

## Kyle Holland, Planner II Community Development Department 316 North Park Avenue, Room 445

Helena, MT 59623

Phone: 406-447-8492 Fax: 406-447-8460

Email: kholland@helenamt.gov

helenamt.gov

**Date:** October 12, 2023

#### **STAFF REPORT**

**To:** Helena Board of Adjustment

**From:** Kyle Holland, City Planner II

**Subject:** Consideration of:

1. A variance from Section 11-24-4 to allow a deviation from parking lot landscaping requirements for a property with a legal description a legal description of Lots 2 and 3 of Block 1 on COS #3100615 of the Nob Hill Subdivision, City of Helena, Lewis and Clark County, Montana.

The reason for this variance is to remove trees along the front of the building from the submitted plans.

This Property is located at 3196 Colonial Drive.

#### **OVERVIEW**

#### **GENERAL INFORMATION**

DATE OF APPLICATION: Application received October 02, 2023

PUBLIC HEARING DATE: Board of Adjustment - 5:30 p.m., Tuesday, November 7, 2023

PROPERTY OWNER: Maverik Inc.

APPLICANT: Melanie Ruff

MAILING ADDRESS: 185 S State Street, Suite 800, Salt Lake City, Utah 84111

CONTACT NUMBER: (385) 343-4137

EMAIL ADDRESS: melanie.ruff@maverik.com

PROPERTY ADDRESS: 3196 Colonial Drive, Helena, MT 59601

#### LEGAL DESCRIPTION:

Lots 2 and 3 of Block 1 on COS #3100615 of the Nob Hill Subdivision, City of Helena, Lewis and Clark County, Montana

PRESENT LAND USE: Convenience Store

PRESENT ZONING: B-2

ADJACENT LAND USE:

North: Vacant South: Vacant

East: Interstate Highway

West: Vacant

#### **VARIANCE PROPOSALS:**

1. A variance from Section 11-24-4 to allow a deviation from parking lot landscaping requirements for a property with a legal description a legal description of Lots 2 and 3 of Block 1 on COS #3100615 of the Nob Hill Subdivision, City of Helena, Lewis and Clark County, Montana.

#### HISTORY OF APPLICABLE PERMITTING ACTION:

- 1) April 2023 permit issued for new construction
- 2) February and June Variance for signs was partially approved

## ZONING EVALUATION for the properties legally addressed as 3196 Colonial Drive, Helena, MT, located in a B-2 zoning district.

ZONING REQUIREMENT	Applicable ZONING REGULATION	PRESENT CONDITION	PROPOSAL	VARIANCE REQUIRED
City Code: §11-24-4 (B) PARKING LOT LANDSCAPING	Any edge of a parking space must be within thirty five feet (35') of the trunk of a tree on the same tract or contiguous public rights of way	Proposed site plan has been approved	Remove proposed trees from western edge of building	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, October 26, 2023, no 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 Approve or Denv

1. A variance from Section 11-24-4 to allow a deviation from parking lot landscaping requirements for a property with a legal description a legal description of Lots 2 and 3 of Block 1 on COS #3100615 of the Nob Hill Subdivision, City of Helena, Lewis and Clark County, Montana.

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

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

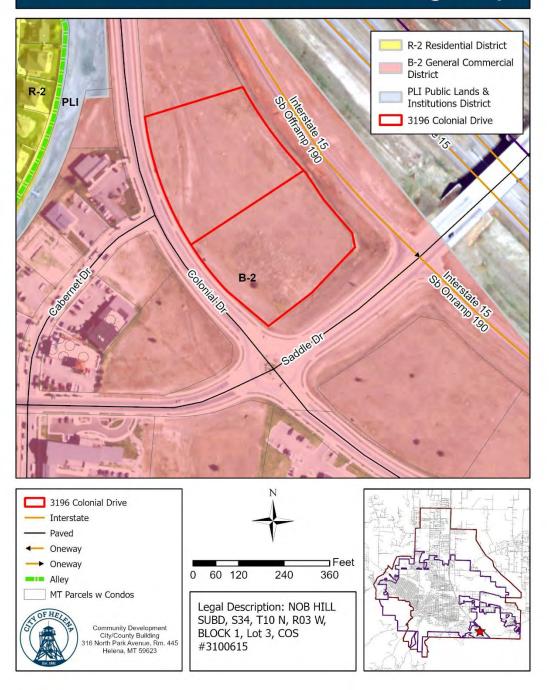
Regards,

**Kyle Holland, Planner II** 

Community Development Department City-County Building 316 N. Park Ave, Rm 403 Helena, MT 59623

Is allow

## 3196 Colonial Drive Zoning Map





## Kyle Holland, Planner II Community Development Department 316 North Park Avenue, Room 445

Helena, MT 59623

Phone: 406-447-8492 Fax: 406-447-8460

Email: kholland@helenamt.gov

helenamt.gov

**Date:** October 12, 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 November 7th, 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</u>, <u>November 7th, 2023</u> at 5:30 p. m. in the <u>Commission Chambers</u>, 316 N Park Ave, and via <u>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 <a href="https://zoom.us/u/abx78Gko9e.">https://zoom.us/u/abx78Gko9e.</a>

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 11-24-4 to allow a deviation from parking lot landscaping requirements for a property with a legal description a legal description of Lots 2 and 3 of Block 1 on COS #3100615 of the Nob Hill Subdivision, City of Helena, Lewis and Clark County, Montana.

The reason for this variance is to remove trees along the front of the building from the submitted plans.

#### ADDRESS:

This Property is located at 3196 Colonial Drive.

#### **GENERALLY LOCATED:**

This property is generally located north of the roundabout at Colonial Drive and Saddle Drive.

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

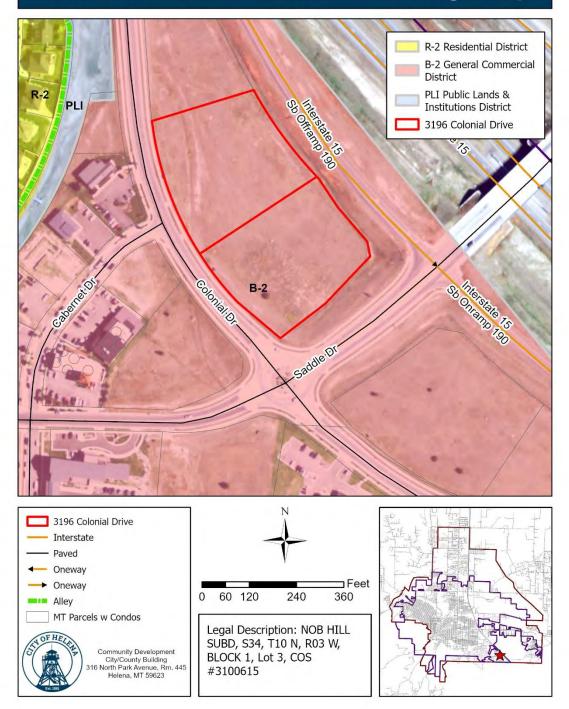
Sincerely,

Kyle Holland, Planner II

Community Development Department City-County Building 316 N. Park Ave, Rm 403 Helena, MT 59601

Il gellow!

## 3196 Colonial Drive Zoning Map





#### **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 3:22 pm, Oct 02, 2023

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

PROPER1			
Name:	Maverik Inc.	Primary Number:	
Address	185 S State Street, Suite 800, SLC, UT	Other Phone:	
Email:			
APPLICA	NT (If different from property owner): Prin	nary Contact? 🛭	
Name:	Melanie Ruff	Primary Number:	385-343-4137
Address	185 S State Street, Suite 800, SLC, UT	Other Phone:	
Email:	melanie.ruff@maverik.com	Company:	Maverik Inc.
AUTHOR	ZED REPRESENTATIVE: Primary Contact?	? <b>□</b>	
Name:		Primary Number:	
Address	:	Other Phone:	
Email:		Company:	
□ Addre	Address	City	Ot at
☐ Addre	ss of Property 3196 Colonial Drive, Helena, N Address		7.0.1.
☐ Legal		Oity	State Zip Code
	Description (Block & Lots, Subdivision, COS#)_	•	·
	Description (Block & Lots, Subdivision, COS#)_ots 2 & 3, COS #3100615	•	•
☐ Geoco	ots 2 & 3, COS #3100615	•	· ·
	ots 2 & 3, COS #3100615 de_45.342628 N, 111.583728 W	•	·
☐ The m	ots 2 & 3, COS #3100615  de_45.342628 N, 111.583728 W  ost recent deed for impacted property	•	·
☐ The m	ots 2 & 3, COS #3100615  de_45.342628 N, 111.583728 W  ost recent deed for impacted property  Parcel Size (square feet) 197326.8 SF	NOB Hill Subdivision, S	34 T10 N, R03 Block 1
☐ The m ☐ Lot or ☐ Currer	ots 2 & 3, COS #3100615  de45.342628 N, 111.583728 W  ost recent deed for impacted property  Parcel Size (square feet)197326.8 SF  t and proposed use of structure or property:	NOB Hill Subdivision, S  Fuel and Convenience S	34 T10 N, R03 Block 1
☐ The m ☐ Lot or ☐ Currer	ots 2 & 3, COS #3100615  de_45.342628 N, 111.583728 W  ost recent deed for impacted property  Parcel Size (square feet) 197326.8 SF	NOB Hill Subdivision, S  Fuel and Convenience S	34 T10 N, R03 Block 1
□ The m □ Lot or □ Currer □ Currer	ots 2 & 3, COS #3100615  de45.342628 N, 111.583728 W  ost recent deed for impacted property  Parcel Size (square feet)197326.8 SF  t and proposed use of structure or property:	NOB Hill Subdivision, S  Fuel and Convenience S	34 T10 N, R03 Block 1
☐ The m ☐ Lot or ☐ Currer ☐ Currer ☐ Are the	ots 2 & 3, COS #3100615  de45.342628 N, 111.583728 W  ost recent deed for impacted property  Parcel Size (square feet)197326.8 SF  t and proposed use of structure or property:t  t Zoning District	NOB Hill Subdivision, S  Fuel and Convenience S	34 T10 N, R03 Block 1

### 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.

Dim	mensional Criteria:							
	Reduce front lot line setback:							
	· · · · · · · · · · · · · · · · · · ·							
	Reduce rear lot line setback:							
	Exceed building height limitation:							
Lot	t Coverage/Area Criteria:							
	Lot coverage percentage:							
	Front porch lot coverage percentage:							
	Lot area per dwelling unit:							
Lan	ndscaping Criteria:							
<b>V</b>	Reduce or eliminate landscaping area: R	emoval of planned trees between building and canopy						
	Reduce or eliminate screening:							
<u>Par</u>	rking Criteria:							
	Exceed the maximum parking spaces allo	wed:						
	Reduce the amount of required on-site pa	king spaces:						
	Reduce or eliminate loading berths:							
	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:   Interpretation of the process of the							
	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:  Int Coverage/Area Criteria: Lot coverage percentage: Front porch lot coverage percentage: Lot area per dwelling unit: Indscaping Criteria:  Reduce or eliminate landscaping area: Reduce or eliminate screening: Interval:  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:  Interval: Interval							
Sig	<u>ın Criteria</u> :							
	Sign area (square footage):							
	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.

#### S

ec	tion 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.  N/A						
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 code requires trees every 35' along parking, which places the trees in dangerous areas.						
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.  Developments at 3116 Saddle Drive, 3130 Saddle Drive, and 3003 Cabernet Dr do not follow the 35' tree						
	spacing requirement along parking spaces. This is especially evident near the entrances of these						
	businesses.						
	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 nonconformity. Explain.  N/A.						
_							
_							
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.  Denial of the variance would pose a hazardous situation for people on site. Maverik aims to provide the						
	safest experince to our customers. The current design obstructs the employees from monitoring the						
	activity at the fuel canopy. The proposed tree grates pose a tripping hazard to the community.						

5.	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.  Allowing a variance would help Maverik maintain safety for our employees and customers on site.						
	Removal of trees and their tree grates would reduce tripping hazards significantly. Removal of trees						
	would improve safety of those within the store and those fueling at the canopy.						
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.  No, other businesses nearby do not appear to follow the required tree spacing at the parking adjacent to						
	the building.						
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.  No.						
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.

