



**ITEM REPORT  
PLANNING AND ZONING COMMISSION**

Agenda Date: 6/9/2026  
Agenda Section: New Business

**TO:** Baxter Planning and Zoning Commission

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**FROM:** Josh Doty, Community Development Director

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**REQUEST:** **PUBLIC HEARING.** Conditional Use Permit Amendment for a revised drive-through restaurant for development of a Chick-fil-A located at 7609 Excelsior Road (legally described as Lot 1, Block 1, Kohls Addition, Crow Wing County, Minnesota) (City file 2026-017)

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**APPLICANT:** HR Green Inc.

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**ZONING:** C-2 Regional Commercial

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**1. Application Request**

The applicant is requesting approval of a conditional use permit amendment to allow a revised restaurant drive through use for the roughly 2-acre site located at 7609 Excelsior Road. In 2025, the city approved conditional use permits and a variance for Chick-fil-A for a restaurant drive through, revised joint access, and allowing a drive through lane between the building and a public street. Under the subject Conditional Use Permit Amendment, the applicant is revising the location of access to the site, which requires shifting of the building and drive-through lanes from the previously approved location on the site. Even with the revisions, the general concept of the site layout remains the same as the approved plan from 2025. With the CUP amendment, the applicant would also use the variance approval from 2025 to allow the drive through lanes between the building and the public street.

The subject property is currently developed with the Bills Gun Club building and parking lot. The applicant is proposing to redevelop the site, which would include demo of the building to allow development of a Chick-fil-A restaurant and drive through. The applicant is proposing to construct the restaurant building and most of the drive through lanes within the footprint of the existing building. The applicant is proposing minimal changes to the existing parking lot.

**2. Context**

Adjacent Land Use and Zoning

	<b>Adjacent Land Use</b>	<b>Zoning</b>
<b>North</b>	Excelsior Road	ROW
<b>East</b>	Commercial Parking	C-2, Regional Commercial
<b>South</b>	Kohls	C-2, Regional Commercial
<b>West</b>	State Highway 371	ROW

## Characteristics of the Site

The subject property is fully developed and has little topography with existing landscape trees. There are no wetlands or floodplain on the site, and the site is not located in the Shoreland Overlay District.

## Utility Commission Review

The Utility Commission reviewed the application on June 3, 2026, and recommended approval, subject to the following:

- 1) Enter into a Stormwater Facilities Maintenance Agreement prior to issuing a building permit.
- 2) Enter into an Escrow Agreement prior to issuing a building permit.

## **3. Analysis of Request**

### Conditional Use Permit for a Drive-through

The applicant is requesting a conditional use permit amendment to allow a revised drive-through for Chick-fil-A. The zoning ordinance states that drive through business is allowed subject to the following standards:

- The business shall be located on a site with direct access to a minor arterial street, collector, or service road.

*Staff finds that the proposed drive-through site is located on Excelsior Road, which is a minor arterial road.*

- Drive-Through Lanes: Drive-through or drive-in lanes are not allowed between the building and a lot line that faces a public street. This does not pertain to driveways.

*Staff finds that the drive through lanes are proposed on three of four sides of the building (north, east and south sides). The drive through lanes on the east and south sides are compliant but the drive through lanes on the north side of the building do not comply with this ordinance requirement. A variance allowing a drive through lane north of the building was approved by the city in 2025.*

- Drive-through facilities, including, but not limited to, the service windows and stacking spaces, shall be separated from residentially zoned or guided property by an arterial or collector street or shall be set back at least two hundred feet (200') from residentially zoned or guided property.

*Staff finds that there is not a residentially zoned or guided property within 200 feet of the subject property.*

- The public address or order system shall not be audible from any adjacent residentially zoned or guided property. Electronic speaker devices, if used, shall not be audible beyond the property being served and shall not be operated between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M., unless extended by the city council as part of the conditional use permit.

*The applicant has requested an extension of hours to allow the drive-through operation from 6:00 a.m. to 10:30 p.m. Staff supports the extension request, as there is no residential use in proximity to the drive-through use. Staff has added a condition to the resolution for compliance with this standard.*

- Adequate stacking distance shall be provided, which does not interfere with other driving areas, parking spaces, or sidewalks. Stacking spaces shall not interfere with parking spaces or traffic circulation.

*Staff finds that due to the construction of two stacking lanes that can stage 40 vehicles, the stacking area proposed does not interfere with driving areas, parking spaces, or sidewalk. There is a chance that during peak times stacking could back up in front of adjacent parking to the south. However, with the business practice of staffing outside the building during peak times, that should limit potential conflict. Staff notes that the business should monitor drive through stacking to ensure that people in the adjacent parking don't get "parked in" during peak times.*

- Businesses with two (2) or more drive-through lanes shall provide stacking space for at least six (6) vehicles per lane, as measured from and including the last pick up station, window, or the like.

*The proposed drive-through has two lanes. One lane has 20 stacking stalls and the other has 20 stacking stalls.*

- The applicant shall demonstrate that such use will not significantly lower the existing level of service on streets and intersections. The city may require a traffic study to be prepared.

*Staff finds this commercial area was designed for high-traffic commercial use and traffic has been previously studied. Staff notes that a new traffic study was not required by staff.*

- A bypass lane shall be provided for each drive-through use, allowing cars to leave the drive-through lane from the stacking area.

*Staff finds that the second drive through lane functions as the required bypass lane.*

#### **4. Recommendation**

Staff recommends approval of the conditional use permits and variance, subject to the findings and conditions in the attached resolution.

#### **Attachments**

1. Draft Resolution Approving Conditional Use Permit Amendment
2. Site Location Map
3. Site Details