

**CITY OF SWISHER
PLANNING & ZONING
FEBRUARY 27, 2017 MINUTES**

Planning & Zoning Meeting was called to order at 7:00 p.m. by P & Z Chairperson Randy Hurlbert at Swisher City Hall, Swisher, IA on February 27, 2017.

Planning & Zoning Members Present: Randy Hurlbert, Josh Pfannebecker, Kathy Riggle, Dean Sturtz, Lori Wiles. Absent: Kenny Feldmann.

Also Present: City Clerk Tawnia Kakacek, Councilperson Rebekah Neuendorf, Mayor/Zoning Administrator Christopher Taylor, City Attorney Mark Parmenter, Nikki Hynek, Sonja LaGrange, Gene Beard.

Agenda and Minutes: Motion moved by Sturtz, seconded by Pfannebecker to approve the agenda. Call for vote. All ayes. Absent: Feldmann. Motion carried. Motion moved by Wiles, seconded by Riggle to approve the January 30, 2017 Planning & Zoning Minutes. Call for vote. All ayes. Absent: Feldmann. Motion carried.

Business:

City Attorney Addresses P & Z: City Attorney Mark Parmenter noted nonconformities of structure and uses are allowed to be there until it is removed/destroyed but Chapter 165.06 encourages nonconformities not to survive. It was noted per Chapter 165.09(2) if nonconforming structure is destroyed and it is more than 50% replacement cost to reconstruct building then it cannot be reconstructed. Nonconforming structures cannot be enlarged but can have maintenance on structure.

“BC”-Business Commercial Zoning: Sturtz explained to attorney what has been done recently on BC zoning. Gene Beard had concern of his lot size and if could rebuild if structure was destroyed. Per Chapter 165.07, Beard can rebuild despite a nonconforming lot, if he meets all other requirements (setbacks, etc.). Wiles noted P & Z is looking at what is best for downtown. Attorney recommended two types of business commercial districts: BC-2(for downtown/2nd Street) and BC-1 for all other properties zoned BC. Taylor noted Kava House is zoned AC-Arterial Commercial and allows production of food products but nothing noted in BC district regarding this. Attorney noted that if doesn't say allowed or not allowed, it will be allowed. After discussion, Wiles moved, seconded by Sturtz, to have BC-2 District for properties with frontage on 2nd Street from Rose Avenue to Summit Avenue and BC-1 District for all other current BC zoning districts. Roll call vote. All ayes. Absent: Feldmann. Motion carried. Wiles moved, seconded by Riggle, to make BC-2 minimum side yard setbacks to none and add “unless adjacent to a residential district, in which case, the side yard shall be equal to the minimum side yard required in the adjacent district, but in no instance less than 15 feet”. Roll call vote. All ayes. Absent: Feldmann. Motion carried. Motion by Hurlbert, seconded by Pfannebecker, to set public hearing for the changes above for Monday, March 27, 2017 at 7 p.m. at city hall. Call for vote. All ayes. Absent: Feldmann. Motion carried.

Swisher Urban Renewal Area/Plan Amendment: Kakacek explained purpose of the amendment. Planning & Zoning Commission reviewed. No action taken.

Correspondence: Hurlbert read correspondence from Shive-Hattery inviting P & Z to attend Land Development seminar. If any members are interested in attending, contact the city clerk for registration.

Adjournment at 8:17 p.m. by Riggle, seconded by Hurlbert. Call for vote. All Ayes. Motion carried.

Tawnia Kakacek, City Clerk

Randy Hurlbert, P & Z Chairperson