

PLANNING & DEVELOPMENT

600 West Fourth Street
Davenport, Iowa 52801-1106
Email: planning@scottcountyiowa.gov
Office: (563) 326-8643



**SCOTT COUNTY
PLANNING AND ZONING COMMISSION
AGENDA**

**Wednesday, June 3, 2026
5:30 P.M.**

Eldridge Branch of the Scott County Library
Room A/B
200 North 6th Avenue
Eldridge, IA 52748

1. **Call to Order**
2. **Approval of Minutes:** Approval of the April 21, 2026 meeting minutes.
3. **Public Hearing, Rezoning:** Application from **Troy Dickens, on behalf of the John E. Groves Trust**, to rezone 37.07 acres, more or less, from “A-G” Agricultural-General to “C-2” Commercial & Light Industrial in the SE ¼ of the NE ¼ of Section 02 of Buffalo Township (Scott County Tax Parcel 720223001).
4. **Old Business**
5. **Zoning Administrator’s Report**
6. **Public Comment**
7. **Adjournment**

Public Hearing/Meeting Procedure

- a. Chairman reads public notice of hearing.
- b. Director reviews background of request.
- c. Applicant /Representative provide any additional comments on request.
- d. Public may make comments or ask questions.
- e. Director makes staff recommendation.
- f. Applicant may respond or comment.
- g. Commission members may ask questions.
- h. Chairman closes the public portion of the hearing (No more public comments).
- i. Discussion period for the Commission members.
- j. Commission members make motion to approve, deny, or modify request.
- k. Final vote. Recommendation goes to Board of Supervisors.

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**SCOTT COUNTY
PLANNING AND ZONING COMMISSION
Tuesday, April 21, 2026
5:30 P.M.**

MEETING MINUTES

Scott County Library, Eldridge Branch
Meeting Room A/B
200 North 6th Avenue
Eldridge, IA 52748

MEMBERS PRESENT: Sean Eckhardt, Joan Maxwell, Steve Piatak, Lori Rochau, Kurt Steward

MEMBERS ABSENT: Easton Armstrong

STAFF PRESENT: Greg Schaapveld, Planning & Development Director
Caitie Leighton, Senior Administrative Assistant

OTHERS PRESENT: Rily & Ardita Grunwald (applicants)
Ten (10) members of the public

1. **Call to Order:** Chair Piatak called the meeting to order at 5:30 P.M.
2. **Approval of Minutes:** Consideration of February 17, 2026 meeting minutes. **Maxwell made a motion to approve. Seconded by Steward. Vote: 6-0, All Ayes**

Consideration of April 14, 2026 joint P&Z/BOS/ZBOA meeting minutes. **Maxwell made a motion to approve. Seconded by Steward. Vote: 6-0, All Ayes**

3. **Public Hearing, Ordinance Text Amendment:** Chair Piatak introduced the text amendment request as stated on the legal notice. **Schaapveld** provided a brief summary of the proposal to amend the Zoning Ordinance of Unincorporated Scott County, specifically a change to the definition of "Snow tubing facility concession/warming area," to expand the food preparation activities allowed to occur in such a facility.

Chair Piatak invited the applicants to provide additional comments.

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Ardita Grunwald stated that after completing the Safe Serve course through the County Health Department, she became aware of limitations on food preparation without a grease trap and oven. She expressed a desire to offer patrons hot food and healthier options such as soup, hot dogs, nachos, and walking tacos. She noted that during a recent fundraising event, attendees expressed interest in expanded food options beyond pre-packaged items, and she presented a petition with approximately 300 signatures supporting the request.

Chair Piatak opened the public hearing.

Dennis Queal, 24460 250th Street, Princeton, IA, inquired if food trucks would be permitted. **Schaapveld** responded they would not. **Grunwald** added that food trucks typically do not operate during winter months.

Nicole Matzen, 31067 137th Avenue, Long Grove, IA, spoke in support of the amendment.

Kalyva Ourania-Antonia, 4918 Harrison Street, Davenport, IA, identified herself as a member of the Clinton County Chamber of Commerce and spoke in support of the amendment, noting regional interest in the facility and the demand for warm food during winter activities.

Larry Mazen, 24689 Scott Park Road, Eldridge, IA, spoke in support of the amendment.

Jentz Matzen, 31067 137th Avenue, Long Grove, IA, spoke in support of the amendment.

With no further public comment, **Chair Piatak** requested staff's recommendation.

Schaapveld indicated Staff recommends denial of the proposed text amendment due to a lack of demonstrated need to justify the change to the Zoning Ordinance definition.

Chair Piatak invited the applicant to respond.

Rily Grunwald stated that the need had been demonstrated through fundraising events and noted that, as they are not from the food service industry, they were initially unaware of the limitations associated with the absence of a grease trap and oven.

Eckhardt asked what impact denial of the request would have. **Rily Grunwald** responded that it would make it significantly more difficult to attract returning patrons.

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Nelson inquired whether food would be delivered or picked up from TPC or similar suppliers. **Rily Grunwald** indicated that beverages would be delivered by a Pepsi contractor, while food would likely be picked up from suppliers.

Nelson asked whether the building has adequate space for the necessary equipment to support expanded food service. **Ardita Grunwald** confirmed that sufficient space is available.

Nelson inquired about insurance coverage. **Ardita Grunwald** confirmed that appropriate coverage is in place.

Nelson asked who proposed the current ordinance text. **Rily Grunwald** stated it was developed by previous staff.

Chair Piatak asked about potential future implications if the snow tubing business were unsuccessful and the property sold. **Rily Grunwald** stated that future uses would be subject to Commission review and approval.

Rochau inquired whether the ordinance restricts concession operations to snow tubing hours. **Schaapveld** stated that it does not. **Rochau** expressed a preference that concessions operate only during snow tubing activities.

Chair Piatak cautioned the applicants regarding fundraising events, noting that applicable requirements must be met prior to operation and that such events may approach noncompliance, even if characterized as private.

Chair Piatak closed the public hearing.

A brief discussion followed regarding the function of exhaust hoods.

Eckhardt requested confirmation that sufficient space exists for additional equipment. **Rily Grunwald** confirmed and noted that it would significantly expand available food options.

Rily Grunwald briefly mentioned the possibility of alcohol sales but stated this would not be pursued in the current year.

The topic of mountain biking was raised; **Chair Piatak** reminded the applicants that current zoning language and the approved special use permit limits the use of the property to snow tubing.

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Discussion also included artificial snow and summer tubing; **Chair Piatak** reiterated that approval is limited to “snow” tubing.

The Commission came to an agreement that restricting “concession area” by way of allowable/disallowable building elements such as exhaust hoods and grease traps was unnecessary; however, operations should be limited to periods when the snow tubing hill is in operation and service should be limited to patrons of the snow tubing operation.

Eckhardt moved to recommend approval of the text amendment revising the definition of “Snow Tubing Facility Concession/Warming Area” to state “A structure containing: restroom facilities; a warming area limited to space for changing clothes or preparation for snow tubing and limited to a rated occupancy of no more than 150 occupants as determined by the Code Official in accordance with adopted County Construction Codes; and a concession area operated for the patrons only when the snow tubing hill is in operation.” Seconded by Maxwell. Vote 6-0, All Ayes.

4. **Old Business:** *None*
5. **Zoning Administrator’s Report:** **Schaapveld** provided updates on Riverstone, CIPCO, state ordinances, and discussed the potential establishment of a fee for text amendment requests.
6. **Public Comment:** *None*
7. **Adjournment:** With no further business to discuss, **Chair Piatak** adjourned the meeting at 7:17 P.M.

Submitted by:
Caitie Leighton
Senior Administrative Assistant

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Rezoning Petition

Date April / 29th / 2026

Scott County Planning and Zoning Commission Members:

John Groves, owners / purchasers / developers of the below described real estate, petition the Planning and Zoning Commission to consider re-zoning this property from AG to Commercial. For the request to the Commission, please find the attached copy of the plat/site plan and the filing fee of \$_____.

Number of acres to be re-zoned: 37.9

Legal Description (Attach separate sheet if necessary)

SE 1/4 OF NE 1/4 OF Sec 2 T 77N, R 02E, S 15 P 000

Statement of Intended Use: The intended new use of the property would include the following:

CONTRACTOR WORK SHOP

How Will Such Use Comply With the Scott County Plan and Land Use Policies?

Respectfully submitted,

Troy L. Dickens
Signature

TROY L. DICKENS
Name of Applicant (printed)

5142 NOBIS COURT
Mailing Address

DAVENPORT, IOWA 52801
City / State / Zip

Phone [REDACTED]

John Groves
Signature

John Groves
Name of Owner (if different from applicant)

4222 E 59th St
Mailing Address

DAVENPORT, IA 52807
City / State / Zip

Phone _____

Received by GS
Zoning Staff

\$164 paid 4/29



PLANNING & ZONING COMMISSION

STAFF REPORT

June 3, 2026

- Applicant:** Troy Dickens on behalf of the John E. Groves Trust
- Request:** Rezone 37.07 acres, more or less, from “A-G” Agricultural-General to “C-2” Commercial and Light Industrial
- Legal Description:** The Southeast Quarter of the Northeast Quarter of Section 2, Township 77 North, Range 2 East of the 5th P.M., (Scott County Tax Parcel 720223001)
- General Location:** ¼ Mile south of the intersection of US Highway 61 and 110th Avenue, situated on the west side of 110th Avenue.
- Existing Zoning:** “A-G” Agricultural-General / “I” Industrial
- Surrounding Zoning:**
- North:** “C-2” Commercial and Light Industrial
 - South:** “A-G” Agricultural-General
 - East:** “C-2” Commercial and Light Industrial
 - West:** “A-G” Agricultural-General

GENERAL COMMENTS: This request is to rezone 37.07 acres, more or less, from “A-G” Agricultural-General to “C-2” Commercial and Light Industrial. The parcel currently contains no buildings and is primarily in row crops, with the northeast corner consisting of unmowed prairie and a man-made pond. The property currently has field entrances onto 110th Avenue near the northeast and southeast corners of the parcel.

In 1996, the Davenport Memorial Park Trust, as owner of the same parcel, requested a rezoning from “A-G” Agricultural-General to “M” Heavy Manufacturing, a zoning designation that has since been renamed “I” Industrial. The minutes of the June 4, 1996 Planning and Zoning Commission meeting note the intended use of the property was to be a concrete pipe manufacturing facility. The meeting minutes show the Commission recommended denial of the rezoning request by a vote of 4-2.

The Board of Supervisors held a public hearing on the rezoning request on June 27,



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1996. A first reading of a rezoning ordinance occurred at the July 11, 1996 Supervisors meeting, and was approved on a 3-1 vote. A second and final reading of the ordinance occurred July 25, 1996, and was approved on a 3-2 vote.

Excerpts from the June 4, 1996 Planning and Zoning Commission meeting, the July 11, 1996 Board of Supervisors meeting, the July 25, 1996 Board of Supervisors meeting, and a copy of the approved rezoning ordinance 96-04 are attached to this staff report.

The ordinance approved at the July 11, 1996 and July 25, 1996 Board of Supervisors meetings notes that *"The applicant must record the restrictive covenants as presented by the applicant at the June 27, 1996 public hearing held by the Board of Supervisors."* Unfortunately it does not appear the covenants were recorded, and no copy has been found in County or landowner records. Having discussed the matter with County staff present for the 1996 proceedings, it is current staff's understanding that the covenants restricted the use of the property to a concrete pipe manufacturing facility.

With recordation of the covenants serving as a condition of rezoning, and no apparent recording having occurred, it is staff's opinion that the property ultimately failed to be rezoned, and as such remains zoned "A-G" Agricultural-General. However when the Scott County zoning map was republished in 1999, it and all successive versions of the map show the property as "M" Heavy Industrial (now "I" Industrial).

Were a copy of the covenants found today and recorded, it would be questionable if that constituted completion of the rezoning, as it would be difficult to determine if the newly recorded covenants were identical to the 1996 document. As such, when the applicant approached staff earlier this year to discuss the steps necessary to develop the property, staff recommended first "cleaning up" this questionable zoning by requesting the parcel be rezoned "C-2" Commercial and Light Industrial.

If this rezoning is approved, the applicant has indicated intentions to request a minor subdivision into two lots, with a desire to locate a contractor's shop on an approximate 7 acre parcel on the southeast corner of the property.



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STAFF REVIEW: Staff has reviewed this request for its adherence to the Scott County Zoning Ordinance and to the Scott County Land Use Policies. Any proposed changes in zoning in the rural unincorporated area of the county should comply with a “preponderance” of the applicable Scott County Land Use Policies. That requires the Commission to assign weight to the criteria that most apply to the rezoning request at hand, and determine whether and to what extent the request meets the spirit and intent of the Land Use Policies.

Is the development in compliance with the adopted Future Land Use Map?

The adopted Future Land Use Map does not anticipate a change of zoning of the subject parcel. However it should be noted that when this portion of the Future Land Use Map was last updated in 2018, the parcel’s zoning was already shown to be “I” Industrial. As part of that 2018 update, the parcels immediately west and south were given a future land use designation of “Residential”, whereas the previous Future Land Use Map anticipated those parcels remaining A-G Agricultural General.

The rezoning request meets this criterion.

Is the development on marginal or poor agricultural land?

The Gross Average Corn Suitability (CSR2) Rating for the subject parcel is 77.48. Scott County has historically considered any agricultural land rated with a CSR2 of 60 or more as prime agricultural land. A map showing CSR values for the parcel and surrounding areas is attached to this staff report.

The rezoning request does not meet this criterion.

Does the proposed development have access to adequately-constructed, paved roads?

The subject parcel is directly adjacent to 110th Avenue, a paved public road. The County Engineer did not have concerns with the rezoning request.

The rezoning request meets this criterion.



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Does the proposed development have adequate provision for public or private sewer and water services?

Any development within the County must comply with State and County health regulations for water supply and wastewater treatment. An Iowa-American Water public water main runs along the entire east edge of the property within the 110th Avenue right-of-way and would be available to serve the site. No public sewer exists in the area, so an on-site septic system would be required. The County Health Department did not indicate concerns regarding the proposal at this time.

The rezoning request meets this criterion.

Is the area near existing employment centers, commercial areas and does not encourage urban sprawl?

The subject parcel is adjacent to existing commercial development, as well as the US highway and interstate system that serves the greater Quad City region.

The rezoning request meets this criterion.

Is the proposed development located where it is least disruptive to existing agricultural activities?

While the CSR value of the property is good, the parcel is separated from adjacent agricultural uses on all three sides where agricultural uses are present, by way of fences, brush, and a manmade pond. And as previously mentioned, the parcel is adjacent to existing commercial properties, and the future land use map anticipates the adjacent undeveloped property to be developed residentially, and locating additional commercial development within an existing developed district is less likely to disrupt agricultural activities than a new development within an agriculture-dominant district.

The rezoning request meets a preponderance of this criterion.



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Does the area have stable environmental resources?

The subject parcel is generally flat with some mildly sloping areas along the south portion of the site. No portion of the parcel falls within a mapped floodplain and the National Wetland Inventory has not identified any wetlands on the parcel. Topographic, floodplain, and wetland maps are attached to this staff report.

The rezoning request meets this criterion.

Is the proposed development sufficiently buffered from other less intensive land uses?

The subject parcel is primarily adjacent to existing commercial and agriculturally-used land. The proposed rezoning would result in similar intensive land use to those existing uses.

The rezoning request meets this criterion.

Is there a recognized need for such development?

The area already contains commercially-zoned land, a majority of which is already developed commercially.

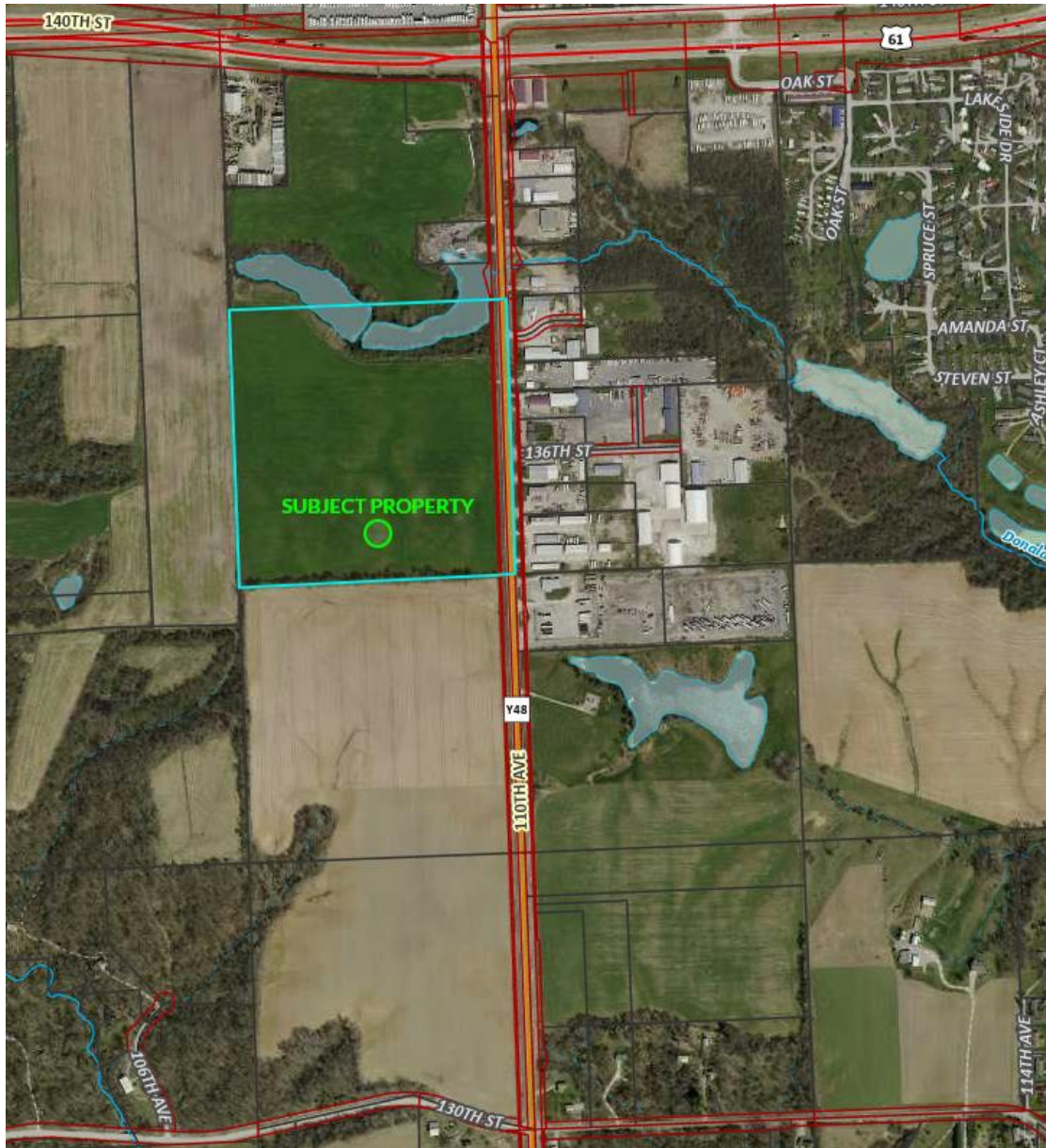
The rezoning request meets this criterion.

