

MANDAN ARCHITECTURAL REVIEW COMMISSION MINUTES

March 15, 2011

ROLL CALL: Leonard Bullinger/President, Joe Lukach/Vice President, Robert (Bob) Vayda, Richard Barta/Building Official, Steve Nardello/Fire Chief and Kim Fettig/City Engineering.

MEMBERS ABSENT: Jason Krebsbach, Jerome Gangl and Rick Zander.

GUESTS: Ellen Huber, Mandan Development Director.

The meeting was called to order at 1:00 P.M.

FIRST ORDER OF BUSINESS: Proposal by Randy Rhone, Little Ceasers, and Dave Thompson, Toman Engineering, to construct a new establishment at 310 6 Ave SE.

Mr. Thompson started the discussion with the building location; building size (3,650 square feet); and he indicated that a portion of the building will house Little Ceasers and the remainder will be leased.

Leonard noted the dumpster is enclosed and Mr. Thompson agreed. Leonard then stated that the only thing he didn't see included in this proposal was the landscaping. Mr. Thompson stated that because this site is a corner lot they had concerns. Since it is on a busy corner, would it (landscaping) obstruct site lines from vehicles; would the vegetation cause an accumulation of snow and make snow removal an issue with the City; and since it is a restaurant, they want a good view to the building also. Leonard stated that low growing plants would work.

Bob questioned the signage. It was noted that for now, Little Ceasers will install wall mount signage. In the future, they may consider a tenant panel sign. It was also noted they would have to come back with signage for approval.

Steve indicated that from the Fire Department's view, there were no issues with access.

Bob questioned if they had chosen an option for the retaining wall fence. Mr. Rhone stated that they had not made a final decision on that yet.

Richard questioned the two entrances. Mr. Thompson stated that they will both be entrances and exits and that the lay-out has been approved by the City Engineering Department.

Kim questioned the storm water management and it was noted that Dave Bechtel has to review this prior to the permit being issued.

Steve makes a motion to approve with the conditions that the storm water management and the landscaping design requirements are met.

Kin seconded.

Upon roll call vote, the motion passes unanimously.

Richard asked if Mr. Schlosser was coming to the meeting today. Mary indicated that he had picked up his paper work and would be coming at a later date. Bob added that he had received an email last week from Ellen indicating that the Renaissance Zone meeting had been canceled due to problems with the building on the lot.

Ellen approached the board. She stated that from the template of the design, he wasn't ready to submit because of the lot coverage. It exceeds the 40%. What she (Ellen) and one commissioner wanted to know was when the 40% lot coverage was implemented and where was it in the minutes because she is interested in hearing the rational of this decision. Richard noted that this requirement comes directly from the CB zone guidelines and that it was noted in the table within Ordinance 1091.

Discussion then followed regarding; if a home becomes destroyed, would they be allowed to rebuild. Ellen noted that Mr. Schlosser was under the impression that if the boundary line was moved, as indicated in Ordinance 1091, that he could build. Richard stated that was not correct. The boundary does not supersede the zone requirements. Discussion then followed regarding setback requirements. Steve asked that if they built a four unit or larger, what would the lot coverage be. Richard indicated 100%. He also added that the main reason why they implemented the setback requirements was due to fire code.

Ellen states that from her standpoint, Manager of the Renaissance Zone, she just wanted to understand the rational of this decision since it wasn't the focal point of discussion previously. Leonard stated that when Mr. Schlosser was here that day (previous meeting); he was told that if he chose to build commercial, he could build to the property line(s). Ellen noted that Mr. Schlosser's design has hardly changed at all. Bob had generated a footprint of the property and according to his calculations; the proposed project will not fit on this parcel. Richard stated that he either has to change the proposed project to fit or build three or more units to utilize the entire property. Richard's personal opinion for putting this into the new ordinance, was so residential construction does not come about in a commercially zoned area and that the guidelines should be the same as everywhere else for the single family and two unit residential structures.

Ellen stated that she felt it was a miscommunication. Mr. Schlosser thought that once Ordinance 1091 was passed, he could build. Richard also felt that Mr. Schlosser thought that once he was in the fringe, he could build. Richard added that Mr. Schlosser knew he needed to make the outside appearance look like an old two story house and the revised plan did not follow through.

Richard questioned if the setback requirements in Ordinance 1091 still needed to be voted on so the record indicates such.

Richard then made a motion to have the minutes specifically notate the setback requirements and indicate that these setbacks came from the existing CB zone requirements.

Ellen stated that another issue was that Mr. Schlosser thought he could bring a variance request to the Planning and Zoning committee.

This is where the tape ended. Typing from here on is by notes only.

Discussion then followed on procedures and who has precedence over certain areas and/or policies and that the final determination would be with the City Commission on all accounts.

Richard's motion dies due to lack of a second.

MINUTES: Approval of the February 15th minutes.

Kim made a motion to approve as presented.

Joe seconded.

Upon vote, the motion passes unanimously.

There being no further business, the meeting was adjourned at 1:40 p.m.

Approved by:

Date

Transcribed by:
Mary Fahlsing/Admin. Specialist