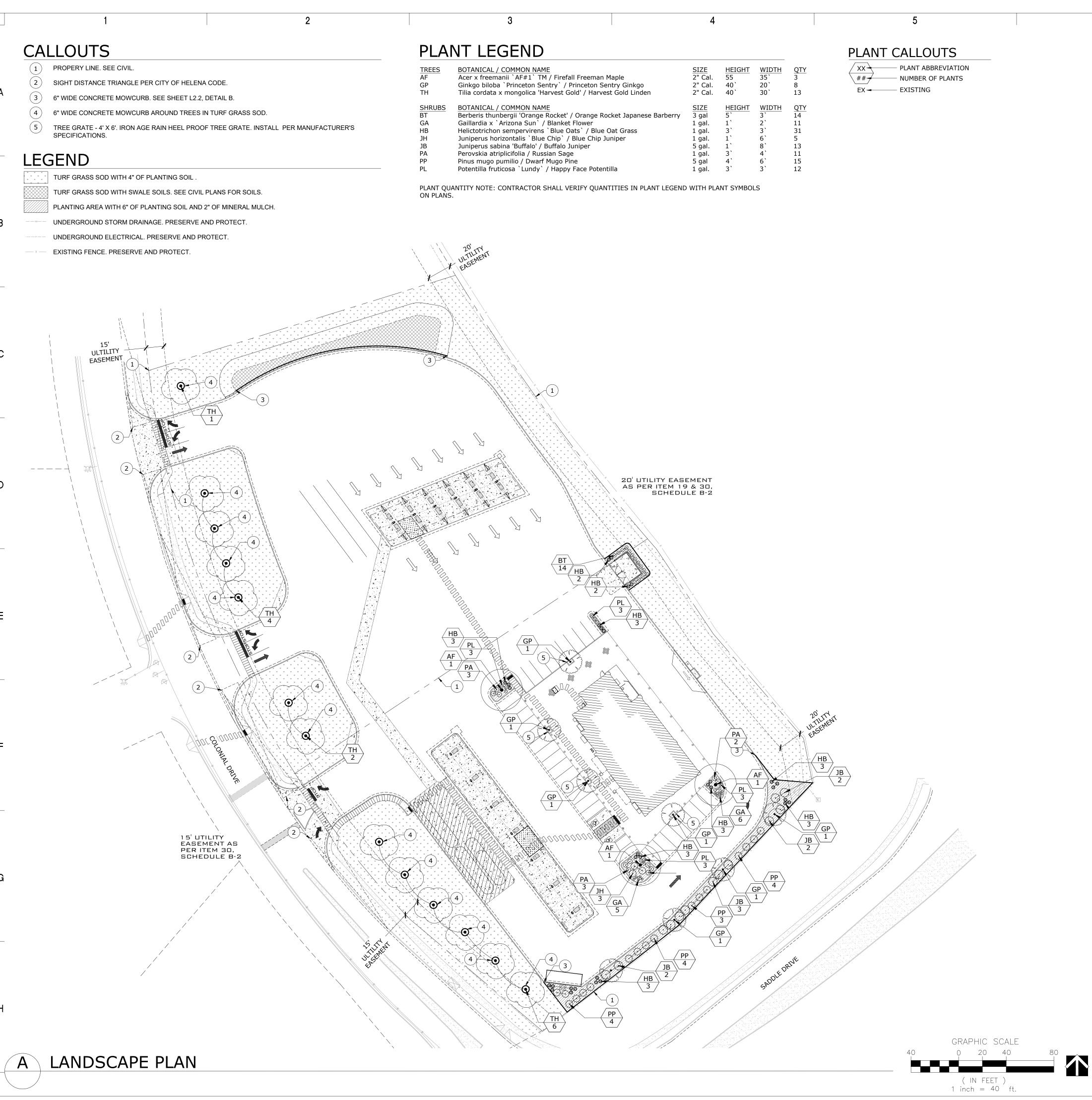
## I HEREBY CERTIFY AND ACKNOWLEDGE THE STATEMENTS IN THIS APPLICATION AND ANY ATTACHED INFORMATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signed:	Tel Call	Date:	10/2/2023
Applicant:	Property Owner  (If different from Owner)	Date:	10/2/2023

(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.



### PLANTING NOTES

- 1. CONTRACTOR SHALL CALL 811 TO LOCATE ALL EXISTING ABOVE OR BELOW GRADE ON-SITE UTILITIES PRIOR TO COMMENCEMENT OF WORK, INCLUDING PLANTING. THE LOCATIONS OF UTILITIES. STRUCTURES AND SERVICES SHOWN IN THE CONTRACT DOCUMENTS SHALL BE DEEMED TO BE APPROXIMATIONS ONLY. ALL DISCREPANCIES BETWEEN WHAT IS SHOWN AND THE ACTUAL FIELD CONDITIONS SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE. PRESERVE AND PROTECT EXISTING UTILITIES TO REMAIN FROM DAMAGE OR DISRUPTION, TYPICAL. MAINTAIN LOCATES DURING CONSTRUCTION FOR REFERENCE. CONTRACTOR SHALL RECORD ALL UTILITY MARKINGS ON A SEPARATE SET OF DRAWINGS. THIS SET SHALL BE KEPT ON-SITE FOR REFERENCE FOR DURATION OF CONTRACT. 2. CONTRACTOR TO COORDINATE WITH OWNER'S MAINTENANCE PERSONNEL TO IDENTIFY AND PROTECT
- ANY EXISTING OWNER MAINTAINED UTILITIES, WATER LINES, IRRIGATION LINES, IRRIGATION CONTROL WIRES OR OTHER IMPROVEMENTS PRIOR TO CONSTRUCTION.
- 3. THE INFORMATION ON THIS SHEET IS INCOMPLETE UNLESS ACCOMPANIED BY THE DETAILS DEVELOPED FOR THIS PROJECT. REFER TO THOSE DETAILS FOR ADDITIONAL INFORMATION.
- 4. CONTRACTOR IS RESPONSIBLE FOR VERIFYING CONDITIONS IN THE FIELD PRIOR TO CONSTRUCTION AND NOTIFYING THE OWNER AND OWNERS REPRESENTATIVES OF DISCREPANCIES. VERIFY THAT SUB GRADE PREPARATION HAS BEEN COMPLETED TO ACCEPTABLE TOLERANCES PRIOR TO COMMENCEMENT OF WORK. CONTRACTOR ACCEPTS SUB GRADES UPON COMMENCEMENT OF WORK AND IS RESPONSIBLE FOR ANY CORRECTIONS REQUIRED AFTER WORK BEGINS.
- 5. REMOVE ALL CONSTRUCTION DEBRIS, CONCRETE, MORTAR, ROCKS, ETC FROM LANDSCAPE AREAS PRIOR TO SUB GRADE PREPARATION AND INSTALLATION OF PLANTING SOIL.
- 6. TREES AND SHRUBS TO MEET REQUIREMENTS OF AMERICAN STANDARD FOR NURSERY STOCK FOR SIZE AND MATERIAL CONDITION. 7. PLANT COUNTS IN LEGEND ARE FOR REFERENCE ONLY. PLANT SYMBOLS DICTATE THE REQUIRED PLANTS.
- 8. PLANTING SOIL SCHEDULE (SEE SPECIFICATIONS): a. PLANTING AREAS: 6" OF APPROVED PLANTING SOIL', GARDENWERKS GARDEN SELECT OR APPROVED
- b. SODDED LAWN AREAS: 4" OF APPROVED PLANTING SOIL, GARDENWERKS GARDEN SELECT OR
- APPROVED EQUAL. 9. MINERAL MULCH SCHEDULE (SEE SPECIFICATIONS):
- a. PLANTING AREAS: 2" OF MINERAL MULCH TYPE 'A'. 3/4" CRUSHED ROCK, NATURAL GRAY COLOR.
- b. ROCK MULCH AREAS: 4" OF MINERAL MULCH TYPE 'A'. 3/4" CRUSHED ROCK, NATURAL GRAY COLOR.
- 10. ALL LANDSCAPE AREAS TO BE IRRIGATED BY AN AUTOMATIC IRRIGATION SYSTEM. SEE IRRIGATION PLANS AND SPECIFICATIONS.

11. TREE LOCATIONS MAY VARY DEPENDING ON WALK, DRIVEWAY, AND UTILITY LOCATIONS. STAKE FOR

- APPROVAL PRIOR TO PLANTING.
- 12. LAYOUT OF MOWCURBS AND EDGING TO BE MARKED FOR APPROVAL PRIOR TO INSTALLATION. 13. DO NOT COMPACT BOTTOMS OF SWALES, PROTECT SWALES FROM CONSTRUCTION TRAFFIC AND DEBRIS.
- SEE CIVIL PLANS FOR SOILS IN SWALES. 14. ALL TREES TO BE SINGLE TRUNKED, UNLESS OTHERWISE NOTED. MULTI-TRUNKED TREES TO INCLUDE
- MAIN LEADER EQUAL OR GREATER TO SIZE SPECIFIED.
- 15. TREES OF THE SAME SPECIES SHALL BE MATCHED FROM SAME LOT AND GROWER.
- 16. FINISH GRADE TO BE:
  - a. PLANTING AREAS: 2 1/2" BELOW ADJACENT WALKS OR HARDSCAPE ELEMENTS BEFORE INSTALLATION OF MINERAL/ORGANIC MULCH.

b. TURF AREAS, SODDED: 2" BELOW ADJACENT WALKS OR HARDSCAPE ELEMENTS.

9/30/2022

DRIVE

Ш

ADDL

STORE

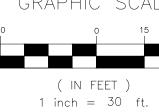
THIS SET OF APPROVED PLANS TO BE ON JOB SITE AT ALL TIMES



MICHAEL TERRELL - LANDSCAPE ARCHITECTURE, PLLC 1421 N. MEADOWWOOD LANE, SUITE 150 LIBERTY LAKE, WA 99019 PHONE (509) 922-7449

CRITICAL TO CONSTRUCTION

CONTRACTOR NOTE



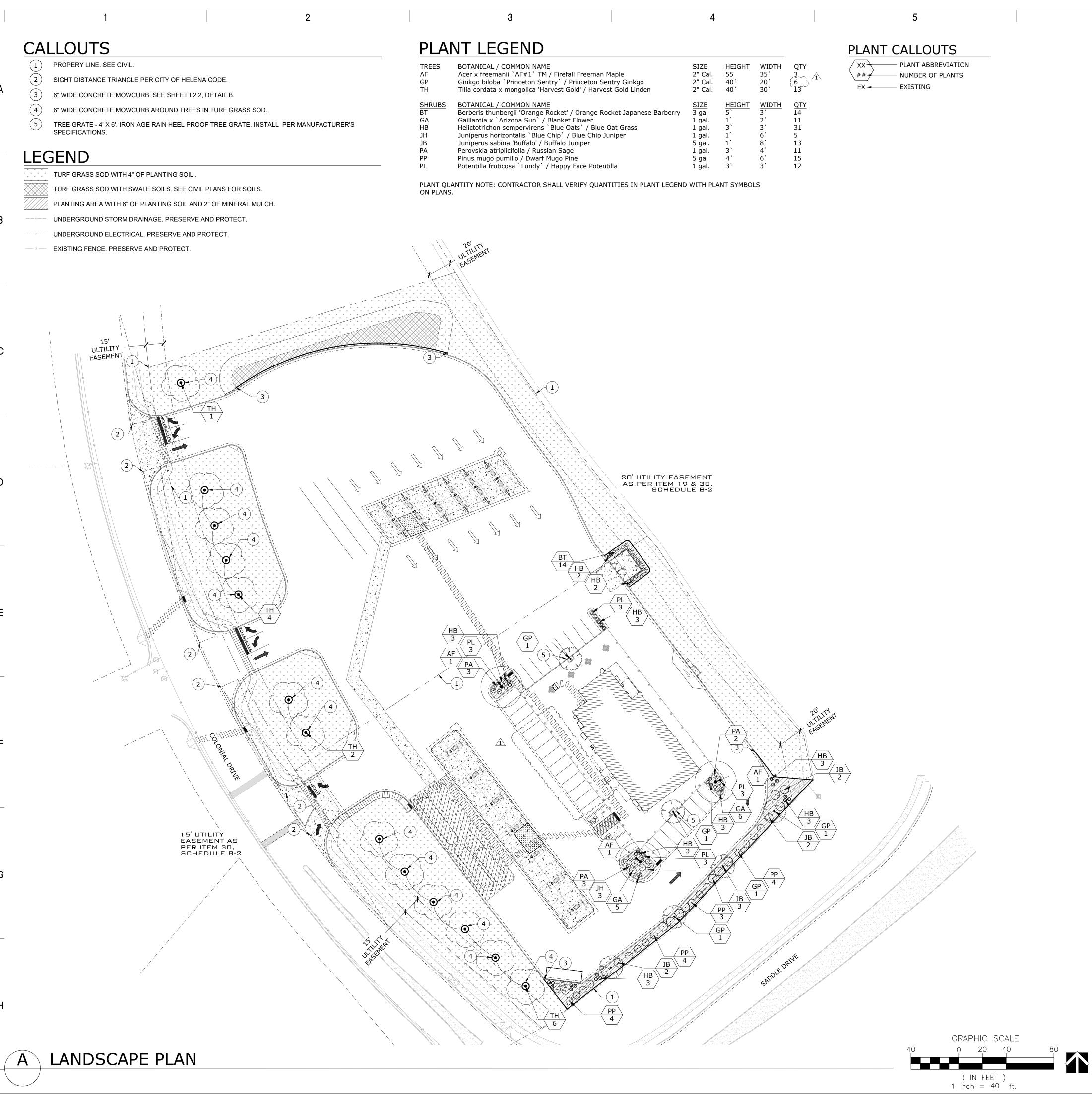
UNDERGROUND SERVICE ALERT ONE-CALL NUMBER CALL TWO BUSINESS DAYS BEFORE YOU DIG

SHEET TITLE:

LANDSCAPE **PLAN** 

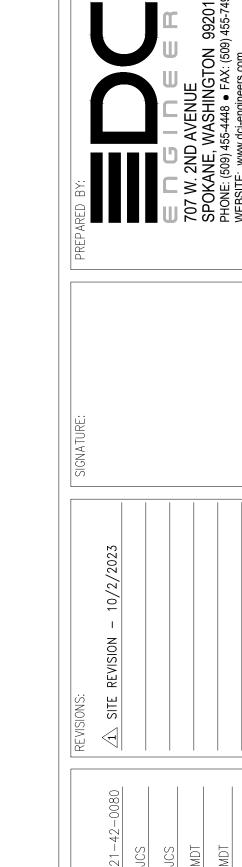
COL

L1.2



### PLANTING NOTES

- 1. CONTRACTOR SHALL CALL 811 TO LOCATE ALL EXISTING ABOVE OR BELOW GRADE ON-SITE UTILITIES PRIOR TO COMMENCEMENT OF WORK, INCLUDING PLANTING. THE LOCATIONS OF UTILITIES. STRUCTURES AND SERVICES SHOWN IN THE CONTRACT DOCUMENTS SHALL BE DEEMED TO BE APPROXIMATIONS ONLY. ALL DISCREPANCIES BETWEEN WHAT IS SHOWN AND THE ACTUAL FIELD CONDITIONS SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE. PRESERVE AND PROTECT EXISTING UTILITIES TO REMAIN FROM DAMAGE OR DISRUPTION, TYPICAL. MAINTAIN LOCATES DURING CONSTRUCTION FOR REFERENCE. CONTRACTOR SHALL RECORD ALL UTILITY MARKINGS ON A SEPARATE SET OF DRAWINGS. THIS SET SHALL BE KEPT ON-SITE FOR REFERENCE FOR DURATION OF CONTRACT. 2. CONTRACTOR TO COORDINATE WITH OWNER'S MAINTENANCE PERSONNEL TO IDENTIFY AND PROTECT
- ANY EXISTING OWNER MAINTAINED UTILITIES, WATER LINES, IRRIGATION LINES, IRRIGATION CONTROL WIRES OR OTHER IMPROVEMENTS PRIOR TO CONSTRUCTION.
- 3. THE INFORMATION ON THIS SHEET IS INCOMPLETE UNLESS ACCOMPANIED BY THE DETAILS DEVELOPED FOR THIS PROJECT. REFER TO THOSE DETAILS FOR ADDITIONAL INFORMATION.
- 4. CONTRACTOR IS RESPONSIBLE FOR VERIFYING CONDITIONS IN THE FIELD PRIOR TO CONSTRUCTION AND NOTIFYING THE OWNER AND OWNERS REPRESENTATIVES OF DISCREPANCIES. VERIFY THAT SUB GRADE PREPARATION HAS BEEN COMPLETED TO ACCEPTABLE TOLERANCES PRIOR TO COMMENCEMENT OF WORK. CONTRACTOR ACCEPTS SUB GRADES UPON COMMENCEMENT OF WORK AND IS RESPONSIBLE FOR ANY CORRECTIONS REQUIRED AFTER WORK BEGINS.
- 5. REMOVE ALL CONSTRUCTION DEBRIS, CONCRETE, MORTAR, ROCKS, ETC FROM LANDSCAPE AREAS PRIOR TO SUB GRADE PREPARATION AND INSTALLATION OF PLANTING SOIL.
- 6. TREES AND SHRUBS TO MEET REQUIREMENTS OF AMERICAN STANDARD FOR NURSERY STOCK FOR SIZE AND MATERIAL CONDITION. 7. PLANT COUNTS IN LEGEND ARE FOR REFERENCE ONLY. PLANT SYMBOLS DICTATE THE REQUIRED PLANTS.
- 8. PLANTING SOIL SCHEDULE (SEE SPECIFICATIONS): a. PLANTING AREAS: 6" OF APPROVED PLANTING SOIL', GARDENWERKS GARDEN SELECT OR APPROVED
- b. SODDED LAWN AREAS: 4" OF APPROVED PLANTING SOIL, GARDENWERKS GARDEN SELECT OR APPROVED EQUAL.
- 9. MINERAL MULCH SCHEDULE (SEE SPECIFICATIONS):
- a. PLANTING AREAS: 2" OF MINERAL MULCH TYPE 'A'. 3/4" CRUSHED ROCK, NATURAL GRAY COLOR. b. ROCK MULCH AREAS: 4" OF MINERAL MULCH TYPE 'A'. 3/4" CRUSHED ROCK, NATURAL GRAY COLOR.
- 10. ALL LANDSCAPE AREAS TO BE IRRIGATED BY AN AUTOMATIC IRRIGATION SYSTEM. SEE IRRIGATION PLANS AND SPECIFICATIONS.
- 11. TREE LOCATIONS MAY VARY DEPENDING ON WALK, DRIVEWAY, AND UTILITY LOCATIONS. STAKE FOR APPROVAL PRIOR TO PLANTING.
- 12. LAYOUT OF MOWCURBS AND EDGING TO BE MARKED FOR APPROVAL PRIOR TO INSTALLATION. 13. DO NOT COMPACT BOTTOMS OF SWALES, PROTECT SWALES FROM CONSTRUCTION TRAFFIC AND DEBRIS.
- SEE CIVIL PLANS FOR SOILS IN SWALES. 14. ALL TREES TO BE SINGLE TRUNKED, UNLESS OTHERWISE NOTED. MULTI-TRUNKED TREES TO INCLUDE
- MAIN LEADER EQUAL OR GREATER TO SIZE SPECIFIED.
- 15. TREES OF THE SAME SPECIES SHALL BE MATCHED FROM SAME LOT AND GROWER.
- 16. FINISH GRADE TO BE: a. PLANTING AREAS: 2 1/2" BELOW ADJACENT WALKS OR HARDSCAPE ELEMENTS BEFORE
  - INSTALLATION OF MINERAL/ORGANIC MULCH. b. TURF AREAS, SODDED: 2" BELOW ADJACENT WALKS OR HARDSCAPE ELEMENTS.



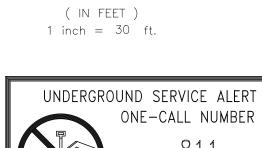


CONTRACTOR NOTE

MICHAEL TERRELL - LANDSCAPE ARCHITECTURE, PLLC

1421 N. MEADOWWOOD LANE, SUITE 150 LIBERTY LAKE, WA 99019 PHONE (509) 922-7449

CRITICAL TO CONSTRUCTION



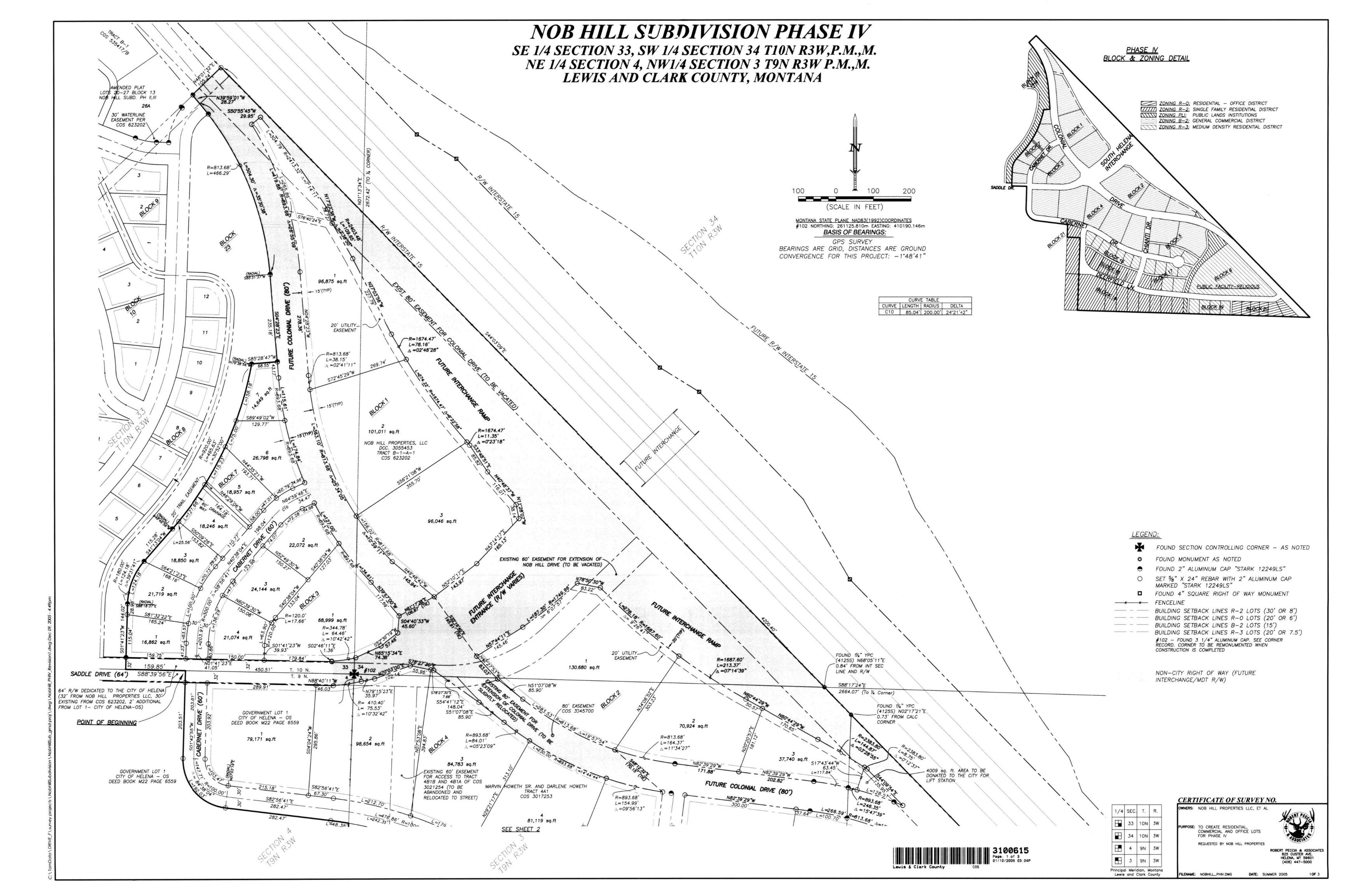
CALL TWO BUSINESS DAYS BEFORE YOU DIG

SHEET TITLE:

LANDSCAPE **PLAN** 

COL

L1.2



#### **Melanie Ruff**

From: LCC Property Tax <PROPERTYTAX@lccountymt.gov>

Sent: Monday, October 2, 2023 10:18 AM

To: Melanie Ruff

**Subject:** RE: Maverik - Helena - Current Paid Tax Proof

#### CAUTION: This is an external email. STOP and THINK before you click!

Nobody has been taxed yet.

From: Melanie Ruff < Melanie.Ruff@maverik.com>

Sent: Monday, October 2, 2023 9:59 AM

**To:** LCC Property Tax <PROPERTYTAX@lccountymt.gov> **Subject:** RE: Maverik - Helena - Current Paid Tax Proof

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To confirm, there is nothing recorded for Maverik's taxes on these properties yet?

Displaying records 1 to 2 of 2 Search Criteria [Owner: Maverik]

					1
TaxID	Status	Туре	Owner	Mailing Address	Levy District
42464	Current	RE	MAVERIK INC	185 S STATE ST STE 800 SALT LAKE CITY, UT 841111549	Tax District 01
<u>42465</u>	Current	RE	MAVERIK INC	185 S STATE ST STE 800 SALT LAKE CITY, UT 841111549	Tax District 01
					1

Note: The accuracy of this data is not quaranteed. Property Tax data was last updated 10/02/2023 09:00 AM.

Thanks,

Melanie Ruff, Assoc. AIA | Planning Project Manager 185 South State Street, Suite 800 Salt Lake City, UT 84111

Mobile: 385-343-4137 Pronouns: She/Her



From: LCC Property Tax < PROPERTYTAX@lccountymt.gov>

Sent: Monday, October 2, 2023 9:50 AM

To: Melanie Ruff < Melanie.Ruff@maverik.com >

Subject: RE: Maverik - Helena - Current Paid Tax Proof

#### CAUTION: This is an external email. STOP and THINK before you click!

No 2023 bills haven't gone out yet. Thank you

From: Melanie Ruff < Melanie.Ruff@maverik.com >

Sent: Monday, October 2, 2023 9:46 AM

To: LCC Property Tax < <a href="mailto:PROPERTYTAX@lccountymt.gov">PROPERTYTAX@lccountymt.gov</a> > Subject: RE: Maverik - Helena - Current Paid Tax Proof

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

2022, is there anything available for 2023?

Melanie Ruff, Assoc. AIA | Planning Project Manager 185 South State Street, Suite 800 Salt Lake City, UT 84111 Mobile: 385-343-4137 Pronouns: She/Her



From: LCC Property Tax <PROPERTYTAX@lccountymt.gov>

Sent: Monday, October 2, 2023 9:45 AM

To: Melanie Ruff < Melanie.Ruff@maverik.com>

Subject: RE: Maverik - Helena - Current Paid Tax Proof

CAUTION: This is an external email. STOP and THINK before you click!

For 2022?

From: Melanie Ruff < Melanie.Ruff@maverik.com >

Sent: Monday, October 2, 2023 9:27 AM

**To:** LCC Property Tax < <a href="mailto:PROPERTYTAX@lccountymt.gov">PROPERTYTAX@lccountymt.gov</a> <a href="mailto:Subject: Maverik">Subject: Maverik</a> - Helena - Current Paid Tax Proof

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Would you please send me proof of current paid taxes for TaxID 42464 and 42465?

#### Displaying records 1 to 2 of 2

Search Criteria [Owner: Maverik]

					1
TaxID Status Type		Owner	Mailing Address	Levy District	
42464	Current	RE	MAVERIK INC	185 S STATE ST STE 800 SALT LAKE CITY, UT 841111549	Tax District 01
42465	Current	RE	MAVERIK INC	185 S STATE ST STE 800 SALT LAKE CITY, UT 841111549	Tax District 01
					1

Note: The accuracy of this data is not guaranteed. Property Tax data was last updated 10/02/2023 09:00 AM.

Thank you so much,

Melanie Ruff, Assoc. AIA | Planning Project Manager 185 South State Street, Suite 800 Salt Lake City, UT 84111

Mobile: 385-343-4137 Pronouns: She/Her



Date: 10/02/2023 Time: 09:47:25 LEWIS AND CLARK COUNTY

\*\*\* REPRINTED \*\*\*
CASH RECEIPT
2022 REAL ESTATE TAXES

Receipt#	Trans Date	Clerk ID	Batch#	Tax Year	Tax Code	Receipt Total
2305131	11/14/2022	SO	20221110-000379	2022	42464	\$5,946,23

Legal Owner Name	Legal Description
PEC DESIGN-BUILD CORPORATION 3400 CENTENNIAL DR HELENA MT 59601-9769	LOC: 1 GEO: 05-1888-34-3-01-03-0000 TWN: 10 N SCT: 34 RNG: 03 W NBH SubDiv NBH LOT: 2 BLK: 1 NOB HILL SUBD, S34, T10 N, R03 W, BLOCK 1, Lot 2, COS #3100615

Stmt#	MC	Description	1st Half	Status	2nd Half	Status
29885 29885 29885 29885 29885 29885 29885 29885 29885 29885	0001 0008 0016 0061 0070 2121 2518 8013	Tax District 01 STREET MAINT #1 STORM WATER UTL LANDFILL MONITORING URBAN FOREST MGMT OPEN SPACE MAINT FORESTVALE CEM OPEN-SPACE LANDS SOIL & WATER SOIL CONSRVTN PERMISS MED	3.62 19.50 10.00 22.81 41.80 23.94		0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.0	
		PAYMENT DATE: TAX AMOUNT: PENALTY: INTEREST: TOTAL:	11/14/2022 \$5,946.23 \$5,946.23			
		RECEIPT TOTAL:	\$5,946.23			
		THIS RECEIPT IS INCLUDED IN A BATCH WITH 5 OTH	IER RECEIPT(S) TO	DTALING:	\$30,798.29	

Payment Type	Doc#	Description	Amount
Check	323316	PLANNED AND ENGINEERED CONSTRUCTION	36,744.52
		TOTAL:	36,744.52

Date: 10/02/2023 Time: 09:47:56

#### LEWIS AND CLARK COUNTY

\*\*\* REPRINTED \*\*\*
CASH RECEIPT
2022 REAL ESTATE TAXES

Receipt#	Trans Date	Clerk ID	Batch#	Tax Year	Tax Code	Receipt Total
2305131	11/14/2022	SO	20221110-000379	2022	42464	\$5,946,23

Legal Owner Name	Legal Description
PEC DESIGN-BUILD CORPORATION 3400 CENTENNIAL DR HELENA MT 59601-9769	LOC: 1 GEO: 05-1888-34-3-01-03-0000 TWN: 10 N SCT: 34 RNG: 03 W NBH SubDiv NBH LOT: 2 BLK: 1 NOB HILL SUBD, S34, T10 N, R03 W, BLOCK 1, Lot 2, COS #3100615

Stmt#	MC	Description	1st Half	Status	2nd Half	Status
29885 29885 29885 29885 29885 29885 29885 29885 29885	0001 0008 0016 0061 0070 2121 2518 8013	Tax District 01 STREET MAINT #1 STORM WATER UTL LANDFILL MONITORING URBAN FOREST MGMT OPEN SPACE MAINT FORESTVALE CEM OPEN-SPACE LANDS SOIL & WATER	3.62 19.50 10.00 22.81 41.80 23.94	PAID PAID PAID PAID PAID PAID PAID PAID	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.0	
29885	8020	PAYMENT DATE: TAX AMOUNT: PENALTY: INTEREST: TOTAL:	\$5,946.23 \$5,946.23	PAID	0.00	
		RECEIPT TOTAL: THIS RECEIPT IS INCLUDED IN A BATCH WITH 5 OTH	\$5,946.23 HER RECEIPT(S) TO	OTALING:	\$30,798.29	

<b>Payment Type</b>	Doc#	Description		Amount
Check	323316	PLANNED AND ENGINEERED CONSTRUCTION		36,744.52
			TOTAL:	36,744.52

Date: 10/02/2023 Time: 09:48:36

#### LEWIS AND CLARK COUNTY

## \*\*\* REPRINTED \*\*\* CASH RECEIPT 2022 REAL ESTATE TAXES

Receipt#	<b>Trans Date</b>	Clerk ID	Batch#	Tax Year	Tax Code	Receipt Total
2303959	11/09/2022	DR	20221107-000399	2022	42465	\$11,371,44

Legal Owner Name	Legal Description
PTNH LLC 7 CLOVER VIEW DR HELENA MT 59601-0252	LOC: 1 GEO: 05-1888-34-3-01-05-0000 TWN: 10 N SCT: 34 RNG: 03 W NBH SubDiv NBH LOT: 3 BLK: 1 NOB HILL SUBD, S34, T10 N, R03 W, BLOCK 1, Lot 3, COS #3100615

31164   0000   31164   0001   STREET MAINT #1   103.08   PAID   103.08   PAID   103.08   PAID   23.08   PAID   23.08   PAID   23.08   PAID   23.08   PAID   31164   0016   LANDFILL MONITORING   3.62   PAID   3.61   PAID   31164   0070   OPEN SPACE MAINT   10.00   PAID   10.00   PAID   31164   2121   FORESTVALE CEM   21.83   PAID   21.83   PAID   21.83   PAID   31164   8013   SOIL & WATER   22.92   PAID   0.00   PAID   31164   8020   SOIL CONSRVTN PERMISS MED   PAYMENT DATE: TAX AMOUNT: PENALTY: INTEREST:   TOTAL: \$5,698.27   \$5,673.17   \$5,673.17   \$11,371.44   \$11,371.44	Stmt#	MC	Description	1st Half	Status	2nd Half	Status
PAYMENT DATE: 11/09/2022 11/09/2022	31164 31164 31164 31164 31164 31164 31164	0001 0008 0016 0061 0070 2121 2518 8013	STREET MAINT #1 STORM WATER UTL LANDFILL MONITORING URBAN FOREST MGMT OPEN SPACE MAINT FORESTVALE CEM OPEN-SPACE LANDS SOIL & WATER	103.08 23.08 3.62 19.50 10.00 21.83 40.00 22.92	PAID PAID PAID PAID PAID PAID PAID PAID	103.08 23.08 3.61 19.50 10.00 21.83 40.00 0.00	PAID PAID PAID PAID PAID PAID PAID PAID
	31104	8020	PAYMENT DATE: TAX AMOUNT: PENALTY: INTEREST: TOTAL:	11/09/2022 \$5,698.27	TAID	\$5,673.17	FAID

Payment Type	Doc#	Description	Amount
Check	1123	PTNH LLC	11,371.44
		TOTAL:	11,371.44

# **Project Reviews City of Helena**

Project Number: ZBOA2310-005 Description: 3196 Colonial Drive

Applied: 10/2/2023 Approved: Site Address: 3196 COLONIAL DR

Closed: Expired: City, State Zip Code: **HELENA**, **MT 59601** 

Status: **RECEIVED** Applicant: **<NONE>** 

Parent Project: Owner: MAVERIK INC

Contractor: <NONE>

#### Details:

	LIST OF REVIEWS								
SENT DATE	RETURNED DATE	DUE DATE	ТҮРЕ	CONTACT	STATUS	REMARKS			
Review Group: ALL					_				
10/12/2023	10/17/2023	10/26/2023	BUILDING	Kim Mack	NO COMMENT				
Notes:									
10/12/2023		10/26/2023	CITY ATTORNEY	Attorney Bucket					
Notes:									
10/12/2023	10/18/2023	10/26/2023	ENGINEERING	Tyson Lesmeister	NO COMMENT				
Notes:									
10/12/2023	10/18/2023	10/26/2023	FIRE	Lou Antonick	NO COMMENT				
Notes:									
10/12/2023		10/26/2023	POLICE	Police Bucket					
Notes:									
10/12/2023	10/13/2023	10/26/2023	PUBLIC WORKS	JAMIE CLARK	NO COMMENT				
Notes:									
10/12/2023		10/26/2023	TRANSPORTATION SYSTEMS	Mark Young					
Notes:									



# **Project Reviews City of Helena**

Review Group: AUTO							
10/2/2023		10/5/2023	DIRECTOR REVIEW	Christopher Brink			
Notes:							