~*~

Staff has mailed notification to the adjacent property owners within five hundred feet (500') of this property of this hearing, solicited comments from Scott County Soil and Water Conservation and Bi-State Regional Commission, a sign has also been placed on the property stating the date and time this request would be heard by the Planning and Zoning Commission, and a public notice was printed in the North Scott Press. Staff has received no public comments as of the writing of this report.



PLANNING & ZONING COMMISSION
STAFF REPORT
June 3, 2026



Site Location Map



PLANNING & ZONING COMMISSION

STAFF REPORT

June 3, 2026



Site Photograph (South end of property looking North, site is on left of photograph, existing C-2 Commercial operations are on the right of the photograph)



PLANNING & ZONING COMMISSION

STAFF REPORT

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Site Photograph (North end of property looking Southwesterly)



PLANNING & ZONING COMMISSION

STAFF REPORT

June 3, 2026



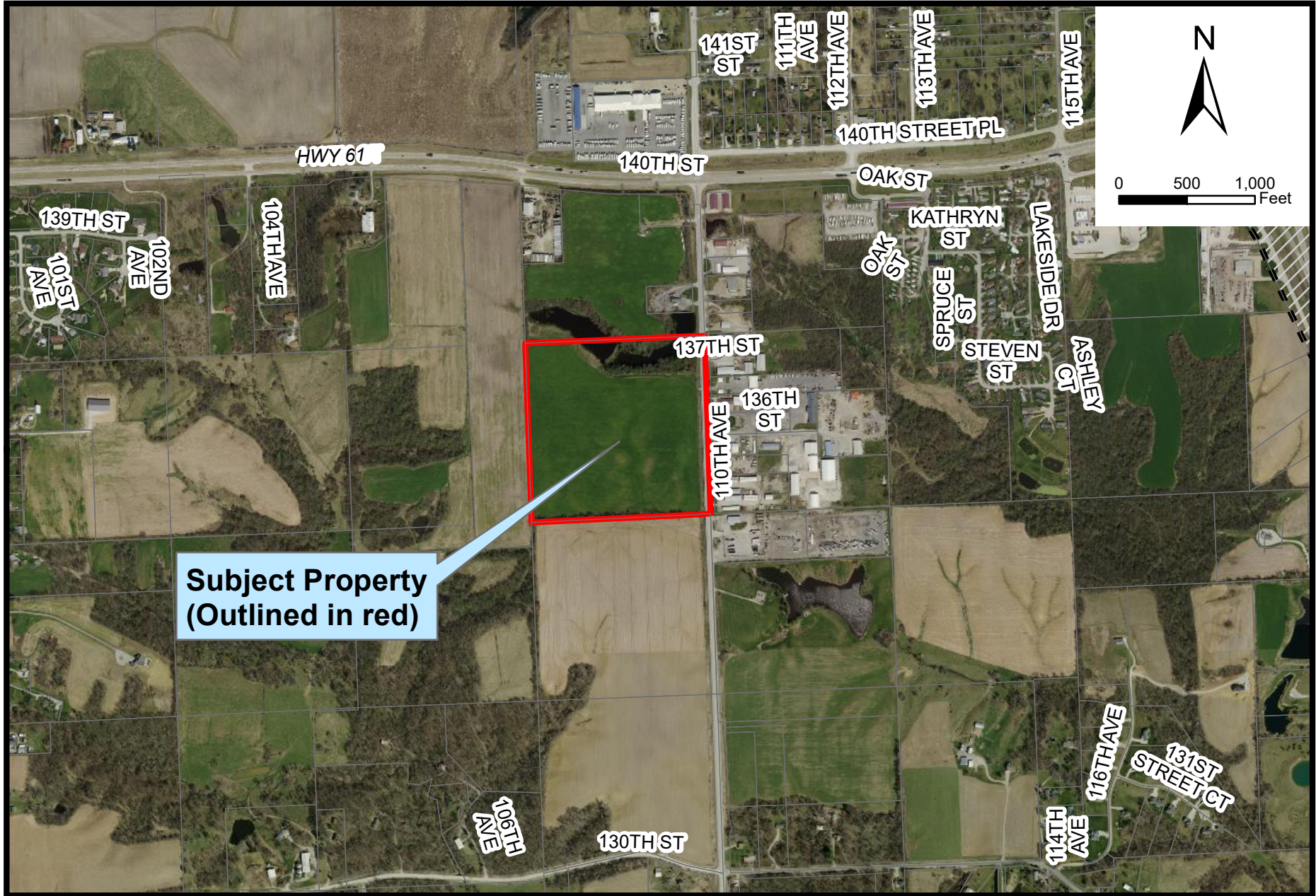
Site Photograph (North end of property looking South, site is on right of photograph, existing C-2 Commercial operations are on the left of the photograph)

RECOMMENDATION: Staff recommends that the rezoning of 37.07 acres from “A-G” Agricultural-General to “C-2” Commercial and Light Industrial be approved based on its compliance with a preponderance of the criteria of the Revised Land Use Policies.

