

**CITY OF BAXTER, MINNESOTA
RESOLUTION 2025-094**

**RESOLUTION APPROVING CONDITIONAL USE PERMITS FOR A DRIVE-THROUGH AND
AMENDED JOINT ACCESS FOR PANERA LOCATED AT 13688 ELDER DRIVE
(CITY FILE NUMBER 2025-037)**

WHEREAS, CA Commercial Development (“the applicant”) has requested approval of conditional use permits for property legally described as follows:

Lot 1, Block 1, Costco Second Addition, Crow Wing County, Minnesota.

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called Public Hearing on November 12, 2025 and recommends approval, and;

Whereas, the City Council considered the Planning and Zoning Commission recommendation at their November 18, 2025 meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF BAXTER, MINNESOTA, that it should and hereby does approve the request for conditional use permits, subject to the following findings and conditions:

1. The conditional use permits allow a restaurant drive-through and amended joint access, in accordance with the application and plans received by the City on October 13, 2025, except as amended by this resolution, based on the finding that all applicable conditional use permit standards have been met as identified in the staff report dated November 12, 2025.
2. Approval of the conditional use permits shall be contingent upon any requirements by the Minnesota Department of Transportation.
3. A building permit is required prior to beginning any new construction.
4. **Prior to issuance of a building permit**, the applicant shall:
 - a. Enter into a Stormwater Facilities Maintenance Agreement.
 - b. Enter into an Escrow Agreement.
 - c. Submit any required amendments to existing private joint access easements as required by the City Attorney.
 - d. Revise landscape plans for review and approval by city staff to provide headlight screening for the drive through, as required by the zoning ordinance.
 - e. Revise lighting plan as needed to show ordinance compliance. Specifically identify compliance with wall pack shielding and free-standing parking lot lighting height requirements.
 - f. Provide compliance with zoning review items related to the development plan.

5. All new and replaced roof top units (RTUs) shall comply with the requirements of the ordinance. Specifically, no rooftop unit (RTU) shall be visible if viewed at a height of five feet (5') above finish floor level at a distance of one hundred feet (100') from the building; any visible portion of any RTU beyond this point shall be painted to match the primary color of the exterior of the principal structure.
6. Any new mechanical equipment, gas meters, satellite dishes, and other utility hardware, whether located on the roof or exterior of the building or on the ground adjacent to it, shall be designed (including exterior color) and located to be aesthetically harmonious and compatible with the building. Screening may be required where the design, color and location of the equipment are found to be ineffective to buffer noise or provide aesthetic harmony.
7. All signage requires separate sign permits and shall comply with the zoning ordinance requirements.
8. All exterior lighting shall have a ninety-degree cutoff shield that conceals the light source with a non-sag, non-yellowing lens and shall fully comply with the lighting standards of the zoning ordinance.
9. The drive-through speaker devices shall comply with the drive-through ordinance requirements, except that the allowed hours of operation for the drive-through are from 6:00 a.m. to 9:00 p.m.
10. Approval shall expire within one year of the date of approval unless the applicant commences the authorized use and completes the required improvements.

Whereupon, said Resolution is hereby declared adopted on this 18th day of November 2025.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal