

---

## **PLANNING & DEVELOPMENT ACTIVITY**

### **Uptown Commercial District:**

- The Uptown Marion Mall redevelopment project, Broad & Main, was formally approved by City Council at the January 21, 2021 City Council Meeting. Third floor was completed with windows being installed on ground level. Brickwork began late March and will continue through spring and early summer.
- The Pentecostal Church of Cedar Rapids was sold to Conlon Construction. No plans have been submitted at this time but anticipate planning sessions to occur throughout the spring and summer. Any improvements / partial demolition will go through the Historic Preservation Commission, Planning and Zoning Commission and City Council for review.

### **General Commercial Improvements:**

- Staff has been presented with several concept plans for potential commercial development projects along 7<sup>th</sup> Avenue. The projects below have been formally submitted for review and are proposed to be constructed this spring/summer.
  - Cedar Rapids Bank and Trust, located at 700 25<sup>th</sup> Street, is under construction an open date has not be scheduled. A temporary bank branch is located between KFC and Quality auto for approximately 10 months.
  - Kwik Star plans at 7<sup>th</sup> and 31<sup>st</sup> Street broke ground with underground work throughout April. In addition to fuel pumps and convenience store an attached automatic car wash is proposed.
- Green Acres Storage has begun to clear the site for the new facility anticipated to begin in summer 2022.
- Caliber Collision has purchased the property located at 1075 Lyons Lane and has completed all exterior improvements to the property.

## **COMMERCIAL BUILDING ACTIVITY**

Looking forward and spring being here, another busy year is in store. Contractors getting ready to go with plans coming in for review to start as soon as the weather gets nicer. Four new commercial permits were issued. The building department has 45 active commercial projects ongoing and got 4 completions this month. After a frustrating last fall and winter, the older projects appear to be coming to an end. We have 6 of the 45 projects that have an item or two on a punch list that are not getting completed.

Most of the new projects will be starting this spring as soon as the spring weather allows them to get in the ground. Marion Independent School District will be doing 2 projects this construction season with permits issued plus 2 more in the future. Broad and Main's second building and Kwik Star, both should be starting soon. We have 2 more apartment buildings that will be starting soon and will be adding 162 living units into Marion. While we are doing our plan reviews for new housing, we are still inspecting projects like Truck Builders, The Broad and Main mixed use, a few storage buildings, commercial condos and many more projects that got started in this last year. Several projects are starting, and it is shaping up to be another very busy year in the building department.

## BUILDING DIVISION STATISTICS

INSPECTIONS	CURRENT	LAST MONTH	LAST YEAR
ALL CONSTRUCTION	513	453	722
WRECKING	1	1	0
BEER & LIQUOR INSP	0	4	7
COMPLAINT INSPECTIONS	13	10	4
<b>TOTAL INSPECTIONS</b>	<b>527</b>	<b>468</b>	<b>733</b>
PERMITS			
ACTIVE DEPT PERMITS	10,889	10,987	9,167
PERMITS ISSUED	331	380	538
NEW SINGLE FAMILY	8	25	19
NEW MULTI-FAMILY (UNITS)	2 (99)	0 (0)	0 (0)
NEW COMMERCIAL	4	1	6
REMODEL/ADD. COMMERCIAL	0	4	8
RENTAL HOUSING			
RENTAL HOUSING UNITS	4,537	4,538	4,514
TOTAL RENTAL INSPECTIONS	197	262	90

## BUILDING CODE COMPLIANCE

BUILDING CODE COMPLAINTS	CURRENT	LAST MONTH	LAST YEAR
NEW COMPLAINTS	11	4	2
RESOLVED COMPLAINTS	10	13	1
ACTIVE COMPLAINTS	56	55	50
ACTIVE COMPLAINTS BY TYPE			
BUILDING MISCELLANEOUS	7	4	2
DEBRIS IN YARD	23	27	13
HOUSING	13	12	16
PROPERTY MAINTENANCE	13	12	19

---

**Active Municipal Infractions:**

- 5010 Winslow Road (Sam Nemer).
  - November 8<sup>th</sup> court date. Continued to March 3<sup>rd</sup>.
  - No change in the conditions of the property
  - Parks Department enforcing weed ordinance.
  - Reached out to Sam to discuss the condition of his property again.
  - Most recent pictures show more items accumulating.
  - Scheduled site inspection by staff was cancelled by Sam with no rescheduled date.
  - Significant increase of items in the field behind Sam's house after continuance of the November 8<sup>th</sup> court date.
  - Sam has parked a significant number of trailers on the backside of an adjacent lot. Both Sam and the adjacent owner were contacted to move the trailer right away.
  - Staff has been documenting items on the property in preparation of the upcoming court date.
- 1565 7<sup>th</sup> Ave. (Dwight Hogan)
  - Estate started. Staff has been in contact with their attorney.
  - No change in the condition of the structure or the exterior property areas.
  - Kara in conversations with their attorney.
  - Recent painting done on the West side of the home. Nothing higher than what can be reached from the ground has been done.
  - Condition of the exterior of the home continue to deteriorate. Staff is proceeding with a municipal infraction.
  - Representative of the estate has been in discussions with staff about corrections.
  - Water Department discovered a sewage leak in the basement. Code Compliance was notified. How was posted with a Notice of Condemnation giving Dwight 7 days to correct the hazard. Staff secured an administrative search warrant and performed the search of the remainder of the property. After the search the home was placard as Condemned.
  - Staff has coordinated with Dwight's sister, daughter and local agencies to assist in the repairs and cleaning needed to remove the condemned placard.
  - It is suspected that Dwight is still living at his home despite the condemnation placard. Staff has reached out to both Heritage Area Agency on Aging and Foundation 2 to try and get assistance for Dwight.
  - An injunction is being sought to prevent Dwight from living at the home while the home is still condemned.
- 2895 15<sup>th</sup> Ave. (Garen Braun)
  - Garen was avoiding being served but since has.
  - In violation of the previous signed order.
  - No change in the condition of his property from previous month.
  - Interior electrical work started.
  - Inside isn't that bad, garage still full of junk though.
  - Court date May 23<sup>rd</sup>, 2022. Yes, 2022... 😞
  - Garen agreed to a meeting with Staff. Staff will be typing agreement items up and will be sending out to all parties for verification.

- 
- Front porch area cleaned up but no movement of the vehicles.
  - Worked being done to remove the rear porch. No vehicles/motorcycles have been removed.
  - Small shed has been constructed in the ROW along with no improvement of the exterior conditions. Staff has requested another meeting with Garen in hopes of getting anything to change on the exterior of the property.
  - Weather and scheduling conflicts have resulted in no face-to-face communications to attempt to resolve the issues.
  - Garen has removed a large quantity of junk, debris and garbage from the home. 1 car has also been removed. He has contacted staff about occupancy on his home.
  - Garen has moved back into his home and has cleaned up a substantial amount both inside and outside.
  - Some minor debris stored outside and a vehicle that hasn't moved for some time remains. Garen has stated he is working on the final items to be in compliance.
  - 540 8<sup>th</sup> Ave. (Bonnie Allan)
    - Correction due date was 8/17/2021
    - Staff moving forward with a municipal infraction.
    - No correspondence and no action taken on the home.
    - Weeds and brush have been knocked down. Parks asked to report back with the extent of activities and reported that the activities were to the front yard only leaving the rear and side yards untouched.
    - Bonnie filed an answer to the municipal infraction. Court date is set for April 25, 2022.
    - There has been no change in the exterior condition of the home or the property.
    - Kara has reached out to Bonnie in hopes of resolving this matter without a court date in April.
    - Kara's attempt to get a meeting between staff and Bonnie has failed. Bonnie has not responded to our attempts.
    - Kara has had minimal contact with Bonnie. Staff has worked to get assistance in the repairs on Bonnie's home.
    - Bonnie has secured help from her brother-in-law and her church to cut down and remove brush and volunteer trees. Their hope is to sell the home as-is. Staff contacted a few local buyers to see about a possible sale.
    - Communication with Bonnie and her brother-in-law has led to a continuance on the court date, Her plan is to sell the home by September due to her poor health.
  - 1081 27<sup>th</sup> Street (Maske)
    - Property is currently in compliance. Staff is monitoring the property.
  - 1060 18<sup>th</sup> Street (James L'Homme)
    - Correct due date is 8/20/2021
    - No action taken to remove the RV or to mow tall weeds.
    - No change in the condition of the property from the previous month.
    - James stated in an email to Kara that he will be travelling back to remove the RV and to take care of the weeds and tall grass around the property.
    - Weed and grass has been mowed but the RV remains.
    - Judgement in favor of the city has been granted. Corrections due December 15<sup>th</sup>, 2021

