

MANDAN ARCHITECTURAL REVIEW COMMISSION MINUTES

March 12, 2019

The meeting was called to order at 1:00 p.m.

ROLL CALL: James Jeromchek/ President, Katie Wiedrich/Vice President, Shawn Ouradnik/Building Official, Kim Fettig/City Engineer Dept., Steve Nardello/Fire Chief, Lee Pierce, Ben Zachmeier, Chris Redmann.

MEMBERS ABSENT: Amber Larson.

SPECIAL GUEST: Ellen Huber, John Van Dyke.

FIRST ORDER OF BUSINESS: Proposal by Kevin Shay with Landform Professional Services for new signage and exterior remodel for McDonalds located at 2601 Memorial Hwy SE. Kevin was not present. Shawn indicated he has spoken with Kevin and they plan on replacing the building facade and replacing a few signs.

Steve motioned to approve as presented.

Kim seconded.

Upon roll call vote, the motion passes unanimously.

SECOND ORDER OF BUSINESS: Proposal by Chris with Malloy Electric for an expansion of existing facility for Malloy Electric located at 1401 Action Dr SE. Chris plans on an 18,000 square foot expansion. Shawn asked if they were combining the lots. And Chris confirmed they are. Shawn also confirmed planning has restrictions on some of the lots. Chris stated they bought lots 4, 5, 6 and will replat into one lot with the restrictions removed. Chris is looking for a future Phase 3 and possibly Phase 4. Kim stated there are some issues on the engineer side that will have to be addressed. With the replat they will only be allowed two (2) forty (40) foot aprons. They will have to look into getting a variance thru engineer office. Steve asked if they plan on relocating a fire hydrant. Chris was unaware of moving a fire hydrant, but will relocate if needed. Kim questioned if they had stormwater plans approve. Chris will look into that.

Kim motioned to approve as presented contingent on meeting planning and zoning requirements, engineer requirements, stormwater requirements and relocate hydrant if needed.

Shawn seconded.

Upon roll call vote, the motion passes unanimously.

THIRD ORDER OF BUSINESS: Proposal by Wayne with Bismarck Sign Co. for new signage for Blackstone Tavern located at 2630 Old Red Trail NW. Wayne stated they plan on refacing the existing pole sign along with a 3x8 electronic message center. Wayne would like to replace two illuminated wall mount signs. Wayne proposed to replace a non-illuminated sign located on the east side on the canopy. The sign would be 4x6 in size. Beings the last sign is on the canopy, they would incorporate the 20% with the whole east side.

Katie motioned to approve as presented.

Ben seconded.

Upon roll call vote, the motion passes unanimously.

FOURTH ORDER OF BUSINESS: Proposal by Chris with Dollar Signs for new signage for Design Shack located at 412 E Main St. Chris plans on installing a new 4x8 panel sign above the main entrance. Lee asked if the sign will be illuminated or exterior lighting shining on it. Chris confirmed no.

Kim motioned to approve as presented as long as it meets the 20% requirement.

Lee seconded.

Upon roll call vote, the motion passes unanimously.

FIFTH ORDER OF BUSINESS: Proposal by Joe with Enclave for two (2) fifty-four (54) unit apartment buildings located at 3501 & 3511 21 St. SE. Joe was not present. This project (Phase I) was approved a few years ago. They plan on starting Phase II. Shawn indicated this is an updated sight plan and if we need more information we can call Joe.

Katie motioned to approve as presented.

Chris seconded.

Upon roll call vote, the motion passes unanimously.

SIXTH ORDER OF BUSINESS: Proposal by Randy Ehlis for a Storefront Improvement Project located at 218 West Main St. Randy plans on replacing two large bay windows on left side of door and an 8-foot garage door on the right side of the entry door. They will also install an ADA door along with a parapet entrance addition. Shawn stated according to the code, the sign can only protrude 36 inches out. The sign will exceed that along with the mounting brackets. Shawn asked how high the bottom of the sign will be. Shawn stated the requirement is 8 feet above grade. Randy is aware he will need to follow the sign ordinance. Lee asked what the colors will be. Randy stated a darker brown or black.

