



**Planning & Development
Scott County, Iowa**

Chris Mathias, Director

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Administrative Center
600 West Fourth Street
Davenport, Iowa 52801-1106

April 28, 2023

To: Mahesh Sharma, County Administrator
From: Chris Mathias, Planning Director
Re: Public Hearing and First Reading of proposed amendment to the zoning map to rezone 55.7 acres from (A-P) Agricultural-Preservation to (C-R) Conservation-Recreation

Planning Staff have received a request from Rily and Ardita Grunwald to rezone 55.7 acres from (A-P) Agricultural-Preservation to (C-R) Conservation-Recreation in the W ½ of the SW ¼ of Section 6 in Princeton Township. The specific parcels proposed to be rezoned are 950649003, 950633001. These properties are located east-adjacent to Lost Grove Lake State Park along 240th Avenue. I've attached to this memo, the staff report, maps, and other attachments that went to the Planning & Zoning Commission to provide more details on this matter. As you're probably aware, Rily and Ardita have previously applied to add the definition of "Snow Tubing Facility" to the zoning ordinance.

I will be at the Committee of the Whole on May 23rd to give a presentation and answer your questions on this matter. We are also asking to hold a public hearing on adopting the ordinance to revise the map at the Board Meeting on May 25th. Here is a summary of how the Planning & Zoning Commission voted on this item (including members of the public in attendance that spoke in opposition to the request), recommending approval at the April 18th, 2023 meeting:

1. Public Hearing – Rezoning

Application from Rily and Ardita Grunwald (deedholder Dale Grunwald) to rezone 55.7 acres, more or less, from Agricultural-Preservation (A-P) to Conservation-Recreation (C-R) in the W ½ of the SW ¼ of Section 6 in Princeton Township (Scott County Parcels #950633001, 950649003).

The Commission voted (5-1) to recommend approval of the request in accordance with staff's recommendation. Rily Grunwald was present to answer questions and respond to public comment. Several members of the public were in attendance and spoke in opposition to the request:

- Dennis Queal (24460 250th Street)
- Gaylon Ideker (24883 248th Avenue)
- Glen Soenksen (44 Rainbow Drive)
- Sherry Daurer (25900 240th Avenue)
- Clayton Engler (25587 252nd Avenue)
- John Dexter (24439 250th Avenue)

- **Vote (recommend approval rezoning from A-P to C-R): 5-1, Schneklath dissenting**



Z30

240TH AVE

257TH ST

Subject Property

240TH ST

F45

0 0.2 0.4 0.8 1.2 1.6 Miles

259TH ST



Z30

240TH AVE

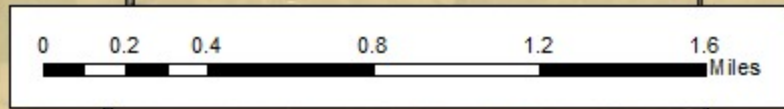
257TH ST

Subject Property

240TH ST

F45

- Ag-Preservation
- Ag-Floating
- Ag-General
- Residential Single-Family



235TH ST



Subject Property

Future Land Use

- AG
- AP
- CM
- R1



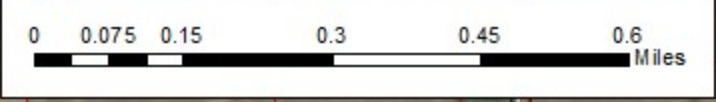


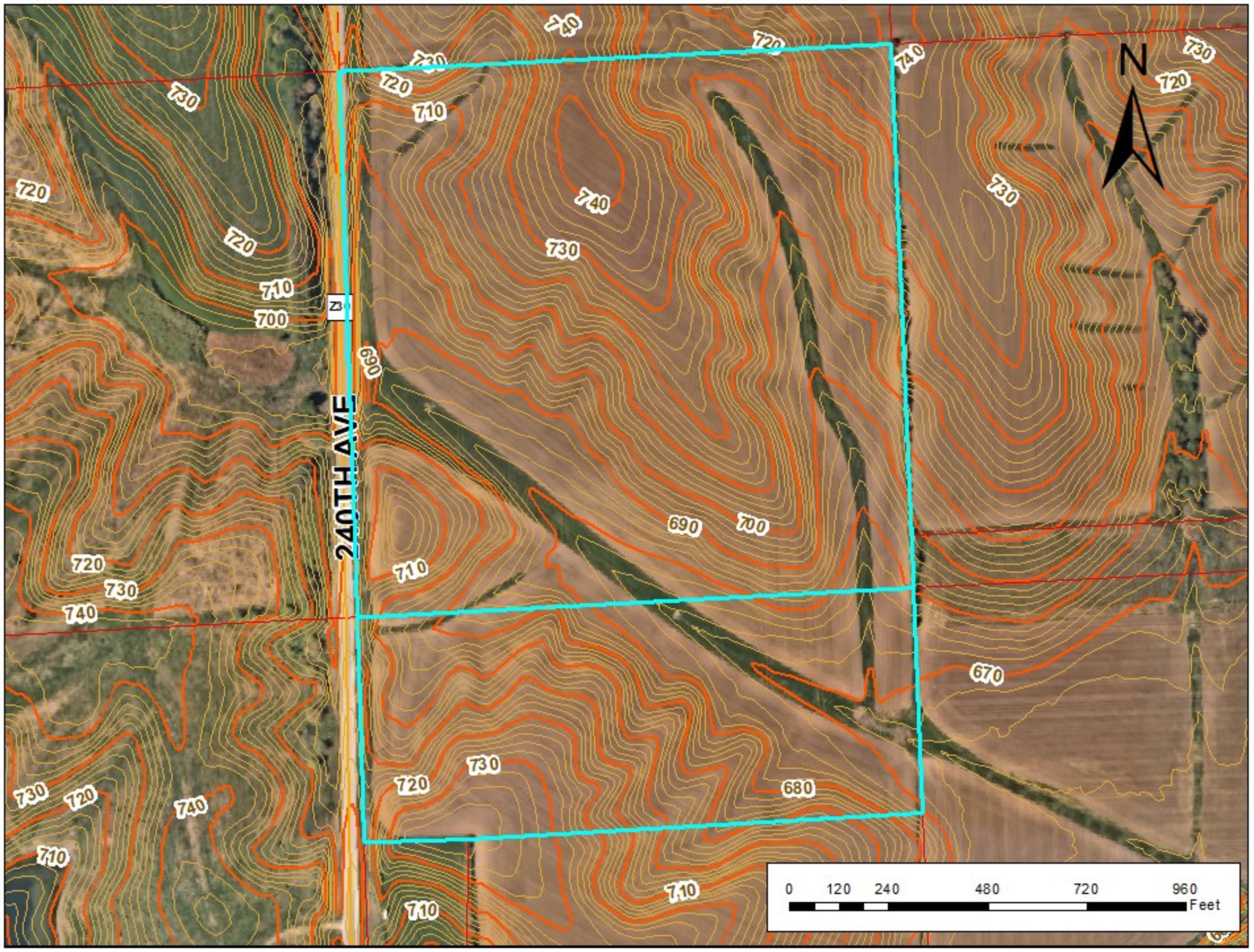
257TH ST

Subject Property

230

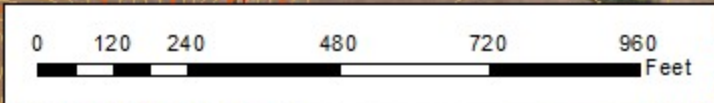
240TH AVE

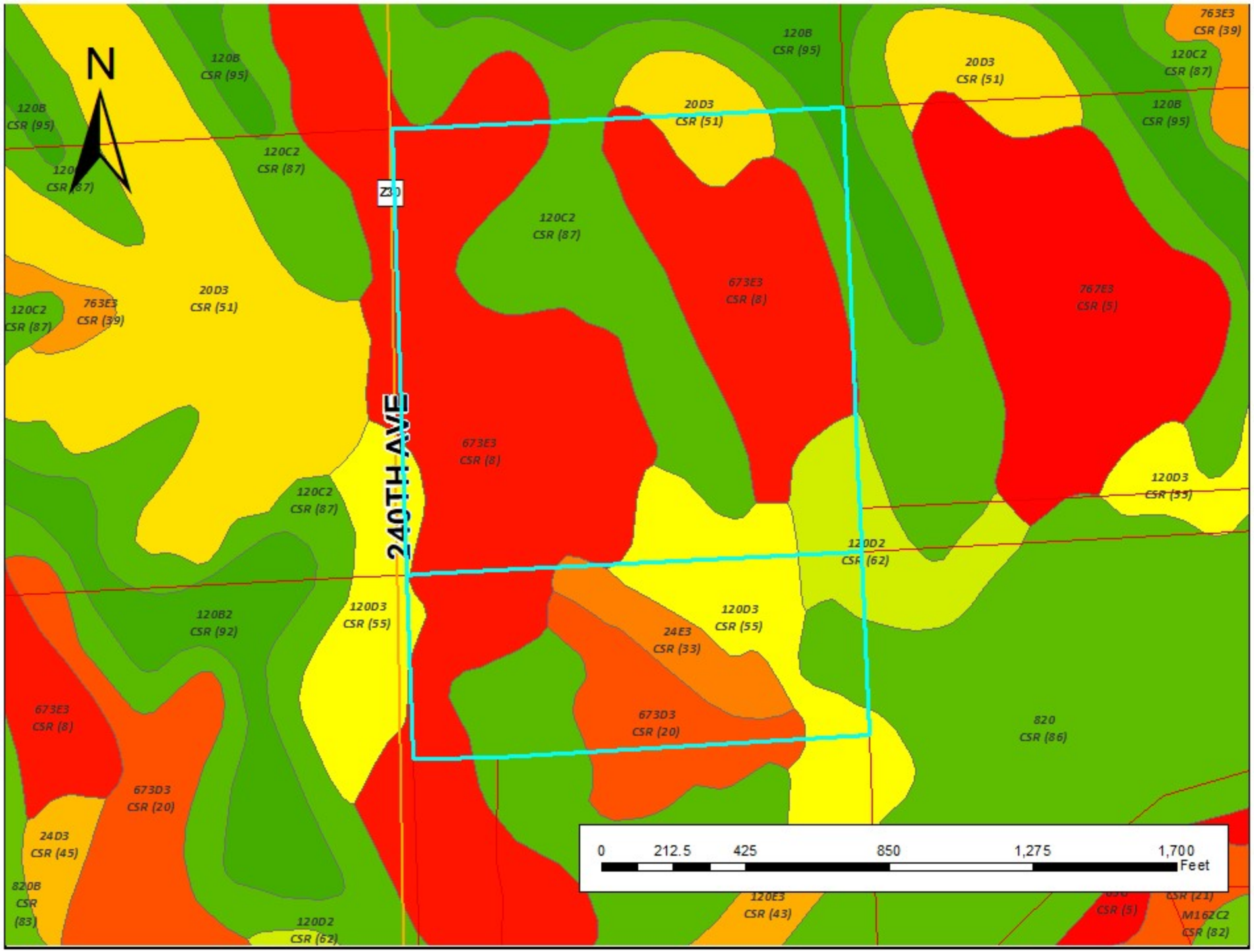




240TH AVE

Z





Layer List Legend

- Quick Links:
- Property Search
 - View Map
- Layers:
- Addressing
 - Dimensions
 - Survey
 - Ownership
 - Corporate Limit Line
 - Building Footprints
 - Political Township
 - Roads
 - Railroad
 - County Boundary
 - Water Features
 - Parks
 - Planning
 - Cities
 - Surrounding Areas
 - Land and Soil
 - Soils
 - Non Crop
 - Exemptions
 - Gross Average CSR for Rural Ag Parcels
 - 2019 Aerial Photos
 - 2016 Aerial Photos
 - 2014 Aerial Photos
 - 2009 Aerial Photos
 - 2005 Aerial Photos
- [Restore Layer Defaults](#)



Results:

Parcel ID - 950649003
 Owner - GRUNWALD DALE A (Deed)
 GRUNWALD JILL R (Deed)
 Acres - 17.05
[View: Parcel Report | Ag Soil Report | Google Maps](#)

Parcel ID - 950633001
 Owner - GRUNWALD DALE A (Deed)
 GRUNWALD JILL R (Deed)
 Acres - 38.65
[View: Parcel Report | Ag Soil Report | Google Maps](#)

240TH AVE

Z30

34.71

43.46



PLANNING & ZONING COMMISSION

STAFF REPORT

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- Applicant:** Rily and Ardita Grunwald (deed holder Dale Grunwald)
- Request:** Rezone 55.7 acres, more or less, from Agricultural-Preservation (A-P) to Conservation-Recreation (C-R)
- Legal Description:** Part of the W ½ of the SW ¼ of Section 6 in Princeton Township
PINs: 950649003, 950633001
- General Location:** East-adjacent to Lost Grove Lake State Park along 240th Avenue (Z30)
- Existing Zoning:** Agricultural-Preservation (A-P)
- Surrounding Zoning:**
- North:** Agricultural-Preservation (A-P)
 - South:** Agricultural-Preservation (A-P)
 - East:** Agricultural-Preservation (A-P)
 - West:** Agricultural-Preservation (A-P)

GENERAL COMMENTS: This request is to rezone 55.7 acres, more or less, from Agricultural-Preservation (A-P) to Conservation-Recreation (C-R). The applicants intend to establish a Snow Tubing Facility on the site, which is a pending Special Permitted Use in the C-R district. The Planning and Zoning Commission voted (5-0) to recommend approval of ordinance text amendments to add a definition of “Snow Tubing Facility” and to add it to the list of Special Permitted Uses in the C-R district at its March 21, 2023 meeting. The Commission’s recommendation will be before the Board of Supervisors for its consideration at its April 27, 2023 meeting.

