

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
June 22, 2016

The Bismarck Planning & Zoning Commission met on June 22, 2016, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Yeager presided.

Commissioners present were Tom Atkinson, Mike Donahue, Vernon Laning, Gabe Schell, Mike Schwartz, Ken Selzler, Mike Seminary and Wayne Yeager.

Commissioner Doug Lee was absent.

Staff members present were Carl Hokenstad – Director of Community Development, Kim Lee – Planning Manager, Jenny Wollmuth – Planner, Daniel Nairn – Planner, Hilary Balzum – Community Development Administrative Assistant, Jason Hammes – Assistant City Attorney, Brady Blaskowski – City Building Official and Charlie Whitman – City Attorney.

MINUTES

Chairman Yeager called for consideration of the minutes of the May 25, 2016 meeting.

MOTION: Commissioner Laning made a motion to approve the minutes of the May 25, 2016 meeting as presented. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Atkinson, Bitner, Donahue, Laning, Schell, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

CONSIDERATION

- A. LOTS 1-3, BLOCK 1, SONNET HEIGHTS SUBDIVISION – ZONING CHANGE**
- B. PART OF LOT 21, LOUNSBERRY OUTLOTS (SAXVIK ELEMENTARY SCHOOL) – ZONING CHANGE**

Chairman Yeager called for consideration of the following consent agenda items:

- A. Lots 1-3, Block 1, Sonnet Heights Subdivision – Zoning Change
- B. Part of Lot 21, Lounsberry Outlots (Saxvik Elementary School) – Zoning Change

MOTION: Commissioner Bitner made a motion to approve consent agenda items A and B, calling for public hearings on the items as recommended by staff. Commissioner Schwartz seconded the motion and it was unanimously approved with Commissioners Atkinson, Bitner, Donahue, Laning, Schell, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARINGS –
ZONING CHANGE AND MINOR SUBDIVISION FINAL PLAT
COTTONWOOD LAKE SIXTH ADDITION SECOND REPLAT**

Chairman Yeager called for the public hearing on the minor subdivision final plat and the zoning change from the Conditional RM10-Residential zoning district to the RM10-Residential zoning district for Cottonwood Lake Sixth Addition Second Replat. The proposed plat includes nine lots in one block on .90 acres and is located in south Bismarck, south of East Wachter Avenue along the north side of Irvine Loop and east side of South Washington Street (Being a replat of Lots 1 & 2, Block 1, Cottonwood Lake Sixth Addition Replat).

Ms. Wollmuth gave an overview of the requests, including the following findings for the zoning change:

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is compatible with adjacent land uses and zoning.
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner.
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Ms. Wollmuth then gave the findings for the final plat:

1. All technical requirements for approval of a minor subdivision final plat have been met.
2. A stormwater management plan waiver has been approved by the City Engineer.

3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
5. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on these findings, staff recommends approval of the zoning change from the Conditional RM10 – Residential zoning district to the RM10 – Residential zoning district and approval of the minor subdivision final plat for Cottonwood Lake Sixth Addition Second Replat.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Seminary made a motion to approve the zoning change from the Conditional RM10 – Residential zoning district to the RM10 – Residential zoning district and approval of the minor subdivision final plat for Cottonwood Lake Sixth Addition Second Replat. Commissioner Bitner seconded the motion and the motion was unanimously approved with Commissioners Atkinson, Bitner, Donahue, Laning, Schell, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

CONTINUED PUBLIC HEARING – PUD AMENDMENT SCHILLING FIRST ADDITION

Chairman Yeager called for the continued public hearing on a major PUD amendment for Schilling First Addition to amend the existing Planned Unit Development (PUD) to modify overall size and scale of the mixed-use building to be constructed on the west side of the property. The property is located in north Bismarck, along the east side of US Highway 83/State Street and the north side of 43rd Avenue NE.

Ms. Lee gave an overview of the request, including the following findings:

1. The proposed amendment is outside of the area included in the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed amendment is compatible with adjacent land uses and zoning.
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed amendment at the time the property is developed.

4. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner.
5. The character and nature of the amended planned unit development contains a planned and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located.
6. The amended planned unit development would preserve the natural features of the site insomuch as possible, including the preservation of trees and natural drainage ways.
7. The internal roadway circulation system within the amended planned unit development has been adequately designed for the type of traffic that would be generated.
8. Adequate buffer areas have been provided between the amended planned development and adjacent land uses, if needed, to mitigate any adverse impact of the planned unit development on adjacent properties.
9. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance.
10. The proposed amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice,
11. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Ms. Lee said based on these findings, staff recommends approval of the major Planned Unit Development (PUD) amendment for Lot 1, Block 1, Schilling First Addition, as outlined in the attached draft PUD amendment document attached to the staff report.

Commissioner Schwartz asked if there is only one entrance and exit for the property. Ms. Lee said that is correct, that the only access point is the one shown off of 43rd Avenue NE and that it is adequate for such things as emergency services.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Schwartz made a motion to approve the major Planned Unit Development (PUD) amendment for Schilling First Addition. Commissioner Laning seconded the motion and the motion was unanimously approved with Commissioners Atkinson, Bitner, Donahue, Laning, Schell, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – ZONING CHANGE
LOTS 4 & 5, BLOCK 4, MEADOWLARK COMMERCIAL SEVENTH ADDITION**

Chairman Yeager called for the public hearing on a zoning change from the RT-Residential zoning district to the CA-Commercial zoning district on Lots 4 & 5, Block 4, Meadowlark Commercial Seventh Addition. The property is located in north Bismarck, along the east side of North 19th Street and north of Skyline Boulevard.

Ms. Lee gave an overview of the request, including the following findings:

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is compatible with adjacent land uses and zoning.
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner.
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Ms. Lee said, based on the above findings, staff recommends approval of the zoning change from the RT – Residential zoning district to the CA – Commercial zoning district for Lots 4 & 5, Block 4, Meadowlark Commercial 7th Addition.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Atkinson made a motion to recommend approval of the zoning change from the RT – Residential zoning district to the CA – Commercial zoning district for Lots 4 & 5, Block 4, Meadowlark Commercial 7th Addition. Commissioner

Schwartz seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Donahue, Laning, Schell, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – ZONING CHANGE
AUDITOR’S LOTS 6A AND 6B OF AUDITOR’S LOT 6 OF THE NE1/4 OF
SECTION 1, T138N-R80W/LINCOLN TOWNSHIP**

Chairman Yeager called for the public hearing on a zoning change from the RR-Residential zoning district to the Conditional MA-Industrial zoning district on Auditor’s Lots 6A and 6B of Auditor’s Lot 6 of the NE1/4 of Section 1, T138N-R80W/Lincoln Township. The property is located east of Bismarck, along the west side of 52nd Street SE between County Highway 10/East Main Avenue and Apple Creek Road.

Ms. Lee gave an overview of the request, including the following findings:

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is compatible with adjacent land uses and zoning.
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner.
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Ms. Lee said, based on the above findings, staff recommends approval of the zoning change from RR – Residential zoning district to the Conditional MA – Industrial zoning district as outlined in the draft ordinance attached to the staff report.

Commissioner Seminary asked if approving this request, given that similar requests several years ago were denied, will set a precedent.

