

CONDITIONAL REZONING STANDARDS FOR APPROVAL

Section 5.1(3) of the Morton Township Zoning Ordinance ("Ordinance") provides the standards that the planning commission must consider when evaluating an application for conditional rezoning. These standards, together with a detailed explanation to as how each standard is satisfied (if applicable), are as follow:

A. Uses permitted in the existing zoning district in which the land is located

The subject property ("Property") contains five (5) parcels, four (4) of which are currently located in the Agricultural District II/A2 ("A2") district and one (1) is currently located in the R-1 Residential ("R1") district. The A2 district permits all standard agricultural uses permitted in the A1 district and additional more intensive commercial uses, including:

- timber production;
- greenhouses;
- kennels; and
- markets.

The R1 Residential district permits residences. The underlying zoning districts permit a mix of commercial and residential uses.

B. The uses permitted in the zoning district requested by rezoning

Pursuant to Section 5.13 of the Ordinance, the Campgrounds district permits only one use: camping and associated recreational uses. The single-use Campgrounds District is not more intense than the uses identified above in the A2 district. To the degree that camping and outdoor recreation are considered commercial in nature, the kennel, market, greenhouse, and timber production uses permitted as of right in the A2 district are arguably more disruptive to neighbors. Also, a search of other municipalities' zoning ordinances that do not have a specific campground zoning district demonstrate that campgrounds are most appropriate in agricultural and residentially zoned districts.¹ The desired location of campgrounds from a land use standpoint is within rural areas of municipalities.

C. The use(s) proposed to be excluded, limited, or prohibited as a condition of the requested zoning

The draft conditional rezoning agreement included with the rezoning application proposes to limit the campground use to a particular layout that is ultimately approved by the planning commission and board of trustees, which would preclude all other uses within the Ordinance other than uses permitted as of right in the A2 and R1 districts.

D. The compatibility or incompatibility of the uses or development that will be allowed by the requested rezoning with existing uses and development on properties within 1500 feet of the parcel(s) requested to be rezoned

The parcels to the north, west, and south of the Property are currently zoned R1 and the eastern parcel is currently zoned A2. The parcels slightly further to the southeast of the Property are in a large Commercial 2/C-2 District. Given the rural location of the Property, actual uses

¹ See Sections 5.03 and 7.03 of the Solon Township Zoning Ordinance and Sections 2.2 and 2.3 of the Mecosta Township Zoning Ordinance.

within the 1500-foot radius are limited. The majority of the area around the Property is vacant or very sparsely populated. The property owner has commissioned supplemental materials on the impact of the proposed campground on the surrounding community, which materials have also been provided to the planning commission in support of the rezoning application.

Importantly, the other two campgrounds located within Morton Township both abut property currently zoned A2 and/or R1. Neither existing campground abuts property zoned for any other use other than A2 and/or R1. If approved, the Property would similarly abut property currently zoned A2 and R1.

Given the diversity of uses within the area of the Property and the location of the existing campgrounds within the Township, the proposed use is compatible with the area and is a desirable transition for agricultural and residential uses.

E. Whether the requested rezoning with conditions is consistent with the Morton Township Master Plan, or contrary to it

The future planning map attached to the Master Plan appears to have last been updated in 2011. The Master Plan is silent with respect to goals for future campground development and neither promotes nor discourages campgrounds. However, there are multiple statements in the Master Plan indicating a desire to increase economic development within the Township. Page 5 of the Master Plan states that increasing tourism and resort business has been a consistent focus for the Township. It is our assumption that this continues to be a goal. Page 17 of the Master Plan identifies the need for more commercial development in order to increase the community's tax base. The proposed use for the Property would provide the desired increase of tourism and resort business while increasing the tax base.

Based on the nature of a campground use and the Township's past practices of locating campgrounds within the Township, land zoned for agricultural and residential use is the appropriate location for a campground.

