

RESOLUTION NO. xxxx

BE IT, HEREBY, RESOLVED BY THE CITY COUNCIL of the City of Minot, North Dakota, that a Conditional Use Permit is granted to STNL Minot LLC for Hazardous Material Storage, Open Storage, and Open Display, a similar use to Open Sales, on the property described as:

Livingston's 7th Addition, Block 4 (Proposed Livingston's 9th Addition, Lot 2), City of Minot, County of Ward, State of North Dakota.

Subject to the following **Conditions**:

- 1) The open display areas listed below are considered a similar use to open sales in Section 11-4 a), as determined through application of Section 11-4 l), and limited to two locations as follows:
 - i) Up to a 4,200 sq. ft. area running along 21st. Ave. SE situated in front of the onsite parking area.
 - ii) Up to 3,958 sq. ft. area near the front of the building.
- 2) Any expansion of the display areas after the approval of the final site plan, whether in area or by the creation of new displays shall be considered to be a modification under Section 30-3 f) and will require renewal of the conditional use permit.
- 3) If the open display areas are used for all-terrain vehicles then the pertinent standards provided by Section 11-4 a) shall apply. They are:
 - i) No outside repair or maintenance of vehicles.
 - ii) No auctions shall be permitted.
- 4) Up to 20,000 sq. ft. of the site may be used for open storage. Per Section 11-4 c), all open storage shall be one hundred percent (100%) screened, at a minimum of six (6) feet in height, or to the height of storage racking, (up to a maximum of ten (10) feet), at the time of installation. The screening must be from ground level view from public streets, along any property line abutting a residential district, or in the event the storage faces the abutting lot's front yard or the entrance area of an adjoining building.
- 5) Open storage of materials shall not exceed the height of the screening provided.
- 6) All open storage shall be paved with concrete or bituminous surface (no recycled materials permitted).
- 7) The open display areas and open storage areas are subject to all other city standards, including but not limited to landscaping, obscuration, and overall site design.

- 8) The hazardous material to be stored onsite is propane. Per Section 11-4 j), any changes to the approved hazardous material as defined in Title 49 of the Code of Federal Regulations at Sec. 171.8 exceeding the reportable quantities defined in the same title Sec. 171.101 requires review by both the Building Official and Fire Department for compliance with the building and fire codes in effect at the time of the requested change and the permitted structure shall be modified as necessary prior to the storing of any new hazardous material.
- 9) Per Section 11-4 j), any change in ownership requires renewal of the hazardous materials conditional use permit.
- 10) An amended conditional use permit may be applied for and administered in a manner similar to that required for a new conditional use permit. Amended conditional use permits shall include reapplications for permits that have expired or have been denied, requests for substantial changes in conditions or expansions of use, and as otherwise described in this Ordinance. Applications for conditionally permitted uses which consist of multiple structures to be developed on the property shall include a conceptual development plan showing the structures proposed. The conditional use permit is approved for the use of the property which does not require an amendment each time a structure is proposed; however, once proposed development exceeds the approved conceptual development plan or if the characteristics of use change, an amended application shall be submitted for consideration.
- 11) If substantial construction has not taken place within one (1) year of the date on which the conditional use permit was granted, the permit is void except that, on application, the council, after receiving recommendation from the Planning Commission, may extend the permit for such additional period as it deems appropriate. If the conditional use is discontinued for six (6) months, the conditional use permit shall become void. This provision shall apply to conditional use permits issued prior to the effective date of this title, but the six (6) month period shall not be deemed to commence until the effective date of this title.

Passed and adopted this 15th day of March 2021.

APPROVED:

Shaun Sipma, Mayor

ATTEST:

Kelly Matalka, City Clerk