

**ROSS TOWNSHIP  
PLANNING COMMISSION  
MINUTES  
April 25, 2022**

CALL TO ORDER/PLEDGE

Chairperson Lauderdale called the regular meeting of the Ross Township Planning Commission to order at 6:00 p.m. at the Ross Township Hall.

ROLL CALL

Present: Chairperson Lauderdale  
Michael Bekes  
Mark Markillie  
Steve Maslen  
Michael Moore  
Pam Sager  
Sherri Snyder

Absent: None

Also Present: Bert Gale, AGS – Township Zoning Administrator  
Rebecca Harvey – Township Planning Consultant  
Rob Thall – Township Attorney

APPROVAL OF AGENDA

The agenda was approved as presented.

APPROVAL OF PRIOR MEETING MINUTES

The Commission proceeded with consideration of the **March 28, 2022** regular Planning Commission meeting minutes. A correction on page 6, 4<sup>th</sup> full paragraph, first line, to replace ‘remind’ with ‘remember’, was noted. Snyder moved to approve the minutes as corrected. Moore seconded the motion. The motion carried unanimously.

The Commission then proceeded with consideration of the **April 8, 2022** special Planning Commission meeting minutes. It was noted that the AGS Representative present should be noted as ‘Mark’ instead of ‘Luke’. Bekes moved to approve the minutes as corrected. Snyder seconded the motion. The motion carried unanimously.

## NEW BUSINESS

### 1. Public Hearing – Special Land Use Permit/Site Plan Review (Sanctuary at St Ann) – *postponed from March 28, 2022*

The next matter to come before the Planning Commission was continued consideration of the request by Joe Gesmundo, representing Sanctuary at St. Ann, for Special Land Use Permit/Site Plan Review of a spiritual nature park and trail to include a ‘Stations of the Cross’. The subject property consists of approximately 72 acres located generally at 8000 N. 39<sup>th</sup> Street and is intended to be an extension of St. Ann Catholic Church. The subject property is within the R-1 and R-3 Districts.

Moore announced that he owns property/resides within 300 ft of the project site and so will be abstaining from the Planning Commission’s consideration of this application due to a recognized ‘conflict of interest’.

Chairperson Lauderdale stated that the public hearing on the request had been held at the March 28, 2022 Planning Commission meeting. He noted that the public comment element of the hearing was concluded at that meeting, whereafter the Planning Commission postponed action on the request *‘to allow the applicant the opportunity to respond with details on the points of concern raised by the Planning Commission.’*

He referenced documents provided to the Planning Commission by the applicant and requested the applicant present his responses to the points of concern raised.

Joe Gesmundo, representing the application, reiterated the vision for the property and summarized the elements of the project introduced in March. He further referenced the Sketch Plan Review conducted by the Planning Commission in February and two neighborhood meetings held in March, noting efforts that have been made to obtain input on project design.

Gesmundo then introduced the Issues Raised/Responses Report, as well as Exhibit A – Preliminary Operations Plan and Facility Regulations; Exhibit B – Revised Welcome Center/Driveway/Parking site plan; Exhibit C – Driveway Permit; Trip Generation Comparison Report and Traffic Analysis Letter from RS Engineering dated April 25, 2022; and, Comparison Report – Sanctuary at St. Ann vs Cross in the Woods.

He summarized the conclusions of the information provided as follows:

- The parking lot and trail from Station XIV have been moved east; lowered approximately 3 ft in elevation; and screened with berming/planting.
- Based on a similarity of design and operations, The Cloisters on the Platte was used to estimate visitors/day to the project. Based on a 4-year average

of 27 visitors/day to The Cloisters, an average of 40 visitors/day is estimated for the Sanctuary at St. Ann.

- The Operations Plan (Exhibit A) provides details on hours, staffing, access points, visitor capacity and facility regulations.
- Parking lot and building lighting will comply with Township standards.
- Fencing is proposed along the perimeter of the Stations of the Cross only.
- The locations of the stations, specifically XII, XIII, and XIV, are crucial to the experience, and largely determined the rest of the layout. The layout complies with all applicable setback and height requirements.
- Station X is set back approximately 70 ft from the adjoining property (50 ft required) and is situated more than 30 ft lower in elevation than the abutting dwellings on D Avenue.
- 2016 traffic counts on 39<sup>th</sup> Street indicate an average daily volume of 340 vehicles, well within the roadway capacity of 1300 vehicles/hour/lane. (Traffic Analysis Letter)
- Only 1% of the 72-acre site will be ‘disturbed’ by the proposed use, less than the 30% allowed within the R-3 District . . and less than the 8% typical of a single-family residential site.
- A wetlands delineation has occurred, but a permit for the proposed bridge has not yet been requested.
- A Report outlining built/operational comparisons between Sanctuary at St. Ann and Cross in the Woods responds to the concerns raised regarding visitor and traffic levels.

