



**SCOTT COUNTY  
PLANNING AND ZONING COMMISSION  
Tuesday, April 18, 2023  
5:30 P.M.**

**MEETING MINUTES**

1<sup>st</sup> Floor Board Room  
600 West 4<sup>th</sup> Street  
Davenport, IA 52801

**MEMBERS PRESENT:** Easton Armstrong, Joan Maxwell, Lori Rochau, Carolyn Scheibe, Hans Schnekloth, Kurt Steward

**MEMBERS ABSENT:** Steve Piatak

**STAFF PRESENT:** Chris Mathias, Planning & Development Director  
Alan Silas, Planning & Development Specialist

**OTHERS PRESENT:** Rily Grunwald, applicant  
Steve and Lisa Zelle, applicants  
Nineteen (19) members of the public

1. **Call to Order:** Chair Scheibe called the meeting to order at 5:30 P.M.
2. **Minutes:** Consideration of March 21, 2023 meeting minutes. **Armstrong made a motion to approve. Seconded by Maxwell. Vote: All Ayes (5-0) Schnekloth arrived after the vote.**
3. **Public Hearing, Rezoning:** Chair Scheibe read a summary of the legal notice and welcomed staff to describe the request. **Mathias** displayed site maps and photos, and reviewed the County's Land Use Policies that apply to rezoning requests:
  1. Compliance with Future Land Use Map (FLUM): No areas are shown on the FLUM as future Conservation-Recreation (C-R), but C-R is parallel to and compatible with agricultural preservation.
  2. On marginal or poor agricultural land: Average CSR2 ratings for one parcel is 34.71 and the other is 43.46, which are both below 60 and therefore not considered prime agricultural land.
  3. Access to paved roads: Frontage along 240<sup>th</sup> Avenue, a paved County road.
  4. Provision for public or private sewer and water services: Private on-site sewer and water services would need to meet Health Department regulations; proposed detention pond will need Iowa Department of Natural Resources (DNR) approval.
  5. Near employment centers/commercial areas: C-R districts would not typically be near commercial areas, but rather adjacent to public parks/existing C-R districts.

6. Located where it is least disruptive to agricultural activities: Proposal would be less disruptive since it's adjacent to an existing park use.
7. Stable environmental resources: Slopes on site are considered "eroded" or "severely eroded," so it would be wise to keep the site in a conservation/preservation district; row crops may cause more erosion over time than other conservation uses.
8. Sufficient buffering: Buffering would likely be part of any Special Use Permit review and approval by the Zoning Board of Adjustment.
9. Recognized need for development: Chapter 2 of the Scott County Comprehensive Plan includes "Parks, Open Space, and Conservation Area Objectives" that direct County planning efforts to "ensure that existing and future parks, open space, and conservation areas are meeting the needs of the residents and offer opportunities for visitors to the County."

**Mathias** said the request appeared to meet a preponderance of the Land Use Policy criteria.

**Chair Scheibe** welcomed the applicant to respond. **Rily Grunwald** stated he agreed with staff's review.

**Chair Scheibe** opened the public hearing.

**Dennis Queal (24460 250<sup>th</sup> Street)** said he felt the proposal would be very disruptive to a historically agricultural part of the county, and that there is plenty of recreational opportunity available right across the street from the site at Lost Grove Lake State Park.

**Gaylon Ideker (24883 248<sup>th</sup> Avenue)** said he thought the area around Lost Grove Lake State Park would never be available for commercial or residential development, and that the noise, traffic, and lighting would be detrimental to the park.

**Glen Soenksen (44 Rainbow Drive)** said he owned property near the rezoning site and that he wanted the area to remain an agricultural community. He said the traffic, noise, and trash makes him 100% opposed to any development proposal.

**Sherry Daurer (25900 240<sup>th</sup> Avenue)** said she thought the area around Lost Grove Lake State Park would always be preserved, and that she was concerned about the unsafe turn at the parking lot that would likely be located at the bottom of the two hills on site. She also questioned what the site would be used for when the snow tubing facility was not operational.

**Clayton Engler (25587 252<sup>nd</sup> Avenue)** said he was on two local fire departments as a volunteer and he was concerned about brush fires and other accidents at the site since both departments are already stretched for staff.

**John Dexter (24439 250<sup>th</sup> Avenue)** said the drainage way that cuts through the site is the emergency spillway for the lake at Lost Grove Lake State Park, and it is not a good place to develop. He questioned how a district that doesn't allow even residential development would allow a development like a snow tubing facility.

**Chair Scheibe** asked for staff's recommendation. **Mathias** said staff recommended approval of the rezoning from Agricultural-Preservation (A-P) to C-R.

**Chair Scheibe** welcomed the applicant to respond.

**Rily Grunwald** addressed some of the concerns raised during the public hearing. He presented a noise decibel chart to the Commission that was entered into the record, which showed the noise produced by snow-making equipment levels at certain distance intervals. He noted the snow-making equipment would be used on average around 200 hours per year. Regarding concerns about development around the lake and increased traffic, **Grunwald** said this development would be limited to seasonal use and the driveway access concerns are manageable. As for the emergency spillway for the lake at Lost Grove Lake State Park, **Grunwald** said a flowage easement is recorded and therefore no structures are permitted nor planned within the easement. **Grunwald** said 35-40 acres of the site will remain farmland during the growing season.

**Chair Scheibe** welcomed the Commission to respond.

**Maxwell** asked whether the 35-40 acres Grunwald referred to will be Conservation Reserve Program (CRP) farmland. **Grunwald** said it could not be CRP because it would be actively farmed with traditional row crops.

**Schnekloth** asked why the applicants didn't limit the rezoning request to only the 15 acres, more or less, that will be used for the snow tubing facility. **Grunwald** said he didn't want to be faced with subdividing in order to sell or lease the rest of the property. **Maxwell** said perhaps limiting the rezoning would help to limit the growth of the facility. **Mathias** responded that any expansion proposals would need to undergo subsequent Special Use Permit reviews by the Zoning Board of Adjustment before moving forward.

**Chair Scheibe** closed the public hearing.

**Schnekloth** said he was not opposed to the request, but felt the public parks should be officially rezoned to C-R prior to approving any private park rezonings.

**Maxwell** said she felt the Commission needed to balance both its agricultural preservation goals and recreation goals, and that it was possible to do so without destroying prime agricultural land. Since the subject property is not prime agricultural land, **Maxwell** said she was supportive of it being used for recreation.

**Armstrong** said he agreed with Maxwell and the subject property is exactly the kind of land C-R is intended for.

**Rochau** asked if the snow tubing facility was not approved at some point, like at the Special Use Permit hearing with the Zoning Board of Adjustment. **Mathias** said agriculturally-exempt farm activities would always be allowed regardless of what happens, but given the severe limitations of the C-R district, it would probably make sense for the applicants to rezone it back to A-P.

**Armstrong made a motion to recommend approval of the rezoning from A-P to C-R in accordance with staff's recommendation. Seconded by Steward. Vote: 5-1, Schnekloth dissenting**

4. **Public Hearing, Preliminary Plat – Major Subdivision:** Chair Scheibe read a summary of the legal notice and welcomed staff to describe the request. Mathias displayed site maps and photos, and reviewed the major components of the subdivision proposal: lot layout, common open space, access and roadway improvements (including a platted access easement to an adjacent subdivision), protection of natural vegetation cover, storm water management, erosion and sediment control, water and waste water, extraterritorial review by the City of Princeton, and the approval conditions of the Sketch Plan from February 2021.

Chair Scheibe welcomed the applicants to respond. Lisa Zelle said all the approval conditions from the Sketch Plan could be met.

Chair Scheibe opened the public hearing. No members of the public spoke for or against the request.