Submitted by:
Greg Schaapveld, Planning and Development Director
May 29, 2026

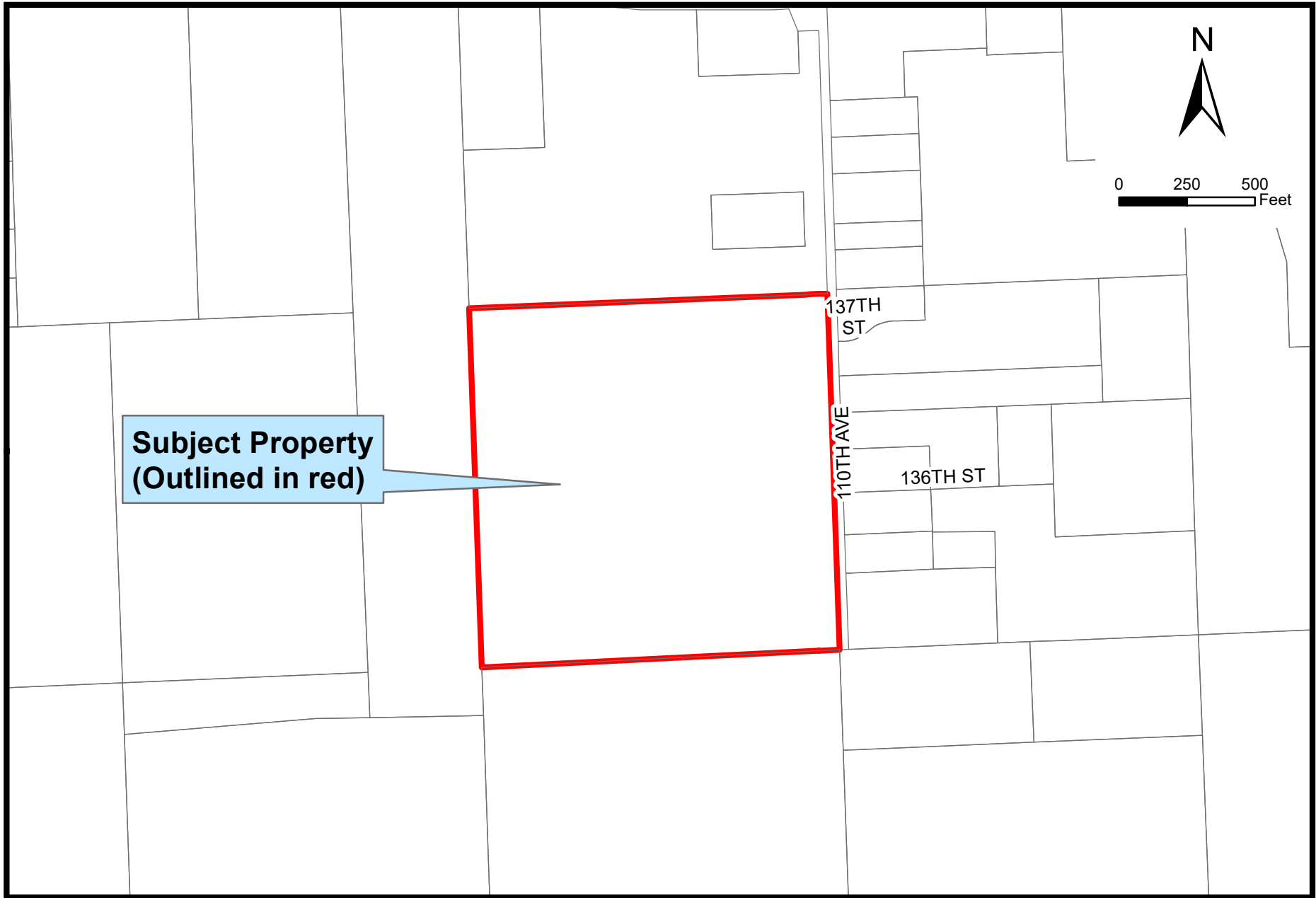
Dickens/Groves Re-Zoning Request

Spring 2024 Aerial Photography



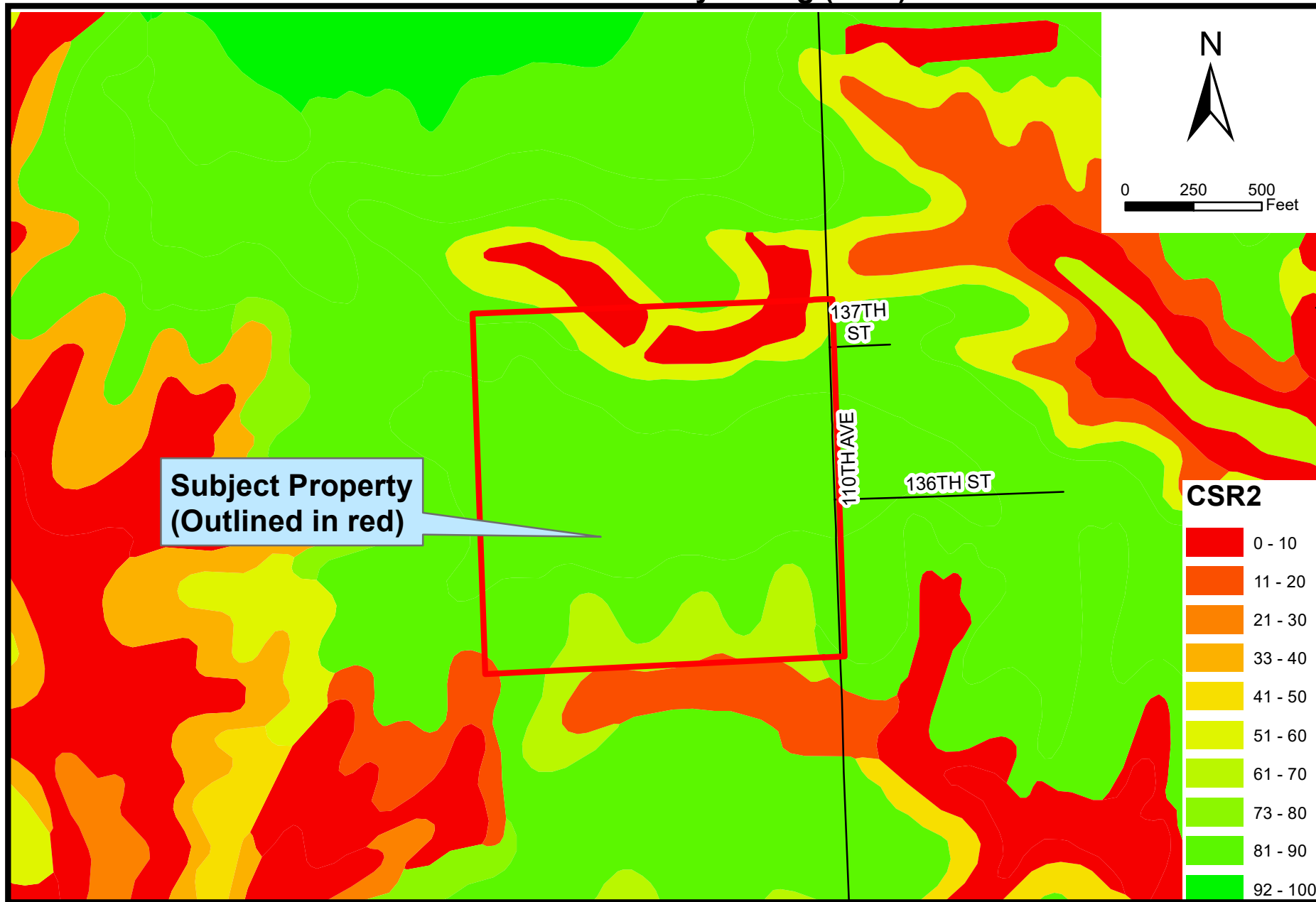
Dickens/Groves Re-Zoning Request

Spring 2024 Aerial Photography (Zoomed)



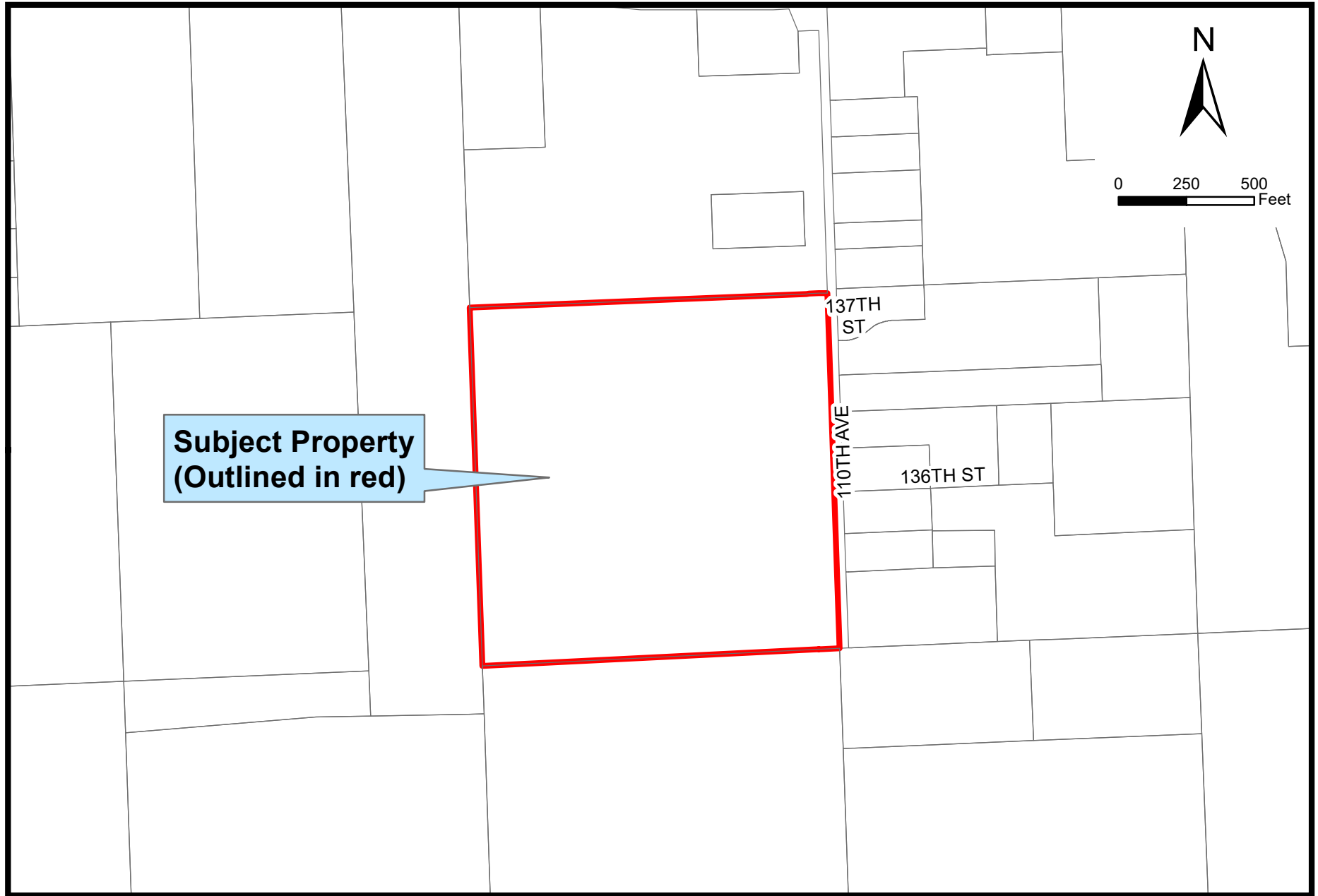
Dickens/Groves Re-Zoning Request

Corn Suitability Rating (CSR)



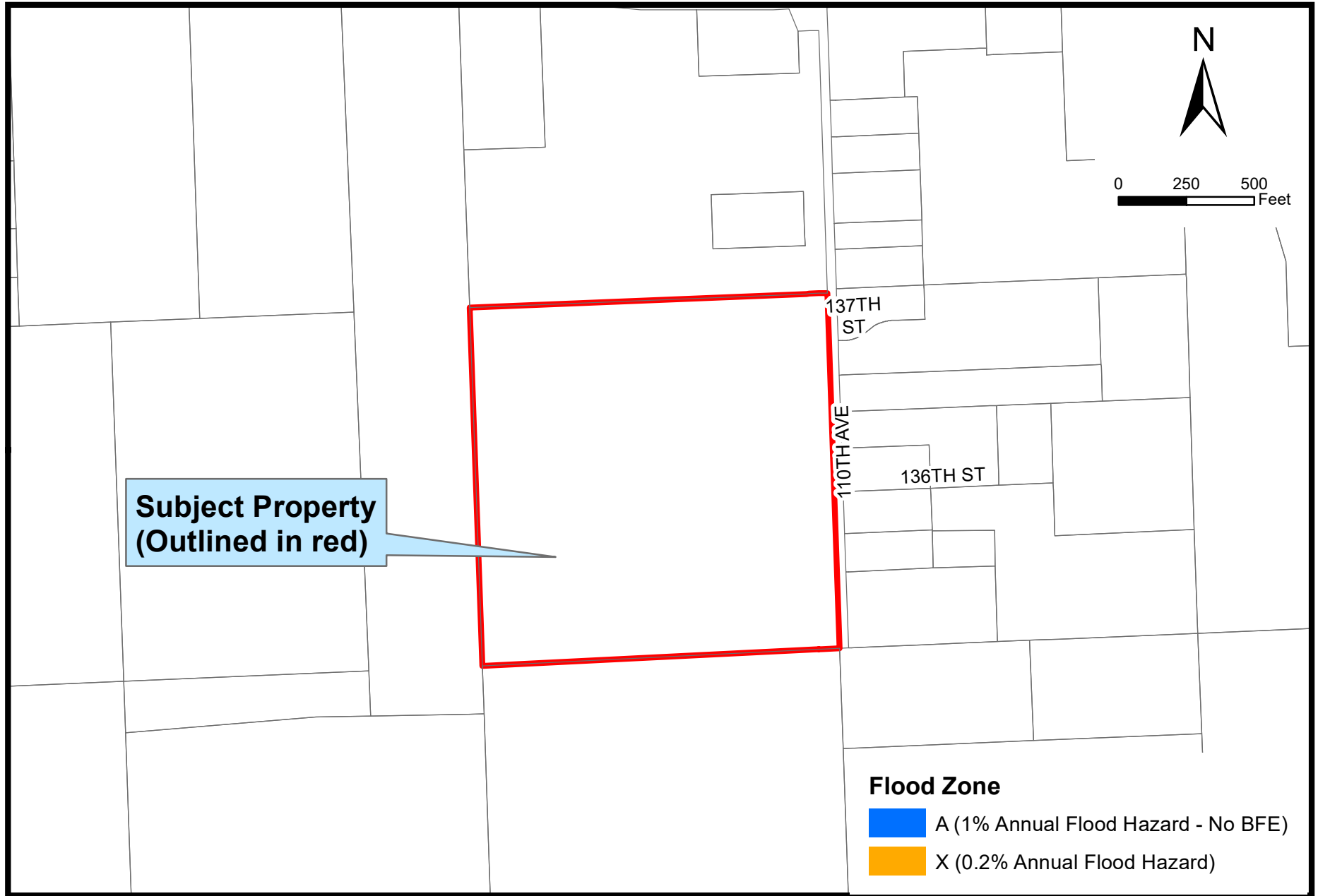
Dickens/Groves Re-Zoning Request

USGS Topographic Map



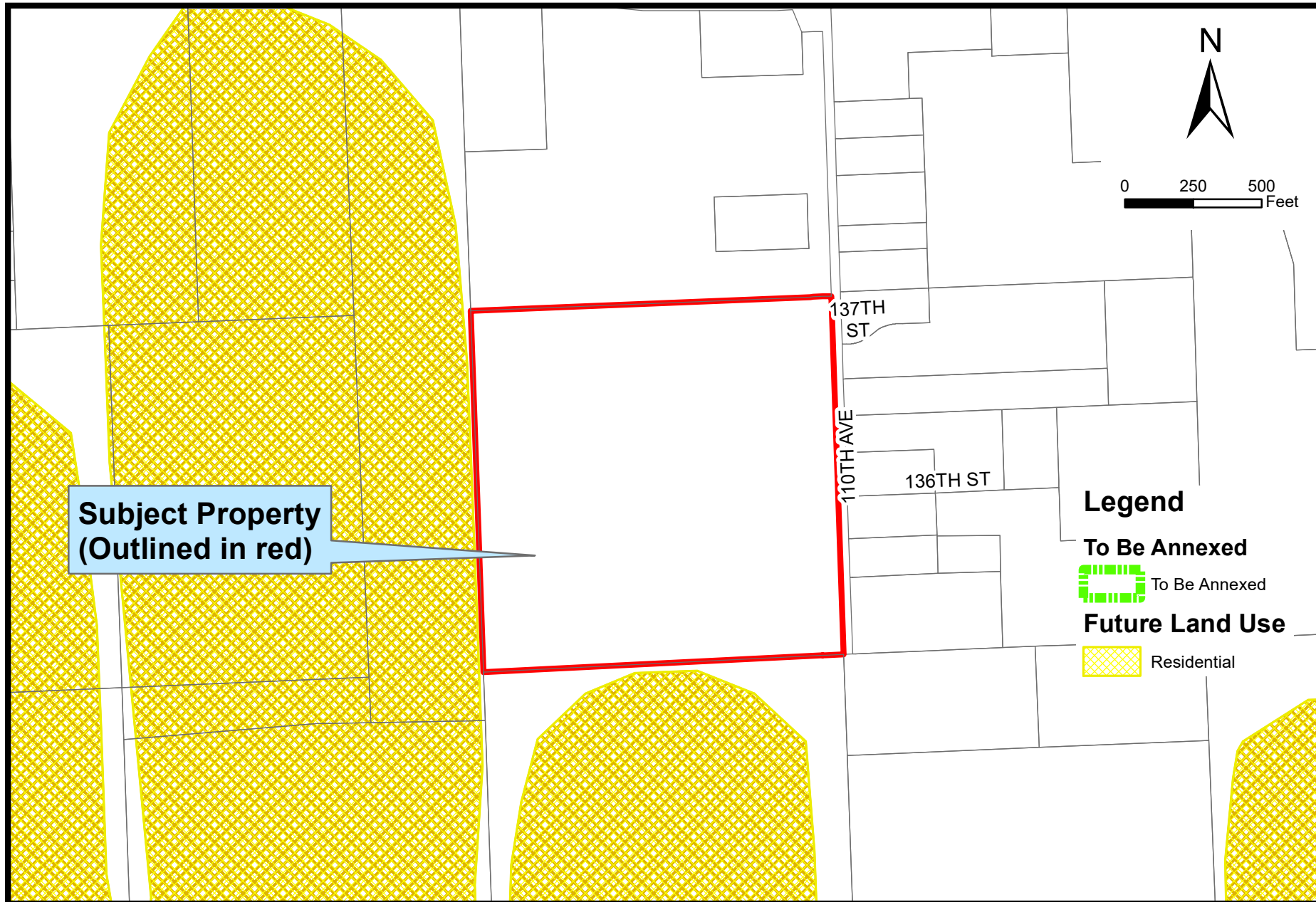
Dickens/Groves Re-Zoning Request

Floodplain



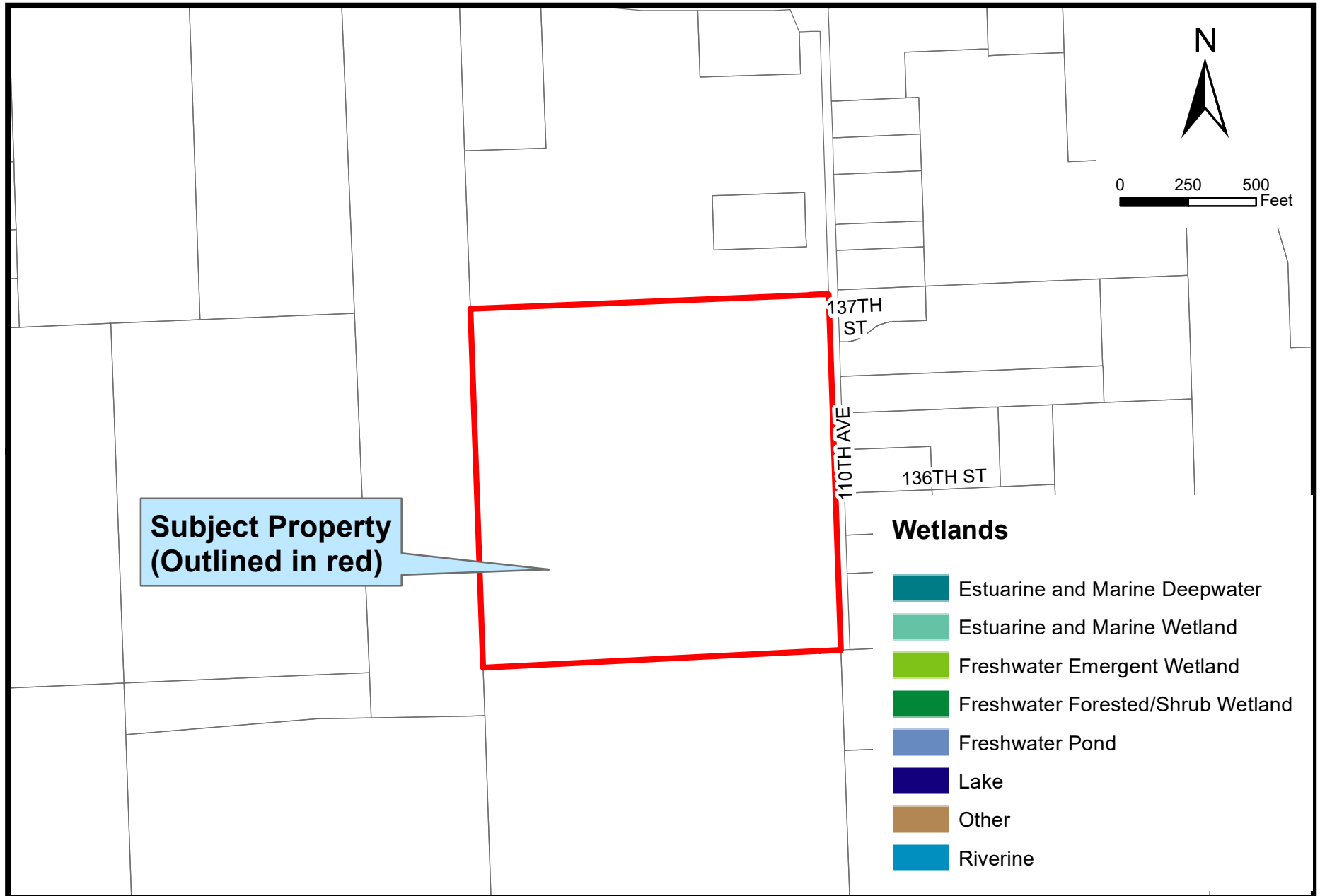
Dickens/Groves Re-Zoning Request

Future Land Use Map



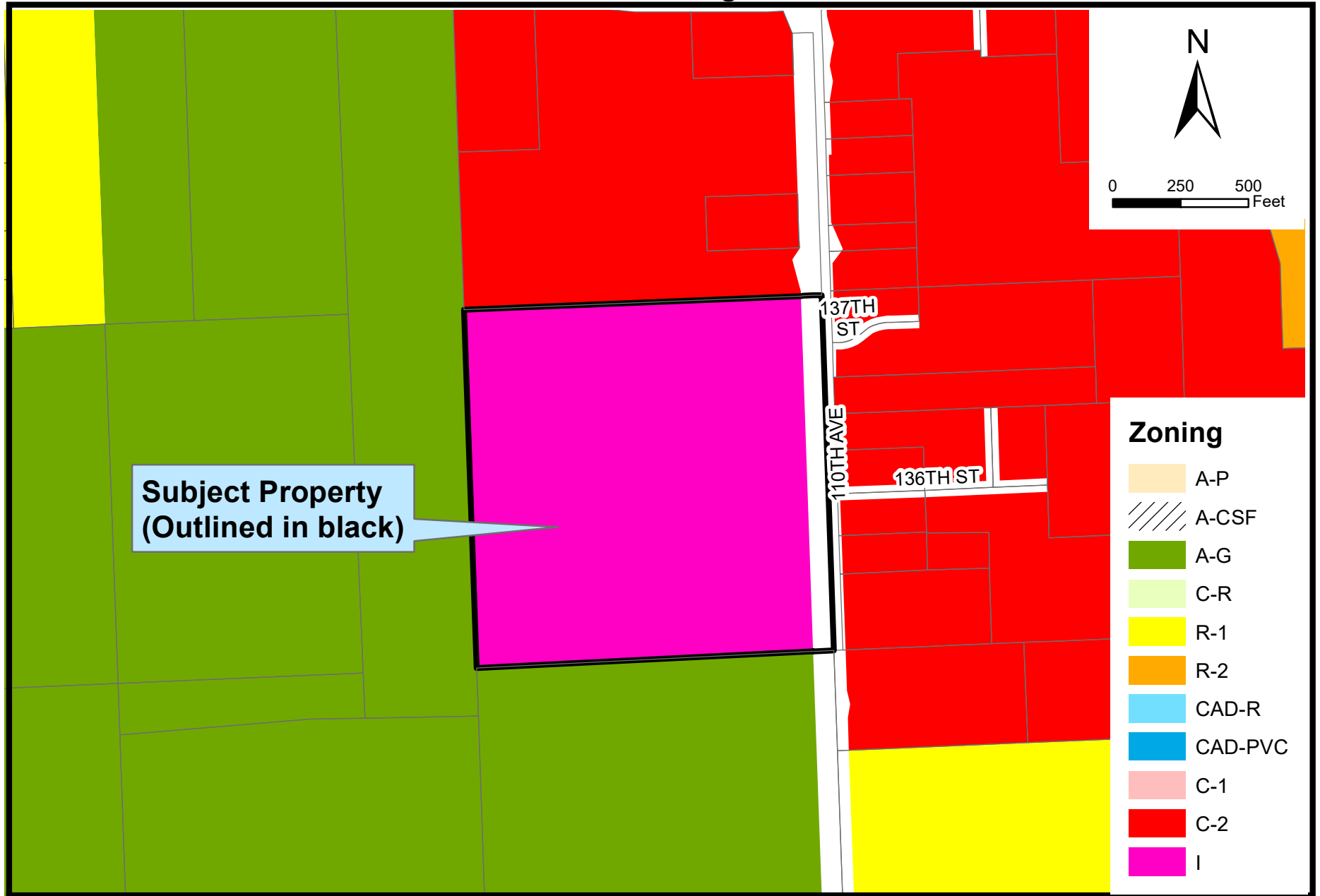
Dickens/Groves Re-Zoning Request

Wetlands



Dickens/Groves Re-Zoning Request

Zoning



Schaefer asked if anyone from the general public wished to comment. There was no one present who wished to comment.

Moeller said Hwy 6 is now known as Hwy 927.

Moeller made a motion to approve the sketch plan as it will resolve a long-standing problem with the Friederichs house on leased land. Kelley seconded the motion. Vote: All ayes.

4. Davenport Memorial Park Trust Rezoning - Public Hearing.

Schaefer read the public notice and asked for the director's review.

Huey said that Davenport Memorial Park Trust is the owner and applicant and Wilson Concrete Company is the potential buyer. It is their intended use that requires a rezoning to "M" Heavy Manufacturing, Huey said.

Huey pointed out that the general intent section "A-G Agricultural-General" zoning district reads that the district will "act as a holding zone until a compatible urban development proposal is approved through special use permits or rezoning."

The contiguous zoning on the north and east is "C-M Commercial-Light Manufacturing" and "A-G" on the south and west, Huey said.

In following the nine guidelines to review rezoning requests, Huey said the request complies with a preponderance of the guidelines as determined by the land use policies. He recapped his written staff report that detailed his findings.

Schaefer asked for the applicant's comments.

Steve Schalk told the Commission he was an attorney representing the buyer, Wilson Concrete. He introduced Dale Scheibe, Bob Koege, and Bob Yoder from Wilson Concrete. Schalk pointed out Terry Giebelstein and told the Commission he was the attorney representing Davenport Memorial Park Trust.

Schalk said he would make his presentation to the Commission by breaking it into three parts: who is Wilson Concrete, what do they do, and what are the characteristics of the site in question that make it suitable for "M" zoning.

With the use of photographs and other printed material, Schalk told the Commission of the background and expansion history of the national firm. The business was started in Red Oak, Iowa in 1905. Photographs showed other Wilson Concrete plants in Nebraska, Kansas, and Missouri, besides a number of plants in Iowa. The firm manufactures concrete products such as reinforced concrete pipe and street culverts, Schalk said.

There is no retail business at their existing plant, Schalk said, and there will be none at the new one. The products are delivered from the plant to the various construction sites, Schalk said.

The ponds would remain as a buffer on the north side, Schalk said. He told the Commission there would be a 50 foot wide 4 foot tall earthen berm along 110th Avenue that will be landscaped and will be aesthetically pleasing to the neighbors and travelling public.

Schalk used the presentation board prepared by the applicants to point out the locations of the proposed buildings. He said the special use permit application to the Board of Adjustment would include more detail about the landscaping, buildings, parking, etc.

Wilson Concrete wants to stay in the same neighborhood, Schalk said, and the new location is near good transportation arteries. The present traffic on 110th Avenue will not increase, he said. The existing location of Wilson Concrete in the city of Buffalo is being mined by Linwood and the owners are worried about a cave-in, Schalk said.

There are no other heavy industrial sites to go to in Scott County, Schalk said. Wilson is already in the neighborhood and they want to stay there as the good neighbor they have been for many years. Wilson Concrete will work to minimize the disturbances to the neighbors, he added.

Schalk noted the zoning ordinance's distinction between light and heavy industrial land uses. He said the "M" zoning allows for all principal permitted uses in a "C-M" district and any additional uses allowed in "M" are only allowed as special permitted uses.

All guidelines in following the land use policies have been complied with except the preservation of prime ag land, Schalk pointed out, and the land is zoned "A-G Agricultural-General" rather than "A-P Agricultural-Preservation".

He said he would not argue that the ground is not excellent, but the nearby roads make the land a natural for urban development. Schalk said the area will see development with the widening of 61.

Schalk said Wilson Concrete's past performance is a clear indication of their commitment to their future plans.

Schaefer asked if there were any other comments by applicants. There were none.

Schaefer asked if there was anyone from the public who wished to comment on the rezoning.

Stan Kittleson, 13765 104th Avenue, said he lives directly west about 1/4 mile from the Davenport Memorial Park Trust land. He told the Commission he is opposed to the rezoning because it would lower property values and encroach on ag land. It is time to stop rezoning ag land, he said, and he and his wife moved out there to get away from the city and industry.

Roy Harre, 13150 106th Avenue, said he lives south and west about 1/4 mile from the proposed rezoning site. He said he is opposed because there would be a decline in property values and he wants to maintain his substantial taxes. He said he and his wife have three children that they want to keep away from industry. Harre said Wilson Concrete is probably okay, but they should not be granted the rezoning.

Beverly Hull, 13839 104th Avenue, (also 1/4 mile or 1320 feet distant), said she just found out about the rezoning last night. She said she values her way of life. Hull said they already have noise from Hwy 61. She said she does not want heavy industry in her back yard.

Judith Kittleson, 13765 104th Avenue, told the Commission that the neighbors fought the compost pile proposed for the same site three years ago. She said she and the neighbors want to maintain the wildlife on the land and that it would be best for it to remain farmland. [Composting facilities are allowed as special permitted uses in "A-G" zoning.]

Kittleson said the back of her house faces the truck terminal on Hwy 61 where there are a lot of semis with dust and noise. She said she wondered if a meat-packing plant would be next for that site.

Kittleson said she is worried about more encroachment into ag land and that the main criteria in compliance with land use policies is preserving ag land.

Robin Port said she lives across the street (110th Avenue) from the proposed site and said she thought it would be a good thing. She said she would welcome Wilson Concrete because they would be a better neighbor than another trucking company.

Ed Gardner, 13915 104th Avenue, told the Commission that the issue is not how many people Wilson Concrete will employ.

Barb Harre used the map to point out the location of nearby beautiful homes and woods. She said she was concerned Dr. DeRusso was not informed. [Dr. DeRusso's property is more than 500' from the property.] She wondered if it could be made into a park. Harre said lots of things could be torn down in Davenport and the business could go in there.

Excerpt from June 4, 1996 Scott County Planning and Zoning Commission public hearing (4/6)

Charles Brozovich, owner of Business and Pleasure Storage, told the Commission he was against the rezoning. He said it would be spot zoning and it would reduce the value of the surrounding area.

Judith Kittleson said she learned of the proposal at 10 o'clock last night. She said she drove down 110th Avenue to look at Wilson's existing business. She said it was an eyesore with the tall buildings. Kittleson said it is wrong to take ag land. She asked if Wilson had looked at other land that was not zoned ag. She was concerned that if the land is rezoned to "M", anything and everything could go in there. Wilson should look elsewhere, Kittleson said.

Brozovich asked who Davenport Memorial Park Trust was. Giebelstein explained that it was the people who had invested in the trust account.

Harre asked what the selling price was. Schaefer explained that that was not pertinent to a proposed rezoning.

Max Waring, 104th Avenue, said he was worried about the water table being reduced.

As there were no more comments from the public, Schaefer asked for Huey's recommendation.

Huey said that based on the compliance with a preponderance of the land use policies, he recommended approval.

Schaefer asked if the applicant wished to rebut any negative comments. Schalk pointed out the adequate buffer surrounding the site. He said Linwood has mining rights under the land to the south.

If the land is rezoned to "M", it would allow all "C-M" uses, but additional uses would all be required to apply for a special use permit from the Board of Adjustment.

Schalk noted that there had been nearby ag land rezoned to residential and that this rezoning would not cause a proliferation of industry locating to the south along 110th Avenue. He pointed out that Wilson's Omaha plant is close to residential zoning.

Schaefer asked if Wilson will use city water. Schalk said they are still exploring that. He said if it is a condition placed on the business in the special use permit or site plan review phase, city water will be used.

Ewoldt asked the applicants how much land they own. Scheibe said they own 20 acres. Ewoldt asked why they didn't use another part of that 20 acres. Scheibe explained that there is a concern about a cave-in anywhere on the 20 acres. It is not safe for their employees he said.

Excerpt from June 4, 1996 Scott County Planning and Zoning Commission public hearing (5/6)

Ewoldt asked if Wilson knew about the cave-in problems when they bought the land. Koege said Linwood told them there would be no problem after doing studies. Koege said they could have lost the building and people during the last accident. He said flyash is not being used and they are not sure the property is structurally sound.

Ewoldt said he is concerned about ag land being taken out of production.

Kelley asked what the dimensions of the buildings were. Doug Schulte, an engineer for Wilson Concrete, described the buildings.

Paustian asked how many acres would be used for the business and how the remaining would be used. Schulte said Wilson would use 16 acres and the rest would be farmed and leased out.

Schulte noted there would evergreens in two rows on the four foot high berm.

Stan Kittleson said he would argue that the nine guidelines had been followed. He said that prime ag land was being taken out was the most important issue. He said it was not made clear that the 8 of 9 policies have been met.

Judith Kittleson asked if the products would be dried by a kiln. Yoder said there would be no kilns and no smokestacks.

Moeller pointed out that the Commission had decided when writing the ordinance that posting a sign on the property was better than publishing a small notice in the newspaper. As in all zoning matters in Scott County, the word does get out and the people who wanted to comment were at the hearing, Moeller said.

Ewoldt reiterated that he wanted to protect ag land.

Schaefer said he did not think agriculture was the highest and best use of that 40 acres. The location of the roads and other businesses make it more suited for industry, he said. This business could be controlled and aesthetically pleasing with the berms and landscaping and an improvement to the area.

Paustian asked Wilson if they had looked at other sites. Scheibe said they have looked at sites in Rock Island County, Geneseo, and Johnson County. He said they do not want to disrupt their employees' lives and families. Wilson has good employees in Scott County and a good market. They could not be competitive if they moved outside Scott County, Scheibe said. He said they have been looking for a new site for three years.

Excerpt from June 4, 1996 Scott County Planning and Zoning Commission public hearing (6/6)

Schaefer said he agreed with Ewoldt that ag land is very important, but the corners of main transportation arteries should be used for commercial or industrial purposes.

Kelley said she agreed with Ewoldt and the nearby residential development was pre-existing to this request. She said she was worried about the other uses allowed in "M" zoning.

Moeller said the land is on the wrong side of the developed area. He said he would vote against the request.

Paustian said he is a strong believer in preserving ag land. He said, however, that he is concerned about the possibility that Wilson will have to move out of Scott County.

Klindt said he has always voted to preserve ag land. But, he said, the main criteria the Commission should look at in this case should be the highways. He said transportation is a very important issue in making this tough call. Klindt said this land will be developed some day and Wilson might not be so bad when reviewing future proposals. He said the Commission cannot deny there is a lack of manufacturing zoning districts in Scott County. He said he would support the request.

Schaefer asked for a motion.

Ewoldt made a motion to recommend denial of the rezoning request.

Moeller seconded the motion. Vote: Ayes - Ewoldt, Kelley, Moeller, Paustian. Nays - Klindt, Schaefer.

The recommendation to deny (4-2) will be forwarded to the Board of Supervisors if the applicants wish to proceed, Huey said. He said if the applicants choose to take the request to the Board of Supervisors, public notices will be printed in the County newspapers and notices will again be sent to property owners within 500 feet of the site of the proposed rezoning. Others outside that boundary may call the Planning and Development office for information.

As there was no further business to come before the Commission, the meeting was adjourned at 8:55 p.m.

Excerpt from June 2, 1996 Scott County Board of Supervisors meeting noting a public hearing (1/1)

Supervisor Kilmer gave the invocation.

Moved by Ewoldt, seconded by Petersen, approval of the minutes of the June 10, 1996 Canvass, the June 10, 1996 Planning Council Meeting, the June 13, 1996 Regular Board Meeting, and the June 19, 1993 Closed Session. All Ayes.

Moved by Ewoldt, seconded by Petersen, , that the following resolution be adopted. All Ayes.

BE IT RESOLVED 1) That the Board of Supervisors does hereby recognize the efforts of David Johannsen and conveys its appreciation for his twenty years of service to the citizens of Scott County. 2) This resolution shall take effect immediately.

Ewoldt presented Mrs. Johannsen with a framed copy of said resolution, two plaques honoring David Johannsen and recognizing his 20 years of service, one of which will be hung at the courthouse, and a monetary donation. Ewoldt also spoke of his friendship with Mr. Johannsen.

Moved by Ewoldt, seconded by Kilmer, the motion to open a public hearing relative to Davenport Memorial Park Trust's request to rezone 40 acres in Section 2 in Buffalo Township from "A-G Agricultural-General" to "M Heavy Manufacturing."

Buffalo Township residents Bill Grisham, Troy Dickens, Sherwin and Judy Kittleson, Chuck Brozovich, Gary Ewoldt, and Max Warrick, and Davenport attorney Steve Schalk spoke before the Board.

Moved by Ewoldt, seconded by Petersen, to close the public hearing.

Moved by Ewoldt, seconded by Kilmer, that the following resolution be adopted. All Ayes.

BE IT RESOLVED 1) As the local governing body responsible for the approval of subdivision plats within its rural jurisdiction, the Scott County Board of Supervisors has on this 27th day of June, 1996, considered the final plat of SWAN LAKE SUBDIVISION, being part of the N 1/2 of the NW 1/4, Section 36, Township 80 North, Range 3 East of the 5th P.M. (Winfield Township) Scott County, Iowa, and having found the same made in substantial accordance with the provisions of Chapter 354, Code of Iowa, and the Scott County Subdivision Ordinance, does hereby approve said subdivision with land dedicated to the public as shown on subdivision plat with the exception that 172nd Avenue, which has been determined by the County Engineer not to meet County road construction standards and will not be accepted on

Excerpt from July 11, 1996 Scott County Board of Supervisors meeting noting a first reading (1/2)

resolution be adopted. All Ayes.

BE IT RESOLVED 1) That the bid for Construction Project L-397(1)--55-82, Asphaltic Concrete Resurfacing in Park View, go to the low bidder McCarthy Improvement Company for the total cost of \$121,938.00. 2) This resolution shall take effect immediately.

Moved by Petersen, seconded by Otting, the motion approving underground permit applications.

Moved by Otting, seconded by Kilmer, that the following resolution be adopted. All Ayes.

BE IT RESOLVED 1) That the contract to perform the Phase One Comprehensive Jail Study to Larrison & Associates in the amount of \$3,578.00 and to Huskey & Associates in the amount of \$41,586.00 is hereby approved. 2) The Chairman is authorized to sign the contract agreement. 3) This resolution shall take effect immediately.

Moved by Otting, seconded by Petersen, that the following resolution be adopted. All Ayes.

BE IT RESOLVED 1) That the contract for the construction of a Tuberculosis Isolation room at the main jail be awarded to Johnson Contracting Company in the amount of \$23,454.00 is hereby approved. 2) This resolution shall take effect immediately.

Moved by Otting, seconded by Kilmer, the motion to open a public hearing relative to the transfer of 22 flood properties in Muscatine County acquired through Federal Flood Recovery Program.

No persons were present and no written petitions presented to the Board.

Moved by Otting, seconded by Kilmer, to close the public hearing.

Moved by Otting, seconded by Kilmer, that the following resolution be adopted. Roll Call: Ayes - Otting, Petersen, Winborn, Kilmer.

BE IT RESOLVED 1) After a public hearing on July 11, 1996, the properties will be transferred as listed in the June 27, 1996 Resolution setting the public hearing date. 2) The Chairman is authorized to sign the Quit Claim Deeds and the deeds sent to Muscatine County for recording. 3) This resolution shall take effect immediately.

Moved by Otting, seconded by Kilmer, the first of two readings

Excerpt from July 11, 1996 Scott County Board of Supervisors meeting noting a first reading (2/2)

of an ordinance to rezone approximately 40 acres in Section 2, Buffalo Township, from "A-G" Agricultural-General Zoning to "M" Heavy Manufacturing Zoning, all within unincorporated Scott County. Roll Call: Ayes - Otting, Winborn, Kilmer. Nays - Petersen.

Moved by Kilmer, seconded by Petersen, the motion approving routine items as presented by the Assistant County Administrator and the County Administrator. All Ayes.

<u>Type of Action</u> <u>Employee/Department</u>	<u>Position</u>	<u>Annual Salary Rate</u>	<u>Effective Date</u>
Appointment Daniel Herberg/Conservation	Equipment Mechanic	\$20,437	07/08/96
Appointment Anthony Marshall/Bldg & Grnd	Seasonal General Laborer	\$6.96/hr	06/24/96
Promotion Mike Dierkes/Jail	Correction Officer	\$21,050	07/17/96
Promotion Terry Moore/Jail	Correction Officer	\$21,050	07/17/96
Promotion Leslie Zaabadick/Jail	Correction Officer	\$21,050	07/17/96

Within Grade Step Increases

Brian Aldridge/Sheriff	\$19,316 - \$20,114 (step 2)	07/08/96
Dawn Griswold/Treasurer	\$20,155 - \$20,571 (step 6)	07/24/96
Matt Hogan/Buildings & Grounds	\$23,275 - \$24,170 (step 4)	07/13/96
Pat Reyes/Buildings & Grounds	\$15,475 - \$16,037 (step 3)	07/17/96

Merit Increases

Robert Bryant/Conservation	\$35,727 - \$36,442 (2.0%) 102.970%	07/20/96
Terry Glandon/Sheriff	\$45,683 - \$47,510 (4.0%) 109.569%	07/29/96
Stuart Scott/Health	\$34,012 - \$35,372 (4.0%) 114.008%	07/09/96

Board of Supervisors

July 25, 1996

The Board of Supervisors met pursuant to adjournment with all members present.

Supervisor Petersen gave the invocation.

Moved by Petersen, seconded by Ewoldt, approval of the minutes of the July 9, 1996 Closed Session and the July 11, 1996 Regular Board Meeting. All Ayes.

Moved by Petersen, seconded by Otting, that the following resolution be adopted. All Ayes.

BE IT RESOLVED 1) That the 28E Agreement between Scott County, Iowa and the City of Blue Grass, Iowa for Asphalt Surfacing on Oak Lane be approved. 2) That the Chairman be authorized to sign the Agreement on behalf of the Board. 3) This resolution shall take effect immediately.

Moved by Petersen, seconded by Ewoldt, that the following resolution be adopted. All Ayes.

BE IT RESOLVED 1) That the Supplemental Construction Program for the Iowa Department of Transportation submittal be approved. 2) That the Chairman be authorized to sign the Supplemental Construction Program on behalf of the Board. 3) This resolution shall take effect immediately.

Moved by Kilmer, seconded by Otting, the second and final reading of an ordinance to rezone approximately 40 acres in Section 2, Buffalo Township, from "A-G" Agricultural-General Zoning to "M" Heavy Manufacturing Zoning, all within unincorporated Scott County. Ewoldt spoke against the rezoning. Roll Call: Ayes - Winborn, Kilmer, Otting. Nays - Petersen, Ewoldt.

Moved by Ewoldt, seconded by Kilmer, that the following resolution be adopted. All Ayes.

BE IT RESOLVED 1) That the preliminary plat of Carriage Meadows Estates as submitted by Michael Ingelby and Nick Kremer, Jr. and as recommended by the Planning and Zoning Commission be approved with conditions as listed in the Planning and Development staff

19694-96

96 JUL 29 PM 3:24

FEE

No Charge

RECORDED BY REEBS
SCOTT COUNTY IOWA

SCOTT COUNTY ORDINANCE NO. 96-04

AN ORDINANCE TO REZONE APPROXIMATELY 40 ACRES IN SECTION 2, BUFFALO TOWNSHIP, FROM "A-G" AGRICULTURAL-GENERAL ZONING TO "M" HEAVY MANUFACTURING ZONING, ALL WITHIN UNINCORPORATED SCOTT COUNTY.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF SCOTT COUNTY, IOWA:

Section 1. In accordance with Section 6-31., Scott County Code, the following described unit of real estate is hereby rezoned from an "A-G" Agricultural-General Zoning District to an "M" Heavy Manufacturing Floating Zone, to-wit:

The SE 1/4 of the NE 1/4 of Section 2, Township 77N, R-2E of the 5th P.M. (Buffalo Township).

Section 2. The County Auditor is directed to record this ordinance in the County Recorder's office. The applicant must record the restrictive covenants as presented by the applicant at the June 27, 1996 public hearing held by the Board of Supervisors.

Section 3. Severability Clause. If any of the provisions of this Ordinance are for any reason illegal or void, then the lawful provisions of this Ordinance, which are separate from said unlawful provisions shall be and remain in full force and effect, the same as if the Ordinance contained no illegal or void provisions.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall be in full force and effect after its final passage and publication as by law provided.

Approved this 25th day of July, 1996.

Edwin G. Winborn
Edwin G. Winborn, Chairman
Scott County Board of Supervisors

Karen L. Fitzsimmons
Karen L. Fitzsimmons
County Auditor

By Kurt A. Wilbur