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## **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. March saw completion of demolition of remaining mall structure and masonry work beginning on Broad and Main Project
- Completed application from the Pentecostal Church of Cedar Rapids has been submitted for the demolition of the former Methodist Church at 12<sup>th</sup> Street and 8<sup>th</sup> Avenue. The request will be forwarded to the May 2022 Historic Preservation Commission and Planning and Zoning Commission for review and recommendation to the City Council.

### **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 were submitted, awaiting formal site plan and building plans to be submitted. Construction to begin summer 2022
- Green Acres Storage has begun to clear the site for the new facility anticipated to begin in spring 2022.
- Caliber Collision has purchased the property located at 1075 Lyons Lane and will be making exterior improvements. An early 2022 open date is planned.
- KwikStar has begun site grading for a future store at 7<sup>th</sup> Avenue and 31<sup>st</sup> Street. In addition to fuel pumps and convenience store an attached automatic car wash is proposed.

## **COMMERCIAL BUILDING ACTIVITY**

Looking forward and spring coming, another busy year is in store. Contractors getting ready to go with plans coming in for review to start as soon as the weather breaks. 5 new commercial permits and 2 more plans that permits have not been applied for came in for the month of March. 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 following new projects will be starting this spring as soon as the frost gets out. Marion Independent School District will be doing 3 projects this construction season with permits ready to issue for 2 of them. Broad and Main's second building and Kwik Star both should be starting soon. While we are training for a new construction season, 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 apartment buildings have started and will be starting this year, 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	453	363	667
WRECKING	1	0	19
BEER & LIQUOR INSP	4	3	6
COMPLAINT INSPECTIONS	10	15	13
<b>TOTAL INSPECTIONS</b>	<b>468</b>	<b>381</b>	<b>705</b>
PERMITS			
ACTIVE DEPT PERMITS	10,987	10,809	8,838
PERMITS ISSUED	380	193	566
NEW SINGLE FAMILY	25	9	34
NEW MULTI-FAMILY (UNITS)	0 (0)	0 (0)	10 (20)
NEW COMMERCIAL	1	0	1
REMODEL/ADD. COMMERCIAL	4	4	6
RENTAL HOUSING			
RENTAL HOUSING UNITS	4,538	4,551	4,515
TOTAL RENTAL INSPECTIONS	262	148	327

## BUILDING CODE COMPLIANCE

BUILDING CODE COMPLAINTS	CURRENT	LAST MONTH	LAST YEAR
NEW COMPLAINTS	4	6	8
RESOLVED COMPLAINTS	13	11	15
ACTIVE COMPLAINTS	55	65	48
ACTIVE COMPLAINTS BY TYPE			
BUILDING MISCELLANEOUS	4	7	2
DEBRIS IN YARD	27	31	13
HOUSING	12	14	15
PROPERTY MAINTENANCE	12	13	18

### 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.
- 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 myself and Kara. Kara 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.
- 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.
- 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.

- 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.

#### **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.
- 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.
- 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.

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**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.
- 1277 8<sup>th</sup> Ave. (First Pentecostal Church)
  - Met with the realtor. Church has no plans on securing the structure with the insurance funds.
  - Realtor is searching for a buyer to purchase as is.
  - Staff is pushing for the church to secure the bell tower area and other areas such as open windows.
  - Staff is requesting information from the church regarding the future of the structure.
  - There is no information staff can relay on this matter at this time.
- 529 W. 8<sup>th</sup> Ave. (Karon Redfearn & Jennifer Trout)
  - Rear yard majorly overgrown.
  - Neighbor performed only work to remove downed trees and limbs.
  - Fence, outbuildings, and deck are in major need of repair.
  - Order to Abate gives them until 11-12-2021 to Demo and remove or repair.
  - Structures have been repaired, and debris has been removed from the yard. Fence repair remains.
  - Property remains picked up, but the fence issue still has not been addressed. Overall, the property is in satisfactory condition.
- 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 6th 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.

**DRAINAGE EASEMENT / HOLD HARMLESS AGREEMENTS**

- There were 8 applications reviewed and issued in March 2022 (16 YTD)

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## **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 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 drafted and 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 May 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 has been out on site, but no working days being charged as its till free winter work period.

#### **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 project was let through the Iowa DOT on February 15th with Peterson Contractors Inc. the apparent low bidder at a bid of \$1,719,592.32. A late start date was set for March 21st because of a tree clearing deadline of March 31st, but after further review the IDOT has allowed the tree clearing deadline to be extended to May 31st. This project has 140 working days assigned.

**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 March 8, 2022 and took action on the following items:

- Final Site Development Plan – 1010 62<sup>nd</sup> St – Scooters coffee Drive-thru (approved)
- Preliminary and Final Site Development Plans – 999 Enterprise Dr – Flex Space (both approved)
- Discussed proposed ordinance details for Outdoor Dining Café Zone

**Zoning Board of Adjustment**

The Marion Zoning Board of Adjustment met on March 15, 2022 but the only item published on the agenda was withdrawn by the applicant prior to the meeting.

**Historic Preservation Commission**

The Marion Historic Preservation Commission did not meet March 2022 as there were no actionable items submitted for review.

**Bicycle and Pedestrian Advisory Committee**

The Bicycle and Pedestrian Advisory Committee met at City Hall on March 29, 2022 and discussed the following:

- Discussed Election of Officers
- Annual Code of Ethics Review
- Bike to Work Week Discussion, including Ride of Silence
- Trail Update

**Construction Code Review Board**

The Marion Construction Code Review Board met on March 22, 2022 to discuss Iowa State Legislation being considered under House File 2527.

**Nuisance Enforcement and Property Maintenance Advisory Board**

3 new members have been confirmed. An appeal of the Parks Department snow removal procedure has been applied for and a meeting is scheduled for April 13, 2022.