Ms. Lee said when a change was requested for this location in 2007, the Land Use Plan at the time called for development in that area to be residential. She said the 2014 Growth Management Plan changed it to industrial because of the need for more transition near 52nd Street SE, which is considered a major roadway. She then said the 50-foot buffer yard will provide increased distance between the different uses, and the buffer yard will also provide a screen between the uses and staff feels that is an appropriate alternative.

Chairman Yeager said they also need to take into consideration the topography in the area when figuring out the best uses and transitions.

Commissioner Atkinson acknowledged the e-mail received which expresses objection to the request but does not specify what that objection is. Ms. Lee said she is aware of the e-mail but no further contact has been made with that citizen. These comments are attached as Exhibit A.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Seminary made a motion to recommend approval of the zoning change from RR – Residential zoning district to the Conditional MA – Industrial zoning district as outlined in the attached draft ordinance. Commissioner Schwartz seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Donahue, Laning, Schell, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – ZONING CHANGE
PART OF WACHTERS ADDITION, WACHTERS ADDITION REPLAT, PART OF
REPLAT OF KAVANEY COMMERCIAL PARK AND PART OF BOUTROUS 2ND
ADDITION**

Chairman Yeager called for the public hearing on a City-initiated zoning change from the CR-Commercial zoning district to the CG-Commercial zoning district on all of the CR-zoned property in the community. The properties are located in the Gateway Mall and Kmart Shopping Center areas on both sides of State Street, north of Interstate 94 and South of East Century Avenue; and Kirkwood Mall area bounded by South 3rd Street, East Bismarck Expressway, South 7th Street, and East Bowen Avenue.

Mr. Nairn said that the purpose of this zoning change is to remove all CR-Commercial zoning districts, and this action would be followed by a zoning ordinance text amendment to eliminate this district from the ordinance. He said that staff does not believe this district is still necessary.

Mr. Nairn gave an overview of the request, including the following findings:

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is compatible with adjacent land uses and zoning.
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner.
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Mr. Nairn said, based on the above findings, staff recommends approval of the zoning change from CR-Commercial zoning district to the CG-Commercial zoning district for part of Wachters Addition, Wachters Addition Replat, Part of Replat of Kavaney Commercial Park and part of Boutrous 2nd Addition, as more particular described in the staff report.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Bitner made a motion to recommend approval of the zoning change from CR-Commercial zoning district to the CG-Commercial zoning district for part of Wachters Addition, Wachters Addition Replat, Part of Replat of Kavaney Commercial Park and part of Boutrous 2nd Addition, as more particular described in the staff report. Commissioner Laning seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Donahue, Laning, Schell, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT (MOTOR VEHICLE PARTS SALVAGE YARD)
LOTS A AND B OF LOT 1 AND PART OF LOT 2, BLOCK 1, MIRIAM INDUSTRIAL PARK 2ND ADDITION**

Chairman Yeager called for the public hearing on a special use permit for a motor vehicle parts salvage yard to be located on Lot A of Lot 1, Lot B of Lot 1 and Lot 2 less the Easterly 920 feet and less the North 40 feet of the West 405 feet taken for street right-of-way, Block 1, Miriam Industrial Park 2nd Addition. The property is located in east Bismarck on either side of East Divide Avenue: north of East Divide Avenue at the intersection with and west of Channel Drive; south of East Divide Avenue at the intersection with and east of a southerly extension of Channel Drive; and south of East Divide Avenue at the intersection with and west of a southerly extension of Channel Drive.

Ms. Wollmuth gave an overview of the request, including the following findings:

1. If approved as proposed and conditions of approval are met, the proposed special use would comply with all applicable provisions of the zoning ordinance and would be consistent with the general intent and purpose of the zoning ordinance.
2. The proposed special use would be compatible with adjacent land uses and zoning, provided the required wall or fencing and landscaping is installed adjacent to the public rights of way of all properties associated with CK Auto, Inc. and that buffer yards are installed where required.
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area, provided the conditions of approval are met.
4. Adequate public facilities and services are in place or would be provided at the time of development.
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity, provided the required wall or fencing and landscaping is installed adjacent to the public-rights of way of all properties associated with CK Auto, Inc. and that buffer yards are installed where required.
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.
7. The proposed special use would not adversely affect the public health, safety and general welfare, provided the required wall or fencing and landscaping is installed adjacent to the public-rights of way of all properties associated with CK Auto, Inc. and that buffer yards are installed where required.

Ms. Wollmuth said a motor vehicle parts salvage yard is allowed as a special use in the MA – Industrial zoning district provided conditions outlined in Section 14-03-08(4)(h) are met and that the two properties east of Channel Drive (3405 East Divide Avenue and 1700 Channel Drive), both north and south of East Divide Avenue were purchased by the applicant in 1995. She said according to the applicant, the properties were initially intended to be used for auto body repair and sales and that over the years, the properties have transformed into what is considered to be a motor vehicle parts salvage yard. She said the applicant purchased Lot 2 (1601 Channel Drive) in 2015 in order to expand his business.

Ms. Wollmuth said a number of complaints, regarding abandoned or wrecked vehicles have been received by various departments and divisions within the City of Bismarck and that over the years, requests have been made of the applicant to bring the properties associated with CK Auto, Inc. into compliance.

Ms. Wollmuth explained a notice and order was sent to the applicant in 2007 regarding vehicle parts, frames and bodies being stored outside of buildings and required fencing and the applicant appealed the notice and order to the Board of Adjustment. She said at their meeting of September 6, 2007, the Board denied the appeal and required the applicant to correct all violations on the site, and to submit an application for approval of a special use permit.

Ms. Wollmuth said staff is recommending the approval of the proposed special use permit because it would legitimize the existing use of the properties associated with CK Auto, Inc. and would allow the applicant to relocate salvage operations and storage of salvaged vehicles to Lot 2 (1601 Channel Drive), which will create the additional space needed on Lots 1A and 1B (3405 East Divide Avenue and 1701 Channel Drive) to comply with provisions of the City Code of Ordinances and resolve existing violations.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the special use permit for the operation of a motor vehicle parts salvage yard to be located on Lot A of Lot 1, Lot B of Lot 1 and Lot 2 less the Easterly 920 feet and less the North 40 feet of the West 405 feet taken for street right-of-way, Block 1, Miriam Industrial Park 2nd Addition, subject to the following conditions:

1. All encroachments into the public right-of-way, drainage ways, and the floodway must be removed no later than January 1, 2017.
2. All storage and salvage operations must be conducted within an enclosed building or within an area enclosed on all sides with an opaque wall or fence not less than eight (8) feet in height.
3. The required wall or fence must be set back at least fifteen (15) feet from the property lines of those portions of the properties associated with CK Auto, Inc. that function as storage or salvage operations that border the public rights-of-way.

4. All sites must be sufficiently cleared to provide adequate fire department access to all portions of existing and proposed buildings located on properties associated with CK Auto, Inc.
5. A completely and permanently landscaped setback strip of at least fifteen (15) feet must be installed around those portions of the properties associated with CK Auto, Inc. that function as storage or salvage operations that border public rights-of-way. All areas between the property line and the required wall or fence shall be landscaped and a buffer yard shall be installed where required in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening). In addition, the owner shall be responsible for providing, protecting and maintaining all landscaping materials in a healthy growing condition.
6. A site plan demonstrating the above conditions must be submitted for approval prior to the applicant continuing site development on any of the sites associated with CK Auto, Inc.
7. All applicable provisions of the zoning ordinance are met.
8. Development of the properties associated with CK Auto, Inc. must generally comply with the submitted narrative and the approved site plan.