If the Commission were to favorably recommend and the Board of Supervisors were to approve a rezoning to C-R, the applicants still would not be able to initiate construction of the Snow Tubing Facility. Since the Snow Tubing Facility would be considered a *Special* Permitted Use rather than a Principal Permitted Use, a site plan would first need to be approved by the Zoning Board of Adjustment.

- In the case where the Board of Supervisors does not approve the ordinance text amendments to add a definition of “Snow Tubing Facility” and to add it to the list of Special Permitted Uses in the C-R district, the applicants will not apply to bring the Commission’s recommendation on the rezoning to the Board of Supervisors.
- In the case where the Board of Supervisors approves the rezoning to C-R but the Zoning Board of Adjustment does not approve a site plan for the Snow Tubing Facility, the property would remain zoned C-R, which would greatly limit the permitted land uses. However, it’s important to note that an agricultural-exempt



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farmer could use this land for agricultural uses.

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:

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

The area to be rezoned is shown on the Future Land Use Map (FLUM) as remaining A-P. That being said, the General Intent of the C-R district as adopted in the Zoning Ordinance is as follows:

The Conservation-Recreation District is intended and designed to provide opportunities for residents and visitors to enjoy the natural resources and environmentally-sensitive areas in the County. The standards are intended to define and conserve selected natural resource areas by either minimizing impact to them or allowing for responsible recreational uses within them.

From its conception, staff has considered the C-R district very much parallel to and compatible with the environmental preservation goals of the County, and therefore views the proposed development as in compliance with the FLUM.

The rezoning request meets a preponderance of this criteria.

Is the development on marginal or poor agricultural land?

The subject property has CSR2 ratings ranging from 8 to 87, and steep topography with elevations ranging from 740 feet to 665 feet. The average CSR2 rating for PIN 950633001 (38.65 acres, more or less) is 34.71. The average CSR2 rating for PIN 950649003 (17.05 acres, more or less) is 43.46. Scott County has traditionally considered CSR2 ratings of 60 and above as “prime agricultural land.”

The rezoning request meets this criteria.

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

The area to be rezoned has frontage along 240th Avenue, an adequately-constructed, paved County road. The County Secondary Roads Department did not have any comments or concerns regarding the proposal.

The rezoning request meets this criteria.



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

The property is not currently served by public sewer or public water. Any further development must comply with State and County health regulations for on-site wastewater treatment. The County Health Department did not have any comments or concerns regarding the proposal at this point.

A Snow Tubing Facility would create a unique challenge for water services since snow-making would be an integral part of operations. Before bringing any proposals forward on the Snow Tubing Facility, staff was in contact with the Iowa Department of Natural Resources (DNR) to evaluate whether the applicants would be able to utilize the surface water source(s) available. The DNR seemed open to approving a detention lake that would be created by damming the tributary to Lost Creek located on the property.

The rezoning request meets this criteria.

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

Staff always envisioned private park uses within C-R districts as being near existing conservation-recreation areas like public parks and other natural areas, not near existing employment centers or commercial areas. The subject property is immediately adjacent to Lost Grove Lake State Park, which is the ideal location for a private park use.

The rezoning request meets this criteria.

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

The intent of the Scott County land use policies is not only to limit or prevent the conversion of prime agricultural land for development, but also to prevent the incursion of non-farming neighbors into agricultural areas. The area to be rezoned is heavily surrounded by agricultural uses, but is also immediately adjacent to Lost Grove Lake State Park. When viewed as an extension of the adjacent park use, the proposal is less disruptive to existing agricultural activities than a location without an adjacent park use.

The rezoning request meets a preponderance of this criteria.



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Does the area have stable environmental resources?

The area to be rezoned has two primary bluffs at the northern and southern boundaries with two drainage ways that meet and join Lost Creek on another property approximately 900 feet to the southeast. Elevations on the property range from 740 feet to 665 feet, with slopes ranging from 2% to 18% and either “eroded” or “severely eroded” status according to the Web Soil Survey data from the Natural Resources Conservation Service (NRCS). The area is currently farmed with row crops, which may destabilize the soils on the site to a greater extent than a private park use would over time.

The rezoning request meets this criteria.

