



COMMUNITY DEVELOPMENT
City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4055

May 13, 2010

Staff Report

Case No. 10-014

Location: Southwest corner of 53rd Avenue and 18th Street

Applicant: Ascentra Credit Union

Zoning Designation: C-2, Community Shopping District

Request: For a special use permit to allow a drive-in banking facility.

Background Information and Facts

The site is the corner lot that has frontages on 53rd Avenue, 18th Street, and Falcon Avenue (see Attachment A, Location Map). The applicant would like to construct a banking facility that will incorporate drive-in lanes to accommodate vehicular banking transactions (see Attachment B – Site Plan). The C-2 District states that a drive-in banking facility may be permitted only if specifically authorized by the Board of Adjustment.

Staff Analysis

The code states that the nine items must be examined by staff and the Board when considering the granting of a special use. The following is a listing of those items and staff's analysis of each:

(1) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.

Section 15.23.5 specifically lists a drive-in banking facility as a special use in the C-2 District.

(2) The proposed use will comply with all applicable regulations in the district in which the use is to be located.

The site development plan has been submitted to the Bettendorf Planning and Zoning Commission for review to insure compliance with all of the applicable regulations.

(3) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

The site development plan review by the Commission will also address the above.

(4) The location, nature and height of buildings, walls and fences, and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.

There are specific code requirements for each of these items. If the final plan does not meet each and every requirement, it will not be recommended for approval.

(5) Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining uses, and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.

Parking and screening meets ordinance requirements. The "shared access drive" on 53rd Avenue is in accordance with the original final plat approved in 1993 (see Attachment C – Final Plat). There are two plat notes on that final plat that state:

"Access to Lot 1 from 53rd Avenue shall be from the east bound lanes only. The driveway shall be centered on the west lot line."

"There shall be no access to Lot 1 from 18th Street."

The design of this site plan and related drive-up lanes comply with all of the above requirements. Cars will exit the drive-up as one-way traffic only adding to traffic safety.

(6) The proposed use will not cause substantial injury to the value of other property in the neighborhood.

The northwest corner of this intersection is occupied by a medical center. The northeast corner is occupied by a convenience store and gas station. The southeast corner has already had a drive-up banking facility approved by the Board of Adjustment. South of this site is a dry cleaners facility and a restaurant.

It is staff's opinion that this request is similar, compatible, and complimentary to existing businesses in this area.

(7) Conditions in the area have substantially changed, and at least one year has elapsed since any denial by the board of adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.

This condition does not apply to the current request. No denial has ever occurred for this request.

(8) The board of adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the general intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

Staff has no further recommended restrictions for the request as related to the special use request.

(9) The proposed use is consistent with the Bettendorf Comprehensive Plan and serves to further the goals of the plan.

The banking facility is consistent with the "commercial" land use designation that has been adopted for this site.

Staff Recommendation

Based on the above analysis, staff recommends approval of the special use permit.

The request is being made at this time so that approvals can be obtained prior to final acquisition of this property. Staff does not expect the development to occur this building season.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



SITE

JAYFIELD
DR

Case No. 10-014

**APPEAL AND APPLICATION TO THE ZONING BOARD OF ADJUSTMENT
OF BETTENDORF, IOWA**

Part 1. Property Involved.

Street Address SW Corner of 18th Street and 53rd Avenue
Legal Description of the property. Lot 1 of Hunter Meadows Commercial Park First Addition

Part 2.

Applicant Name Ascentra Credit Union (Paul Lensemeyer) Phone 563-459-6950
Address 1710 Grant Street, Bettendorf, IA 52722 FAX 563-355-5536

Owner Name _____ Phone _____
Address _____ FAX _____

Agent Ted Rebitzer Phone 563-332-6682
Address 4550 E. 53rd Street, Suite 110, Davenport 52807 FAX 563-332-6657

Part 3. This application is for the following: (check at least one)

- 1. **Variance/Exception.** Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:
 - (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
 - (b) That it will not impair an adequate supply of light and air to adjacent property.
 - (c) That it will not unreasonably increase the congestion in public streets.
 - (d) That it will not increase the danger of fire or of the public safety.
 - (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
 - (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.

- 2. **Special Use Permit.** Before the Board of Adjustment grants approval of a special use permit, all of the following conditions **MUST** be met:
 - (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
 - (b) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
 - (c) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - (d) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
 - (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
 - (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
 - (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
 - (h) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

3. Other. _____
(Attach a separate sheet and explain in detail.)

Part 4. General Information.

Section(s) of Zoning Ordinance Involved _____ Existing Zoning C-2

Part 5. Reasons for Application. In the space below, give a general description of the activity desired and principal reasons why this application should be granted by the Board. If this application is for a variance, please state the hardship which the zoning ordinance imposes on the property. Use the following criteria as justification for the requested variance. Use additional sheets if necessary.

- (a) It shall be the property owner's responsibility to show that the terms of this ordinance will impose unusual and practical difficulties or particular hardships. The hardship established by the property owner must not be SELF-IMPOSED. A self-imposed hardship is NOT justification for the approval of a variance request.
- (b) If the variance granted is in harmony with the general purpose, intent, and spirit of this ordinance.
- (c) If the board determines that the granting of the requested variance will not serve merely as a convenience to the applicant, but will alleviate a demonstrable hardship as to warrant a variance from the official city plan as established by Ordinance No. 381 of the city, and at the same time the surrounding property will be reasonably protected.

(d) That by granting the request for a variance substantial justice shall be done.
 The applicant is proposing to construct approximately a 4,000 square foot credit union with 4 drive thru lanes. The applicant is submitting this application to obtain a special use permit for the drive up windows according to section 15.23 of Zoning District C-2. This application should be granted by board because the improvements support the intended land use and zoning for this area and the drive thru lanes positioned to allow for the required stacking.

Part 6. Attachments. The following items are attached and are a part of this application.

- () 1. Scale accurate site plan, at a scale of 1" = 20' or other suitable scale, showing adjacent street, property line, building location of existing and proposed buildings and other important features of the property. Required with all applications.
- () 2. Legal Description. (If not shown on page 1.)
- () 3. Floor plan if internal design of building is part of application.
- () 4. List additional attachments.

Part 7. Signature.

I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this _____ day of _____, 20__

Signature of Applicant [Signature] Signature of Owner [Signature] 4/29/10
 (The owner MUST indicate his consent to this application by signing above. Application without the signature of the owner will not be processed)

State of Iowa)
) SS
 County of Scott)

Before me the undersigned Notary Public, in and for the County and State, personally appeared applicant(s) and separately and severally acknowledge the execution of the foregoing application is his/her voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this 29th day of April, 20 10

[Signature]
 Notary Public in and for Scott County, Iowa

Part 10. Filing Fee.

\$ 50.00 Single Family/Two-Family Residential Variance
 \$100.00 All Other Applications

Received by [Signature]
 Amount \$100. Date 4/29/10

