;"

"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 THE PURPOSE OF THIS AMENDED PLAT IS TO AGGREGATE THE UNDERLYING EXISTING LOTS, PARCELS, AND VACATED RIGHT OF WAY, AND MERGE THEM INTO THE PARCELS SHOWN ON THIS AMENDED PLAT THEREFORE THE UNDERLYING LOTS NO LONGER EXIST PURSUANT TO THE FILING OF THIS AMENDED PLAT, AND IS THEREFORE EXEMPT FROM REVIEW AS A SUBDIVISION PURSUANT TO SECTION 76-3-207(1)(f) M.C.A.

CERTIFICATE OF DEDICATION

CERTIFICATE OF EXCLUSION FROM D.E.Q. REVIEW

WE, THE UNDERSIGNED OWNERS OF THE PROPERTY HEREIN DESCRIBED, HEREBY CERTIFY THAT LOTS 1-A, 2-A, 3-A, AND 4-A CREATED BY THIS AMENDED PLAT ARE EXEMPT FROM D.E.Q. REVIEW IN ACCORDANCE WITH 76-4-125(1)(d)(iii), MCA BECAUSE THEY ARE LOCATED WITHIN THE JURISDICTION 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 D.E.Q., PURSUANT TO 76-4-127, MCA, THAT ADEQUATE STORM WATER DRAINAGE AND ADEQUATE MUNICIPAL FACILITIES WILL BE PROVIDED.

DATED THIS 5th DAY OF HORIL, 2014 - indered

DICK ANDERSON, REGISTERED AGENT DICK AND MARGARET ANDERSON FAMILY, LP

Dick Anderson

Og ashby PUBLIC FOR THE STATE OF MONTANA.

DATED THIS 2.2. DAY OF April ____, 20 ___. DATED THIS 6 DAY OF April ____, 20 22.

BENEFIS HEALTH SYSTEM, INC

VanGadaas

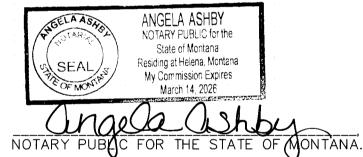
DATED THIS 5th DAY OF April ____, 2022.

Ma

MARK ESPONDA, REGISTERED AGENT D&M DEVELOPMENT, LLC

STATE OF MONTANA COUNTY OF LEWIS & CLARK April , 2022, ON THIS 5 DAY OF April

BEFORE ME PERSONALLY APPEARED MarkEsponda

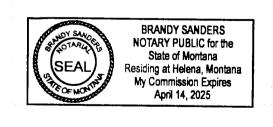


PETER J JOHNSON, REGISTERED AGENT OPPORTUNITY BANK OF MONTANA, INC.

STATE OF MONTANA COUNTY OF LEWIS & CLARK

ON THIS <u>6</u> DAY OF <u>April</u>, 20<u>22</u>, BEFORE ME PERSONALLY APPEARED

Peter Johnson



and and when OTARY PUBLIC FOR THE STATE OF MONTANA.



STAHLY ENGINEERING & ASSOCIATES PROFESSIONAL ENGINEERS & SURVEYORS www.seaeng.com

223 MONTANA AVE. STE. 201 BILLINGS, MT 59101 Phone: (406)601-4055 Fax: (406)601-4062

3530 CENTENNIAL DR. 851 BRIDGEN HELENA, MT 59601 BOZEMAN, Phone: (406)442-8594 Fax: (406)442-8557

Phone: (406 Fax: (406)

CERTIFICATE OF COUNTY TREASURER

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

GEOCODE	05-1888-29-3-	-20-01-0000
ASSESSMEN	T CODE	0000003204
GEOCODE	05-1888-29-3-	-20-05-0000
ASSESSMEN	T CODE	0000048322
GEOCODE	05-1888-29-3-	-20-10-0000
ASSESSMEN	T CODE	0000048323
GEOCODE	05-1888-29-3	-20-15-0000
ASSESSMEN	T CODE	0000048562

DATED THIS 28_ DAY OF APTIL___, 2022.