Commissioner Seminary asked if some conditions have been in place to a certain degree and have been violated. Ms. Wollmuth said yes, the property is currently in violation of the conditions indicated for approval.

Commissioner Atkinson asked how it happened to be that there is a park so close to a salvage yard. Ms. Wollmuth said the zoning for the salvage yard property was in place prior to the development of the park.

Chairman Yeager opened the public hearing.

Glenn Faiman, East Hills Condo Association, said the property is an eye sore and has resulted in rodent problems around the park walking path, and that he feels a use like this belongs out of city limits. He said the new streets are being damaged and Dave's Auto on 26th Street had a 15-foot high fence so you would never even know it was there.

Judy Miller said her neighbor lives right across the street from this property and since her home was built, the number of items and vehicles has tripled. Additional photos and comments in opposition to this request provided by residents of the East Hills Condo Association are attached as Exhibit B.

Sara Krein, CK Auto Inc., said she agrees that the volume of items on their property has gotten out of control. She said they lack space, but are different from other salvage yards because they recycle and reuse parts as much as they can. She said they also repair vehicles to sell if they can and she sympathizes with the neighbors on how the property looks, but

they too paid special assessments for the improvement of Divide Avenue and value that as much as the neighbors do. She said they have been working diligently with staff and are very willing to find a way to resolve this issue. She said they have already ordered trees and would like to get everything cleaned up and better conceal their operation with additional fencing and landscaping. She said they did a large clean-up project three years ago and moved some items, but they need additional space.

Commissioner Selzler asked what the maximum capacity of vehicles on the property is right now. Devin Ohlhauser, CK Auto, said it could hold up to 1,000 vehicles but they would never obtain that many.

Commissioner Laning asked what they are going to do with the items they have stored at their 66th Street SE property. Mr. Ohlhauser said they plan to move the approximately 350 items to the new lot located in the southeast quadrant of the intersection of East Divide and Channel Drive once their fence and enclosures are in place.

Commissioner Seminary asked if they were given permission from the City to put their existing fence in the floodway. Ms. Krein said they were given permission to do that with the intention of using that space for storage.

Chairman Yeager said they have been using the public right-of-way for the storage of vehicles for several years but are just now asking for permission to do so. He said he wants discussion of this request to stay very transparent and said there is many violations on the property but in order to clean them up, the rules must be imposed.

Commissioner Bitner said this request is not off-base at all but the issue is that it spans three jurisdictions with one location already having had a large amount of dirt moved in a flood area with the parties involved knowing what the rules are regarding stormwater requirements.

Chairman Yeager said that in his experience, the Environmental Protection Agency gets involved in these types of situations.

Rick Anderson, adjacent property owner – Dakota Sanitation, said he understands their intention to clean up their property and he does not want to stop their business in the process. He said he wants the surrounding property values to remain high and this does not operate like a typical salvage yard. He said the business was also there before the residential housing was developed on North 35th Street.

Additional comments in opposition to this request are attached as Exhibits C-G. Additional comments from the owner of CK Auto, Chris Krein, are attached as Exhibit H.

There being no further comments, Chairman Yeager closed the public hearing.

Commissioner Seminary asked if the owners are currently in violation of any zoning codes. Ms. Wollmuth said they are in violation of some if not all of the conditions listed in the staff report.

Commissioner Seminary asked if permission was indeed given by the City at any point for them to put items in the floodway. Ms. Wollmuth said no records have been found of any permission of that nature being given.

Commissioner Schell said the extension of the right-of-way of Channel Drive where some of the vehicles are stored is planned and because of the proximity to Hay Creek it is imperative that the vehicles be relocated.

Commissioner Seminary asked if a motion can be made to deny the request for a period of one year and enforce compliance in that time frame or they will not reconsider the request again later.

Commissioner Schwartz asked what the impact of not approving the request could be. Ms. Wollmuth said they will be considered out of compliance and would not be allowed to function as a salvage yard.

Commissioner Bitner said there is such a significant amount of opposition to this request and so much time has already been given for the property to be cleaned up and brought into compliance that he will back the citizens and oppose the request.

Chairman Yeager said there is the issue of who will enforce the requirements and how much time and man hours will it take to get it to where it needs to be.

Commissioner Seminary said based on the comments, a long existing business is in violation with admission from the owner that they are out of control, but this business does fulfill a unique need to the citizens of Bismarck. He said approving the request will impact property values but denying it will only allow them to operate out of compliance as they have been doing.

Commissioner Laning asked if the suggested probation period would be one year. Commissioner Seminary said yes, that is his suggestion.

Mr. Whitman asked if this would be a temporary special use permit to become permanent after one year or if they will not grant a permit at all right now and then reconsider the request later.

Commissioner Seminary said he would like to deny the request for a period of twelve months to allow time for the owners to clean up the property and bring it into compliance. He said he has not seen any demonstration of willingness to be a good citizen in that matter as of yet.

Commissioner Schell said he feels there is a lack of trust between the business owners and the City and without that they will never both come to an understanding of what needs to be done.

Ms. Wollmuth said staff does have concerns of there not being any place for the existing items to be moved to and they feel a temporary special use permit for a period of one year

might be more appropriate, so they can utilize the lot to the south for the relocation of salvaged vehicles to help in order to rectify the existing violations on all three sites associated with CK Auto, Inc.

Commissioner Schwartz said CK Auto has not come here with any type of plan and if it the request is approved then they are forced to devise one. He said he would rather continue the request for one month to allow time to bring a plan of that nature to the Commission.

Commissioner Schell asked specifically what type of plan they want to see. Commissioner Bitner said it needs to show a timeline of how the property will be cleaned up and also where the various items will be moved to.

MOTION: Commissioner Bitner made a motion to continue the public hearing for the special use permit for the operation of a motor vehicle parts salvage yard to be located on Lot A of Lot 1, Lot B of Lot 1 and Lot 2 less the Easterly 920 feet and less the North 40 feet of the West 405 feet taken for street right-of-way, Block 1, Miriam Industrial Park 2nd Addition, to allow the owners and their consulting engineer time to prepare a more detailed action plan, in addition to the narrative that was submitted with the application, that will include a timeline outlining when the properties associated with CK Auto, Inc. will become compliant with the City Code of Ordinances. Commissioner Schwartz seconded the motion and the motion was unanimously approved with Commissioners Atkinson, Bitner, Donahue, Laning, Schell, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

Commissioner Schwartz noted that Apple Creek Township also gave these owners a period of time to have their property at the 66th Street SE location cleaned up as well.

**PUBLIC HEARING – SPECIAL USE PERMIT (BUILDING DEMOLITION FOR PARKING LOT)
LOTS 13 AND 14, BLOCK 122, ORIGINAL PLAT AND LOT 4 AND THE SOUTH 40 FEET OF LOT 5, BLOCK 24, NORTHERN PACIFIC ADDITION**

Chairman Yeager called for the public hearing on a special use permit to allow the demolition of the building at 411 North 4th Street and the creation of an accessory parking lot to be located on Lots 13 and 14, Block 122, Original Plat and Lot 4 and the South 40 feet of Lot 5, Block 24, Northern Pacific Addition. The property is located in central Bismarck, along the east side of North 4th Street between East Rosser Avenue and East Avenue A.