Gesmundo then introduced Exhibit B - a refined access/parking layout plan detailing the improvements made to provide buffering and better facilitate operations and Exhibit C – the driveway permit issued by the Kalamazoo County Road Commission.

Bekes sought clarity on proposed seating to be offered within the Sanctuary; retaining walls required near some of the stations will be offered as the only seating within the project.

Markillie stated that he had the opportunity to walk the property since the March meeting and understands the topography of the area better. He agreed that Station X will be much lower than adjacent homes and the trail route in that area will be well protected from adjacent properties. However, he remains concerned with the location of the welcome center and access drive/parking area, noting it will be an active area and is close to nearby residences. He felt that increasing the setback in this area would be responsive to concerns.

Pat Lennon, attorney for the applicant, stressed that the project design is integrated and based on existing topography, minimal disturbance to grade and vegetation, and required setbacks . . as well as resident’s concerns. He noted the suggested relocation of the welcome center and access drive/parking area will essentially impact the whole design.

In response to questions, Harvey confirmed that the setback requirement from adjacent residential zoning for ‘churches’ is 50 ft; the setback requirements for ‘permitted uses’ within the R-3 District is 40 ft from an abutting roadway; 20 ft from side property lines; and, 40 ft from rear property lines; off-street parking areas are required to be set back 5 ft from any property line.

Maslen expressed concern with the number of visitors and trip generation data associated with the other uses referenced, which are well above those being represented for the project. He asked if the number of visitors allowed to access the site on a daily basis could be regulated.

Attorney Thall responded that the Planning Commission can limit the number of visitors to that presented by the applicant . . . which would require the applicant to return to the Planning Commission for an amendment if a greater limit is needed.

Chairperson Lauderdale stated that the applicant has provided the requested Operations Plan and trip generation information . . . he feels the Planning Commission can either accept it or reject it.

Maslen reiterated his concern regarding the accuracy of the visitor numbers presented by the applicant. He wants the Township to be able to hold the applicant to what is being represented.

In response to a question regarding the Special Land Use Criteria (Section 19.3), Harvey elaborated on the required determination of ‘compatibility with adjacent property’. She acknowledged that it is appropriate to consider the impacts that ‘permitted uses’ would have in determining acceptable impacts by ‘special land uses’. She explained that trip generation data is one such metric used in identifying the impacts of a use ‘allowed by right’ as compared with a ‘special land use’. . . with the objective of treating uses within the same district with comparable impacts similarly.

Bekes observed that average daily traffic volumes on 39<sup>th</sup> Street are well below the capacity of the roadway; the proposed ‘special land use’ will not generate traffic at levels greater than many uses ‘allowed by right’ in the district; and, specific separation/buffering concerns can be addressed by the site plan or the operations plan.

Markillie acknowledged that the number of parking spaces provided and the use of the gate will also help control the number of daily visitors/vehicles to the site.

The Commission proceeded with a review of the application pursuant to Article 20, Item 3 - Churches. The following was noted:

- 35 on-site and 28 ‘future’ parking spaces are proposed (with overflow parking available at St. Ann Catholic Church) with an estimated

average of 40 visitors/day; proposed off-street parking facilities will satisfy estimated peak parking needs.

- The hiking trail, Stations of the Cross trail, welcome center, and parking lot are all situated in excess of 50 ft from adjacent properties; the proposal complies with the supplemental setback requirement.
- The subject property is wooded and provides natural buffers along adjacent properties, with additional landscaping and screening proposed around the welcome center and parking area; required compact screening is provided.

In consideration of the Special Land Use Criteria set forth in Section 19.3, the Commission concluded the following:

1. The proposal has been designed to meet the parking, setback, and buffering requirements applicable to ‘churches’ established by Article 20.

Maslen again questioned if the classification of the proposed ‘spiritual nature park’ as a ‘church’ is correct. Markillie agreed, noting that greater setbacks seem to be in order, which would be required if it were classified as a different, more intense use.

