

**CITY OF SWISHER  
PLANNING & ZONING  
JANUARY 30, 2017 MINUTES**

**Planning & Zoning Meeting** was called to order at 7:00 p.m. by P & Z Chairperson Randy Hurlbert at Swisher American Legion, Swisher, IA on January 30, 2017.

**Planning & Zoning Members Present:** Randy Hurlbert, Lori Wiles, Ken Feldmann, and Dean Sturtz.  
Absent: Kathy Riggle and Josh Pfannebecker. Riggle arrived at 7:08 p.m.

**Also Present:** City Clerk Tawnia Kakacek, Councilpersons Mary Gudenkauf and Rebekah Neuendorf, Charlie Gudenkauf, Steve Pudil, Rob Pudil, Nikki Hynek, Karen and Craig Vondracek, Sue Kearney, Karen Popp, Kyle and Laura Votroubek, Dawn Terrell, Ron Eden, Nate Montague, Karen LaGrange, Sonja LaGrange, Jean Hynek, Gene Beard.

**Agenda and Minutes:** Motion moved by Sturtz, seconded by Wiles to approve the agenda. Call for vote. All ayes. Absent: Riggle and Pfannebecker. Motion carried. Motion moved by Wiles, seconded by Hurlbert to approve the December 19, 2016 Planning & Zoning Minutes. Call for vote. All ayes. Absent: Riggle and Pfannebecker. Motion carried.

**Citizens Comments:** Craig Vondracek noted their property, Kava House is zoned “AC”-Arterial Commercial and would like the board to consider making it zoned “BC”-Business Commercial at some point.

**Business:**

**Rezone Property of Schrader Excavating & Grading (within 2-mile fringe area):** Nate Montague, representative of Schrader Excavating, noted the surrounding property is zoned CH-Highway Commercial except this piece of property. After review and discussion, Hurlbert moved, seconded by Feldmann, to recommend approval to Council to rezone Schrader Excavating property of 6.97 Acres from Agricultural to CH-Highway Commercial that is within the 2-mile fringe area. Call for vote. All ayes. Absent: Riggle and Pfannebecker. Motion carried. This property is described as being located in the SE ¼ of the SE ¼ of Section 8, Township 81 North, Range 7 West of the 5<sup>th</sup> P.M. in Johnson County, Iowa. The property is located on the west side of Highway 965 approximately 700 feet north of its intersection with 140<sup>th</sup> Street NW, in Jefferson Township.

**Preliminary/Final Plat of S & K Subdivision:** Nate Montague, representative of Schrader Excavating, noted this would be subdivided into 3 lots with total of 40.61 acres. Steve Pudil inquired if Schrader was hooking up to city sewer. Feldmann noted the application states they will be using private septic systems. After review and discussion, Sturtz moved, seconded by Wiles, to recommend approval to council of Preliminary and Final Plat of S & K Subdivision of Schrader Excavating & Grading that is within the 2 mile fringe area. Roll call vote was taken. All ayes. Absent: Riggle and Pfannebecker. Motion carried.

Planning and Zoning Member Kathy Riggle arrived at 7:08 p.m.

**PUBLIC MEETING—REGARDING “BC”-BUSINESS COMMERCIAL ZONING**

Chairperson Hurlbert opened public meeting to discuss “BC”-Business Commercial zoning to have zero side yard setbacks for properties on 2<sup>nd</sup> Street from Rose Avenue to Summit Avenue; consider additional zoned business commercial areas to have zero side yard setbacks and consider adding business commercial zoning areas by block. Steve Pudil stated he would like to keep “BC” zoning as is and have zero side yard setbacks if adjoining property is not zoned Residential. Ron Eden stated he would not like to have zero side yard setbacks adjoining his residential property if it was rezoned to BC. Feldmann recommended two separate zonings as follows: BC1 with 15 feet rear setback, 22.5 feet height, and zero side yard setbacks if abutting to another property zoned BC, 15 feet side yard setbacks for abutting areas

zoned Residential; BC2 with zero lot line, 15 feet rear setback, zero front yard, 45 feet height eaves to eaves for downtown area-2<sup>nd</sup> Street from Rose to Summit. Sonja LaGrange noted if they changed to zero side yard setbacks, a house that is zoned BC could have a business next door build up to the lot line and vice-versa. Wiles noted the Commission is trying to cleanup the zoning areas and not patchwork zoning areas and to anticipate what property may be in the future. Riggle noted a resident couldn't refinance her house as it is zoned BC and could not rebuild house if burnt down. Commission noted that if the house was burned down, it could be rebuilt with same footprint but not extend footprint. Sturtz noted they wanted to hear from the residents of what they would like for business commercial areas. Sonya LaGrange noted that underwriting rules have changed and are more stringent regarding zoning. Wiles noted Chapter 165.06-Nonconformities address the issue of rebuilding. Wiles noted that it is required by law to have Comprehensive Plan, follow it, and work towards that goal. Chairperson Hurlbert noted Planning and Zoning Commission will discuss this at their next regular meeting and make recommendation to council. He thanked everyone for coming and giving their input.

**Adjournment at 8:08 p.m.** by Feldmann, seconded by Wiles. Call for vote. All Ayes. Motion carried.

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**Tawnia Kakacek, City Clerk**

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**Randy Hurlbert, P & Z Chairperson**