Ms. Lee gave an overview of the request, including the following findings for the demolition of the existing building:

1. The proposed special use complies with all applicable provisions of the zoning ordinance; however, it is not consistent with the general intent and purpose of the Downtown Core zoning district of the zoning ordinance.

2. The proposed special use is not compatible with adjacent land uses and zoning.
3. The proposed special use would not be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
4. Adequate public facilities and services are in place or would be provided at the time of development.
5. The proposed special use would cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity;
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.
7. The proposed special use would not adversely affect the public health, safety and general welfare.

Ms. Lee then gave the findings for the creation of an accessory parking lot:

1. The proposed special use does not comply with all applicable provisions of the zoning ordinance and is not consistent with the general intent and purpose of the zoning ordinance.
2. The proposed special use is not compatible with adjacent land uses and zoning.
3. The proposed special use has not been designed, constructed, operated or maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
4. Adequate public facilities and services are in place or would be provided at the time of development.
5. The proposed special use would cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.
6. Adequate measures have not been taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.
7. The proposed special use would not adversely affect the public health, safety and general welfare.

Ms. Lee said, based on the findings contained in the staff report, staff recommends denial of the special use permit to allow the demolition of an existing building in the DC – Downtown Core zoning district and denial of the special use permit to allow the creation of an accessory parking lot on Lots 13 and 14, Block 122, Original Plat and Lot 4 and the South

40 feet of Lot 5, Block 24, Northern Pacific Addition. She also said the building is located within the Renaissance Zone and could be rehabilitated for use as updated office space or for retail or service uses. In addition, perhaps the City and owner could work together with other businesses in the area to redevelop the City-owned surface lot at the intersection of North 3rd Street & East Rosser Avenue as a mixed-use building with parking included. Such a project would provide additional parking for this business as well as others in the area and would eliminate the need to demolish a viable building for a surface parking lot.

Commissioner Laning asked if the building that is proposed to be demolished is occupied at all. Ms. Lee said it is currently vacant.

Commissioner Atkinson said he knows there was discussions of a City parking ramp previously and asked if that is an option that could be explored here again. Ms. Lee said that could be considered as an alternative as this is an area where off-street parking is needed.

Commissioner Schell asked how many parking spaces will be added with the new parking lot. Ms. Lee said a plan for 21 spaces was provided but they do still need to add required landscaping so some of those spaces will be lost.

Commissioner Seminary asked if the value of the two building and the number of employees who need parking constitutes the need for a parking lot. Ms. Lee said she does not have that information on hand at this time.

Commissioner Atkinson asked what the condition of the building to be torn down has been classified as. Ms. Lee said the City Assessor has defined it as average, so not poor but not exceptional.

Chairman Yeager opened the public hearing.

Jonus Ellison, American Bank Center Regional President, said American Bank Center built their downtown location in 2011 along with the purchase of this extra lot with future plans to use it for parking as needed. He said in order to meet their needs they knew they would eventually have to expand their parking. He said leased spaces in the surrounding area have expired and with having 109 employees, 24 spaces leased at various locations in the downtown area is not enough and some of those spaces are over three blocks away. He said they have invested \$8 million in the downtown of Bismarck and he feels the City Assessor's condition of average on the building to be demolished is being generous. He said the building has water problems and issues with asbestos so the viability of improving it would be marginal. He said their main goal is to help meet the downtown parking needs of their employees but more importantly, their customers. He said they receive complaints from customers specifically on a regular basis of there not being anywhere to park.

Commissioner Bitner asked if the building on the north side of this one is vacant as well. Mr. Ellison said it is being leased by the owner, he believes, to Montana-Dakota Utilities.

Mr. Ellison said, as it relates to a City parking ramp, that there has been conversations with staff and potential parties and the feasibility of parking garage partnerships is difficult. Dave Elias, American Bank Center CEO, said he would like to see a positive decision be made in context of their commitment to downtown Bismarck and that they chose this location because they saw an option for vast improvements to it.

There being no further comments, Chairman Yeager closed the public hearing.

Commissioner Bitner said based on a visit he made to the site, he would not recommend attempting to rehabilitate the building that is proposed to be demolished. He said it would be very difficult with the asbestos and it does not meet current codes as it is.

Commissioner Waldoch said the building is not contributing aesthetically and a parking lot could easily become something else if needed in the future.

Commissioner Seminary said he values the recommendations of staff but he is going to go against that recommendation on this request because he feels the value of the bank customers needs to be highly considered.

Ms. Lee said if it is the intent of the Commission to approve this request, she suggests the following conditions:

1. The applicant shall obtain a demolition permit and any demolition shall be in accordance with the provisions of Section 4-05-03 of the City Code of Ordinance;
2. The applicant shall comply with the requirements of Section 14-04-21.1(4)(l) of the City Code of Ordinances, including the treatment of any common wall exposed after the demolition; and
3. Prior to development of the parking lot, the applicant shall submit a site plan to the City for review and approval, including a landscape plan that complies with the provisions of Section 14-03-11 of the City Code of Ordinances.

MOTION: Based on the findings contained in the staff report, Commissioner Seminary made a motion to recommend approval of the special use permit to allow the demolition of the building at 411 North 4th Street and the creation of an accessory parking lot to be located on Lots 13 and 14, Block 122, Original Plat and Lot 4 and the South 40 feet of Lot 5, Block 24, Northern Pacific Addition, with the following conditions: 1. The applicant shall obtain a demolition permit and any demolition shall be in accordance with the provisions of Section 4-05-03 of the City Code of Ordinance; 2. The applicant shall comply with the requirements of Section 14-04-21.1(4)(l) of the City Code of Ordinances, including the treatment of any common wall exposed after the demolition; and 3. Prior to development of the parking lot, the applicant shall submit a site plan to the City for review and approval, including a landscape plan that complies with the provisions of Section 14-03-

11 of the City Code of Ordinances. Commissioner Laning seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Donahue, Laning, Schell, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT ACCESSORY DWELLING UNITS

Chairman Yeager called for the public hearing on a zoning ordinance text amendment relating to Accessory Dwelling Units.

Mr. Nairn explained that the proposed amendment would allow accessory dwelling units to single-family homes as a special use in all residential zoning districts subject to certain conditions.

Mr. Nairn then gave the following findings:

1. The proposed text amendment would not adversely affect the public health, safety or general welfare.
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance.
3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Mr. Nairn said based on the above findings, staff recommends approval of the zoning ordinance text amendment of various sections in 14-02-03 Definitions, 14-03-06 Special Uses, 14-04-01 RR Residential District, 14-04-01.1 RR5 Residential District, 14-04-03 R5 Residential District, 14-04-06 R10 Residential District, 14-04-07 RM Residential District, 14-04-14 A Agricultural District of the Bismarck Code of Ordinances related to accessory dwelling units, as shown in the attached draft ordinance.

Commissioner Seminary said this use is already here and exists in very old properties with two-stall garages underneath living quarters. He said he likes that this concept is making a comeback.

Commissioner Schell asked how the owner-occupied portion of the requirements would be enforced. Mr. Nairn said that has been a common question and at this point it would follow the normal complaint process as with other ordinance violations. He said they considered adding a requirement to record a deed restriction on the property, but staff wanted to keep it simple for now.

