

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 D&DK Properties, LLP for Hazardous Material Storage for up to 78,000 gallons of diesel fuel storage on the property described as:

Outlot 37 of NESW NWSE Section 29, Township 155 North, Range 82 West, Ward County, North Dakota.

Subject to the following **Conditions**:

- 1) Any change in ownership requires renewal of the Conditional Use Permit (CUP).
- 2) Unfulfilled conditions from the CUP granted in 2018 under Resolution NO. 3594 are included as follows to fulfill the standards required per Section 30-3 d). These are:
 - a. Screening of the outdoor storage areas where the batch plant or materials are stockpiled and visible from the highway is required. An earthen berm or planting of evergreen conifer trees five feet in height, or a combination of the two will provide an adequate screen if the trees are planted no more than twenty feet apart in these areas. Credit will be given for retaining existing trees if they are located such as to provide the desired screening effect.
 - b. The Landscape Plan and associated Plant Schedule shall be amended to include conifers to screen the outdoor storage areas.
- 3) Site improvements including but not limited to landscaping and onsite circulation are required to be installed no later than October 30, 2021 per the approved site plan as shown in **Attachment 'A'**.
- 4) A copy of a Spill Prevention, Control, and Countermeasure (SPCC) plan is required.
- 5) The tanks shall be placed at least one foot above the proposed 100-yr flood plain (Base Flood Elevation 1548.5 NAVD88).
- 6) 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.
- 7) 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.

Passed and adopted this 17th day of May 2021.

APPROVED:

Shaun Sipma, Mayor

ATTEST:

Kelly Matalka, City Clerk