- RV has not been removed and the home remains vacant after staffs report of inaction on the court order.
- There has been no change in the condition of the home after judgement in favor of the city was granted. Staff is discussing the pursuit of an Iowa Code 657.A.10A.
- City attorney has given a written deadline of April to bring the property into compliance before the City proceeds with the 657.A.10A process of obtaining the home.
- Still no change in the condition of the property. First steps of the 657.A.10A process have been started.
- 3105 3<sup>rd</sup> Ave. (Steven Frost)
  - Agreement signed in 2018.
  - Parking in the grass and storing junk and junk vehicles on the lot.
  - Steven was given a verbal warning to get the property back into compliance.
  - Not much action performed to show an effort to bring the property back into compliance.
  - Kara is researching the old agreement signed in 2018. Possible moving forward on a violation of this agreement.
  - Steven has ignored staffs verbal requests to remove junk and correct the parking situation. An Order to Abate will be prepared and sent out after the first of the year.
  - Steven has until 2/3/2022 to bring his property into compliance. There has been no action taken to address the items in the abatement order.
  - A municipal infraction has been filed and no answer by Steven has been received by the court.
  - Still nothing from the court regarding the municipal infraction. City attorney is pursuing the reason for delay.
  - Staff has filed and order as requested by the court. This action should help with the case moving forward.
- 204 10<sup>th</sup> Street (Sheila Robertson)
  - Abatement letter sent requesting the removal of all junk and debris. Also requested they cease parking on the grass and the ROW.
  - Sheila's boyfriend called to inform staff they will not be towing vehicles and there is no junk on the property contrary to the pictures taken of the property.
  - Marion PD was asked to assist in the parking matters. Staff was able to get the truck moved from the yard to the street willingly by the occupants of the home. A verbal agreement between staff and the occupant gave an additional 10 days to the compliance date.
  - The lack of action taken to clean up the property has led to a municipal infraction being file on this case.

**Active Order to Abate Cases:**

- 901 7<sup>th</sup> Ave. (Phyllis Rausch)
  - "Friendly letter" sent on 8/19/2021. Action demanded within 7 days.
  - Weeds were addressed on 8/25/2021. Neighboring city lot was cleaned up to match the conditions on this property.
  - No permits issued or action to repair the siding.

- Kara has been in conversations with the Rausch's
- No action taken to repair the building in response to Kara's conversations.
- Kara has had little to no conversations with the Rausch attorney.
- Still no action taken to repair the structure.
- Kara is preparing a municipal infraction.
- Process service was lost. Staff is in the process of reserving the notice.
- 4400 Lantern Court (Vicky Melsh)
  - Several phone calls placed seeking answers about the junk car and the derecho damaged garage.
  - Abatement letter sent requesting the junk car be removed from the property and other junk and debris disposed of. Also requested that repairs start on the derecho damaged garage.
  - A verbal agreement in place after Vicky visited with staff at city hall.
  - Vicky has completed all the repairs and corrections needed. This case will be closed.

### **Upcoming Order to Abate Cases/Cases to Watch:**

- 500 8<sup>th</sup> Ave. (Mike Warner)
  - Staff was alerted to the interior condition of this property by MFD in early December. Efforts to get Mike and Heritage Agency on Aging together were initiated.
  - Mike has taken action to clean the interior stairway and the front entry area. Also has cleaned the front room to allow for access to a first floor bedroom where Mike's wife sleeps.
  - Weekly inspection on Wednesdays continue to further encourage Mike and to help with small weekly goals set to advance the overall habitability of the home.
  - Staff has coordinated with Heritage Area Agency on Aging, Habitat for Humanity and Marion Cares to get the funding and repairs that is badly needed on the home. Staff worked to secure a donated toilet to ease the financial burden on the owners.
  - Marion Cares has repaired the plumbing and installed the toilet. Habitat has started repairs on the interior ceilings of the home.
- 2780 1<sup>st</sup> Ave. (Cindy Valletta)
  - Staff was made aware of junk, a junk vehicle, and a home in need of siding repairs.
  - Multiple property maintenance issues led staff to proceed with an order to abate.
- 1568 5<sup>th</sup> Ave. (Thelma Jacobs)
  - SUV and junk/debris in the lot behind the home.
  - Thelma suing the City over access issues to the lot off 6<sup>th</sup> Ave.
  - Thelma is appalled that she can't park or store items on her lot.
  - Order to Abate being prepared.
  - SUV removed from the rear yard. Lawn tractors and debris remain.
  - Staff advised by Kara to limit enforcement on the junk until after the conclusion of Thelma's court case against the city.
  - Junk remains. Staff has been in contact with Thelma's attorney about cleaning up the junk.
- 330 S 12<sup>th</sup> Street (Montylee & Virginia Watt)

- A neighbor approached staff about the home being vacant and the lack of maintenance on this property.
- Phone calls to the owners led to no action being taken to correct the issues.
- Parks department has been brought in to address several tree issues at the property.

## **DRAINAGE EASEMENT / HOLD HARMLESS AGREEMENTS**

- There were 2 applications reviewed and issued in April 2022 (18 YTD)

## **PROJECT UPDATES**

### **City Wide Zoning Initiative**

Staff is currently working to identify all potential non-conforming uses that would occur as a result of the zoning map updates to the Ward 1 and Ward 3 area and making changes to the map to minimize the number created.

Staff has created and finishing work on several zoning changes primarily in regards to uptown café dining, drive thru designs and street trees. Anticipated to begin at the City Council in late Spring 2022.

- Outdoor Sidewalk Café Ordinance and Design Guidelines presented to the City Council. An early June 2022 is anticipated approval date.
- Drive Through Regulations / Design Guidelines have been drafted. To be presented to the City Council in April 2022. Anticipated to be forwarded to the Planning and Zoning Commission in June 2022 with City Council approval anticipated in early July 2022.
- Street Tree discussion will begin again between various departments. Anticipated City Council presentation early Summer 2022.

### **Trail Projects**

#### **10th Avenue Side paths (35th Street to Eagleview Drive)**

Contractor continues to work on paving the north and south sidepaths.

#### **CeMar Trail (7th Street to Marion city limits, including bridges)**

The trail has been broken into 5 phases, allowing separate lettings for each segment.

The **first phase (Bridge Demo)**: Staff is working through project closeout with the IDOT.

The **second phase (Thomas/Legion Park Paving)**: Staff is working through project closeout with the IDOT. The project was accepted by City Council in January. Final reimbursement for funding and other required documentation was submitted to the IDOT at the end of January.

The **third phase (Bridge over Indian Creek)**: Staff is working through project closeout with the IDOT. Following the final audit in May, Engineering will work to resolve any final items and anticipate final retainage being released soon after that.

The **fourth phase (Ped. Bridge over Marion Blvd)**: Contractor has been out on site (bridge deck poured on 3.17.22), but no working days being charged as its till free winter work period.

The **fifth phase (South of Hwy 100)**: Trunk sewer easement has been signed by property owners, trail easement negotiations to begin soon.



**Indian Creek Trail (Boyson Trail to Tower Terrace Road)**

The Contractor has begun work on erosion control, clearing, and grubbing.

**Lucore Road Pedestrian Bridge and Sidepath**

In 2021 the CMPO Policy Board funded the project at 15%, allowing it to be placed in the State Transportation Improvement Program (STIP) and eligible for additional/full funding in a later funding cycle. In December, Council approved application and staff submitted application for remaining funding to get to the 80% Federal match.

**BOARDS AND COMMISSIONS****Planning & Zoning Commission**

The Marion Planning & Zoning Commission met on April 12, 2022 and took action on the following items:

- Rezoning – west of Alburnett Rd/south of Prairie Trail – Integrity Custom Homes (approved)
- Central Corridor Review – 1360 7<sup>th</sup> Ave – Sweet Cheesecake (approved)
- Central Corridor Review – 809 6<sup>th</sup> Ave – West End, Pavilion (approved)
- Zoning for Outdoor Dining Cafés (approved)

**Zoning Board of Adjustment**

The Marion Zoning Board of Adjustment met on April 19, 2022 and took action on the following items:

- Variance for fence over 6' – 1360 7<sup>th</sup> Ave – Sweet Cheesecake (approved)
- Parking waiver – 1360 7<sup>th</sup> Ave – Sweet Cheesecake (approved)

**Historic Preservation Commission**

The Marion Historic Preservation Commission April 12, 2022 and discussed the potential Methodist church demolition.

**Bicycle and Pedestrian Advisory Committee**

The Bicycle and Pedestrian Advisory Committee did not meet in April 2022.

**Construction Code Review Board**

The Marion Construction Code Review Board did not meet in April 2022 as there were no items that required action.

**Nuisance Enforcement and Property Maintenance Advisory Board**

An appeal on the process of the snow removal at 875 W 14<sup>th</sup> Ave. was heard by the board on April 13, 2022. The Board heard evidence presented by Adam Cirkl and from Staff. The Board ruled unanimously (5-0) that the process was performed correctly by Staff.