

**CITY OF BAXTER, MINNESOTA
RESOLUTION 2026-046**

**RESOLUTION APPROVING CONDITIONAL USE PERMIT AMENDMENT FOR AN
AMENDED DRIVE-THROUGH FOR CHICK-FIL-A LOCATED AT 7609 EXCELSIOR ROAD
(CITY FILE NUMBER 2026-017)**

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 June 9, 2026 and recommends approval, and;

Whereas, the City Council considered the Planning and Zoning Commission recommendation at their June 16, 2026 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 permit amendment, subject to the following findings and conditions:

1. The conditional use permit amendment allows a revised restaurant drive-through, in accordance with the application and plans received by the City on May 29, 2026, June 4, 2026 and June 5, 2026, 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 June 9, 2026.
2. A building permit is required prior to beginning any new construction.
3. **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 lighting plan as needed to show ordinance compliance. Specifically identify compliance with wall pack shielding and free-standing parking lot lighting height requirements.
 - d. 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.
 - e. Provide compliance with zoning review items related to the development plan.
4. 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.

5. 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.
6. All signage requires separate sign permits and shall comply with the zoning ordinance requirements.
7. 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.
8. 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 10:30 p.m.
9. 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 June 2026.

Mark Cross, Vice Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal