

IN THE IOWA DISTRICT COURT FOR WARREN COUNTY

<p>DANIEL KING, SUSAN KING, SARAH HOOVER, TIM HOOVER, DENNIS MORGAN, PATRICIA MORGAN, CHARLIE WALTERS, MONA WALTERS, KAREN KREHLIK, WILLIAM COX, DUSTY CHAPLINE, HOWELL FAMILY TRUST, DEWAYNE JENKINS, JENNIFER JENKINS, KATHRYN MORRIS, WADE PETERSON, LAURIE PETERSON, HELEN R. REED TRUST, SK5 LLC, CHARLOTTE WICKETT,</p> <p>Plaintiffs,</p> <p>v.</p> <p>WARREN COUNTY BOARD OF SUPERVISORS AND WARREN COUNTY,</p> <p>Defendants.</p>	<p>CASE NO. _____</p> <p>PETITION FOR WRIT OF CERTIORARI</p>
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COME NOW Plaintiffs, Daniel King, Susan King, Sarah Hoover, Tim Hoover, Dennis Morgan, Patricia Morgan, Charlie Walters, Mona Walters, Karen Krehlik, William Cox, Dusty Chapline, Howell Family Trust, Dewayne Jenkins, Jennifer Jenkins, Kathryn Morris, Wade Peterson, Laurie Peterson, Helen R. Reed Trust, SK5 LLC, Charlotte Wickett, (hereinafter collectively "Plaintiffs") and for their Petition for Writ of Certiorari states as follows:

PARTIES, JURISDICTION & VENUE

1. Plaintiffs are individuals who reside in and/or own property in Warren County, Iowa.
2. Defendant Warren County Board of Supervisors ("Board of Supervisors" or "Board") is the governing body of Warren County ("the County"), a municipal corporation and political subdivision of the State of Iowa.

3. All parties to this suit are domiciled and/or situated in Iowa and thus subject to the personal jurisdiction of the state courts of Iowa.

4. Warren County Iowa District Court is the appropriate venue.

5. The issues in controversy are properly within this Court's grant of general jurisdiction.

THE REZONING

6. On or about August 13, 2025, the New Pioneer Gun Club, a 501(c)(7) non-profit corporation (hereinafter "New Pioneer"), made application with the Warren County Planning and Zoning Commission (hereinafter "Zoning Commission") seeking the rezoning of four parcels—27000320240, 27000320260, 27000320840, & 27000320860—from A-1 (Agricultural) to C-2 (General Commercial-Highway Service Districts) under the Warren County Zoning Ordinance (hereinafter collectively "the Parcels" or the "Subject").

7. New Pioneer operates its current gun club in Waukee, Iowa.

8. New Pioneer is a private club that charges fees for membership.

9. As development around the current site in Waukee has made the land where the current gun club is situated more valuable, it is apparent that New Pioneer seeks to sell its old site and find a new location.

10. New Pioneer is not the current owner of the Parcels, which are comprised of approximately 146.8 acres of land located south of G 76 Highway, east of Interstate 35 and west of New Virginia, Iowa.

11. Outside of pockets of development on Interstate 35 and the edge of New Virginia, the land along G 76 Highway is zoned A-1.

12. Upon information and belief, New Pioneer intends to purchase the Parcels to develop and construct a new Gun Club in Warren County at the Subject.
13. New Pioneer intends to have yearlong shooting activities at the Gun Club.
14. New Pioneer intends to build an approximately 4,000 square foot clubhouse for member use and other ancillary structures, including a space to sell ammunition and living quarters for the Gun Club's on-site manager.
15. These yearlong shooting activities will result in increases in traffic along Highway G76.
16. These yearlong shooting activities will result in regular, often uninterrupted bouts of gunfire.
17. This regular, often uninterrupted gunfire will be heard for miles around.
18. This regular, often uninterrupted gunfire will start early in the morning and will continue into the evening.
19. In addition to shooting, the Gun Club plans on hosting numerous social and other events—and will charge the public for use of the space.
20. The Gun Club and its various events will add additional light pollution to an otherwise rural corner of Warren County.
21. New Pioneer requested county zoning officials to rezone the Parcels from A-1 to C-2.
22. The land north, south, east, and west of the Subject is zoned A-1.
23. The proposed Gun Club would be an island surrounded by A-1 property.

24. Prior to any public notice of the meeting, social media posts from supporters of New Pioneer, as well as area shooting teams, were already publishing “posts” about New Pioneer’s planned move from Waukee to Warren County.

25. Within mere days of receipt of New Pioneer’s application, the Zoning Commission issued some notice of a public hearing on the proposed rezoning for September 10, 2025.

26. However, County officials did not issue notice in accord with Iowa law, including but not limited to Iowa Code Chapter 21, Iowa Code Chapter 331, or with the Warren County Zoning Ordinance (hereinafter “Ordinance”).

27. For example, no notice was published on the Zoning Commission’s public website—which is customary for any public body and the past (and current) practice of the Zoning Commission.

28. Moreover, the notice of public hearing published in the local newspaper, the Tri-Corner Express, incorrectly listed the date of the public hearing as September 11, 2025.

29. County officials did not provide informational materials in its possession to the public as part of this notice.

30. At the start of the September 10 zoning hearing, a county official read verbatim from a pre-authored document, the “Findings of Fact/Recommendation” (hereinafter “Findings of Fact”), recommending approval of the rezoning of the Parcels in support of the proposed Gun Club.

31. Despite its title, there is no analysis or discussion of the merits of the proposed rezoning—it merely was a series of answers to questions (marked Yes, No, or Unsure).

32. Notably, the Findings of Fact was “Unsure” whether the rezoning and subsequent establishment of the Gun Club would “protect property values of adjacent landowners.”

33. At the end of two hours of public comment, including comment from New Pioneer representatives and some of the Plaintiffs, the Zoning Commission voted 3-1 to recommend that the Board of Supervisors approve the rezoning.

34. Following the Zoning Commission meeting, County officials worked quickly to get the proposed rezoning before the Board.

35. Upon information and belief, County officials rushed to set the hearing at the request of New Pioneer representatives—in an effort to avoid public opposition as well as to further New Pioneer’s own business interests.

36. Upon information and belief, at least one County official involved in this process had personal and family interests in the establishment of a new shooting range in Warren County.

37. In preparation for a public hearing on the proposed rezoning, discussion at the Board resulted in multiple dates and times mentioned for the upcoming hearing.

38. This information caused much confusion among the public as to the date of the upcoming hearing on the rezoning request.

39. While the County took some effort to give advance public notice of the meeting, this notice was not provided in accord with Iowa law, including but not limited to Iowa Code Chapter 21, Iowa Code Chapter 331, or with the County’s Zoning Ordinance.

40. The public notice did not contain informational material about the proposed zoning.

41. The Board's meeting to consider rezoning the Parcels from A-1 to C-2 was eventually held on October 7, 2025.

42. Over the course of more than four hours, numerous Warren County citizens—including many of the Plaintiffs—spoke in opposition to the rezoning, in part, for the reasons described below.

43. With minimal public discussion among the Board, on or about October 7, 2025, the Board of Supervisors voted to rezone the Parcels from A-1 to C-2 (hereinafter the "Rezoning").

44. The Board did not issue any written findings of fact or formal explanation for the Rezoning.

45. The Board approved the Rezoning in contravention of the County's comprehensive future land use plan.

46. The Board approved the Rezoning in contravention of its own Ordinance.

47. In approving the Rezoning, the Board engaged in illegal spot zoning.

PLAINTIFFS' OBJECTIONS TO THE REZONING

48. Plaintiffs Daniel King and Susan King ("the Kings") own property located at 3770 Wilson Street, New Virginia, Iowa.

49. The Kings object to the Rezoning because the Gun Club will have a devastating impact on their quality of life, disrupting their quiet rural home, increasing noise pollution and traffic, decreasing property values and harming wildlife.

50. Plaintiffs Sarah Hoover and Tim Hoover ("the Hoovers") own property at 23344 38th Ave., New Virginia, Iowa.

51. The Hoovers are opposed to the Rezoning because the presence of the Gun Club will radically transform their small, tranquil community, adding constant noise and traffic, while decreasing property values.

52. Plaintiffs Dennis Morgan and Patricia Morgan (“the Morgans”) own property at 3087 G76 Highway, New Virginia, Iowa.

53. The Morgans object to the Rezoning because the increased noise and traffic from the Gun Club will interfere with the quiet enjoyment of their home and diminish property values. Additionally, the Morgans are concerned that the constant sound of gunfire will be frightening to residents in the area, especially children living near the Gun Club or visiting friends or family who live in the area.

54. Plaintiffs Charlie Walters and Mona Walters (“the Walters”) own property at 2410 G76 Highway, New Virginia, Iowa.

55. The Walters have lived and farmed nearby the Subject for nearly 60 years and are concerned about the noise from the constant gunfire and increased traffic destroying their peaceful country life and diminishing the value of their land.

56. Plaintiffs Karen Krehlik and William Cox own property at 24494 R45 Highway, New Virginia, Iowa.

57. Karen and William raise and board horses at their property and the constant gunfire from the Gun Club will spook the horses. Additionally, Karen and William object to the Rezoning because continuous gunfire at the Gun Club will destroy their peaceful existence and decrease property values.

58. Plaintiff Dusty Chapline owns property at 23680 30th Ave., New Virginia, Iowa.

59. Chapline is a veteran police officer who has been involved in multiple critical shootings, which has led her to a PTSD diagnosis. Chapline moved to rural Warren County for a quiet, slower-paced environment where she could raise her children. Given her PTSD, the thought of loud, sudden, abrupt noises from gunfire emanating from the Gun Club has already given her extreme anxiety.

60. Plaintiff Howell Family Trust owns property at 2502 Valley Lane, St. Charles, Iowa 502402.

61. The Howell Family Trust owns land directly adjoining the Subject, which it uses to farm cattle. The increased noise, traffic and people at the Gun Club will scare the cattle and disrupt other wildlife in the area. Additionally, drainage off the proposed gun range runs directly through the Howell Family Trust property and is the water source for the cattle raised at the Howell Family Trust property.

