

**CITY OF SWISHER PLANNING & ZONING
JANUARY 15, 2024 MINUTES**

Chairman Randy Hurlbert called the January 15, 2024 Swisher Planning & Zoning Commission meeting to order at 7:00 p.m. Commission members Josh Pfannebecker, Kathy Riggle and Doug Russell were present. Commission member Ken Feldmann was absent, and two seats open. Also present was Christopher Prewett, Daryl Hynek, Paul Hynek, City Clerk Tawnia Kakacek, and City Clerk Shelley Annis. Sonya LaGrange, Tim Cutsforth and Kourtney Janss attended electronically.

Motion Riggle, 2nd Pfannebecker to approve the agenda – all aye.

Motion Pfannebecker, 2nd Russell to approve the December 18, 2023 Planning & Zoning Commission meeting minutes – all aye.

There were no public comments.

Motion Russell, 2nd Riggle to open the public hearing at 7:01 p.m. to consider amending Chapter 165.25 (2E) of the Swisher City Code to allow for residential living on the first floor of property in the BC-1 zoning district only. Daryl Hynek questioned why the Commission is considering this. Commissioner Russel explained that this is required to be defined in the Zoning Code so that downtown businesses can apply for and be considered for a Catalyst Grant. Hynek questioned why 125 2nd St SE is being re-zoned. It was noted that another public hearing regarding the re-zoning is later on the agenda. Clerk Annis noted that there had been three comments received supporting this change. Motion Riggle, 2nd Hurlbert to close the public hearing at 7:08 p.m. – all aye.

Motion Hurlbert, 2nd Pfannebecker to open the public hearing at 7:09 p.m. to consider a fringe area agreement between the City of Swisher, the City of Cedar Rapids and Johnson County. Clerk Annis noted that City Hall had received no comment in advance of the meeting. With no comment from those in attendance, motion Pfannebecker, 2nd Riggle to close the public hearing at 7:10 p.m. – all aye.

Motion Riggle, 2nd Russell to open the public hearing at 7:10 p.m. to consider rezoning 122 Rose Avenue SE from BC-1 to BC-2 and consider rezoning 125 2nd Street SE from BC-2 to BC-1 – all aye. Daryl Hynek questioned why the re-zoning is being considered for 125 2nd Street SE, and wouldn't the re-zoning make the property more non-conforming due to the restriction on stories or height in the BC-1 zoning district. Christopher Prewett, owner of 125 2nd Street SE was concerned about any restrictions this might place on a new owner. Commissioner Riggle reported that a new owner would be grandfathered on the property use. Daryl Hynek questioned how Section 165.09, paragraph 2 would affect the non-conformity of the property. Sonya LaGrange asked if a variance or protection be given to this property on the number of stories or height restriction. The Commission recommends consulting with the City Attorney on how this could be handled. With no other comment, Motion Russell, 2nd Pfannebecker to close the public hearing at 7:27 p.m. – all aye.

Motion Russell, 2nd Hurlbert to recommend the City Council approve an amendment to Chapter 165.25 (2E) to allow for residential living on the first floor of property in the BC-1 zoning district only – all aye.

Motion Russell, 2nd Pfannebecker to recommend the City Council approve a Fringe Area Agreement between the City of Swisher, the City of Cedar Rapids, and Johnson County – all aye.

Motion Riggle, 2nd Russell to recommend the City Council approve the rezoning of 122 Rose Avenue SE from BC-1 to BC-2, and rezone 125 2nd Street SE from BC-2 to BC-1 and check with the City Attorney on a variance or exception to the required height maximum in BC-1 – all aye.

Chairman Hurlbert reported that the Commissioner Ken Feldmann submitted his resignation effective today. City Clerk Kakacek informed the Commission that since there are currently three open seats on the Commission, it would take all four Commissioners in attendance to hold a meeting until seats are filled.

Motion Riggle, 2nd Pfannebecker to adjourn the meeting at 7:31 p.m. – all aye.