

**CITY OF BAXTER, MINNESOTA
RESOLUTION 2023-079**

**RESOLUTION APPROVING CONDITIONAL USE PERMIT FOR A DRIVE-THROUGH AND
VARIANCES FOR DRIVE-THROUGH STACKING AND BYPASS LANE WIDTH FOR
PROPERTY LOCATED AT 15222 DELLWOOD DRIVE (CITY FILE NUMBER 23-35)**

WHEREAS, McCON Building Corporation ("the applicant") has requested approval of conditional use permit and variances for property legally described as follows:

Lot 2, Block 1, Menard Addition, Crow Wing County, MN; subject to a 20 year lease commencing on February 17, 2017 as shown on recorded document #886431

WHEREAS, the Planning and Zoning Commission has reviewed the request at a duly called Public Hearing on November 14, 2023 and recommends approval, and;

Whereas, the City Council considered the Planning and Zoning Commission recommendation at their November 21, 2023 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 a conditional use permits and variances, subject to the following findings and conditions:

1. The conditional use permit (CUP) allows for the expansion of the existing drive-through, in accordance with the application and plans received by the City on September 6, 2023 and revised plans received on November 2, 2023, 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 14, 2023.
2. The variance allows five stacking stalls in a drive-through lane where six are required, in accordance with the application and plans received by the City on September 6, 2023 and revised plans received on November 2, 2023, 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 November 14, 2023.
3. The screening trees on the north property line shall remain in place for as long as a drive-through is on the subject property. These trees shall be replaced in the event they are damaged or die.
4. If drive-through stacking creates circulation issues in the parking lot the applicant shall remove parking stalls, provide additional curbed islands, and/or provide other means necessary to address the circulation issues.

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 shall comply with the zoning ordinance except as amended by this resolution. Proposed signage shall require a separate building permit.
8. The existing monument sign adjacent to the building shall be removed.
9. 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.
10. The drive-through speaker devices shall comply with the drive-through ordinance requirements.
11. 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 21st day of November 2023.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal