



ITEM REPORT PLANNING AND ZONING COMMISSION

Agenda Date: 8/12/2026
Agenda Section: New Business

TO: Baxter Planning and Zoning Commission

FROM: Matthew Gindele, City Planner

REQUEST: **PUBLIC HEARING.** Preliminary and Final Plat of Bell Bank Addition and a Conditional Use Permit to allow a drive through for a bank for property located in the southwest corner of Clearwater Road and Golf Course Drive (city file 2026-025)

APPLICANT: Bell Bank, 3100 13th Ave S, Fargo, ND 58103

ZONING: C-2, Regional Commercial

1. Application Request

The applicant is requesting approval of the following items for the roughly 3-acre site:

- **Preliminary and Final Plat** to allow “Bell Bank Addition” to create one lot from four existing platted lots; and
- **Conditional Use Permit (CUP)** to allow a bank drive through.

The applicant is proposing to consolidate the four vacant lots into one lot via a plat and develop the site with a 7,480-square foot bank with a drive through. Access to the site would be from Golf Course Drive and Clearwater Road.

2. Context

Adjacent Land Use and Zoning

	Adjacent Land Use	Zoning
North	Clearwater Rd/retail commercial	C-2, Regional Commercial
East	Golf Course Dr./Vacant Commercial Lot	C-2, Regional Commercial
South	Vacant Commercial Lot	C-2, Regional Commercial
West	Restaurant 7 hotel commercial lots	C-2, Regional Commercial

Natural Characteristics of the Site

The site is mostly flat and open grassland with a wooded edge on the south property line. has been pre-graded for development. The site is open grassland with no trees. A small wetland exists in the southwest corner. The site is not located in a shoreland overlay district and there is no FEMA floodplain on the property.

Utility Commission Review

Included with the development is the construction of watermain into the site for fire protection. The watermain will remain privately owned but will be within an easement and will be maintained with the rest of the City's watermain. Additionally, there is a concrete median that will need to be installed on Clearwater Road as identified in the traffic study. The development agreement will ensure the watermain and concrete median are constructed/tested/inspected per city details and specifications to help protect the City's infrastructure.

The Utility Commission reviewed the application on August 5, 2026, and recommended approval of the preliminary and final plat and conditional use permit subject to the following:

1. Enter into a Development Agreement prior to issuing a building permit.
2. Enter into a Stormwater Facilities Maintenance Agreement prior to issuing a building permit.
3. Enter into a Permanent Access Easement prior to issuing a building permit.
4. Enter into a Construction Repair and Maintenance Agreement prior to issuing a building permit.

3. Analysis of Request

Preliminary and Final Plat

Staff has reviewed the application for consistency with City Code requirements, as well as City policies.

The City's discretion in approving or denying a preliminary and final plat is limited to whether or not the proposed plat meets the standards outlined in the City Code. If it meets these standards, the City must approve the plat.

Lot Area/Width

The C-2 Regional Commercial zoning district requires a minimum lot area of 20,000 square feet and a minimum lot width of 120 feet for corner lots. The plat would create a corner lot that out of a block of four existing lots that would be approximately 130,222 square feet and approximately 192 feet wide on the short leg of the lot fronting on Golf Course Drive. Therefore, the lots meet the minimum requirements.

Right-of-Way

Right-of-way to create the visibility site triangle on the corner of Clearwater Road and Golf Course Drive is proposed with the plat. No other right-of-way dedication is required.

Access

The site plans shows two access locations; one to the north to Clearwater Road and one to the east providing access to Golf Course Drive. The northerly access is offset from the access across Clearwater Road into the Target development providing the necessary spacing between the access points. A left turn lane will be striped to provide safe turning movements to enter the site coming from the east. A traffic study was conducted to review the proposed access. The City of Baxter's 2015 Comprehensive Plan provides access management guidelines for providing adequate access while maintaining traffic flow and safety along roadways. The access spacing guidelines depend on the type of roadway and type of access as well as other factors such as roadway speed, traffic volume, sight distance, etc. Clearwater Road is classified as a local roadway, which means that commercial driveway spacing should be at least 100 feet depending on speed, volume, and sight distance based on the City's access spacing guidelines. Golf Course Drive is a major collector and commercial driveway spacing should be at least 1/16th mile to 1/8th mile (330 to 660 feet). Along Clearwater Road, the proposed driveway access is located approximately 320 feet west of Golf Course Drive, approximately 175 feet west of the Michaels access, and

approximately 100 feet east of the shared Target/Michaels access. The Clearwater Road access meets spacing guidelines, with at least 100 feet between each access. The spacing between the driveways provides enough space to stripe a short westbound left turn lane for vehicles entering the driveway. Along Golf Course Drive, the proposed driveway access is located approximately 170 feet south of Clearwater Road, at the existing parcel lines on both the east and west side of the road. The proposed access does not fully meet access spacing guidelines as it is not 330 feet from Clearwater Road; However, the driveway lines up with the property lines on the east side of Golf Course Drive; the east side of Golf Course Drive should have a shared driveway in the future for the two parcels directly south of Clearwater Road.

Park Dedication

The City entered into a park dedication agreement in 2008 when the subject property was originally platted. The agreement waived park dedication fees in exchange for right-of-way. Therefore, no park dedication is required with this plat.

Conditional Use Permit for a Drive-through

The applicant is requesting a conditional use permit to allow a drive-through for Bell Bank. 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.

The proposed drive-through site has access to Golf Course Drive and Clearwater Road. Golf Course Drive is a major collector 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.

The drive-through lanes are proposed on the south side of the building and are not located between the building and a road.

- 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.

The nearest residentially zoned property is vacant and lies kitty-corner across Clearwater Road and Golf Course Drive. Golf Course Drive is a collector road providing the required separation..

- 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.

There is no adjacent residentially zoned or guided property. This has been added as a condition of approval in the draft resolution.

- 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.

The applicant is providing stacking lanes and an escape lane adjacent to the stacking. The stacking does not interfere with parking or circulation of the site.

- Banks with two (2) or more drive-through lanes shall provide stacking space for at least three (3) vehicles per lane, as measured from and including the last pick-up station, window, or the like.

The proposed drive-through has four lanes including the outside ATM lane and has five (5) stacking stalls per lane in compliance with these ordinance requirements.

- 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 the traffic study conducted for this project indicates an acceptable level of service for traffic.

- As regulated in the respective zoning districts, screening may be required of automobile headlights in the drive-through lane to adjacent properties. Such screening shall be at least three feet (3') in height and fully opaque, consisting of a wall, fence, dense vegetation, berm, or grade change..

The drive-through lanes are located behind the building and the drive-through exit faces Golf Course Drive. The east side of Golf Course Drive is vacant commercial land. Therefore, no screening is required.

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

The drive through plans include a bypass lane. A condition has been added to the draft resolution requiring a revision to the site plan so that the bypass lane is a minimum of 14 feet wide in compliance with the zoning ordinance.

General CUP Standards

Staff has also reviewed the request against the general CUP standards. Section 10-7-4 of the Zoning Ordinance defines the criteria for reviewing and processing a conditional use permit (CUP). Specifically:

- A. Excessive Burden: The use shall not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

The City finds that the drive-through business would not create an excessive burden on existing parks, schools, streets, and other public facilities because the surrounding road network has been designed to support the commercial development in the vicinity of the subject property.

- B. Compatibility: The use shall be compatible with adjacent land uses so that existing uses will not be depreciated in value and there will be no deterrence to development of vacant land.

The City finds that the adjacent property is currently developed with, and/or zoned for commercial use and that drive-throughs are allowed conditional uses in the C-2 district and therefore, would not depreciate adjacent properties.

- C. Appearance: The use shall have an appearance that will not have an adverse affect (sic) upon adjacent properties.

The City finds that the drive-through use would not have an adverse effect on adjacent properties because the adjacent property is all commercial use and the drive-through has been designed to minimize impacts on adjacent properties.

- D. Overall Needs: The use, in the opinion of the planning and zoning commission shall be reasonably related to the overall needs of the city and to the existing land use.

The City finds that drive-throughs are commonly a part of commercial development and supports the banking function.

- E. Consistent With Purpose: The use shall be consistent with the purposes of this title and purposes of the zoning district in which the applicant intends to locate the proposed use.

The City finds that the drive-through use is consistent with the purposes of the zoning ordinance and the C-2 zoning district. Conditions have been added to the resolution addressing ordinance requirements for the conditional use.

- F. Comprehensive Plan: The use shall not be in conflict with the comprehensive plan of the city.

The drive-through use would not conflict with the comprehensive plan of the city because drive-throughs are allowed conditional uses in the C-2 district which corresponds with the commercial guiding of the property in the Comprehensive Plan.

- G. Traffic: The use will not cause traffic hazard or congestion.

A traffic study has been completed for the proposed use indicating that the use will not cause traffic hazards or congestion. With the conditions in the resolution, the proposed uses would not cause a traffic hazard or congestion.

- H. Facilities: The use shall have adequate utilities, access roads, drainage, and necessary facilities.

The site has adequate utilities, access roads, drainage, and necessary facilities.

Site Plan Review

A site plan review for the items listed in the table below is not part of the review for this application. The site plan review will occur prior to issuance of a building permit. However, staff has included the information to show that it appears that the site can be developed in compliance with ordinance requirements.

	Ordinance Requirement	Proposed	Meets/Exceed Requirements
Building Setbacks (principal structure)	35-foot front setback	68 feet	Yes
	10-foot side setback	146 feet	Yes
	30-foot rear setback	193 feet	Yes

Parking & Drive Aisle Setbacks	10-foot setback	10 feet	Yes
Parking	25 Spaces (One Stall Per 300 sq. ft.)	31 spaces	Yes
Parking Stall Dimensions	10 feet by 18 or 20 feet	10 feet by 20 feet	Yes
Drive Aisle Dimensions	24 feet	25 feet	Yes
One Way Drive Aisle Dimensions	14 feet and 16 feet	11 feet and 28 feet	No*
Parking Lot Sidewalks	Sidewalk Connections from Building to Commercial	No Sidewalk Connections Proposed	No*
Building Height	45 feet	29-foot	Yes
Structural Coverage	50 percent	5.7 percent	Yes
Impervious Surface	88 percent (non-shoreland)	38.65 percent	Yes
Architectural	Materials from Ordinance List for C-2 Properties	Metal flashing & columns, Synthetic composite board & batten, synthetic composite LAP, stone veneer, wood trellis, standing seam metal roof	Yes
	Earth Tone Colors	Earth Tone Colors	Yes
	Articulation every 50 feet	Missing articulation on north elevation	No*
Landscaping			
Number of Trees	6 trees	Unknown	Unknown*
Size of Trees	2-inch and 6 foot	Unknown	Unknown*
Priority Placement of Trees	Front Yard & Perimeter	Unknown	Unknown*
Number of Shrubs	8 shrubs	Unknown	Unknown*
Size of Shrubs	3 gallon	Unknown	Unknown*
Tree Species	Approved Trees List	Unknown	Unknown*
Percentage of Coniferous	30 % of required trees	Unknown	Unknown*

*Condition added to resolution

One Way Drive Aisle Dimensions

The ordinance requires one-way drive aisles to be a minimum of 16 feet. The plans include one one-way drive aisle at the exist of the drive-through that is 28 feet wide. A condition has been added to the draft resolution requiring “one way/do not enter” signs in this location. The ordinance allows drive-through lanes to be a minimum of 10 feet wide, and the adjacent bypass lane to be a minimum of 14 feet wide. The plans propose the drive-through lanes at 10 feet wide meeting the requirement, but the bypass lane is proposed to be 11.5 feet wide. A condition has been added requiring the plans to be revised so the bypass lane is a minimum of 14 feet wide.

4. Recommendation

Staff recommends approval of the preliminary and final plat of “Bell Bank Addition” and a Conditional Use Permit for drive through, subject to the findings and conditions in the draft resolutions.

Attachments

1. Site Location Map
2. Draft Resolution Approving Preliminary and Final Plat
3. Draft Resolution Approving the CUP
4. Preliminary Plat
5. Final Plat
6. Development Plans
7. 2026 Traffic Study