Shawn motioned to approve as presented contingent on the sign meeting the 36 inches requirement and a minimum of 8 feet above grade.

Kim seconded.

Upon roll call vote, the motion passes unanimously.

SEVENTH ORDER OF BUSINESS: Proposal by Dave with Hopfauf Custom Builders for a commercial remodel for Running's located at 504 West Main Street & 511 1st Street NW. Dave plans on extending the awning/overhang in front to add more storage and to add a new sign above. James asked if they plan on installing a fence. Dave confirmed yes. Lee asked what type of fencing they plan on using. Dave specified a chain link fence. Dave stated they plan on having a 16-foot opening on the north and south sides so to move item in and out they would like chain link for sight. Shawn stated due to visibility from main he would recommend an esthetically pleasing fence and a new landscaping plan. Shawn mentioned to get together with the city arborist on types of shrubs and trees they are allowed to plant.

Shawn motioned to approve as presented contingent on a revised landscaping plan and fencing.

Kim seconded.

Upon roll call vote, the motion passes unanimously.

EIGHTH ORDER OF BUSINESS: Proposal by Wayne with Bismarck Sign Co for a new sign for Schwan Cadillac located at 3812 Memorial Hwy SE. Wayne plans to reface the existing sign

Steve motioned to approve as presented.

Lee seconded.

Upon roll call vote, the motion passes unanimously.

OTHER BUSINESS: Discussion of MARC revision. Shawn would like to make a change for someone to fill in for a city employee serving as a MARC member. Shawn would like to add "or their appointees". John Van Dyke mention "representative" could be used instead. Shawn will change the wording to representative.

Consider recommendation of approval of mural ordinance. John Van Dyke invited the city attorney's assistant Amy for a more clarification on murals. Amy explained we are differentiated between signs and murals by saying signs are commercial and murals are non-commercial. When we do that generally commercial speech is less protected by the

first amendment. So if it is commercial we classify it as signage and subject it to all the restrictions in the sign ordinance. There is also a trend of not distinguishing the two, treating them all the same. And having your requirements be content neutral such as location, duration, and esthetics. Looking thru the ordinance you can't control content. John mentioned this is why he recommends not having murals on the front of the buildings because you don't know what you're going to get, which would be content neutral. Chris mentioned is it ok on the side of the building. Amy stated with that, now would you want to not allow any murals. James mentioned the ordinance states murals shall not contain illustrations for text that are obscene or incite violence. John said at that point he would send it for a second opinion to Amy. James feels the location is too broad of an area for murals. Needs to contain to a smaller area.

Shawn motioned to approve as presented, and recommends John to move forward with this to Planning & Zoning.

Ben seconded.

James feels it should be more restrictive in the size of area. Shawn elaborated where it's at is appropriate and can be shrunk down or broadened anytime. Chris stated he would be a no vote, due to the fact he doesn't feel it will be good for downtown Mandan. John asked for clarification on restrictive in size of location. Katie stated the original in alley ways only. James asked what the location is now. John stated 8th Ave NW to 6 Ave NE. Steve asked if there were any city's against murals. Steve's concern is there will be lack of maintenance and anyone can paint on any building.

Upon roll call vote, the motion does not pass by majority vote of 2-5 with Kim, Katie, Lee, Chris & James dissenting (Steve left early).

Katie motioned to approve the recommendation to a smaller area staying with the alley ways between 1st Street NW and Main St. W, bounded by 4 Ave NW and Collins Ave; AND 1st Street NE and Main St. E bounded by Collins Ave. and 2nd Ave NE.

Kim seconded.

Upon roll call vote, the motion passed by majority vote of 5-2 with Shawn and Chris dissenting.

MINUTES: Approval of the minutes from February 26, 2019.

Katie motioned to approve the minutes.

Kim seconded.

Upon roll call vote, the motion passes unanimously.

There being no further business, the meeting was adjourned at 2:28 p.m.

Approved by:

Date

Transcribed by:

Carolyn Reisenauer/Admin. Specialist