Commissioner Waldoch asked what the side yard setback requirements would be. Mr. Nairn said they would be the same as any other accessory building by zoning ordinance. Commissioner Schwartz said he has concerns of parking requirements not being laid out firmly enough in the amendment. Mr. Nairn said they would need to require one off-street space in addition to the required parking for the principal structure, although there are provisions for alternatives if this is not feasible.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

Commissioner Seminary asked if there would be a maximum number of occupants allowed in these dwelling units. Mr. Nairn said the maximum number of occupants in other dwellings per the ordinance would apply. Commissioner Seminary said that question might come up at City Commission.

Chairman Yeager asked if connectivity to utility services is required. Mr. Nairn said yes, the ordinance does require the units to be connected to water and sanitary sewer services, if available on the lot.

MOTION: Based on the findings contained in the staff report, Commissioner Donahue made a motion to recommend approval of the zoning ordinance text amendment relating to Accessory Dwelling Units, as outlined in the attached draft ordinance. Commissioner Laning seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Donahue, Laning, Schell, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

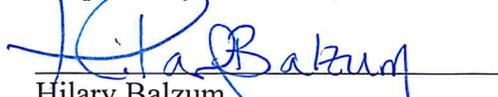
OTHER BUSINESS

There was no other business to discuss at this time.

ADJOURNMENT

There being no further business, Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 6:45 p.m. to meet again on July 27, 2016.

Respectfully submitted,



Hilary Balzum
Recording Secretary



Wayne Yeager
Chairman

Hilary Balzum

From: Planning - General Mailbox
Sent: Tuesday, June 14, 2016 8:25 AM
To: Carl Hokenstad; Daniel Nairn; Hilary Balzum; Jenny Wollmuth; Kim Lee
Subject: FW: Zoning change

-----Original Message-----

From: Thompson Myrna [<mailto:thompsonmc@bis.midco.net>]
Sent: Monday, June 13, 2016 8:00 PM
To: Planning - General Mailbox
Subject: Zoning change

I want to express my objection to the zoning change for Auditor's Lots 6A and 6B of Auditor.s Lot 6 in the NE 1/4 of Section 1, T138N-R80W/Lincoln Township.
I think that you need to respect our opinions for this change and how many other community members object to this change. So far all objections seem to be ignored and the zoning change goes through.

Chuck Thompson

Agenda # 9

Exhibit D.

We are residents of the East Hills condo association on 35th Street and Baltus Lane. We have been residents since 2011. The City of Bismarck has done a beautiful job of enhancing East Divide when completing the street to meet up with Bismarck Expressway. A great deal of money was spent and a lot of money is still being paid by the residents in this area. We enjoy the walking/biking paths that run along the East side of the railroad tracks. It borders the lots affected by the request of a zoning change. Since moving into the area, CK Auto has increased the amount of wrecked cars, car parts and crushed cars. We have watched it grow and become more and more of an eyesore. The lot is overflowing and now we have cars and pickups setting in the ditches as we travel East on Divide Avenue. We find the salvage area to be a detriment to the value of the residential area as well as an eyesore to our neighborhood. Some of the residents must look at the wrecked cars and junk as they try to enjoy their time outdoors. As well as the bikers and walkers on the paths along this area. Expanding and rezoning will only make it worse. It seems that the past has shown that CK Auto does not improve the area even after complaints by the city. This business was originally a body shop not the sales of salvage vehicles. If this zoning change is made, the company will be allowed to continue business as usual with no improvements. This area borders residential property. Bismarck has grown and with it changes need to be made. This is no longer an appropriate location for a salvage area. The city has been moving forward with city development. Lets not go

Lets not go backwards now. We would appreciate the request for a special permit to zone the area as Salvage be **DENIED!!**

Judith Miller

Donna Hegle

Marcella Ackerman

Mary Price (New resident 2015)

 - New resident in 2015

Donna Thiede

Kenn Thiede

Bernie Jacobs

Ernie M. Liberton

Curtis Miller

Delora Keller

Jamie Sailer

Gene Faerman

AGENDA ITEM # 9

re: Request for a Special Use Permit to Operate a Vehicle Parts Salvage Yard

We are residents of 35th Street and Baltus Lane which borders the affected area to be discussed at this meeting.

A number of complaints dating back to 1999 regarding abandoned or wrecked vehicles have been received by various Departments within the city of Bismarck over the years. Requests were made to bring the properties to compliance. A notice was sent in 2007 with all these complaints and nothing was really done. There is still junk and car body parts all over, a real sight to behold. Also car body parts back on the road that was newly built in 2015 by Northern Improvement. The Divide Avenue Roadway is very beautiful now. Lets keep it that way. A lot of money was spent on this Roadway and it looks awful. After receiving a number of complaints from people and the city, a fence was built. However, the cars are still visible over the top of the fence.

In general, the people living in this area recommend a **NON-APPROVAL** vote.

Kenet Heenan	Teddie Hermon
Del Saylor	Shuliy Kamrath
Kelley Saylor	Lary Kamrath
Richard Zimmerman	Sean McShoy
Madine Preskey	Stacy Cernak
Ronald Zroscher	Leon J. Dick
Norman Gabul	Alicia Heuck
Esther Olday	Carroll S. Ziegler
Leonard Alf	Martyn Hegge
	Fray Edwards
	Arthur Edwards

Agenda #9

Health Hazard



← View along walking/bike paths.

Well used path by Seniors, young parents w/children and bikers.



← walking/biking path.

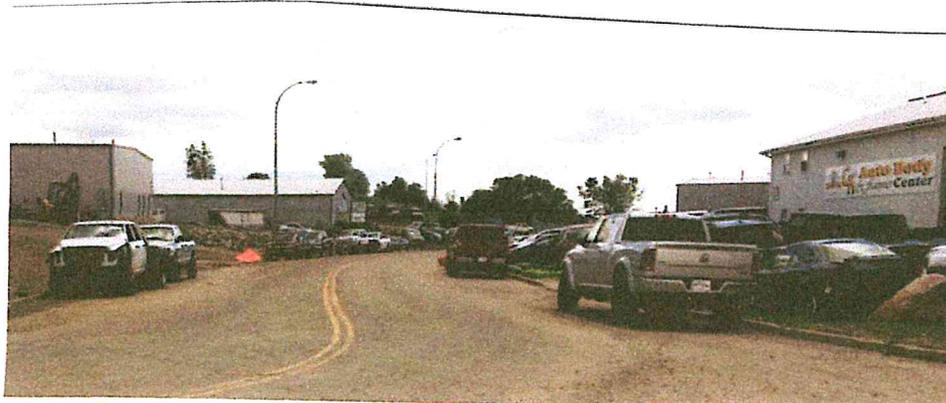
Great place for rodents and harmful varmit.



← New Channel Dr. Roadway - already being used for wrecked cars.

Can be seen by homeowners in this area.

Not there when purchased our homes.



← ~~Street on~~ side street of business.

TO WHOM IT MAY CONCERN:

In Reference rezoning the area along Divide belonging to CK Auto, it appears to me as a very bad eyesore! I must look at it every time I leave my front door or sit on my patio. It is also visible from my Living Room window. **This is the view I see out my front door:**



The city has done a beautiful job on redeveloping Divide Ave and I think we need to keep it that way.

More importantly this is a health issue.

The walk trail off of Divide is already full of mice and rats etc and it will only get worse. It needs to be cleaned up instead of adding to it.

Please deny the request for a special use permit for a Salvage yard!

