DATE: March 4, 2020  
TO: Planning and Zoning Commission  
FROM: David N. Hockett, AICP  
    Principal Planner  
RE: 6. REZONING  
    a. Public hearing regarding a request to rezone Briargate 6th Addition from R-2, Medium  
    b. CPC Resolution No. ____ recommending approval to rezone Briargate 6th Addition from  
       R-2, Medium Density Single Family Residential to PD-R, Planned Development  
       Residential (Abode Construction, Inc.) 

This is a request by Abode Construction Inc. to rezone property from R-2, Medium  
Density Single Family Residential to PD-R, Planned Development Residential for  
property located south of 35th Avenue and west of 44th Street that will permit the  
development of single family homes with reduced setbacks. 

The property was originally zoned R-2, Medium Density Single Family at the time  
that the Briargate Development was preliminary platted in October 2005  
(Ordinance No. 05-29). The original proposed preliminary plat had lots proposed  
at approximately 90’ in width, with the Briargate 6th addition final plat that was  
reviewed (and approved) by the Planning and Zoning Commission in 2016 reduced the  
90’ lots to 65’ lots based on the developer’s request of changes in the housing market.  
There have been no single family detached home starts in the 6th Addition since approval. The developer is seeking the PD-R zoning classification to reduce the required 7’ side yard setback (to wall) to a 5’ side yard setback (to wall) that will permit an  
dditional 4’ width of building area to the lot and would permit a maximum 55’ wide home. The City has
approved reduced setbacks to 5’ for lots, however these lots have been for lots between 55’ and 60’ and part of development plan and a new preliminary / final plat not for existing platted lots as the request by Abode Construction. A revised final plat that eliminates 2 lots would not require the rezoning of the property.

With a reduced setback additional fire protection is required within the soffit that can extend 2’ into the required side yard setback.

The property to the east is currently zoned R-4, Four Family Residential and developed with a variety of condominium products. The property to the south is currently zoned R-2, and is currently being developed with single family homes on lots that range between 69’ and 96’ feet in width. Property to the east is owned by Robson Homes and is zoned SR-3, Suburban Residential – 3 and is proposed for single family residential development. The property to the north is zoned PD-R and part of the Neighborhood at Indian Creek Development overlay, that provides for a wide range of residential zoning uses. The proposed PD-R zoning is compatible with the existing and proposed adjacent land uses. The Marion Future Land Use map designates the property for Single Family Detached Residential. The proposed zoning designation is compatible with the land use designation.