Amy Reeves - KF

TREASURER, LEWIS & CLARK COUNTY, MONTANA

CERTIFICATE OF PLAT APPROVAL

THE CITY COMMISSION HEREBY ACCEPTS THE DEDICATION, GRANT AND DONATION, TO THE CITY OF HELENA, ANY AND ALL LANDS SHOWN ON THIS PLAT AS BEING DEDICATED TO THE CITY OF HELENA FOR PUBLIC USE. THE CITY COMMISSION OF HELENA, LEWIS AND CLARK COUNTY, HEREBY

APPROVES THIS PLAT THIS _ DAY OF ____, 2021. DATED THIS 21 DAY OF Ame., 20 22.

Nannella MAYOR, CITY OF HELENA DATED THIS 22 DAY OF April ___, 20 22 CITY CLERK, CITY OF HELENA Le_DAY OF AN DATED THIS

Jon K. ML CATY ENGINEER, CITY OF HELENA

DATED THIS 26_DAY OF Opril___, 20 22

Flaray COMMUNITY DEVELOPMENT DIVISION, CITY OF HELENA

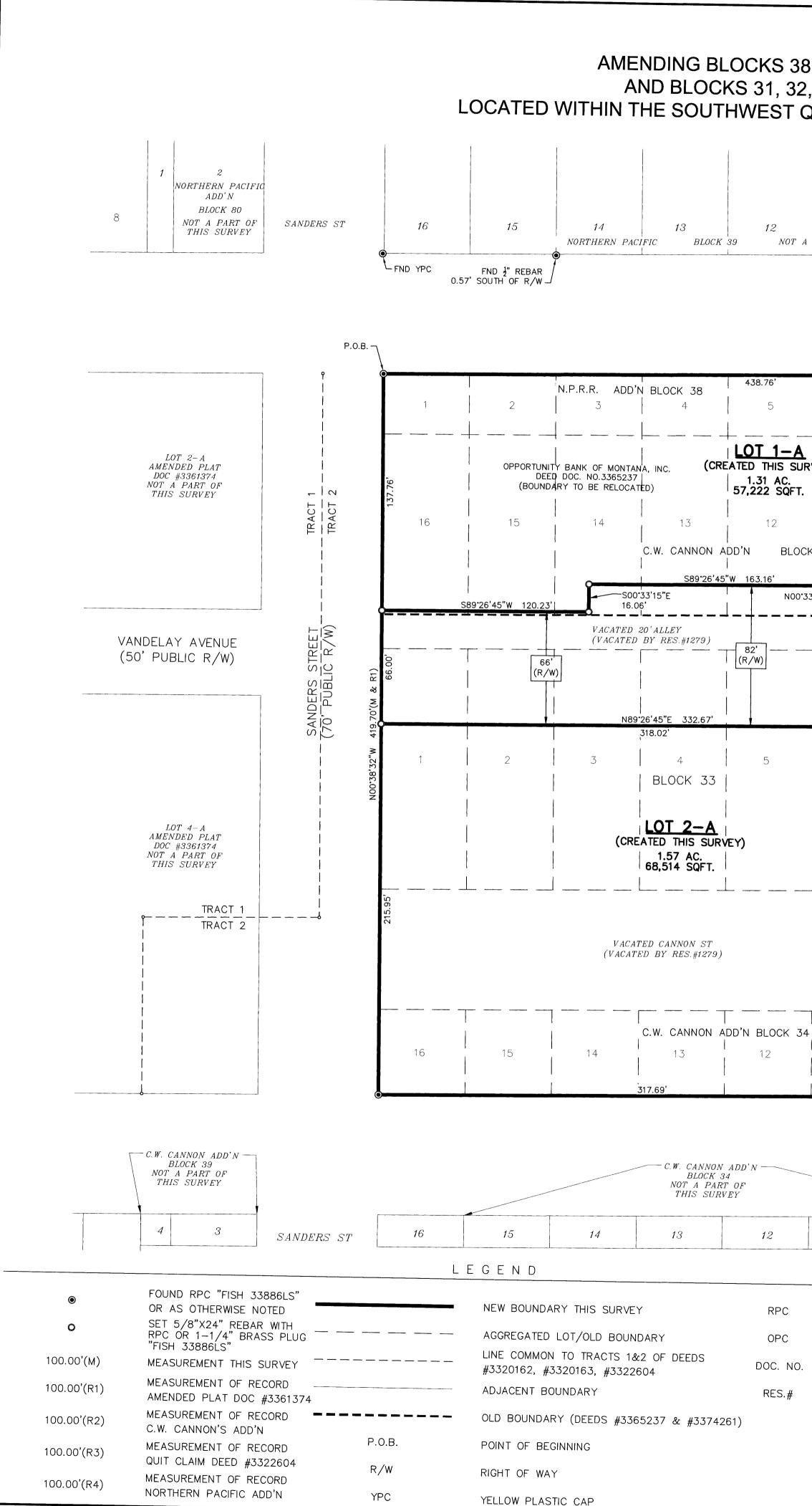
CERTIFICATE OF EXAMINING LAND SURVEYOR

REVIEWED FOR ERRORS AND OMISSIONS IN CALCULATIONS AND DRAFTING THIS _____ DAY OF _____, 2022_ PURSUANT TO SECTION 76-3-611(2)(A), MCA

ihea EXAMINING LAND SURVEYOR REG. NO. _/224945

3397792 COS 05/04/2022 12:43 PM Pages: 1 of 2 Fees: 157.00 Dr. Borves Clerk & Recorder, Lewis & Clark MT n 🚛 ()). By na shikara i shikara i shikara na na shikara na shikara kwa kutar na kwa na kwa na kwa na shikara k

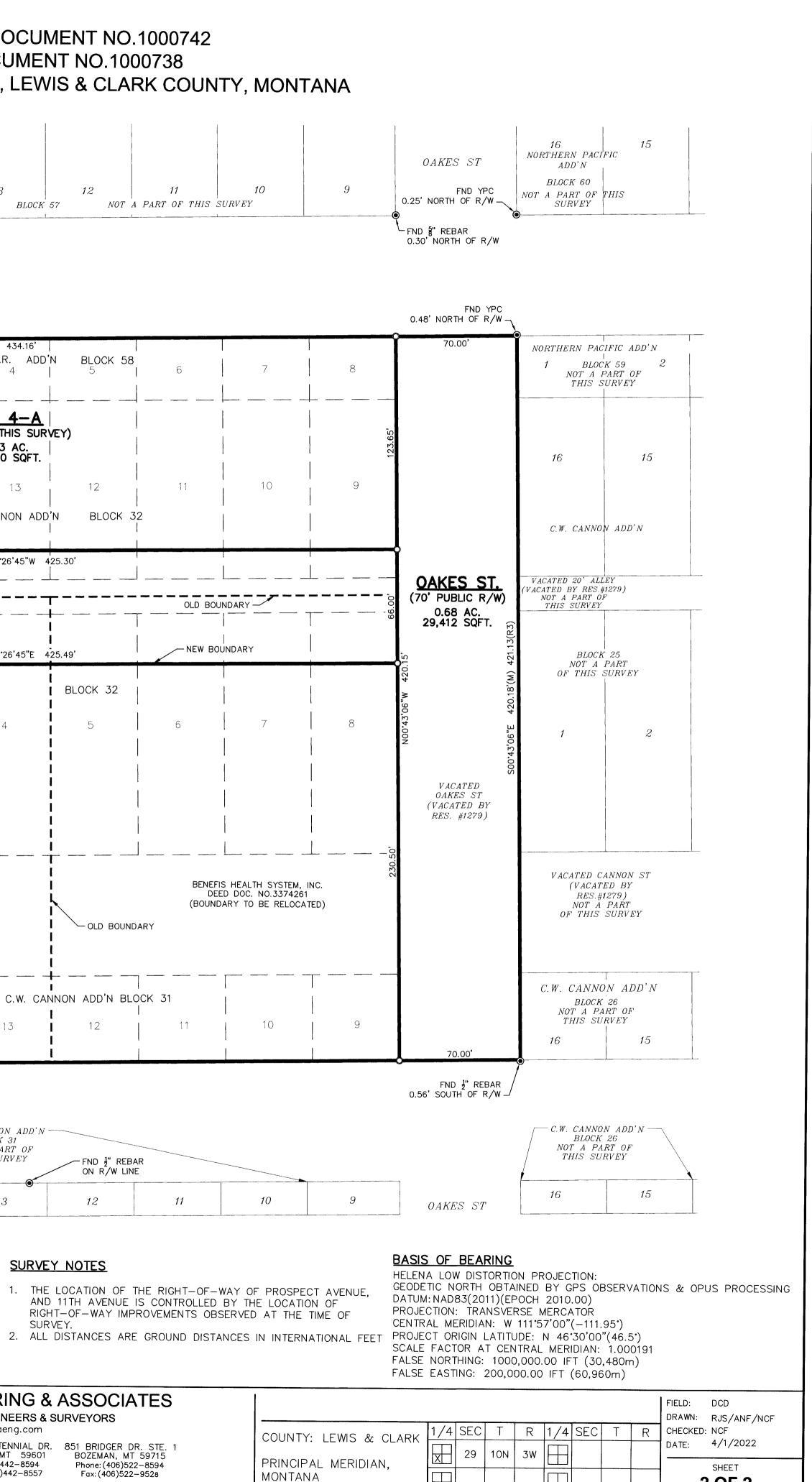
								FIELD: DCD DRAWN: RJS/ANF/NCF			
,	COUNTY: LEWIS & CLARK	1/4 5	SEC	Т	R	1/4	SEC	Т	R	CHECKED:	
ER DR. STE. 1 N. MT 59715	COUNTY. LEWIS & CLARK		29	10N	3W					DATE:	4/1/2022
06)522-8594 6)522-9528	PRINCIPAL MERIDIAN, Montana										SHEET
0,522-3526						╵╘╧╋╛╽				1 OF 2	OF 2