Freddie Kemp
Hermit Hermer

Craig Edwards
Del Saylor

Kelley Saylor

Rudolf Zimmerman

Madine Preskey

Ronald Bruskey

Norman Galt

Ethel R. Galt

Leonard Hoff

Fay Kamrath

Shirley Kamrath

Alan McShroy

Serge Cernak

Alicia Hück

Leon J. Hück

Carol P. Ziegler

Martin Heger

Janette Edwards

Hilary Balzum

From: Planning - General Mailbox
Sent: Thursday, June 16, 2016 8:51 AM
To: Carl Hokenstad; Daniel Nairn; Hilary Balzum; Jenny Wollmuth; Kim Lee
Subject: FW: Zoning Request - CK Auto

From: Joan S [mailto:joan@midco.net]
Sent: Wednesday, June 15, 2016 7:26 PM
To: Planning - General Mailbox
Subject: Zoning Request - CK Auto

Dear Members of the Bismarck Community Development Department – Planning Division:

I recently received notice of CK Auto's request for a special use permit for a motor vehicle parts salvage yard. I am a resident of Bismarck and own a condo on N. 35th St.

I AM VERY STRONGLY OPPOSED TO THIS REQUEST.

Last year Bismarck completed Divide Ave. all the way to Expressway. This is now a beautiful street allowing for quick access from west to east Bismarck. However, as soon as one crosses the railroad tracks, the scene changes. CK Auto is a mess.....the car lot is crowded, the pickups parked on the south boulevard pose a hazard to commuters – should their brakes ever release, they would careen right onto Divide and perhaps kill someone. This doesn't even take into account the "eyesore" of wrecked vehicles already scattered all over the property!

City limits is no place for a "salvage yard" **that type of business belongs outside city limits, not within view of residential areas such as ours. Just because that is a commercial area does not mean "anything goes". PLEASE ACT RESPONSIBLY TOWARD THOSE OF US WHO LIVE IN THE AREA AND VALUE THE WORTH OF OUR PROPERTY.**

EXHIBIT D. June 14, 2016

Regarding: CK Auto permit Request for Salvage lots

RECEIVED
JUN 17 2016

Bismarck Community Development Dept.:

We will be unable to attend the Public Hearing on Wed. June 22nd regarding the C.K. Auto request - therefore we request this letter be read aloud during this meeting.

We own a quality 1900 Sq Foot top floor condominium on N. 35th St - 2 blocks off of Divide Ave. All of our rear windows overlook the CK Auto yard with its Mass (and mess) of cars on both sides of Divide Ave. There is No way we will agree to the proposed Salvage Junk yard added to the already "eyesore" down there!!!

Certainly this will surely lower the value of our residences up here. Secondly we are embarrassed when visitors or anyone must drive by that that CK Auto "eyesore" as they turn off of passway onto Divide to our development and Sleepy Hollow area and beyond. We finally are rid of the big ugly junk yard on 26th Street (along the railroad tracks) - a route that leads to developments up here. We will not tolerate junk yards in our back yards!!

Junk yards belong outside the City limits and certainly

Not adjacent to residential areas!!

Farney and Jallie Weisgram

1519 N. 35th Street

Bismarck, N.D. 58501

RECEIVED
JUN 17 2016

To the Bismarck Zoning and Planning Commission,

I am writing this in regards to the notification of the special permit request by CK Auto for a motor vehicle parts salvage yard. As a property owner in the direct vicinity I am against the proposal for the following reasons.

1. A business such as this will be an eyesore beyond what it already is. From aerial photographs you can see vehicles strewn about the property. This permit would allow the business owner to compound the number of vehicles in various states of disassembly which will be visible from the surrounding properties.
2. With the vehicles in various states of disassembly there will be a growth of rodent population in the general area which will affect the surrounding properties.
3. With the growth of the business in this area property values will decrease or at the least be restricted to potential future increase. This will not only affect value but also represent a loss in potential tax revenue for the city/county.

For these reasons I propose a no vote on the special permit. Thank you for your time.

Sincerely

Todd Beard
1716 29th St W
Williston, ND 58801

Trustee: Keith Beard Family Trust
3401 Sharloh Pl. #7
Bismarck, ND 58801

Hilary Balzum

From: Planning - General Mailbox
Sent: Monday, June 20, 2016 8:35 AM
To: Carl Hokenstad; Daniel Nairn; Hilary Balzum; Jenny Wollguth; Kim Lee
Subject: FW: Miriam Industrial Park

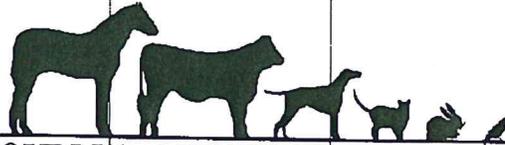
From: Mary Christopherson Schafer [<mailto:wallymarys@hotmail.com>]
Sent: Saturday, June 18, 2016 12:15 PM
To: Planning - General Mailbox
Subject: Miriam Industrial Park

As residents of Brendel's Sleepy Hollow condos, we are strongly protesting the expansion of CK Auto junk yard any closer to the residential area where the condos and other residences are located. It is bad enough already to look at all that crap out our back windows, without having it even worse. It is an eye-sore and an embarrassment to the city of Bismarck, as far as we're concerned. Junk yards (because that's what it looks like) should be outside of the city on roads that most people don't have to drive on.

The scrap metal on 26th street finally got cleaned up, greatly improving the drive along that road. Let's show more pride in our city and get these crappy looking areas cleaned up. We are totally opposed to Mr. Krein's request. It seems like he himself should have more pride in the city. Does he live in one of the many residences that has to overlook that mess?

Wally & Mary Schafer
1519 N 35th St
Bismarck, ND

701-222-6450



MISSOURI VALLEY VETERINARY CLINIC, PC

1801 Commerce Drive • Bismarck, ND 58501 • 701-222-1912

PINEHURST VETERINARY HOSPITAL

755 W. Interstate Avenue • Bismarck, ND 58503 • 701-222-0551

6/21/16

To Bismarck Community Development Dept

The subject concerns Chris Krein / CK Auto

- 1) Are we checking on the Auto's Antifreeze, oil and gas. There is a MAJOR tributary that goes through town. Are this ~~the~~ fluids ending up in the RIVER?? Who's job is that?
- 2) We finally got a nice looking fix on east divide putting a junk yard in the middle defies logic.
- 3) I ~~feel~~^{feel} this will effect the value of my business (Missouri Valley Veterinary)
- 4) The JUNK seems to be growing. Why was it allowed in the first place?
- 5) I feel the permit should be denied. Junk yards need to be outside city limits.

Shawn R. Anderson

Hilary Balzum

From: Jenny Wollmuth
Sent: Wednesday, June 22, 2016 10:06 AM
To: Hilary Balzum
Subject: FW: Online Form Submittal: Mayor Seminary

Hilary,

Please forward to P&Z Commissioners via email.

Thanks,

Jenny Wollmuth, CFM, Planner
Community Development Department
Planning Division
701.355.1840-Department
701.355.1845- Direct
www.bismarcknd.gov

From: Carl Hokenstad
Sent: Wednesday, June 22, 2016 9:48 AM
To: Jenny Wollmuth; Kim Lee
Subject: FW: Online Form Submittal: Mayor Seminary

Carl Hokenstad, AICP
Director of Community Development
City of Bismarck Community Development Department
221 N 5th Street
PO Box 5503
Bismarck, ND 58506-5503
Office: 701-355-1840
E-mail: chokenstad@bismarcknd.gov
Website: www.bismarcknd.gov

This e-mail, including attachments, is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510 et seq., may be confidential, or may contain confidential material. It is intended for use only by the person(s) to whom it is directed. If you are not the intended recipient and/or received it in error, you should (1) reply by e-mail to the sender; (2) delete this e-mail, including deletion of all associated text files from all storage locations including individual and network storage devices; and (3) refrain from disseminating or copying this communication. The media in which any electronic data files are transmitted can deteriorate over time and under various conditions. The City does not warrant the accuracy of any information contained in electronic data files transmitted by e-mail.

From: Jason Tomanek
Sent: Wednesday, June 22, 2016 8:54 AM
To: Carl Hokenstad
Subject: FW: Online Form Submittal: Mayor Seminary

Carl-

Please see the email below from Chris Krein with CK Auto. The email was received through the City's website and addressed to Mayor Seminary and the Planning Commission. Marla has forwarded the email to the Mayor, please distribute at your discretion.

Thank you,

Jason Tomanek

Assistant City Administrator
City of Bismarck Administration Department
221 North 5th Street
PO Box 5503
Bismarck, ND 58506-5503
701.355.1300 - Department
701.355.1302 - Direct
www.bismarcknd.gov



This e-mail, including attachments, is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510 et seq., may be confidential, or may contain confidential material. It is intended for use only by the person(s) to whom it is directed. If you are not the intended recipient and/or received it in error, you should (1) reply by e-mail to the sender; (2) delete this e-mail, including deletion of all associated text files from all storage locations including individual and network storage devices; and (3) refrain from disseminating or copying this communication. The media in which any electronic data files are transmitted can deteriorate over time and under various conditions. The City does not warrant the accuracy of any information contained in electronic data files transmitted by e-mail.



From: noreply@civicplus.com [<mailto:noreply@civicplus.com>]
Sent: Tuesday, June 21, 2016 10:15 PM
To: Marla Schroeder
Subject: Online Form Submittal: Mayor Seminary

If you are having problems viewing this HTML email, click to view a [Text version](#).

Mayor Seminary

Your city government is here to serve you. Please feel free to contact us by the method most convenient for you. We would be happy to respond to your comments, questions and suggestions for making Bismarck an even better place to live. **This e-mail communication form is intended for use by Bismarck residents and/or Bismarck property owners. Commercial solicitations, offers, introductions or advertisements will not be considered.**

City of Bismarck
221 N 5th Street
PO Box 5503
Bismarck, ND 58506-5503
Phone: 701-355-1300
Fax: 701-222-6470
First Chris
Name*
Last Name* Krein
Address 1:
Address 2:
City
State ND

Zip Code

Email*

Ckauto1@gmail.com

Phone

Number

Fax

Number

Comments*

Please reply with email so I can send you a letter. Dear Mayor Seminary and the Bismarck City Planning Commission, I am regretfully unable to attend the meeting on Wednesday June 22, 2016, due to a family emergency. I am writing in reference to my special use permit that I have been asked to get from the Bismarck planning department. Below is a "nickel" written tour of my recycling expansion to better our environment by doing our job to recycle vehicles in a green way. What parts of an auto can be recycled and how those recycled parts are used? Almost all the parts of a vehicle or any other auto can be recovered, with a recycling rate of greater than 90 percent of the vehicle. The mostly recycled parts of a vehicle include tires, windshield glass, batteries, steel and iron, wheels, radiators, transmissions, rubber hoses, carpets, car seats, belts, oil filters, and mats. Every year in the U.S. alone, around 220 million old tires are generated, with a recycling rate of about 80 percent. Commonly, recycled tires are used in pavement bases to make new roadways. Recycled glass from autos is used to create tile flooring, glass beads, porcelain, countertops, and jewelry. Recycling a ton of glass can save around 10 gallons of oil from getting employed in the production of new glass. Auto batteries are recycled to produce new ones. Steel and iron from recycled cars are commonly used to produce many different products. How we recycle our vehicles When a vehicle reaches the end of its life cycle, or is damaged in a collision the owner of the vehicle or insurance company sell us the vehicle. Instead of the owner leaving the vehicle on the streets, or on their properties possibly leaking onto the streets or ground causing possible hazards to the storm water or the soils. My hope is to recover as many as we can process. I hope to help aid in the protection of our environment for many generations to come. By recycling we are reducing the waste put into our world. Once the vehicle reaches our recycling facility, that vehicle is recycled following the steps described below: Detailed inspection - repair and sell or dismantle and recycle? First of all, our recycling/repair facility inspects the damaged vehicle to check whether or not the vehicle is more valuable to repair than to recycle. If the repairing looks unprofitable, our recycling facility then proceeds with dismantling and recycling. Draining fluids and dismantling valuable parts Around 65 percent of the vehicles in our recycling yard are dismantled and recycled rather than repaired for reuse. In the context of the vehicle recycling process, our recycling facility drains different fluids such as oil, gas, antifreeze, transmission and brake lubricants and fluids. We segregate hazardous liquids and accumulate them for safe disposal. Liquids such as gas and oil are filtered and reused or sold. Afterward, the vehicle engine and transmission are lifted from the vehicle chassis, and usable parts are removed and cleaned. Other components such as tires and batteries are also removed for resale or recycling. Now that all the fluids have been drained, the vehicle is taken to the storage lot. We place our vehicles on stands to keep them off the ground which limits the possibility of contact with storm water and makes it easier and safer to remove parts. We continue the dismantling process by removing and recycling fluids and hazardous materials. Batteries are removed, tested and resold or recycled depending on the test results. At the same time, we carefully remove any mercury switches used in the engine compartment and trunk to prevent extremely toxic chemicals from entering our air and waterways. Freon (used by air conditioners), power steering fluid and brake fluid are all removed and recycled or reused. We then take the vehicle to our specially designed drain racks to remove the remaining fluids including gasoline, oil, antifreeze, differential and transmission fluids. All fluids are put into holding tanks with secondary containment to prevent spills and leaks into the environment. Selling recovered auto parts Some vehicle parts are reusable 'as is' to repair other vehicles while other parts can be sold to auto part remanufactures to refurbish. Our recycling facility may sell these parts through a dedicated used part sales component of our business, or alternately sell them to local repair operations. Crushing and shredding vehicles Once all the recyclable vehicle parts except metals such as iron and steel are sorted out and stored or sold, the only thing that remains is the car body which includes different metals. The car body is then crushed and sent to a offsite shredding facility to process it into a golf ball sized metal chunks. At which time all remaining plastics, copper, ect are sorted for final recycling. My facility does all this with no STATE FUNDING, FEDERAL FUNDING, GRANTS OR LOCAL TAX PAYER DOLLARS. This year we have processed 369 vehicles for recycling. We have recycled all 369 vehicles with no funding or additional help from any outside agencies. I am being restricted with land and site development issues. I have been actively seeking a site plan permit from the City of Bismarck. I have submitted my site improvement plan and have had multiple meetings with the Bismarck planning department. I have no room to efficiently function due to land loss issues with the channel drive improvement project. Unfortunately all the delays have caused a disorganized mess in my eyes. There have been days I wanted to give up on this recycling project due to the amount of time that this is taking and seems like a lack of interest from the City of Bismarck. I hope that the city of Bismarck officials see the need and importance of this recycling project in our community. Since I was young I have had a passion for the recycling business that is why I started this company in 1998. Our company is built on the values we believe in "rebuild, repair recycle build a better world". My goal is to do my part to make this world a better place for our current and future generations to come. I have tried to educate as many people in the planning department as I can, hopefully this helps and opens some of our eyes. We really need to consider what our community is going to do with these cars if we decide to not recycle them the green way. My plan or dream has been to build the nicest most modern auto recycling facility in the state. But with no help but opposition it seems impossible! Here are some rough recycling data I have quickly compiled for your consideration. Last 360 days recycling data Batteries/ recycled 560 or 22,000lbs, 11 tons of lead Freon/ recycled and reused 280lbs Antifreeze/ approximately 600 gallons some are empty from collision damaged Oils ect/ 2800 gallons again approximate each unit is different. Steel/ 560 tons Aluminum/ 10 tons There is a lot more recycling data I could give but I am away. Sincerely, Chris Krein Chris Krein Ckauto inc. 3405 east divide ave Bismarck Nd 58501 "Rebuild repair recycle build a better world"

* indicates required fields.

