

**CITY OF BAXTER, MINNESOTA
RESOLUTION 2025-075**

**RESOLUTION APPROVING CONDITIONAL USE PERMITS FOR A DRIVE-THROUGH AND
JOINT ACCESS AND VARIANCE TO ALLOW A DRIVE THROUGH LANE BETWEEN THE
BUILDING AND PUBLIC STREET FOR CHICK-FIL-A LOCATED AT 7609 EXCELSIOR
ROAD (CITY FILE NUMBER 2025-012)**

WHEREAS, HR Green Inc. (“the applicant”) has requested approval of conditional use permits and a variance for property legally described as follows:

Lot 1, Block 1, Kohls Addition, Crow Wing County, Minnesota.

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called Public Hearing on September 9, 2025 and recommends approval, and;

Whereas, the City Council considered the Planning and Zoning Commission recommendation at their September 16, 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 and a variance, subject to the following findings and conditions:

1. The conditional use permits allow a restaurant drive-through and joint access, in accordance with the application and plans received by the City on May 20, 2025 and revised site plan received on September 3, 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 September 9, 2025.
2. The variance drive-through lane between the building and the public street frontage, in accordance with the application and plans received by the City on May 20, 2025 and revised site plan received on September 3, 2025, except as amended by this resolution, based on the finding that all applicable variance standards have been met as identified in the staff report dated September 9, 2025.
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. Revise plans to reflect the site plan revision to have a double drive lane for the entire length of the drive through stacking, as shown on the site plan submitted to the City on September 3, 2025.

- d. Revise the landscape plan to modify some coniferous planting locations as approved by City staff to screen headlights from the drive through and to revise parking lot island trees with overstory deciduous trees.
 - 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. Revise exterior elevations to show exterior materials locations on the building elevations, show compliance with the city's articulation requirements on the north elevation, and provide exterior building material samples or cut sheets and colors to ensure compliance with the city's Architectural Ordinance requirements.
 - g. 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.
 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 16th day of September 2025.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal

