

**TOWNSHIP OF MORTON  
COUNTY OF MECOSTA, MICHIGAN**

At a meeting of the Planning Commission of the Township of Morton, Mecosta County, Michigan, held at the Mecosta Elementary School, 555 West Main Street, Mecosta, Michigan, within the Township, on the 29th day of May, 2024, at 5:30 p.m., local time.

PRESENT: Members: \_\_\_\_\_

ABSENT: Members: \_\_\_\_\_

The following preamble and resolution were offered by Member \_\_\_\_\_ and seconded by Member \_\_\_\_\_.

**RESOLUTION NO. 24- \_\_\_\_\_**

**RESOLUTION RECOMMENDING DENIAL OF  
APPLICATION FOR CONDITIONAL REZONING  
[Bollman Investment Properties, represented by  
Freshwater Hospitality Consulting -- 105th Avenue]**

WHEREAS, Bollman Investment Properties, as owner, represented by Freshwater Hospitality Consulting (collectively the "Applicant") has applied to conditionally rezone five parcels of land, encompassing approximately 45 acres situated at the corner of 105th Avenue and Lake Drive from the A2 and R-1 zoning districts to the Campground district, with four of the parcels (43.36 acres) being currently zoned A2 and the fifth parcel (1.06 acres) zoned R-1 and consisting of the following permanent parcel numbers and legal descriptions attached to the application, Parcel No. 54-11-020-002-000, Parcel No. 54-11-020-002-100, Parcel No. 54-11-020-002-500, Parcel No. 54-11-020-003-500 and Parcel No. 54-11-020-003-000 (the "Property"); and

WHEREAS, in support of the application, the Applicant originally submitted an Application dated January 23, 2024 to rezone the Property to the Campground district without conditions and in support thereof submitted a two-page topographic survey from Nederveld, a “Proposed RV Park” site plan consisting of pages 1, 1A, 1B, 1C and 1D dated January 22, 2024 along with a “Regulatory Rezoning Application” narrative presented by Freshwater Hospitality Consulting, which was considered by the Planning Commission with public comments at a meeting on February 21, 2024; and

WHEREAS, on March 7 , 2024, the applicant submitted a new Application for conditional rezoning of the same property requesting the same rezoning from the A2 and R-1 district to Campground district for the stated use of: “Development of a Campground & Recreational Vehicle Park.” The new Application did not include a new site plan but did include a new “Conditional Rezoning Agreement” in which the Applicant voluntarily offered in writing certain use and development restrictions as a condition to rezoning the land including a condition to use the Property in “compliance with the site layout as submitted during their prior Rezoning Application (the “Layout”); and

WHEREAS, along with the conditional rezoning Application and the Conditional Rezoning Agreement, the Applicant submitted a “Conditional Rezoning Application” narrative by Freshwater Hospitality Consulting without a date but which essentially incorporated the prior site plan and narrative, and which was followed up with a March 27, 2024 letter withdrawing the original zoning Application; and

WHEREAS, on May 1, 2024, the Applicant provided a “Conditional Rezoning Standards for Approval” document, a “Community Impact Analysis” and a “Revised Conditional Rezoning Agreement,” and on May 2, 2024 provided the Planning Commission with a “Cover Letter;” and

WHEREAS, on April 3, 2024, the Planning Commission initially considered the conditional rezoning Application, received public comment on the conditional rezoning Application during the public comment portion of the meeting, and voted to hold a public hearing on the Application on May 15, 2024; and

WHEREAS, in addition to the public comment received above, the Planning Commission conducted a public hearing on May 15, 2024 on the conditional rezoning request, and has now considered materials submitted by the Applicant, the Applicant's presentation at the meetings of the Planning Commission, public comments, the Morton Township Zoning Ordinance, the Morton Township Master Plan, a report from the Township Engineer, additional submissions from the public and other consultants, and utilized the Planning Commission's experience, knowledge and background of the Property and the vicinity, and the pattern of progress of growth throughout the Township; and

WHEREAS, the Planning Commission determines that the proposed conditional rezoning Application should be denied for the reasons on the record and as set forth in this Resolution.

IT IS, THEREFORE, RESOLVED AS FOLLOWS:

1. **Recommendation of Denial.** The Planning Commission hereby recommends that the Township Board deny the conditional rezoning Application for the following reasons and as set forth in the record of the Planning Commission meetings and documents submitted in support of and opposition to the conditional rezoning application.

2. **Additional Uses Prohibited.** The Applicant's voluntary offer of conditions contained in the "Conditional Rezoning Agreement" includes uses that are not included in the Campground district. Specifically, the conditions offer to limit the use of the Property to a "Campground," and in addition to allow any other uses in the A2 and R-1 zoning districts. The

Michigan Zoning Enabling Act, Section MCL 125.3405(1), does not contain authorization for a conditional rezoning to include additional uses excluded by the zoning district in which the Property is being requested to be rezoned. Similarly, the Morton Township Zoning Ordinance only permits “use variances” to be granted by the Zoning Board of Appeals upon the meeting of certain standards. Therefore, the proposed condition to add uses to the Campground district do not comply with the Michigan Zoning Enabling Act, the Zoning Ordinance, or the uses allowed in the Campground district.

3. **Non-Compliant Site Plan (Density).** The Applicant has proposed a condition to “use the property in compliance with the site layout as submitted during their prior rezoning application (the ‘Layout’).” The Planning Commission construes this to mean that the Applicant is offering a condition to limit the use as set forth in the January 22, 2024 site plan and the two narratives offered by Freshwater Hospitality Consulting. In addition to not containing sufficient information for the Planning Commission to determine whether the land can be suitably developed as proposed as set forth in paragraph 4 below, the site plan does not comply with the density requirements of the Campground district. Section 5.13(3) provides that modern campgrounds, which this is proposed to be, may not have an overall gross ratio of more than three camping sites per acre. Accordingly, the maximum density for the proposed 45 plus acres is 136 camping sites. The site plan and narratives provided by the Applicant and referenced in the Conditional Rezoning Agreement as the “Layout” includes an estimated 246 sites. Accordingly, the Applicant’s proposal does not meet the requirements of the Campground district. Further, the Applicant has failed to present a site plan that demonstrates that the lands proposed to be rezoned for the Campground district can be reasonably used as a campground which complies with the standards of the Campground district.

4. **Failure to Comply with Conditional Rezoning Application Requirements.**

Section 5.1 of the Zoning Ordinance requires that a conditional rezoning application include a site plan depicting any proposed use or development that is offered as a condition of the requested rezoning. The requirements for the site plan include location of all proposed buildings or structures, location of all proposed roads, rights-of-way, parking areas and walkways, location of all utility, sewage and water supply systems, existing natural or manmade features, description of any changes in grade or drainage systems and use of adjacent properties. The Planning Commission acknowledges that the Applicant has offered to provide a complete site plan later in the process. But that site plan could have significant changes or issues that have not been addressed. Importantly, under the requirements of the Zoning Ordinance it is the responsibility of the Applicant to provide a complete application, and the Planning Commission finds that the submitted site plan and information provided regarding the proposed use is not sufficient for the Planning Commission to be able to recommend the requested conditional rezoning.

5. **Conditional Rezoning Standards.** Section 5.1(3) of the Morton Township Zoning Ordinance contains additional specific standards for the Planning Commission to consider in making a recommendation on a conditional rezoning. The Planning Commission makes the following findings and recommendations with regard to each standard:

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

1. As noted in the Applicant's narrative, 43.36 acres of the proposed 45.12 acres are zoned A2, with only the 1.06-acre fifth parcel carrying an existing R-1 zoning. The permitted principal uses in the A2 district include the agricultural production uses permitted in the A1 district plus timber production, other farming or agricultural enterprises, greenhouses, kennels, nurseries, markets for the sale of products grown or



produced upon the premises, home occupations, single family dwellings, churches, educational institutions, municipal building structures, parks, golf courses, and cemeteries. R-1 uses are primarily single family homes. The Planning Commission finds that the property can be used as currently zoned and does not have a risk of conflict between residents and farm operations if used as currently zoned.

2. No credible information has been provided by the Applicant to indicate that the Property is not suitable for the uses permitted in the A2 or R-1 districts.

3. The Planning Commission also finds that the uses permitted on the Property zoned in the A2 and R-1 districts are compatible and consistent with uses being made of the surrounding properties.

4. The Planning Commission further notes that many members of the public who live in the area described the actual use of the properties in the immediate vicinity of the proposed Campground to be natural, quiet, residential, retirement, and rural in nature rather than a tourist destination as described by the Applicant.

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

1. The Applicant has proposed rezoning to the Campground district, which only permits campgrounds and related service buildings customary and necessary for camping related activities. As noted, the Campground district does not permit the A2 and R-1 uses proposed by the Applicant.

2. As noted in paragraph 3 above in “Non-Compliant Site Plan (Density),” the Applicant is proposing 246 sites which exceeds the maximum density of 136 sites for this Property under the regulations of the Campground district.

3. The Applicant has proposed a use consisting of 246 modern improved camping sites intended for an RV or large travel trailer. Section 5.15 requires a minimum lot size of one acre per dwelling in the A2 district and 20,000 square feet in the R-1 district. If the Property were developed for single-family homes, the maximum density would be approximately 47 dwelling units. The proposed conditional rezoning would permit five times that density on the same amount of space.

4. Section 5.13(9) of the Campground district permits services buildings to provide retail services which are customary and necessary for camping related activities. The Applicant has proposed a public restaurant, community entertainment and events, golf cart rentals, a pool, hot tub, pickleball courts, miniature golf, lawn games, a playground, a jumping pillow and 246 paved camping sites with firepits and picnic tables. The Planning Commission finds that in total these proposed uses exceed the uses permitted in the Campground district.

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

1. Although the Applicant has proposed to add all of the A2 and R-1 uses to the Campground district, the Planning Commission finds, as noted above, that this is not permitted. Accordingly, the single-family residential and other uses currently allowed on the Property would be prohibited.

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**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 fifteen hundred (1500) feet of the parcel(s) requested to be rezoned.***

1. The Applicant has not provided specific information on the uses or development of properties within 1500 feet of parcels requested to be rezoned other than to state that “the majority of the area around the Property is vacant or very sparsely populated.” Based on public comment and the Planning Commission’s utilization of its experience, knowledge and background of the vicinity, it appears that a 246 unit development with commercial facilities would be inconsistent with the residential, natural, and agricultural uses within 1500 feet of the lands to be rezoned as well as the uses in the general vicinity.

2. At the public hearing on May 15 residents who lived within 1500 feet of the proposed development testified that it would be inconsistent with their uses of adjacent lands as residential and rural agricultural.

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

1. The Applicant incorrectly asserts that the Master Plan was last updated in 2011. As noted on the face of the Master Plan, it was updated and printed on April 16, 2019.

2. The Future Land Use Map in the Township’s Master Plan designates the majority of the Applicant’s Property as “R-1.” Section 5.2(1) of the Zoning Ordinance states that the intent of the R-1 district is to “establish and preserve quiet, single family home neighborhoods as desired by large numbers of people, free from other uses except



those which are both compatible with and convenient to the residents of such a district.” The Planning Commission finds that the proposed 246 unit modern campground is inconsistent and incompatible with the Master Plan.

3. The Applicant has indicated that a statement on page 5 of the Master Plan that “a major focus of economic development in Morton Township in the last 10 to 15 years has been tourism and resort business” supports the rezoning. The Planning Commission finds that statement is taken out of context because it is not stating that areas master planned for R-1 development should be used for “tourism and resort business.” Similarly, the Applicant has stated that page 17 of the Master Plan recognizes the need of both commercial and industrial development. The Planning Commission finds that this statement is also taken out of context because the next sentence states that “the current business park and other zoned C-1, C-2 and C-3 areas provide for this contingency.” Accordingly, the Planning Commission again finds that the requested rezoning would be inconsistent with the Master Plan. The R-1 designation simply does not contemplate the intensive high density and commercial uses proposed by the Applicant.

4. The requested conditional rezoning would also be inconsistent with the future land use designation for the adjacent lands.

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

1. The Applicant has submitted a “Community Impact Analysis” from Shepstone Management Company, Inc. of Honesdale, Pennsylvania, that concludes home values will not experience negative impact from the proposed campground RV park

development. The Planning Commission rejects the market analysis submitted by the Applicant and the “Community Impact Analysis.” The comparisons to the existing School Section Lake Veterans Park and Canadian Lakes Campground are flawed because those campgrounds are different than the one proposed by the Applicant, and the property values in the area of those campgrounds are enhanced by the lakes not the location of those campgrounds. The market analysis submitted by the applicant also does not take account of the specific uses in the proposed conditional rezoning nor the impact of hauling large RVs and travel trailers in and out of 246 spots, or of potentially 1500 campers wandering the area or sitting by 246 campfires, and other impacts that the proposed development would have on property values.

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**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.***

1. Water, Sewer and Stormwater.

- a. The Applicant has not submitted sufficient information on its plans for providing water or sewer to the 246 full hookup sites plus the restaurant and other facilities. Accordingly, the Applicant has not demonstrated that a utility infrastructure exists which would support the proposed development.
- b. In his May 9, 2024 report Township Engineer Todd Boerman notes a concern with the interaction of the large stormwater infiltration system to groundwater less than 30 feet away. In a letter dated May 15, 2024, the Muskegon River Watershed Assembly also indicated a concern with the “massive amounts of groundwater” that will be required. The Morton Township Tri-Lakes Association presented a letter outlining its vote to oppose the RV park proposal on 105th Avenue based in part on the concern of the environmental impact on the local ecosystem including the surrounding watershed. In addition, many other concerns were raised at the public comment and public hearing portions of the

Planning Commission meetings raising concerns about the impact on groundwater.

- c. In his May 9, 2024 report Township Engineer Todd Boerman notes that the drain field serving the RV campground must be able to handle 18,450 gallons per day in addition to sewer discharge from the club house and other facilities, and that no information had been provided to verify that the drain field would have this capacity. The Muskegon River Watershed Assembly also raised concerns about the “handling of sewage and greywater” as did several other residents and organizational leaders at the public hearing on May 15.
- d. In his May 9, 2024 report Township Engineer Todd Boerman raised several concerns regarding a lack of stormwater controls, impacts on possible regulated wetlands, and impervious surfaces. The Morton Township Tri-Lakes Association also raised concerns about impervious surfaces, as did the Muskegon River Watershed Assembly and several other members of the public.
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2. Roads.

- a. In his May 9, 2024 report Township Engineer Todd Boerman raised concerns about the lack of information regarding improvements to roadways which would be necessary to accommodate the recreational vehicle traffic, including a lack of acceleration and deceleration lanes. He also raised the issue that the proposed Plan does not provide any pedestrian or bike routes between the proposed Campground and commercial and retail areas which could increase traffic and congestion. He also raised concerns about car and golf cart parking and the placement of the travel pads. The Morton Township Tri-Lakes Association also raised a concern about infrastructure, as did the Canadian Lakes Property Owners Corporation, along with the Morton Township Residents for Responsible Development and several members of the public and other organizations.
- b. The Planning Commission was also provided with a May 13, 2024 rezoning traffic study from the engineering firm of Fleis & Vandenbrink. That study noted that the proposed conditional zoning classification would generate significantly more trips than the potential trip generation currently permitted under the existing zoning classifications. The report also noted that it would result in a 42% increase from existing traffic volumes and would have a



higher impact on the adjacent roadway system than the potential uses of the Property as currently zoned.

- c. Several comments were made during public comment as to the incompatibility of the large recreational vehicles and the trucks pulling the recreational trailers with nearby bridges, narrow roads and the use of the roads by the Amish community.
- d. The Applicant has indicated that the 246 modern sites are intended for large RVs and travel trailers. Large recreational trailers are pulled by large vehicles. The applicant has also indicated that the average stay at the campground is three nights. The Planning Commission finds that there is a high likelihood of problems from RVs and large travel trailers towing vehicles coming and going from the campground and lined up along the public roads. Accordingly, the Planning Commission finds that the road infrastructure will not support the proposed use or development and instead concludes there is a high risk of traffic congestion and safety concerns.

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

1. The Applicant has proposed six conditions in paragraph 2 of the “Conditional Rezoning Agreement.” The Planning Commission finds that none of these conditions are designed to provide “adequate safeguards for surrounding uses and properties.” Instead, the conditions propose additional uses not permitted in the Campground district, propose a “Layout” which does not comply with the requirements of the Campground district, and contain other conditions which do not relate to surrounding properties.

2. In the “Conditional Rezoning Standards for Approval,” the Applicant asserts that kennels, subdivisions and commercial timbering which are currently permitted as of right on the Property are far more disruptive uses. The Planning



Commission rejects this assertion. As noted, a subdivision would have 47 dwelling units instead of 246. A subdivision would also not include the same number of large vehicles nor of commercial buildings. Similarly, kennels are small, less intensive uses, and the Property is not suitable for commercial timbering. Instead, the Planning Commission finds that the proposed development with 246 dwelling units, up to 1500 campers, 246 fires, picnic tables, radios, lights, and large vehicles and trailers will dramatically impact the surrounding uses and properties and that adequate safeguards have not been proposed.

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

1. The Applicant has proposed a "Conditional Rezoning Agreement" which states that a violation of the agreement shall constitute a violation of the Zoning Ordinance. Unfortunately, the terms of the conditional rezoning as noted above do not comply with the terms of the Zoning Ordinance and accordingly, if adopted, would make it difficult for the Township to enforce the Zoning Ordinance after the rezoning occurs.

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

1. The Applicant's Conditional Rezoning Agreement is intended to be recordable and meets this standard of the Zoning Ordinance.

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**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 Morton Township Zoning Ordinance.***

1. The campground is located near the Lake Mecosta boat launch. As noted during public comment, although the Applicant indicates that it currently would not allow boats in the campground, there is nothing to prevent campers staying at the campground from storing boats in another location, from changing that rule, or to prevent 1500 campers and guests from accessing the public boat launch as a way to have lake frontage not enjoyed by the campground, in effect “funneling” a great number of people on to Lake Mecosta.

2. As noted in the “Community Impact Analysis” the intent and purpose of the campground is to engage in a large commercial endeavor which is inconsistent with the environmentally conscious development in the area and current zoning.

3. The Muskegon River Watershed Assembly presented a letter raising concerns of the impact of the development on the Muskegon River tributaries and its belief that the proposed facility comes at too heavy of a price to the Muskegon River watershed environment. The Morton Township Tri-Lakes Association also presented a letter raising a concern that the development will surpass the lake carrying capacity of the nearby lakes and will lead to overcrowding of the lakes. The Tri-Lakes Lake Improvement Board also raised a concern about the impact on the lakes and noted that the main portal entry of invasive species is the DNR-controlled public landing on Lake Mecosta, which is directly across the street from the proposed Campground. Many other similar comments were made at the public hearing and at the public comment at earlier Planning Commission meetings regarding the impact on the lakes. The Planning Commission accepts these comments and finds that the Campground has a high

probability of negatively impacting the use of the public access on Lake Mecosta and an overcrowding of the lakes, a threat of a large increase in invasive species, uncontrolled boat traffic, and less-experienced boat drivers.

4. The opposition of the neighboring property owners, residents, and groups and organizations in the area was persuasive in convincing the Planning Commission that the proposed use was not compatible with existing nearby land uses. This information included not only environmental impacts on surface waters, groundwaters, lakes and lands, but also overcrowding of the existing roadway infrastructures and an increase in the number of golf carts, mopeds, RVs, and bicycles that the area was not designed to handle.

5. There has been no evidence presented that a demand for the proposed higher density in this area is required or in demand, nor is the Planning Commission persuaded that the proposed higher density would have a positive effect on neighboring properties and property values and uses, but would instead adversely affect such properties.

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**L. *Any other factor deemed important and appropriate for consideration by the Morton Township Planning Commission.***

1. The requested rezoning is not compatible with the natural environment of the Property or area. The Applicant has presented no hydrogeologic studies, environmental impact studies, nor any other evidence to counter the concerns over the impact of the proposed large commercial development anticipated by the conditional rezoning.

2. To the extent not already stated above, the Planning Commission adopts the findings and recommendations of Township Engineer Todd Boerman in a report dated May 9, 2024.

3. The Township has already provided a fair share of land for campgrounds and has developed specific standards for campgrounds in the Township. Further, the nature, size and location of the Applicant's proposal is inconsistent with the established policies, rules and regulations of the Township.

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6. **Conclusion.** For all of the above reasons, the Planning Commission recommends that the Township Board deny the requested conditional rezoning.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

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Planning Commission Secretary