Chair Scheibe asked for staff's recommendation. Mathias said staff recommended approval of the Preliminary Plat with conditions: The private covenants include provisions for the ownership and maintenance of the proposed outlot; the private covenants include provision for road maintenance of the shared private road; the private covenants include provisions that no additional subdivision of these lots be permitted; the County Engineer review and approve all final street construction plans prior to construction; and the subdivision infrastructure improvements be completed or a surety bond posted prior to Final Plat approval.

Chair Scheibe welcomed the Commission to respond.

Chair Scheibe said she did not attend the Sketch Plan meeting, but could see now how steep the site's topography is and asked whether it could be graded appropriately. Mathias said the County Engineer had approved the roadway and access easement design. Chair Scheibe asked whether there would be adequate space on the smaller lots for individual well and septic systems. Mathias said the Health Department reviewed the subdivision and had no concerns, and would review each well and septic system upon installation.

Chair Scheibe closed the public hearing.

**Schnekloth made a motion to recommend approval of the Preliminary Plat with conditions in accordance with staff's recommendation. Seconded by Steward. Vote: 6-0, All Ayes**

5. **Public Hearing, Ordinance Text Amendment:** Chair Scheibe read a summary of the legal notice for a proposal that would increase the minimum lot size allowed in the A-P, Agricultural-General (A-G) and Single-Family Residential (R-1) zoning districts. Mathias said the increased size would allow more room for wells, septic systems, and replacement septic systems.

Chair Scheibe opened the public hearing. No members of the public spoke for or against the request.

Chair Scheibe asked for staff's recommendation, which Mathias said was to recommend approval of the ordinance text amendment.

Chair Scheibe welcomed the Commission to respond.

**Maxwell** asked whether there was a remedy to increase the sizes of smaller lots in existing subdivisions, which **Mathias** said there was not an easy solution for established plats.

**Armstrong made a motion to recommend approval of the ordinance text amendment in accordance with staff's recommendation. Seconded by Maxwell. Vote: 6-0, All Ayes**

6. **Public Hearing, Ordinance Text Amendment: Chair Scheibe** read a summary of the legal notice for a proposal that would create regulations for Accessory Dwelling Units (ADUs). **Mathias** presented the draft ordinance text that was presented at the previous meeting when the text amendment was a discussion item, as well as the minor edits requested by the Commission that were made since then.

**Chair Scheibe** opened the public hearing. No members of the public spoke for or against the request.

**Chair Scheibe** welcomed the Commission to respond.

**Rochau** asked what would happen if an ADU was made available for short-term rentals. **Mathias** said the State expressly prohibits regulating short-term rentals. **Rochau** asked how staff would ensure either the primary dwelling or ADU was occupied by the property owner at all times. **Mathias** said enforcement would be complaint-based like many zoning violations.

**Steward** asked whether a site plan review would be required, which **Mathias** said a site plan would need to be submitted and approved with the issuance of a building permit. **Chair Scheibe** asked to clarify whether it would be a public Site Plan Review by the Commission, or a site plan review done administratively. **Mathias** said it would be done administratively.

**Chair Scheibe** closed the public hearing and asked for staff's recommendation, which **Mathias** said was to recommend approval of the ordinance text amendment.

**Schnekloth made a motion to recommend approval of the ordinance text amendment in accordance with staff's recommendation. Seconded by Rochau. Vote: 6-0, All Ayes**

7. **Discussion, Ordinance Text Amendment: Mathias** said he hoped to structure County regulations for hazardous liquid pipelines and pipelines that carry carbon dioxide in a way that was similar to other Iowa counties with adopted regulations. However, he noted that some of those adopted regulations were already being challenged in court, so the draft text may need to be adjusted between now and the eventual public hearing. The Commission agreed it would be better to have a code in place even if it is not perfect.

**Steward made a motion to set a public hearing on the ordinance text amendment for the May 16, 2023 meeting. Seconded by Rochau. Vote: 6-0, All Ayes**

8. **Adjournment:** With no further business to discuss, **Chair Scheibe** adjourned the meeting at 6:49 P.M.