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

The area to be rezoned is immediately adjacent to a public park land use and surrounded by agricultural land uses. Buffering requirements will likely be part of any Special Use Permit review and approval by the Zoning Board of Adjustment.

The rezoning request meets a preponderance of this criteria.

Is there a recognized need for such 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.” The Commission and Board of Supervisors advanced that objective by creating the C-R district, and it is clear the private sector sees a demand for private park uses within the County and is responding by attempting to amend the ordinance text and zoning map.

The rezoning request meets this criteria.

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Staff has mailed notification to the adjacent property owners within five hundred feet (500') of this property of this hearing. 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. Staff has received comment from one member of the public who is opposed to the rezoning, and intends to attend the public hearing.

Staff has also notified the County Secondary Roads Department, County Health Department, Bi-State Regional Commission, and the local NRCS for review and



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comment. The Secondary Roads Department, Health Department, and local NRCS did not have any comments or concerns. Staff expects Bi-State Regional Commission to provide a review, which will be provided to Commission members before or at the hearing.

RECOMMENDATION: Staff recommends that the rezoning of 55.7 acres of this property from Agricultural-Preservation (A-P) to Conservation-Recreation (C-R) be approved based on its compliance with a preponderance of the criteria of the Revised Land Use Policies.

Submitted by:
Alan Silas, Planning & Development Specialist
April 14, 2023

PLANNING & DEVELOPMENT

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Chris Mathias,
Director

**NOTICE OF PLANNING AND ZONING COMMISSION
PUBLIC HEARING FOR REZONING**

In accordance with Section 6-31 of the Revised Zoning Ordinance for unincorporated Scott County, the Planning and Zoning Commission will review a proposed rezoning on **Tuesday, April 18, 2023 at 5:30 P.M.** This notice is being sent to property owners of record within 500 feet of the property in question and appropriate County officials. The meeting will be held in the **1st Floor Board Room of the Scott County Administrative Center, 600 West 4th Street, Davenport, Iowa 52801.**

The Planning and Zoning Commission will hear the request of **Rily and Ardita Grunwald** (deedholder Dale Grunwald) to rezone 55.7 acres, more or less, from Agricultural-Preservation (A-P) to Conservation-Recreation (C-R) in the W ½ of the SW ¼ of Section 6 in Princeton Township (Scott County Parcels #950633001, 950649003). The applicants intend to eventually pursue approval of a Special Use Permit to construct and operate a Snow Tubing Facility on the property. The Scott County Board of Supervisors is currently considering an ordinance text amendment to add Snow Tubing Facility to the list of Special Permitted Uses in the C-R District. The rezoning in and of itself will *not* allow development on the site: If the rezoning and text amendment are approved by the Board of Supervisors, the applicants must be granted a Special Use Permit from the Scott County Zoning Board of Adjustment prior to construction and operation.

If you have any questions or comments regarding this meeting or proposal, please call or write the Planning and Development Department, Scott County Administrative Center, 600 West Fourth Street, Davenport, Iowa 52801, (563) 326-8643, planning@scottcountyiowa.gov, or attend the meeting.

Prepared by: Scott County Planning and Development, 600 West Fourth Street, Davenport Iowa

SCOTT COUNTY ORDINANCE NO. 23-_____

AN ORDINANCE TO AMEND THE ZONING MAP BY REZONING APPROXIMATELY 55.7 ACRES IN SECTION 6, PRINCETON TOWNSHIP FROM AGRICULTURAL-PRESERVATION (A-P) TO CONSERVATION-RECREATION (C-R), 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 Agricultural-Preservation (A-P) to Conservation-Recreation (C-R) to-wit:

The NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6 in Township 79 North, Range 5 East of the 5th P.M. (Princeton Township) AND the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6 in Township 79 North, Range 5 East of the 5th P.M. (Princeton Township) excluding the South 776.07 feet of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6 in Township 79 North, Range 5 East of the 5th P.M. (Princeton Township)

Section 2. This ordinance changing the above described land to Conservation-Recreation (C-R) is approved as recommended by the Planning and Zoning Commission.

Section 3. The County Auditor is directed to record this ordinance in the County Recorder's Office.

Section 4. Severability Clause. If any of the provisions of this Ordinance are for any reason illegal or void, then the lawful provisions of the 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 5. Repealer. All ordinances or part of ordinances in conflict with the provisions of the Ordinance are hereby repealed.

Section 6. Effective Date. This Ordinance shall be in full force and effect after its final passage and publication as by law provided.

Approved this _____ day of _____ 2023.

Ken Beck, Chair
Scott County Board of Supervisors

Kerri Tompkins, County Auditor