



# MINUTES

## Planning & Zoning Commission

6:00 PM - Tuesday, May 11, 2021

City Hall, 1225 6th Avenue

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*\*Minutes are in draft format until approved at the next meeting\**

The Planning & Zoning Commission of the City of Marion, Linn County, Iowa met on Tuesday, May 11, 2021, at 6:00 PM, at City Hall, 1225 6th Avenue, with the following members present:

PRESENT: Dale Monroe, Destiny Hastings, Phil Seidl, Jillissa Moorman, Landis Wiley, and Jennifer Morris

ABSENT: Seth Moomey, Jody Budde, and Matt Arenholz

STAFF PRESENT: Ama Bartlett, Dave Hockett, Nicole Behrens, and Tom Treharne

### CALL TO ORDER

### ROLL CALL

### CITIZEN PRESENTATIONS

None.

### DIRECTORS REPORT

Treharne gave updates on the following projects: Uptown, 6th Ave completion, Marion Lofts and Streetscape. He also discussed a program available to residents for assistance in making derecho repairs and informed the commission about future purchase agreements in the works along Tower Terrace Road west of Alburnett Road.

### REGULAR AGENDA

#### Minutes

Motion to approve of the April 13, 2021 Planning and Zoning meeting.

Moved by Monroe, seconded by Seidl, to approve the minutes from April 13, 2021.

Approved unanimously

Conditional Use - Watchman's Quarters - Garman (Tabled April 13, 2021)

CPC Resolution 21-17 approving a conditional use request pursuant to Section 176.25-2B of the Marion Code of Ordinances to allow watchman living quarters in the I-1 zoning district for property located at 100 35th Street, Marion, Iowa. (NPV III, LLC) (Tabled April 13, 2021)

Hockett reminded the commission that a public hearing was heard last month and nothing has changed in the staff report. He addressed the commission's concern about definition of employee and confirmed that the City Attorney stated that the City wouldn't define how employment is determined. Seidl asked if there could be a report that would be required to let the City know status of current tenant as an employee of the owner.

Moved by Seidl, seconded by Monroe, to approve CPC Resolution No. 21-17 with the following condition: to provide an annual update to the City confirming the status of the watchman on the premises and failure to do so would nullify this conditional use.

No further discussion.

Approved by the following votes:

Ayes: Monroe, Seidl, Hastings, Wiley, and Morris

#### Conditional Use - Garage over 900 sq ft - Young

Public hearing regarding a conditional use requested by Tyler Young pursuant to Section 176.32-2B of the Marion Code of Ordinances to permit a detached structure to exceed 900 square feet located at 1014 Welcome Lane, Marion, Iowa.

Behrens presented the staff report. The commission asked a question to confirm that garage is for personal use only. Behrens responded that any business would have to meet home occupation standards. Morris opened the public hearing. Tyler Young (1014 Welcome Lane) applicant, stated that the dimensions of garage would be reversed from image in staff report, actually making the garage set further back on the property. No other statements for or against were heard. Morris closed the public hearing.

CPC Resolution No. 21-22 approving a conditional use pursuant to Section 176.32-2B of the Marion Code of Ordinances to permit a detached structure to exceed 900 square feet located at 1014 Welcome Lane, Marion, Iowa. (Tyler Young)

Moved by Monroe, seconded by Wiley, to approve CPC Resolution No. 21-22.

No further discussion.

Approved by the following votes:

Ayes: Monroe, Wiley, Hastings, Seidl, and Morris

#### Conditional Use - Garage over 900 sq ft - Martin

Public hearing regarding a conditional use requested by Javan Martin pursuant to Section 176.32-2B of the Marion Code of Ordinances to permit a detached

structure to exceed 900 square feet located at 4310 Indian Creek Rd, Marion, Iowa.

Behrens presented the staff report. The commission had some concerns about hazardous material storage. Behrens responded that may be a question for the Fire Department, but confirmed this applicant stated the building would be for personal items. Morris opened the public hearing. Javan Martin (4310 Indian Creek Rd) applicant, confirmed for the commission that nothing out of the ordinary for a residential garage would be stored in this building. No other statements for or against were heard. Morris closed the public hearing.

CPC Resolution No. 21-23 approving a conditional use pursuant to Section 176.32-2B of the Marion Code of Ordinances to permit a detached structure to exceed 900 square feet located at 4310 Indian Creek Rd, Marion, Iowa (Javan Martin)

Moved by Seidl, seconded by Hastings, to approve CPC Resolution No. 21-23.  
No further discussion.

Approved by the following votes:

Ayes: Hastings, Seidl, Monroe, Wiley, and Morris

Moorman joined the meeting at 6:36p.m.

#### Conditional Use - Gas Station - Kwik Star

Public Hearing regarding a conditional use request to permit a gas station within the UC-1, Urban Commercial zoning district for property located at 3025 7th Avenue, Marion, Iowa (Kwik Trip Inc.)

Hockett gave the staff report. The commission asked about hours of operation, plan for deliveries and bike racks. Hockett discussed the trail nearby. Morris opened the public hearing. The applicant expanded on the store design and answered the commission's questions. No other statements for or against the item were heard. Morris closed the public hearing.

Behrens left the meeting at 6:57p.m.

CPC Resolution No. 21-24 recommending approval of a conditional use request to permit a gas station within the UC-1, Urban Commercial zoning district for property located at 3025 7th Avenue, Marion, Iowa. (Kwik Trip Inc.)

Moved by Hastings, seconded by Wiley, to approve CPC Resolution No. 21-24.  
Discussion on whether there are any restrictions on number of convenience stores within a specific area, Hockett responded there are none.

Approved by the following votes:

Ayes: Hastings, Wiley, Monroe, Seidl, and Morris

#### Central Corridor Review - 3025 7th Ave - Kwik Star

CPC Resolution No. 21-25 recommending approval of Kwik Star - Central Corridor Review for property located at 3025 7th Avenue Marion, Iowa (Kwik Trip Inc.)

Hockett expanded on the staff report from the conditional use. He shared a list of items that staff would like to see if approved.

Moved by Monroe, seconded by Hastings, to approve CPC Resolution No. 21-25 with the following staff conditions:

1. Install sidewalk connection from Arby's Property from the west to provide for pedestrian access.
2. Install roll over curbs on entrance and exits of the access
3. Pave the access with stamped concrete (brick pattern or something like that) between the roll curbs or with pavers to ensure it is very apparent this access should not be used unless you are stuck in the car wash line. The north/south sidewalk should not be stamped.
4. Sign the west side entrance with "do not enter" – not just pavement paint
5. Sign the east side entrance with "emergency exit only"

No further discussion.

Approved unanimously

#### Final Site Development Plan - Linn County Business Park Phase IV - Burger

CPC Resolution No. 21-26 approving a Final Site Development Plan for Linn County Business Park Phase IV for property located west of Highway 13 and north of REC Drive. (Eights Enough LLLP)

Hockett shared the staff report.

Moved by Wiley, seconded by Seidl, to approve CPC Resolution No. 21-26. Discussion about whether this project fits into future plans of the area. Staff commented that they have not finalized a targeted plan for this area yet.

Approved unanimously

### **OTHER BUSINESS**

Discussion on long range planning documents.

Treharne discussed creation of subarea long-range plans for future development of areas recently annexed or could be annexed into the City.

### **ADJOURN**

Morris adjourned the meeting at 7:37p.m.

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Dale Monroe, Secretary