22 COS 2 12:43 3397792 (05/04/2022

AMENDED PLAT

AMENDING BLOCKS 38 & 58 OF THE PLAT OF THE NORTHERN PACIFIC ADDITION TO HELENA, DOCUMENT NO.1000742 AND BLOCKS 31, 32, 33 AND 34 OF THE PLAN OF C.W. CANNON'S ADDITION TO HELENA, DOCUMENT NO.1000738 LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 10 NORTH, RANGE 3 WEST, P.M.M., LEWIS & CLARK COUNTY, MONTANA 12 15 13 12 11 14 10 16 HARRIS ST NOT A PART OF THIS SURVEY NORTHERN PACIFIC BLOCK 57 FND OPC 17305LS - FND OPC 12246LS 0.15' NORTH OF R/W --0.50' NORTH OF R/W PROSPECT AVENUE (70' PUBLIC R/W)N89'16'24"E 942.92'(M) 940.00(R4) 434.16' N.P.R.R. ADD'N BLOCK 58 4 5 <u>LOT 1–A</u> | LOT 4-A | (CREATED THIS SURVEY) (CREATED THIS SURVEY) 1.31 AC. 57,222 SQFT. 1.23 AC. 53,420 SQFT. OLD BOUNDARY -12 15 14 13 12 11 10 16 NEW BOUNDARY NEW BOUNDARY BLOCK 33 C.W. CANNON ADD'N /-L=9.21' L=24.40'-10.91' N00'33'15"W-S89'26'45"W 425.30' 8.30' S89*26'45"W 41.72 VANDELAY AVE. VACATED 20'ALLEY (VACATED BY RES.#1279) VARYING PUBLIC R/W) - OLD BOUNDARY 82' 1.39 AC. 60,370 SQFT. (R/W) N89'26'45"E 425.49' BLOCK 32 └─14.65' 📘 70.00' NEW BOUNDARY -VACATEDLOT 3-A HARRIS ST (VACATED BY (CREATED THIS SURVEY) RES.#1279) 2.92 AC. 127,151 SQFT. - OLD BOUNDARY _____ BENEFIS HEALTH SYSTEM, INC. DEED DOC. NO. 3362449 & 3362450 (BOUNDARY TO BE RELOCATED) VACATED CANNON ST (VACATED BY RES.#1279) C.W. CANNON ADD'N BLOCK 31 12 11 555.78' S89'18'09"W 943.48'(M) 940.00'(R2) 11TH AVENUE (70' PUBLIC R/W) C.W. CANNON ADD'N -BLOCK 31 NOT A PART OF THIS SURVEY 12 10 15 14 -13 HARRIS ST PARCEL CURVE TABLE SURVEY NOTES CURVE # LENGTH RADIUS DELTA CHORD BEARING CHORD LENGTH RPC RED PLASTIC CAP C1 24.01' 125.00' 11.00° S83°56'38"W 23.97**'** OPC ORANGE PLASTIC CAP C2 33.61' 175.00' | 11.00" | N83°56'38"E 33.56' SURVEY. DOC. NO. DOCUMENT NUMBER C3 | 191.00' | 11.00' | S83'56'38"W 36.68' 36.63' RES.# C4 20.93' | 109.00' | 11.00' | N83'56'38"E RESOLUTION NUMBER 20.90' **STAHLY ENGINEERING & ASSOCIATES** AND FILE BILLE **PROFESSIONAL ENGINEERS & SURVEYORS** STAHLY www.seaeng.com 3530 CENTENNIAL DR. 851 BRIDGER DR. STE. 1 2223 MONTANA AVE. ISSOCIATES. STE. 201 HELENA, MT 59601 BILLINGS, MT 59101 Phone: (406)442-8594 SCALE IN FEET Phone: (406)601-4055 Fax: (406)442—8557 Fax: (406)522-9528 Fax: (406)601—4062



2 OF 2

Mark Esponda 3424 lus Huy 12E Helena MT 59601

QUITCLAIM DEED

For value received, BENEFIS HEALTH SYSTEM, INC., 1101 26th St. S., Great Falls, Montana 59405, DICK AND MARGARET ANDERSON FAMILY LIMITED PARTNERSHIP, 1800 Lodgepole, Helena, Montana 59601, D&M DEVELOPMENT, LLC, 3424 US Hwy 12 East, Helena, Montana 59601, and OPPORTUNITY BANK OF MONTANA, 1400 Prospect Ave., Helena, Montana 59601 (collectively "Grantors"), do hereby convey, release, remise and forever quitclaim unto BENEFIS HEALTH SYSTEM, INC., 1101 26th St. S., Great Falls, Montana 59405 all of Grantors' interest in the real property located in Lewis and Clark County, Montana, more particularly described on Exhibit A, attached and incorporated herein.

DATED this and day of May, 2022.

(Remainder of page intentionally left blank. Signature pages follows.)

3397794 B: M60 P: 9862 DEED 05/04/2022 12:43 PM Pages: 1 of 6 Fees: 48.00 Amy Reeves Clerk & Recorder, Lewis & Clark MT Amy Reeves Clerk & Recorder, Lewis & Clark MT

3397794 B: M60 P: 9862 DEED 05/04/2022 12:43:22 PM Page 2 of 6 Fees: \$48.00

Opportunity Bank of Montana, Inc.

By:

Darryl Rensmon

Its: Senior Vice President

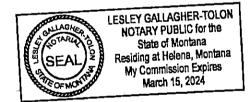
STATE OF Montana SS. COUNTY OF Lewis and Cla

This instrument was acknowledged before me this 2^{μ} day of M_{ZM} , 2022, by Darryl Rensmon as Senior Vice President of Opportunity Bank of Montana, Inc.

Hey Mall aghy - Johon Stary Public for the State of _____

My commission expires

(SEAL)



3397794 B: M60 P: 9862 DEED 05/04/2022 12:43:22 PM Page 3 of 6 Fees: \$48.00

Benefis Health Systems, Inc.

C By: Forrest Ehlinger

Its: Chief Financial Officer

STATE OF <u>Mintana</u>) COUNTY OF <u>Cuscade</u>) ss.

This instrument was acknowledged before me this 2 day of May _____, 2022, by Forrest Ehlinger as Chief Financial Officer of Benefis Health Systems, Inc.

SASHA DANZBERGER Notary Public for the State of Montana Residing at GREAT FALLS, MT My Commission Expires February 22, 2025

1

nohe Notary Public for the State of Montan. My commission expires Feb. 02, 2025

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3397794 B: M60 P: 9862 DEED 05/04/2022 12:43:22 PM Page 4 of 6 Fees: \$48.00

Dick and Margaret Anderson Family, I	JP
By: Dick Andorra	
Its: <u>Manying</u> Partner	
STATE OF <u>MT</u>) COUNTY OF <u>LAWS + CL</u> ACK } ss	
This instrument was acknowledged before Dick Underson as Mongain Partice	e me this <u>2</u> day of <u>May</u> , 2022, by <u>9</u> of Dick and Margaret Anderson Family, LP. <u>ANALOA</u> Shout Natary Public for the State of <u>MI</u>
ANGELA ASHBY NOTARY PUBLIC for the State of Montana Residing at Helena, Montana My Commission Expires March 14, 2026	Notary Public for the State of $\underline{\bigcirc M(1)}$ My commission expires $\underline{31424}$

3397794 B: M60 P: 9862 DEED 05/04/2022 12:43:22 PM Page 5 of 6 Fees: \$48.00

.

<u>D&M Development, LLC</u>	
By: Mark Esponder	_
Its: <u>Marag</u> er	
STATE OF MT) .ss.	
This instrument was acknowledged before r Esponda as <u>Manage</u> of D&M Deve	ange a ashby
ANGELA ASHBY NOTARY PUBLIC for the State of Montana Residing at Helena, Montaria My Commission Expires March 14, 2026	Notary Public for the State of MTY My commission expires 314

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<u>Exhibit A</u>

Lot 3-A of the Amended Plat of Blocks 31, 32, 33 and 34 of the C.W. Cannon Addition to the City of Helena, Document Number 1000738, Lewis and Clark County, Montana, as shown on the Amended Plat filed under Document Number <u>339779こ</u>.

Project Reviews City of Helena

Project Number: ZBOA2303-003

Appli	ed: 3/29/2023	Approved:	Site Ad
Close	ed:	Expired:	City, St
Statu	s: RECEIVED		Applica
Parer	nt Project:		Owner

Site Address: **1645 Vandelay Ave** City, State Zip Code: **Helena, MT** Applicant: **Danielle Grebe** Owner: **Helena Specialty Center LLC** Contractor: **<NONE>**

Description: Benefis Sign

Details:

LIST OF REVIEWS									
SENT DATE	RETURNED DATE	DUE DATE	UE DATE TYPE CONTACT		STATUS	REMARKS			
Review Group: AUT	0								
3/29/2023		4/1/2023	DIRECTOR REVIEW	Christopher Brink					
Notes:									