Attorney Thall stated that the proposed use has not been classified as a ‘church’ . . . but has been recognized as a use ‘accessory’ to St. Ann Catholic Church. He noted that the subject property is owned by and in close proximity to St. Ann Church and will have tax status similar to the ‘church’. He further noted that it is not uncommon to have trails/passive recreation land associated with a ‘church’.

2. Regarding impact on the natural environment, the subject property is currently undeveloped and wooded. The proposed project will introduce low impact use (trails) of the site, designed with attention to limiting disruption to natural conditions.

It was further noted that the welcome center and access drive/parking area will represent the primary impervious improvements on the site, and will result in a lot coverage of less than 1% . . . whereas a lot coverage of 30% is allowed within the R-3 District.

3. The proposal can be adequately served by on-site utilities.

Sager requested confirmation that the acquired driveway permit issued for a ‘low use driveway’ satisfactorily covers the proposed use. Gesmundo advised that the driveway permit was issued by the County after review of the proposed site plan.

4. Regarding compatibility with adjacent uses, there was general consensus that the Stations of the Cross trail is largely located central to the site and is well-buffered from adjacent properties by grade and land cover; the welcome center and access drive/parking area are located well off 39<sup>th</sup> Street and separated from adjacent residential properties by grade, existing land cover, and proposed additional landscaping/screening; the Operations Plan details operational hours, visitor volume management, and parking and/or drop-off arrangements intended to reduce impacts on adjacent properties; and, the trip generation details presented provide an understanding that the traffic impact associated with the proposed use will be less than that associated with most uses allowed by right within the R-3 District.
5. There is consistency with the public health, safety, and general welfare of the community, noting that a single driveway to the site is proposed, located and designed with the approval of the Kalamazoo County Road Commission; parking has been adequately provided based on estimated demand and a trip generation analysis conducted by a registered engineer; a 6 ft fence is proposed to surround the welcome center, parking area and Stations of the Cross trail to provide security; the trail is proposed for daytime operation only and will be manned during open hours; and, a gate and turn-around are proposed to facilitate the proposed management of visitor volume.
6. There is consistency with the intent of the Zoning Ordinance, noting that the majority of the property is within the R-3 District; the purpose of the R-3 District is for ‘high density residential development and to provide opportunities for variations in housing types, densities and arrangements’; the proposal will not provide for housing opportunities, but will offer a lower impact use of the property and provide a higher level of natural feature protection than is otherwise required.

It was further noted that the site plan presented met information/content requirements and that the proposal meets the Site Plan Review Criteria set forth in Section 21.6.B.

It was reiterated that the above findings were based on the application documents presented and representations made by the applicant at the meetings. Information/documents foundational to the review include those provided for/at the March 28, 2022 Planning Commission meeting, as well as those provided for/at this meeting, specifically the Issues Raised/Responses Report; Exhibit A – Preliminary Operations Plan and Facility Regulations; Exhibit B – Revised Welcome Center/Driveway/Parking site plan; Exhibit C – Driveway Permit; Trip Generation Comparison Report and Traffic Analysis Letter from RS Engineering dated April 25, 2022; and, Comparison Report – Sanctuary at St. Ann vs Cross in the Woods.

Chairperson Lauderdale moved to grant Special Land Use Permit/Site Plan Approval for the proposed spiritual nature park and trail to include a ‘Stations of the Cross’, on approximately 72 acres located generally at 8000 N. 39<sup>th</sup> Street and intended to be an extension of St. Ann Catholic Church. Approval is based upon the Planner’s Report and the review findings of Article 20, Item 3 – ‘Churches’, Section 19.3 – Special Land Use Criteria, and Section 21.6 – Site Plan Review Criteria, conditioned on the following:

1. Any proposed signage shall be subject to review/approval through the sign permit process.
2. Township Fire Department review/approval.
3. Township Engineer review/approval of the grading plan, proposed method of on-site storm water disposal, and utility connections.
4. Compliance and/or consistency with the presented information and documents heretofore listed.

Bekes seconded the motion. The motion carried 5-1, Markillie dissenting. Markillie stated that his objection is premised upon the classification of the use as a ‘church’ and therefore the application of the setback standards applicable to a ‘church’. Moore abstained.

## 2. Public Hearing – SLU/SPR for Residential Accessory Building (Barker)

The next matter to come before the Planning Commission was consideration of the request by Ronn Barker for Special Land Use Permit/Site Plan Review to construct a residential accessory building with an attached roofed porch within the ‘front yard’. The subject property is located at 10704 North 43<sup>rd</sup> Street and is within the AG District.