F. Whether the uses or development proposed for the parcel(s) requested to be rezoned are likely to increase or decrease surrounding property values

The proximity to tourists and campers and the amenities of the proposed campground will bring economic activity to the area that will undoubtedly drive interest in surrounding properties, which will increase the value of surrounding properties. Detailed information relating to the impact on property values has also been provided to the planning commission under separate cover.

G. Whether the infrastructure in the form of roads and utilities in the area suggested for rezoning will support the proposed uses or development, or if significant upgrades or changes will be necessary

It is not anticipated that the proposed campground will require utility, fire or police services beyond what is currently provided. The applicant would supply any on-site utilities needed to service the Property. Moreover, the increase in services needed for the campground would not exceed what is required for *any* beneficial development of the Property, including single family homes. The applicant is unaware of significant infrastructure upgrades or changes that would be required to support the proposed campground use of the Property.

H. Whether the proposed conditions will provide adequate safeguards for surrounding uses and properties if the requested rezoning is granted

The draft conditional rezoning agreement provides that the proposed campground will comply with all provisions of the Ordinance, which includes the landscaping, traffic safety and other practical areas of risk to neighboring property. The agreement also provides that the Property will be developed in a very specific manner. The proposed project will fully comply with all requirements of the new conditional zoning district regarding buffering, landscaping and safety. Further, the Property has very few close neighbors and is flanked on three sides by vacant land or farmland, which makes the Property ideal for the proposed use. The number of owners who would be affected is fewer than in almost any other area of the Township. If desired, the applicant also intends to install voluntary sightline buffers in the form of berms and landscaping along 105th Avenue to further protect these residential neighbors from any aesthetic disruption.

The camping and recreational activities on the Property will not be noisy, odorous, create light pollution, increase road noise, or otherwise create an identifiable issue for the neighbors. The proposed use is likely less disruptive to the natural and residential environment than the average residential subdivision, since the Property will be maintained in as natural a state as possible with minimum reductions to open space. It is in the best interest of the proposed use to keep the Property looking clean and in a forested style with lots of greenspace for the benefit of its users. **Further, kennels, subdivisions, commercial timbering, which are currently permitted as of right on the Property, are far more disruptive uses.**

The planning commission will review any further concerns regarding buffering and required additional installations, if necessary, as part of site plan approval. The planning commission will have further opportunity to discuss site-specific buffering requirements during site plan review – but the use itself is appropriate for the Property. The Property will not remain vacant forever and will not be used for farming. It is not reasonable to assume that the Property will continue to sit idle for the neighbors' enjoyment. The proposed rezoning provides safeguards for surrounding properties that would not be available with other uses.

I. Whether the proposed conditions provide terms by which the conditions can be enforced or accomplished after rezoning occurs

Section 1 of the draft conditional rezoning agreement expressly provides that the agreement is enforceable by the Township. The conditions of the agreement will be further subject to Article 13 of the Ordinance, which provides that the Township may enforce the Ordinance provisions and, if necessary, assess penalties under Section 13.8 of the Ordinance. From a practical standpoint, there are no conditions proposed that will be difficult for the Township to monitor and enforce.

J. Whether any of the proposed conditions need to be recorded and reflected in the chain of title to be effective

The draft conditional rezoning agreement is recordable and the applicant intends to record the agreement if the conditional rezoning is granted.

K. Whether the requested rezoning will allow and encourage "the proper use of land and natural resources" as specified in Section 1.0 of the Ordinance

First, neither the proposed campground nor the users of the campground will have riparian rights to any nearby body of water. The rights with respect to water will be similar to any

resident of the Township that does not own property on a lake or other body of water. Second, campgrounds are appropriate in rural areas of municipalities and the proposed campground will be an environmentally-conscious development which focuses on preserving greenspace, trees, and open recreation area. The campground will preserve more of the land in its natural space than most of the other uses currently permitted by right on the Property.

L. Any other factor deemed important and appropriate for consideration by the planning commission

To the extent additional issues are raised by either the planning commission or the community, the applicant intends to review such issues and propose necessary revisions to the conditional rezoning agreement.