62. Plaintiffs Dewayne Jenkins and Jennifer Jenkins (“the Jenkins”) own property at 23848 30th Ave., New Virginia, Iowa 50210.

63. The Jenkins moved to their new home just a year ago for a peaceful life and are worried the increased noise, traffic and visitors to the Gun Club will disrupt their quality of life and decrease property values.

64. Plaintiff Kathryn Morris owns property at 24300 R45 Highway, New Virginia, Iowa 50210.

65. Morris objects to the Rezoning because it will destroy her peace and quiet, lower her property values and increase traffic around her home.

66. Plaintiffs Wade and Laurie Peterson own property at 3501 Wilson Street, New Virginia, Iowa.

67. The Petersons own land that borders one-half mile of the Subject land and have invested millions of dollars over the last eight years to develop a horse training and breeding facility. The Petersons purchased their property for its quiet, isolated location at the end of a gravel road. The Gun Club will dramatically change the character of their neighborhood and will endanger horses and riders who ride trails immediately adjacent to the Subject parcels.

68. Plaintiff the Helen R. Reed Trust (hereinafter the "Reed Trust") owns property at 1948 G76 Highway, New Virginia, Iowa.

69. The Reed Trust objects to the Rezoning because of the increased noise and traffic that will accompany the Gun Club. Additionally, the increased traffic associated with the Rezoning will cause safety issues given the farm equipment and machinery regularly moving up and down Highway G 76.

70. Plaintiff SK5 LLC owns property at 2101 Wyoming Street, New Virginia, Iowa.

71. SK5, LLC owns land directly west of the Subject and shares nearly 1000 yards of fenceline with the Subject. Its owners spent years saving to acquire the farm and intend to build a home less than 500 yards from the Gun Club's target range. Given the constant barrage of gunfire, perhaps as many as 20,000 shots per day, building a home near the Gun Club is no longer desirable, especially given the fact that its owners have three children under the age of 10.

72. Plaintiff Charlotte Wickett owns property at 2747 G76 Highway, New Virginia, Iowa 50210.

73. Plaintiff Wickett lives directly across from the Subject and is concerned about increased traffic and noise from the Gun Club disrupting her sleep and security.

74. Plaintiffs explained their objections to and concerns with the Rezoning at various public hearings and Board of Supervisors' meetings.

COUNT I: PETITION FOR WRIT OF CERTIORARI

75. Plaintiff replays and incorporates by reference, as if fully set forth herein, the allegations contained in Paragraphs 1 through 74 of this Petition.

76. Rule 1.1401 of the Iowa Rules of Civil Procedure states:

A party may commence a certiorari action when authorized by statute or when the party claims an inferior tribunal, board, or officer, exercising judicial functions, or a judicial magistrate exceed proper jurisdiction or otherwise acted illegally.

Iowa R. Civ. P. 1.1401 (2025).

77. On October 7, 2025, the Board acted illegally in granting the Rezoning.

78. The actions taken by the Board of Supervisors are illegal and in excess of the law for the following reasons:

- a. The Board acted ultra vires or otherwise lacked jurisdiction to consider and/or grant a request for the rezoning of A-1 to C-2 for purposes of a shooting range like the Gun Club;
- b. The C-2 designation granted by the Board does not support the intended use of the Parcels for the Gun Club and the Rezoning for the intended Gun Club is not consistent with the County's own zoning classifications and/or designations;
- c. The County and/or Board acted illegally and/or circumvented its own zoning ordinances by failing to direct the Gun Club to seek a Special Use Permit under the Subject's prior A-1 zoning designation;
- d. The Board acted illegally in failing to fully comply with public meeting and public notice requirements set out in Chapters 22 and 331 of the Iowa Code as well as its own Ordinance;
- e. The Board's actions leading up to and including its decision approving the rezoning for the Parcels were unreasonable, capricious, and arbitrary;
- f. The Board's decision was not consistent with the design or spirit of the Ordinance and is contrary to the County's mandate from Iowa Code Chapter 335 and its own comprehensive future land use plan to preserve agricultural land;
- g. The Board's decision violates or otherwise does not follow the County's comprehensive future land use plan;

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- h. The Board's action constitutes impermissible and illegal spot zoning;
- i. The Board's action is tainted by the involvement of county officials with undue bias or a conflict of interest in the outcome of the decision to rezone; and
- j. The Board's decision was the product of a rushed and non-transparent decision making process.

79. Plaintiffs are entitled to a Writ of Certiorari commanding the Board of Supervisors and County to produce and record all transcripts of its proceedings, and all information the Board reviewed and considered before issuing the October 7, 2025 decision.

WHEREFORE Plaintiff prays a writ of certiorari issue herein and that on hearing, the Board of Supervisor's action be annulled and declared void and for any such other and further relief as the Court deems just, equitable and appropriate under the circumstances.

/s/ Sarah K. Franklin

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