Chairperson Lauderdale opened the public hearing.

Gale provided an overview of the application, noting the following:

- The subject site is a large parcel (approximately 10 acres) and the existing residence is located centrally on the property.
- There are two existing accessory buildings on the site . . both located in the side/rear yards.
- A 16 ft x 24 ft (384 sq ft) pole building with an 8 ft x 24 ft (192 sq ft) attached roofed porch is proposed to be located forward of the existing residence with setbacks of 360 ft from the abutting roadway (North 43<sup>rd</sup> Street) and 100 ft from the nearest side (south) property line.
- Pursuant to Section 18.4 C., an accessory building shall be located only in the rear and/or side yard.
- Pursuant to Section 18.4 D., an accessory building that does not comply with the location requirement is allowable as a special land use.

- Applicant requests Special Land use Permit/Site Plan Review for the proposed construction of an accessory building within the ‘front yard’.

Ronn Barker and Ann Ferguson were present on behalf of the application. Barker explained that the proposed accessory building will be used as a ‘garden shed’. He explained that the proposed ‘shed’ location is only 5 ft forward of the house and will be nearly 400 ft from the road and buffered from the roadway by existing vegetation. Barker noted that they also propose to add additional pines along the frontage to supplement the buffer.

In response to Commission questions, Barker confirmed that the proposed ‘shed’ will essentially be a smaller version of the accessory buildings on the property, with similar roof pitch and building materials and of similar color. He further noted that shifting the building back will require grading due to the topography of the rear portion of the property, as well as interfere with access to the existing accessory buildings.

Chairperson Lauderdale stated that two letters of support had been received (Gallagher, Innes) and were provided to Planning Commission members.

No further public comment was offered on the matter and the public comment portion of the public hearing was closed.

The Commission proceeded with a review of the application pursuant to Section 18.4 D. – Residential Accessory Buildings/Structures. The following was noted:

- the accessory building is proposed to be located in excess of 5 ft from all lot lines;
- the accessory building is proposed for accessory residential use (‘garden shed’);
- a variance is not requested/required for the proposed accessory building; and,
- adequate application material has been presented to allow for site plan review pursuant to Article 21.

In consideration of the Special Land Use Criteria set forth in Section 19.3, the Commission concluded the following: the proposal meets the standards of Section 18.4 D., with the exception of the ‘front yard’ location; the proposed building location is only 5 ft forward of the house and provided 360 ft front and 100 ft side setbacks; the proposed accessory building location will not require grade disturbance or the removal of trees; the proposal will not impact current utilities/facilities serving the site; the proposed accessory building is small, centrally-located on a large parcel, of similar appearance to the existing accessory buildings on the site, served by the existing access drive, and will be buffered from the road by existing and proposed vegetation. It was further observed that only one residence is located near the subject site.



It was noted that the site plan presented was acceptable (per Section 18.4 D.4.) and that the proposal meets the Site Plan Review Criteria set forth in Section 21.6.B.

It was reiterated that the above findings were based on the application documents presented and representations made by the applicant at the meeting.

Bekes moved to grant Special Land Use Permit/Site Plan Approval for the proposed construction of a 16 ft x 24 ft (384 sq ft) accessory building with an 8 ft x 24 ft (192 sq ft) attached roofed porch located forward of the existing residence with setbacks of 360 ft from the abutting roadway (North 43<sup>rd</sup> Street) and 100 ft from the side (south) property line. Approval is granted based upon the review findings of Section 18.4 D. – Residential Accessory Buildings/Structures, Section 19.3 – Special Land Use Criteria, and Section 21.6 – Site Plan Review Criteria. Moore seconded the motion. The motion carried unanimously.

### 3. Public Hearing – SLU/SPR for Residential Accessory Structures (Becker/Rodgers)

The next matter to come before the Planning Commission was consideration of the request by Mark Becker and Mark Rodgers for special land use permit/site plan review to construct a rip-rap barrier, retaining walls and landscaping within the ‘front yard’ of adjacent properties located at 12235 S. Sherman Lake Drive and 12261 S. Sherman Lake Drive, respectively. The subject properties are within the R-1 District.

Chairperson Lauderdale opened the public hearing.

Gale provided an overview of the application, noting the following:

- The subject properties are adjacent with contiguous shoreline frontage on Sherman Lake.
- The proposed project involves the construction of a rip-rap barrier (boulder seawall) and retaining wall along the shoreline and on-site retaining walls and steps with associated landscaping. It is proposed as a single project with a single contractor.
- The proposed rip-rap barrier and retaining walls are accessory structures proposed to be located within the ‘front’ yard.
- Pursuant to Section 18.4 C., an accessory structure shall be located only in the rear and/or side yard.
- Pursuant to Section 18.4 D., an accessory structure that does not comply with the location requirement is allowable as a special land use.
- Applicants request Special Land use Permit/Site Plan Review for the proposed construction of accessory structures within the ‘front yard’.

Jim Garrison, representing both Becker and Rodgers, was present on behalf of the application. He explained that the retaining wall along the shoreline is proposed to be located at the property line . . . whereas the steps, patios, and landscaping will be specific to each lot. He referenced the detailed landscape plan provided for the project.

In response to Commission questions, Garrison stated that he would likely work from the Becker property and move east, noting that he will be provided adequate access on the subject properties. He confirmed that the plans (specifically slope and size/nature of materials) have been approved by EGLE and clarified that the area noted as 'sand' is proposed as a beach area.

Rodgers stated that the steep grade along the shoreline is both a safety hazard and renders use of the waterfront from these properties difficult. He noted that the terraced retaining wall proposed will provide safe waterfront access, reduce erosion and improve aesthetics. Rodgers added that the proposal is similar in nature to a retaining wall in the area recently approved by the Planning Commission.

No public comment was offered on the matter and the public comment portion of the public hearing was closed.

The Commission proceeded with a review of the application pursuant to Section 18.4 D. – Residential Accessory Buildings/Structures. The following was noted:

- the accessory structures are proposed to be located within 5 ft of the waterfront property line but constitute structural support to stabilize and combat erosion along the shoreline;
- the proposed accessory structures are related to residential use of the properties;
- a variance is not requested/required for the proposed accessory structures; and,
- adequate application material has been presented to allow for site plan review pursuant to Article 21.

In consideration of the Special Land Use Criteria set forth in Section 19.3, the Commission concluded the following: the proposal meets the standards of Section 18.4 D., with the exception of the 'front yard' location; the proposed accessory structures constitute structural support to stabilize and combat erosion along the shoreline (in the 'front yard') and are supported by both affected property owners; the proposal requires and has received approval by EGLE; the proposal will not impact current utilities/facilities serving the site; the proposal serves to protect the shoreline, reduce erosion, and improve access safety; and, is consistent with other shoreline measures in the area.

It was noted that the site plan presented was acceptable (per Section 18.4 D.4.) and that the proposal meets the Site Plan Review Criteria set forth in Section 21.6.B.

It was reiterated that the above findings were based on the application documents presented and representations made by the applicant at the meeting.

Snyder moved to grant Special Land Use Permit/Site Plan Approval for the rip-rap barrier, retaining wall and landscape proposal within the ‘front yards’ of adjacent properties located at 12235 S. Sherman Lake Drive and 12261 S. Sherman Lake Drive. Approval is granted based upon the review findings of Section 18.4 D. – Residential Accessory Buildings/Structures, Section 19.3 – Special Land Use Criteria, and Section 21.6 – Site Plan Review Criteria. Bekes seconded the motion. The motion carried unanimously

#### 4. 2021-2022 PC Annual Report

The final draft of the 2021-2022 Annual Report/Work Plan was accepted as presented.

### UNFINISHED BUSINESS

1. Text Amendments - #1 – Marihuana Caregiver; #2 – Condominium Standards; and #3 – Development Agreements

Due to the lateness of the hour, discussion is postponed to the May meeting.

### REPORT FROM TOWNSHIP BOARD

Bekes reported:

- Township Board adoption of the updated Master Plan was delayed to the May meeting by a vote of 5-2.
- The new budget was approved to move forward with the purchase of a new police vehicle and the hiring of an officer.

### REPORT FROM ZONING BOARD OF APPEALS

Chairperson Lauderdale reported that the ZBA did not meet in April.

## PUBLIC COMMENT

Ted Nelson stated that he lives on Bay Arbor Road off 39<sup>th</sup> Street and complimented the Commission on their approval of the Sanctuary at St. Ann proposal. He stated that the approval is a positive investment in children and in the community.

## MEMBERS, CONSULTANTS, ADVISORS

Snyder thanked Township Attorney Thall and Planning Consultant Harvey for their assistance and guidance on the Sanctuary at St. Ann application.

## ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 8:16 p.m.

Respectfully Submitted,  
Rebecca Harvey, AICP, PCP  
Township Planning Consultant