View any uploaded files by [signing in](#) and then proceeding to the link below:
<http://nd-bismarck.civicplus.com/Admin/FormHistory.aspx?SID=21192>

The following form was submitted via your website: Mayor Seminary

First Name: Chris

Last Name: Krein

Address 1: :

Address 2::

City:

State: ND

Zip Code:

Email: ckauto1@gmail.com

Phone Number:

Fax Number:

Comments: Please reply with email so I can send you a letter. Dear Mayor Seminary and the Bismarck City Planning Commission,

I am regretfully unable to attend the meeting on Wednesday June 22, 2016, due to a family emergency. I am writing in reference to my special use permit that I have been asked to get from the Bismarck planning department. Below is a "nickel" written tour of my recycling expansion to better our environment by doing our job to recycle vehicles in a green way.

What parts of an auto can be recycled and how those recycled parts are used?

Almost all the parts of a vehicle or any other auto can be recovered, with a recycling rate of greater than 90 percent of the vehicle. The mostly recycled parts of a vehicle include tires, windshield glass, batteries, steel and iron, wheels, radiators, transmissions, rubber hoses, carpets, car seats, belts, oil filters, and mats.

Every year in the U.S. alone, around 220 million old tires are generated, with a recycling rate of about 80 percent. Commonly, recycled tires are used in pavement bases to make new roadways. Recycled glass from autos is used to create tile flooring, glass beads, porcelain, countertops, and jewelry. Recycling a ton of glass can save around 10 gallons of oil from getting employed in the production of new glass. Auto batteries are recycled to produce new ones. Steel and iron from recycled cars are commonly used to produce many different products.

How we recycle our vehicles

When a vehicle reaches the end of its life cycle, or is damaged in a collision the owner of the vehicle or

insurance company sell us the vehicle. Instead of the owner leaving the vehicle on the streets, or on their properties possibly leaking onto the streets or ground causing possible hazards to the storm water or the soils. My hope is to recover as many as we can process. I hope to help aid in the protection of our environment for many generations to come. By recycling we are reducing the waste put into our world.

Once the vehicle reaches our recycling facility, that vehicle is recycled following the steps described below:

Detailed inspection - repair and sell or dismantle and recycle?

First of all, our recycling/repair facility inspects the damaged vehicle to check whether or not the vehicle is more valuable to repair than to recycle.

If the repairing looks unprofitable, our recycling facility then proceeds with dismantling and recycling.

Draining fluids and dismantling valuable parts

Around 65 percent of the vehicles in our recycling yard are dismantled and recycled rather than repaired for reuse. In the context of the vehicle recycling process, our recycling facility drains different fluids such as oil, gas, antifreeze, transmission and brake lubricants and fluids. We segregate hazardous liquids and accumulate them for safe disposal. Liquids such as gas and oil are filtered and reused or sold. Afterward, the vehicle engine and transmission are lifted from the vehicle chassis, and usable parts are removed and cleaned. Other components such as tires and batteries are also removed for resale or recycling. Now that all the fluids have been drained, the vehicle is taken to the storage lot. We place our vehicles on stands to keep them off the ground which limits the possibility of contact with storm water and makes it easier and safer to remove parts. We continue the dismantling process by removing and recycling fluids and hazardous materials. Batteries are removed, tested and resold or recycled depending on the test results. At the same time, we carefully remove any mercury switches used in the engine compartment and trunk to prevent extremely toxic chemicals from entering our air and waterways. Freon (used by air conditioners), power steering fluid and brake fluid are all removed and recycled or reused. We then take the vehicle to our specially designed drain racks to remove the remaining fluids including gasoline, oil, antifreeze, differential and transmission fluids. All fluids are put into holding tanks with secondary containment to prevent spills and leaks into the environment.

Selling recovered auto parts

Some vehicle parts are reusable 'as is' to repair other vehicles while other parts can be sold to auto part remanufacturers to refurbish. Our recycling facility may sell these parts through a dedicated used part sales component of our business, or alternately sell them to local repair operations.

Crushing and shredding vehicles

Once all the recyclable vehicle parts except metals such as iron and steel are sorted out and stored or sold, the only thing that remains is the car body which includes different metals. The car body is then crushed and sent to a offsite shredding facility to process it into a golf ball sized metal chunks. At which time all remaining plastics, copper, ect are sorted for final recycling.

My facility does all this with no STATE FUNDING, FEDERAL FUNDING, GRANTS OR LOCAL TAX PAYER DOLLARS.

This year we have processed 369 vehicles for recycling. We have recycled all 369 vehicles with no funding or additional help from any outside agencies. I am being restricted with land and site development issues. I have been actively seeking a site plan permit from the City of Bismarck. I have submitted my site improvement plan

and have had multiple meetings with the Bismarck planning department. I have no room to efficiently function due to land loss issues with the channel drive improvement project. Unfortunately all the delays have caused a disorganized mess in my eyes. There have been days I wanted to give up on this recycling project due to the amount of time that this is taking and seems like a lack of interest from the City of Bismarck. I hope that the city of Bismarck officials see the need and importance of this recycling project in our community.

Since I was young I have had a passion for the recycling business that is why I started this company in 1998. Our company is built on the values we believe in "rebuild, repair recycle build a better world". My goal is to do my part to make this world a better place for our current and future generations to come. I have tried to educate as many people in the planning department as I can, hopefully this helps and opens some of our eyes. We really need to consider what our community is going to do with these cars if we decide to not recycle them the green way.

My plan or dream has been to build the nicest most modern auto recycling facility in the state. But with no help but opposition it seems impossible!

Here are some rough recycling data I have quickly compiled for your consideration.

Last 360 days recycling data

Batteries/ recycled 560 or 22,000lbs, 11 tons of lead

Freon/ recycled and reused 280lbs

Antifreeze/ approximately 600 gallons some are empty from collision damaged Oils ect/ 2800 gallons again approximate each unit is different.

Steel/ 560 tons

Aluminum/ 10 tons

There is a lot more recycling data I could give but I am away.

Sincerely,
Chris Krein

Chris Krein

Ckauto inc.

3405 east divide ave

Bismarck Nd 58501

"Rebuild repair recycle build a better world"

Additional Information:

Form submitted on: 6/21/2016 10:15:08 PM

Submitted from IP Address: 70.197.196.204

Referrer Page: No Referrer - Direct Link

Form Address: <http://nd-bismarck.civicplus.com/Forms.aspx?FID=197>