

GAINES CHARTER TOWNSHIP
PLANNING AND ZONING DEPARTMENT
2009 ANNUAL REPORT

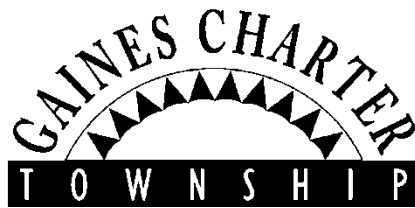


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EXECUTIVE SUMMARY

Section 19(2) of the Michigan Planning Enabling Act (Public Act 33 of 2008) requires the Planning Commission to ***“make an annual written report to the legislative body concerning its operation and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.”***

The **2009 Planning & Zoning Department Annual Report** provides the Planning Commission and Township Board with the following information:

- An update of development activities within the Township
- The meeting activity of both the Planning Commission and the Zoning Board of Appeals
- Code enforcement activities
- Internal Department actions
- A review of the 2009 Work Program

The **Annual Report** is separated into the following categories; **Current Planning Division, Long-Range Planning Division, Code Enforcement Division, Department Organization and Work Program Review.**

The **Annual Report** offers valuable information that may be relevant to the Planning Commission, Township Board, Zoning Board of Appeals, Township staff and the general public. This information is further utilized by the Planning and Zoning Department in the preparation of a **Work Program** for the upcoming year, which will help guide the department’s actions throughout the upcoming year and serve as a measuring tool when preparing the following year’s **Annual Report**.

Staff has prepared the following statement as the Department’s vision:

In our capacity as Planning and Zoning Department staff, we are committed to providing the Planning Commission, Zoning Board of Appeals, and Township Board with professional assistance so that together we may work towards the vision created in the Township Master Plan. As staff, we see ourselves as the facilitators between the many various stakeholders within the Township and strive to develop consensus on the multitude of land use issues that come before the Township. As always, our ultimate goal is to provide for the health, safety, and general welfare of the community as a whole. We take seriously this obligation and strive to accomplish this goal in every facet of our department’s actions.

CURRENT PLANNING DIVISION

The Current Planning Division is divided into the following sections: **Building Permits, Development Review (Site Plan Review, Special Land Uses, PUD Amendments, Plats, etc.), Variances, and Land Divisions.**

BUILDING PERMITS

Table 1, Chart 1 and Chart 2 below detail the number of new dwelling units per year over a 10-year period from 2000 to 2009. This includes single-family dwellings as well as attached units and apartments/condos. Staff would like to point out the following:

- For the 6-year period from 2000 – 2005, the Township averaged 302 new housing units per year.
- The actual numbers from 2006 – 2009 are well below this 6-year average with totals of 162, 86, 53 and 58 respectively.
- Although the number of new starts for single-family dwelling units dropped every year from 2005 – 2008, 2009 did see 12 more of these units than 2008.

Table 1 – Building Permits

	Apartments/ Condos	Townhouses	Duplexes	Single Family	Total Units
2000	0	156	10	133	299
2001	0	38	20	204	262
2002	156	40	6	154	356
2003	59	0	0	195	254
2004	122	4	6	210	342
2005	24	71	18	190	303
2006	0	39	8	115	162
2007	0	5	4	77	86
2008	2	22	0	29	53
2009	14	3	0	41	58

Chart 1 – Building Permits

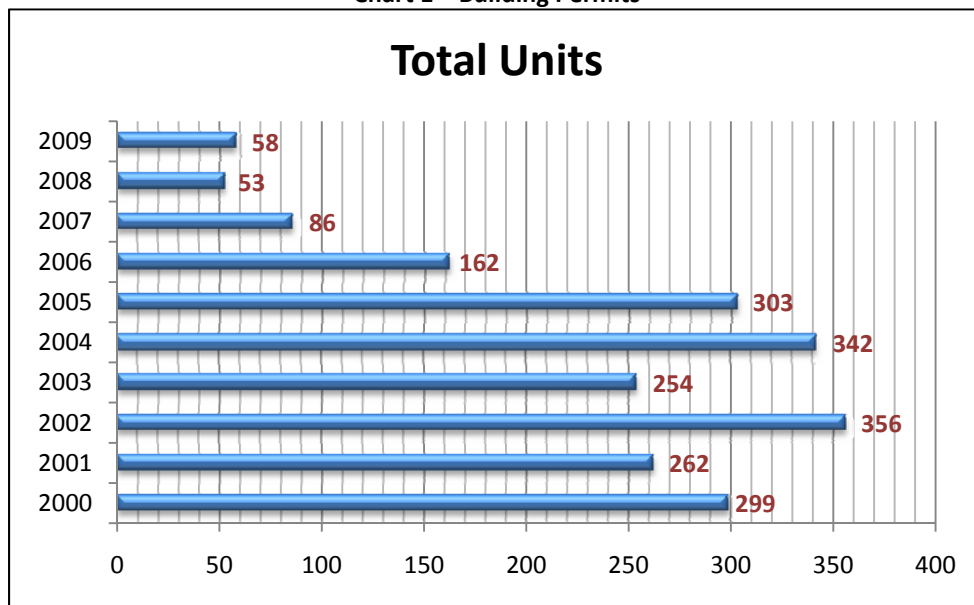
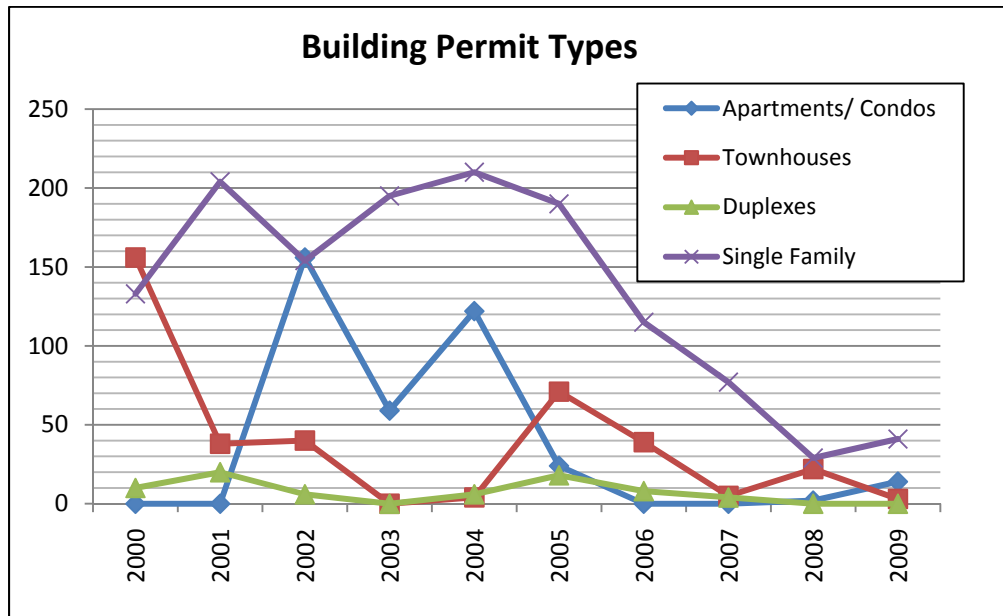


Chart 2 – Building Permits



The number of building permits issued for dwelling units during 2009 is slightly higher than the 2008 amount, with five additional new starts, including 12 more single-family units as noted above. **This may signify that the slowdown in residential construction caused by the national financial crisis that began in 2007 could be coming to an end.** At this point it is difficult to forecast the amount of new starts for upcoming years. The last two years have shown that there is still some demand for single-family dwelling units. The number of new starts in the beginning of the new decade may be a function of supply versus demand.

Therefore, in order to better understand the larger picture in terms of potential construction activity, staff prepared an inventory of approved, but unbuilt, lots and units.

These numbers will help guide the Township’s decision making process in terms of future residential development. In looking at data from the Planning Department and Building Department, staff has determined the following:

- There are 30 approved residential developments/phases not yet built out.
- 1,790 total dwelling units were contained in these developments
- 458 lots were vacant and had not applied for building or zoning approval.
- 987 units were vacant and had not applied for building or zoning approval.
- 55% of dwelling units/lots in these developments are unbuilt.
- **At the 6-year (2000 – 2005) average of 302 units/year (see Page 3 above), it would take nearly 6 years to complete construction of these units/lots.**

The last point is important as it shows that even at a very brisk building pace, the number of approved and available units and/or lots is sufficient to sustain residential growth for a number of years, possibly without any new residential developments being approved. That being said, **new residential**

development may largely depend upon market demand for specific types of housing and at different pricing points.

In addition, staff believes residential foreclosures have affected the pace of new housing construction as foreclosed homes are typically available at lower price points. The Planning and Zoning Department began analyzing annual foreclosure data in 2008, with data provided by the Assessing Department. This information can be used to assist with development projections, code enforcement activities and to keep Township officials, staff and residents informed of housing trends within the Township.

The following information includes “foreclosures” as properties foreclosed, redeemed from foreclosure, or purchased from a foreclosing entity between 1/1/09 and 11/30/09. However, if a property was foreclosed and redeemed, or foreclosed and purchased during this timeframe, it was only designated as a single foreclosure.

2009 had 197 foreclosed properties, in comparison to the 130 foreclosures in 2008. This includes many lots of partially built-out developments, such as Cobblestone Corners and the panhandle area of Crystal Springs (The Village) which have greatly affected the total number of foreclosures within the Township. **Due to the high number and isolated nature of these properties, these foreclosures have been removed from some of the information included in this report, as noted.**

Chart 3 provides the number of total annual foreclosures by section, while **Chart 4** and **Table 2** provide adjusted data removing the foreclosed developer-owned properties of Sections 9 and 17.

Chart 3 – Foreclosures by Section

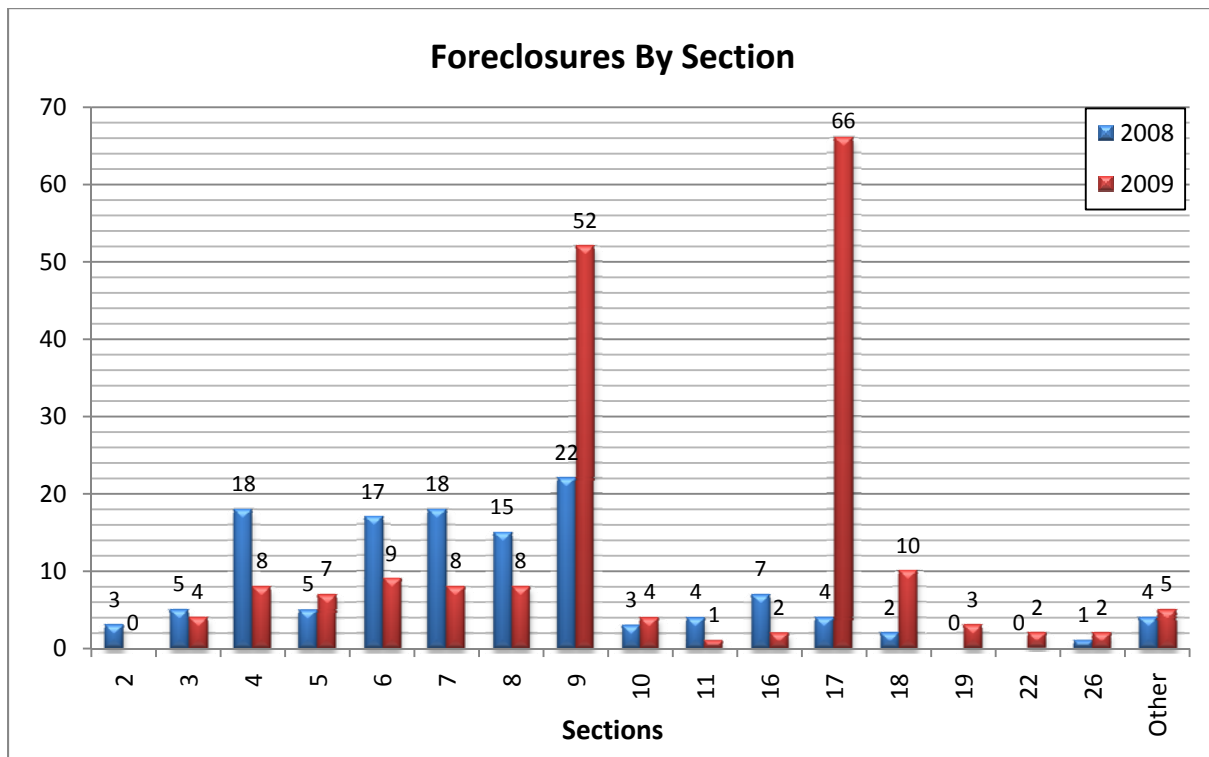


Chart 4 – Adjusted Foreclosures by Section

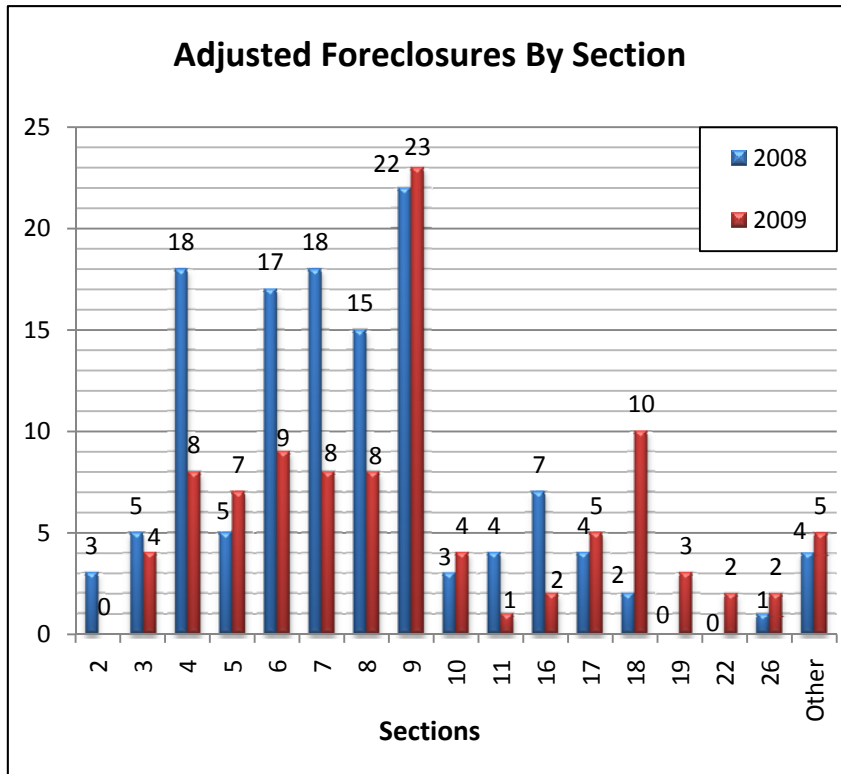


Table 2 – Adjusted Comparisons

Section	2008	2009	+/-
2	3	0	-3
3	5	4	-1
4	18	8	-10
5	5	7	2
6	17	9	-8
7	18	8	-10
8	15	8	-7
9	22	23	1
10	3	4	1
11	4	1	-3
16	7	2	-5
17	4	5	1
18	2	10	8
19	0	3	3
22	0	2	2
26	1	2	1
Other	4	5	1
Totals			

The adjusted foreclosure numbers show a decrease in annual foreclosures of 27; this is largely due to the significant decreases in sections 4, 6, 7 and 8. These sections make up the more densely populated, older residential sections of the Township that had the most foreclosures in 2008. **The movement of the foreclosures from these sections with lower assessed values to sections with newer housing and higher assessed values may begin to show a trend of foreclosures rising from lower to higher price point properties.**

The most significant increase in foreclosures in 2009 occurred in Section 18, with an increase of 8 foreclosures for a total of 10. Seven of these foreclosures were located in the Steven’s Pointe development. Six of the seven were houses purchased by individuals out of foreclosure or from the foreclosing bank. **Staff believes this is an example that the availability of lower-priced, newer foreclosed homes may be deterring home buyers from building new.**

Further foreclosure data can be found in the Code Enforcement section of this report.

DEVELOPMENT REVIEW

Table 2 contains a list of development reviews that were completed by the Planning Commission, Site Plan Review Committee, Township Board, Township staff, or a combination of the four. The items are listed by request type, then alphabetical order.

Table 3 – Development Summary

Development Name/Address	Request Type	Description	Status	Township Board Action
Stoneco 900 – 100th Street SE	Annual Review	Annual Review	Approved	NA
CBS Outdoor 1925 Marketplace Dr. SE	Major Amendment	Amend PUD to allow billboard	Recommend Denial	Denied
Daanes Development 6127 Kalamazoo Ave. SE	Major Amendment	Amend Site Signage	Recommend Approval	Approved
West Mi. Development 84th St. SE and Eastern SE	Major Amendment	Alter/Combine Cook's Crossing and Cobblestone Corners	Recommend Approval	Approved
Dutton Mill Village 3555 – 68th St. SE	Minor Amendment	Alter Signage and Parking	Administrative Approval	NA
Cornerstone Church 2045 – 68th St. SE	Rezoning	Rezone from RL-10 to O-S	Withdrawn	NA
Cornerstone Church 1675 – 84th St. SE	Site Plan Amendment	Exterior Materials and Landscaping	Administrative Approval	NA
Kent County Sheriff Department 730 – 92nd St. SE	Site Plan Amendment	Wireless Site Accessory Building Addition	Administrative Approval	NA
Verizon Wireless 6150 Valley Lane Dr. SE	Site Plan Amendment	Colocation	Administrative Approval	NA
Tim Vesely 1545 Edgeknoll Dr. SE	Site Plan Amendment	Christmas Tree Sales	Administrative Approval	NA
Dutton Christian 6980 Hanna Lake Ave. SE	Site Plan Review	Classroom Additions	Approved	NA
Dutton Elementary 3820 – 68th St. SE	Site Plan Review	Media Center Addition	Approval	NA
Green Valley Agricultural, Inc. 3957 – 108th St. SE	Site Plan Review	Office and Warehouse Additions	Approved	NA
Kalamazoo Metal Recyclers 7800 Division Ave. SE	Site Plan Review	Building and improvements to junkyard facility	Approved	NA
Kentwood Community Church 1200 – 60th St. SE	Site Plan Review	Classroom Additions	Approved	NA
Providence CRC 7730 Eastern Ave. SE	Site Plan Review	Church Addition	Approved	NA
Spectrum Health 4700 – 68th St. SE	Site Plan Review	Parking Expansion and Landscaping	Approved	NA

Superior Asphalt, Inc. East Paris Industrial Ct. SE	Site Plan Review	Asphalt Batch Plant	Approved	NA
CBS Outdoor 6364 Division Ave. SE	Special Use	Add digital face to billboard	Denied	NA
Joetta & Dave Fahey 6593 Sawgrass Dr. SE	Special Use	Operate Group Child Care Home	Approved	Approved
Kalamazoo Metal Recyclers 7800 Division Ave. SE	Special Use	Alter nonconforming junkyard use in I-1 zoning	Approved	NA
Tamara Schuitema 6512 Hartman Dr. SE	Special Use	Operate Group Child Care Home	Approved	Approved

As with residential development, the Township has experienced an overall slowdown in non-residential construction and activity. Again, this trend is most likely due to the national financial crisis that began in 2007

Another factor possibly influencing commercial construction in the Township is the declining availability of commercial property within the immediate M-6/Kalamazoo Avenue interchange area. **As the availability of commercial property continues to decline in this area there will be increased pressure over time to convert more property in the Township to commercial use.**

During 2009, the Planning Commission approved or denied 4 requests for special land uses. **The 4 special land use requests in 2009 was the lowest amount in the last 10 years, down from a high of 29, which occurred in 2002, 2003 and 2004.** This decrease is most likely related to fewer requests involving larger accessory buildings, as well as the national financial crisis.

Please see **Table 3** and **Table 4** below for a 10-year history of special land use requests and detailed information regarding accessory building requests, respectively.

Table 4 – Special Land Use Requests

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
# of Requests	20	27	29	29	29	23	18	13	7	4
Change from Previous Year	-39%	35%	7%	0%	0%	-21%	-22%	-28%	-46%	-43%
# of Staff Recommended Approvals	19	26	25	27	25	20	12	11	7	3
% Recommended by Staff for Approval	95%	96%	86%	93%	86%	87%	86%	85%	100%	75%
# Approved	19	27	28	28	27	21	13	11	6	3
% Approved	95%	100%	97%	97%	93%	91%	93%	85%	86%	75%

Table 5 – Accessory Building Requests

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
# of Requests	10	16	17	16	18	12	8	4	0	0
Avg. Sq. Ft. in "A-B"	0	4392	2000	0	1733	1800	3248	0	0	0
Avg. Sq. Ft. in "A-R"	2980	2454	2452	2313	2845	1781	2749	9440	0	0
Avg. Sq. Ft. in "RL-10"	0	978	1020	1140	2221	0	0	863	0	0
Avg. Sq. Ft. in "RL-14"	1482	1236	408	1666	732	586	1008	0	0	0
Avg. Sq. Ft. in "R-3"	0	484	2590	0	528	828	576	0	0	0

There have been no requests for residential accessory building special use requests over the past two years. Changes to the zoning ordinance were made in 2006 that doubled the amount of accessory building floor area allowed by right. Additionally, the economy may also be playing a role in the number of requests. **It will take a few more years before we have enough data to discern if the recent changes to the zoning ordinance have resulted in fewer requests for larger accessory buildings, or if it is a combination of multiple factors.**

The only reoccurring type of special land use request over the past two years is those related to Group Child Day Care operations in residential districts.

VARIANCES

Table 6 shows a 10 year history of variance requests:

Table 6 – Variance Request

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Total Number of Variances Requested	22	14	11	8	20	15	11	2	3	8
% Change in Total from Last Year	47%	-36%	-21%	-27%	150%	-25%	-27%	-82%	50%	100%
Total Number Approved	19	12	7	8	14	11	10	2	2	8
% of Total Requests Approved	86%	86%	64%	100%	70%	73%	91%	100%	67%	100%
Number Recommended for Approval by Staff	18	8	4	2	8	5	7	1	2	6
% of Total Recommended for Approval by Staff	81%	57%	36%	25%	40%	33%	64%	50%	67%	63%
Number of Use Variances Requested	0	0	0	0	1	1	0	0	0	0
Number of Use Variances Approved	0	0	0	0	1	1	0	0	0	0
% of Total Requested as Use Variances	0%	0%	0%	0%	5%	6%	0%	0%	0%	0%

The 8 variance applications received by the Zoning Board of Appeals in 2009 were all for dimensional (non-use) variances. This is the highest total since 2006, but below the 10-year ('00 – '09) average of 11 requests per year. The Zoning Board of Appeals received no requests for use variances, zoning ordinance interpretations, or an appeal of a decision made by the Zoning Administrator.

Table 7 provides a summary of the variance requests in 2009.

Table 7 – Variance Request Summary

Address	Variance Type	Description	Staff Recommendation	Action
9387 Hanna Lake Ave. SE	Dimensional	Front/side yard setbacks for accessory building	Denial	Approved
2615 – 100th St. SE	Dimensional	Rear yard setback variance for a nonconforming lot	Approval	Approved
10388 Kalamazoo Ave. SE	Dimensional	Lot line transfer resulting in an accessory building in the front yard	Approval	Approved
721 – 66th St. SE	Dimensional	Garage side yard setback variance	Denial	Approved
7800 Division Ave. SE	Dimensional	Industrial building with less than the required setback from residential	Approval	Approved
6922 East Paris Industrial Dr. SE	Dimensional	Industrial structure with less than the required front yard setback	Approval	Approved
1675 – 84th St. SE	Dimensional	Changeable copy sign in the A-R zoning district	Approval	Approved
80 – 68th St. SE	Dimensional	Larger signage than permitted	Approval	Approved

LAND DIVISIONS

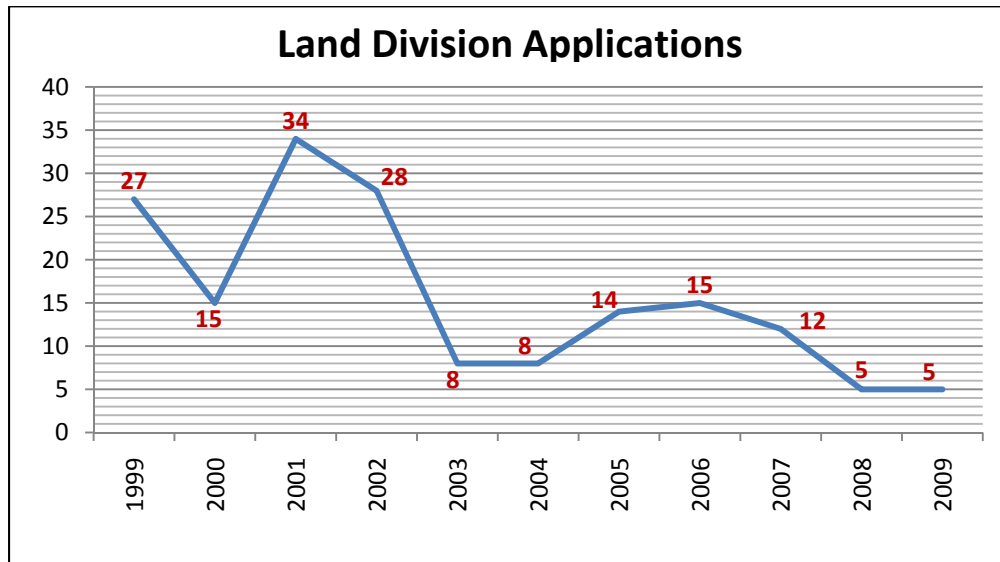
The creation of parcels based on the State Land Division Act also plays a role in the development of land in the Township. Therefore, it is important to identify any trends involving administrative land divisions. To that end, please see **Table 8** for a review of land divisions approved in 2009 that resulted in new parcels being created.

Table 8 – Land Divisions

Section #	Size of Parent Parcel(s)	Size of Child Parcels	Comments
8	47.88	2.39, 45.49	Crystal Springs
32	81.12	2.41, 5.0, 73.71	
8	49.57	1.72, 47.85	Crystal Springs
26	80.0	40.48, 39.52	
26	4.2	1.7, 2.5	

2009 was the slowest year in terms of administrative land divisions over the last 10 years, with five land division applications, three lot line transfer applications, and six land combination applications. **Chart 5** on the following page provides information on the number of land division applications since 2000. As you will notice, the overall number of land division applications has been decreasing since 2001. **This decline may be attributed to the slowdown in new housing construction as new parcels are often created to allow for new housing.**

Chart 5 – Land Division Applications



LONG-RANGE PLANNING DIVISION

The Long-Range Planning Division is divided into the following categories; **Master Plan, Ordinance Updates, Rezoning, Economic Development, Grant Writing, Parks & Recreation and Public Education.**

MASTER PLAN

As a part of the 2002 Master Plan, an Implementation chapter was prepared to help guide future planning activities. **Table 9** lists the proposed implementation tasks and their current status.

Table 9 – 2002 Master Plan Implementation

Task	Status	Comments
Evaluate and Revise the Zoning Ordinance	Positive Action	Although the Township adopted a new Zoning Ordinance in 2007, it is continuously monitored for potential amendments.
Inventory Key Natural and Cultural Features	No Action	These tasks have been done on a case by case basis through PUDs, but not on a Township-wide, or Subarea basis.
Develop A Program for Natural Buffers and Scenic Easements	No Action	
Create A Residential Cluster Ordinance	Positive Action	This was completed by the adoption of Chapter 22 of the Zoning Ordinance, "Rural Open Space Community Developments.
Develop Performance Standards for the PUD District.	Mixed Results	The Zoning Ordinance contains general standards of review for the PUD rezoning process, but does not contain design, architectural, or other standards.
Broaden Sewer and Water Policy To Facilitate Development	Positive Action	The Township has created a High Pressure Water District.
Prepare A Sub-Area Plan for the Dutton Village Area	Positive Action	This was accomplished as part of the 2008 Master Plan Update
Prepare a Sub-Area Plan for the Cutlerville Village Center	No Action	This may be included as part of future planning for the Division Avenue Corridor Improvement Authority.
Prepare a Corridor Plan for Kalamazoo Avenue	No Action	No action has been taken on this item.
Establish Consistent Standards for Calculating Density	Mixed Results	No formal action taken on this item. We have been consistent in measuring density using the net density approach, but with no formal standards.
Improve Public Understanding of Growth Management Benefits	Mixed Results	This is always an ongoing task. With a revised website, the Department has been making staff reports available online.
Promote the Purchase of Development Rights	No Action	It is currently the Township's policy to support the county PDR program, but to not utilize local dollars.

Promote Transfer of Development Rights	Mixed Results	The 2009 Planning Department Intern conducted research on TDR programs.
Improve Non-Motorized Transportation Network	Positive Action	This has been done on a case-by-case basis (Cobblestone Corners, Cooks Crossing, and Prairie Wolf Park). The Township has also played a major role in the development of the Fred Meijer M-6 Trail and Paul Henry Thornapple Trail

Table 10 below provides a small statistical analysis of the action taken on the 2002 Master Plan implementation strategies.

Table 10 – 2002 Master Plan

	# of Actions	# of Positive Actions	% of Positive Actions	# of Positive Actions and Mixed Results	% of Positive Actions and Mixed Results
2002 Master Plan Implementation Tasks	14	5	36%	9	64%

The 2002 Master Plan is nearly 8 years old and staff finds that adequate progress is being made on the implementation strategies, especially considering the document projects approximately 20 years into the future. The 2008 Master Plan Update also contained a list of Implementation Strategies. Please see **Appendix I** for a summary of these strategies.

In addition to activities related to the Master Plan, staff also participated on two projects spearheaded by the Grand Valley Metropolitan Council:

- Development of an RFP and selection of a consultant to prepare a Form Based Code based on The Plan for Fisher’s Station.
- Preliminary meetings regarding a U.S. Environmental Protection Agency brownfield assessment grant for work along South Division.

ORDINANCE UPDATES

In 2009, the Township completed work on the following areas of the zoning ordinance:

- A brand new Chapter 17 – Signage Regulations
- New regulations for the keeping of animals.
- New regulations for bed and breakfast operations.
- New regulations for nonprofit organizations in residential and agricultural zones

New or revised regulations involving the following areas of the zoning ordinance were also begun in 2009, with completion expected in 2010:

- A brand new Chapter 25 – Site Plan Review.

- New regulations for residential temporary storage units.
- New regulations for carports.

REZONINGS

A single application for a rezoning was submitted in 2009. Cornerstone United Methodist Church requested a rezoning of its former property at 68th Street SE from residential to office-service. However, after the request was tabled by the Planning Commission, the property was sold to another church and the rezoning request was withdrawn.

ECONOMIC DEVELOPMENT

In 2009, the Planning and Zoning Department processed a Public Act 198 tax abatement request for Superior Asphalt, Inc., which began a new operation on East Paris Industrial Court.

The Township also entered into a 10-year tax sharing agreement with Kent County that will allow for the Division Avenue Corridor Improvement Authority to capture additional tax dollars.

GRANT WRITING

The Planning and Zoning Department worked with the Township Superintendent, the Township Fire Chief and other staff on the successful request for a federal grant to reconstruct the Dutton Fire Station. Staff provided demographic data and analysis, as well as mapping services.

On behalf of the Parks and Recreation Committee, staff was successful in securing a \$1,375.00 grant from the Michigan DNR – Community Forestry program. These funds are to be used on the development of an irrigated, educational tree grove on the Township property at 84th Street.

The grant writing database has continued to grow and now holds application information for over 110 grant opportunities or sources. The Township may not be eligible for many of the grants at this time, as many of them require matching funds and/or partnership with a 501(C)3 entity.

PARKS & RECREATION

Planning Department staff continued in its role as staff support to the Parks and Recreation Committee. In addition to the Community Forestry Grant, staff led the effort in 2009 to prepare a new parks and recreation plan. The Township Board adopted the 2010 – 2014 Parks and Recreation Plan in December of 2009.

CODE ENFORCEMENT DIVISION

Throughout 2009, the Planning Department continued to utilize BS&A software to register and track code enforcement cases. 168 cases were filed in 2009, similar to the 160 cases filed in 2008. Filed cases are those where a complaint has been received and registered in the software, and staff has completed a physical inspection of the property or contacted the property owner regarding a potential violation.

Figure 1 below is a screen shot of the BS&A software:

Figure 1 – BS&A

The screenshot displays the BS&A Building Department System interface. The window title is "BS&A Building Department System User: BRIAN Database: GAINES Address->6785 HARTMAN DR SE". The interface includes a menu bar (Database, View, Reports, Tasks, Options, Help) and a toolbar with icons for Ins, Del, Find, Print, Index, Hide, Audit, Tools, and Names. The main area is divided into a left sidebar and a right main panel. The sidebar shows a tree view with folders for Property, Project(s), Permit(s), Code Enforcement, Certificate(s), Certificate(s) of Occupancy, and Inspection Group(s). The "Code Enforcement" folder is expanded, showing a sub-item "EN080133 Nuisance Parking Case Closed". The main panel displays the details for this case. The top section shows fields for Complaint # (EN080133), Category (Nuisance Parking), Status (Case Closed), Date Filed (07/22/2008), Date Closed (07/29/2008), and Officer (Megan Sharp). Below these are fields for Last Action Date, Last Action, Next Action Date, Next Action, and User Index 1. A "Complaint" section contains a text area with the following entries: "7/22/2008 - received complaint of car for sale parked on corner.", "7/23/2008 - inspected, found gray vehicles for sale in right or way near corner. vehicle was nit in clear vision area though. Terry Porritt at KCRC e-mailed regarding issue.", and "7/29/2008 inspected. car moved into compliant place in". At the bottom of the main panel, there is an "Inspection History" section with a "Last Inspection" field showing "/" and a "Total Inspection Hours: 0.00" field. The status bar at the bottom of the window shows the date "02/09/2009".

The Department also handles many walk-in or telephone complaints that are not registered in the software and no formal action is taken. These include instances where there is no applicable local ordinance or a different public agency is responsible for enforcement, such as the Sheriff's Department or Animal Control.

Of the 168 cases filed in 2009, staff broke them down into the following categories:

- 122 - Brought into compliance and closed.
- 8 - Received civil infraction citations.
- 35 – No violation found at inspection.
- 3 - Open at the time of this report.

Chart 6 provides a breakdown of the types of enforcement cases that were processed in 2009, while **Chart 7** provides information regarding which Sections of the Township have generated the most cases.

Chart 6 – Annual Case Types

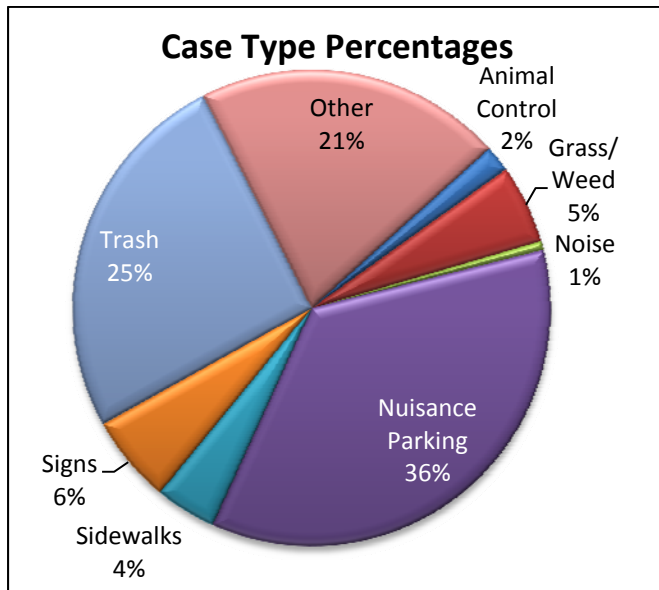


Chart 7 – Annual Section Cases

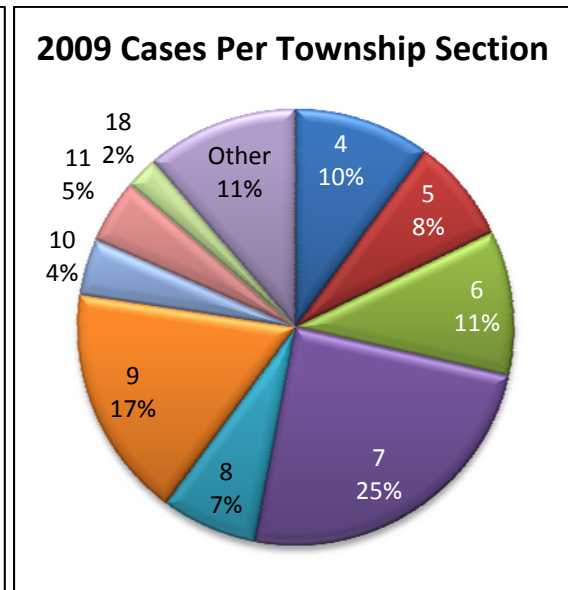


Chart 8 and **Table 10** provide comparisons between cases filed between 2007 and 2009 by section.

Chart 8 – Annual Section Comparison

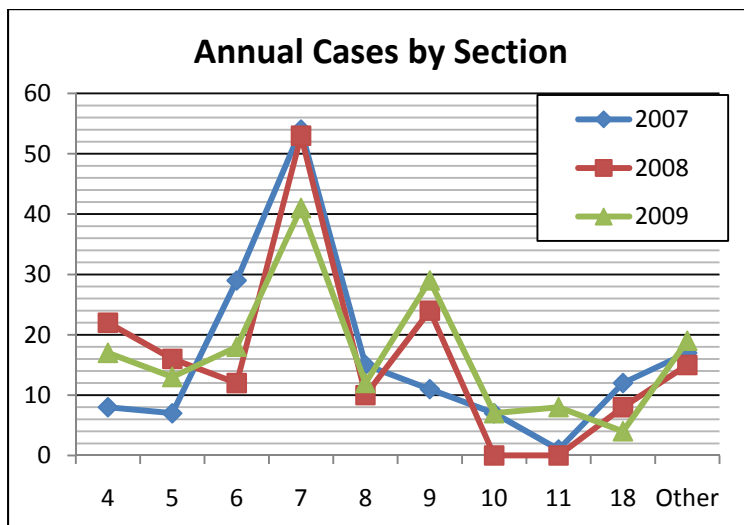


Table 10 – Annual Section Comparison

Section	2007	2008	2009
4	8	22	17
5	7	16	13
6	29	12	18
7	54	53	41
8	15	10	12
9	11	24	29
10	7	0	7
11	1	0	8
18	12	8	4
Other	17	15	19
Total	160	160	168

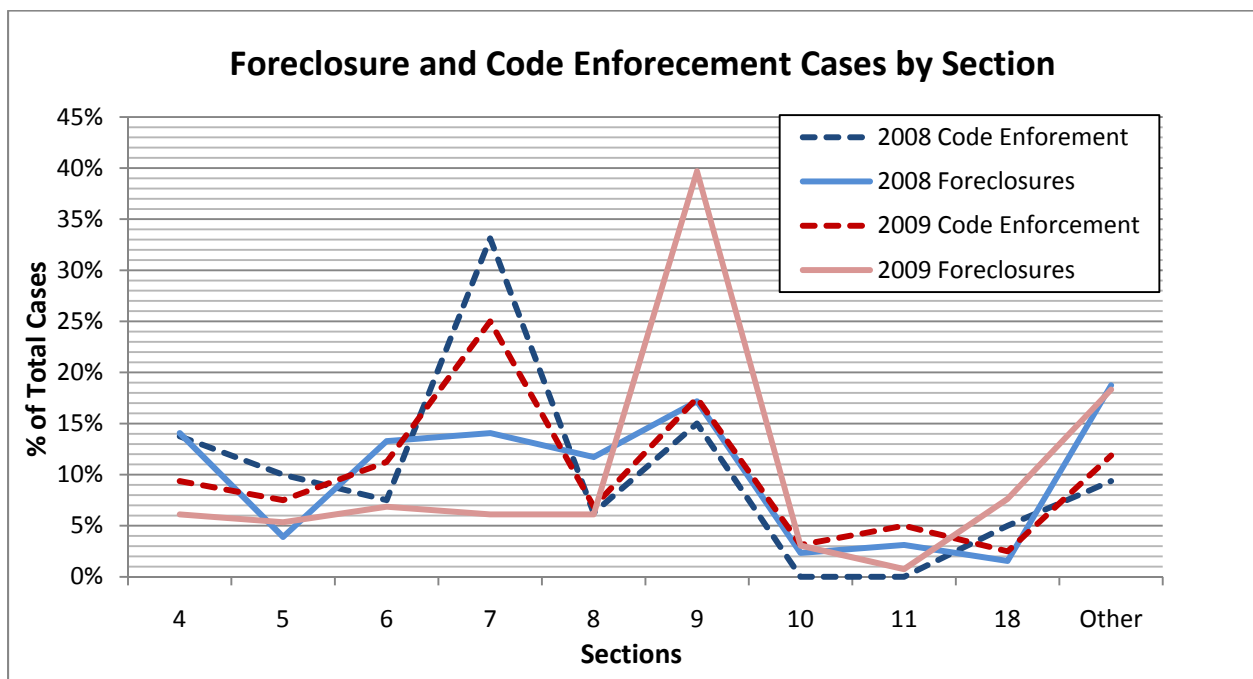
Increases. 2009 saw a notable increase in the Dutton area of Sections 10 and 11, where there were no cases in 2008 but 15 total cases in 2009. Staff believes these increases may be attributed to the Dutton Subarea as a focus of the 2008 Master Plan Update, which may have increased residents' awareness of the Township's involvement in maintaining Dutton's character, safety, and attractiveness.

Section 9 has also steadily seen increases in code enforcement activity over the past two years. According to foreclosure records this section has also had the most annual foreclosures in the Township. This Section includes Hartman Estates, Cornerstone Estates, and a portion of Crystal Springs.

Decreases. 2009 saw a significant decrease in the number of cases in Section 7. Staff attributes this largely to foreclosure records showing a decrease in foreclosures from 18 in 2008 to 8 in 2009 for Section 7. Many of Section 7's cases in 2008 related to foreclosed or bank-owned properties.

Chart 9 provides a comparison of the percentage of code enforcement cases by Section per year to adjusted foreclosures by Section per year.

Chart 9 – Foreclosures and Code Enforcements Cases by Section



Although the Department only has two years of foreclosure data, based on **Chart 9**, it appears that there may be a correlation between foreclosed properties and code enforcement activity. **Because of this, foreclosed properties will be a priority for code enforcement actions in 2010.** Staff will attempt to identify properties early in the foreclosure process and work with property owners, banks, etc. to eliminate serious code violations or prevent them before they occur.

Chart 10 and **Table 11** provide comparisons between those code enforcement cases filed between 2007 and 2009 by case type.

Chart 10 – Case Type Comparison

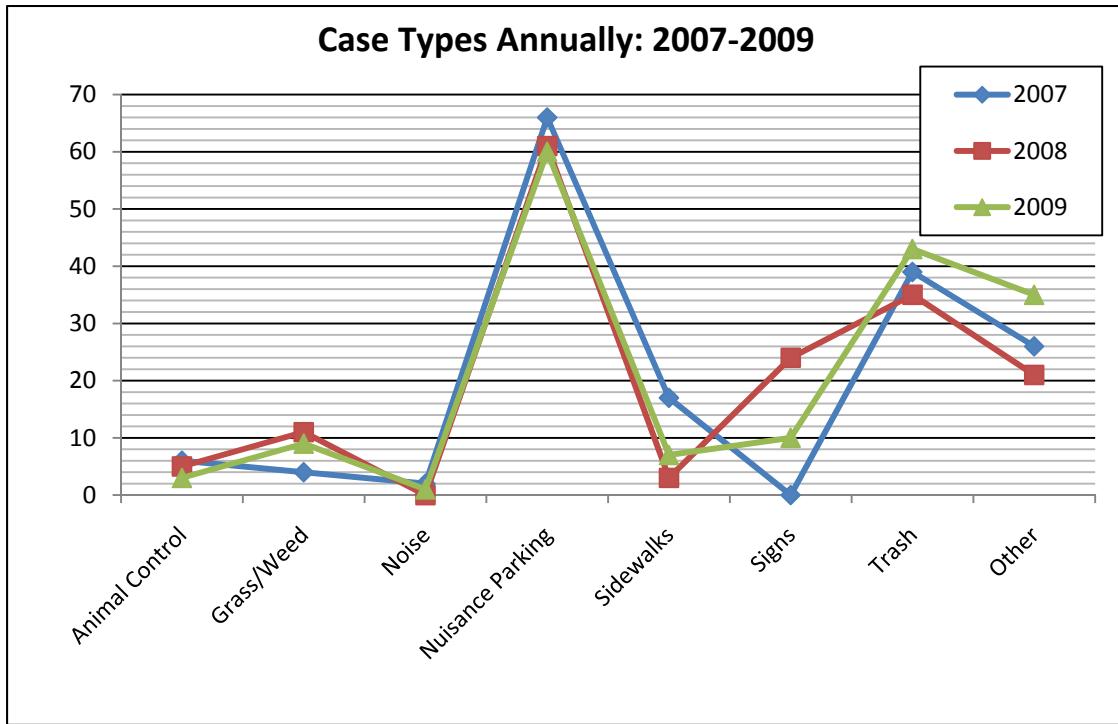


Table 11 – Case Type Comparison

	2007	2008	2009
Animal Control	6	5	3
Grass/Weed	4	11	9
Noise	2	0	1
Nuisance Parking	66	61	60
Sidewalks	17	3	7
Signs	0	24	10
Trash	39	35	43
Other	26	21	35
Total	160	160	168

2009 continued the traditional pattern of code enforcement case types. The only notable change was a decrease in sign cases. This decrease may be attributed to businesses becoming more educated on the sign chapter of the Zoning Ordinance, particularly the new regulations made to the portable freestanding sign section of the Zoning Ordinance in 2008.

Table 12 provides a summary of those cases that resulted in civil infraction citations being administered. The Township began utilizing the municipal civil infraction process in 2007.

Table 12 – Civil Infraction Cases

Civil Infraction Citation	2007	2008	2009	Totals
Grass/Weed Control	0	1	0	1
Nuisance Parking	3	3	4	10
Trash/Junk	3	6	3	12
Other Complaints	0	1	1	2
TOTAL	6	10	8	24

The 2009 number for citations includes two trash/junk citations that were administered to property owners that had previously received trash/junk citations in 2008. In 2009, three citations were administered to the same property for nuisance parking. No representative for the citation recipient attended the first informal hearing at the Kent County 63rd District Court for the second citation. At the second requested informal hearing for the third citation, the tenant was ordered to bring the property into compliance and pay the fines of the previous citations. One nuisance parking citation was administered to a resident that requested an informal hearing, then did not appear for the hearing and received a default judgment. At two of the citations’ informal hearings the property owners stated they had ignored the Notices of Violation preceding the citations due to their belief the property had been foreclosed and was no longer their responsibility.

Staff continues to believe that civil infractions citations have assisted in motivating property owners to bring their property into compliance quicker and maintain compliance longer.

DEPARTMENT ADMINISTRATION

Department Administration is divided into the following sections; **Planning Commission, Zoning Board of Appeals, and Department Personnel**

PLANNING COMMISSION

Table 13 lists the members of the Planning Commission during 2009.

Table 13- 2009 Planning Commission Members

Member	3-Year Term Ends	Member Since	Officers
Rob DeWard	December 31, 2009	1990	Chairperson
Tim Haagsma	Township Trustee	2002 (1992 – 1997)	Vice-Chairperson
Louis Waayenberg	December 31, 2008	1997	Secretary
Ted Essenburg	December 31, 2009	2001 (1981 – 1990)	
Ronnie Rober	December 31, 2008	2002	
Lani Thomas	December 31, 2010	2006	
Connie Giarmo	December 31, 2010	2008 (1991 – 2000)	

During 2009, The Planning Commission held 9 regular meetings and no special meetings. For the regular meetings, the average starting time was 7:04 p.m. and the average end time was 8:27 p.m., for an average meeting time of 1 hour and 23 minutes. The attendance for all meetings is shown in **Table 14**.

Table 14 – 2009 Attendance

	Meeting Attendance						
	DeWard	Essenburg	Haagsma	Rober	Waayenberg	Thomas	Giarmo
Jan	x	x	x	x	x	x	x
Feb	x	x	x	x	Absent	x	x
Mar	x	x	x	x	Absent	x	x
Apr	x	x	Absent	x	x	x	x
May	x	x	x	x	x	x	x
Jun	x	x	x	x	x	Absent	Absent
Jul	x	x	x	x	x	x	x
Aug	Cancelled						
Sep	x	x	x	x	x	x	x
Oct	Cancelled						
Nov	x	x	x	x	Absent	x	
Dec	Cancelled						

ZONING BOARD OF APPEALS

Table 15 lists the members of the Zoning Board of Appeals in 2009:

Table 15 – 2009 ZBA Members

Member	3-Year Term Ends	Member Since	Officers
Don Drenth	December 31, 2009	1979	Chairperson
Ted Essenburg	December 31, 2010	1996	Vice-Chairperson
Dick Steigenga	December 31, 2009	1990	Secretary
Dan Fryling	Township Trustee	2000	
Gayle McCrath	December 31, 2010	2002	
Ruth Ringnalda	December 31, 2010	2008	Alternate

In 2009, the Zoning Board of Appeals held six regular meetings. The average length of time for the regular meetings was 33 minutes. The average beginning time was 7:02 p.m. and the average end time was 7:35 p.m. The attendance for these meetings is shown in **Table 16**.

Table 16 – ZBA Attendance

Meeting Attendance						
	Drenth	Essenburg	Steigenga	Fryling	McCrath	Ringnalda
Jan	Absent	x	Absent	x	x	x
Feb	Cancelled					
Mar	Cancelled					
April	Absent	x	x	x	Absent	x
May	x	x	x	x	Absent	x
June	Absent	x	x	x	x	x
July	Cancelled					
Aug	Cancelled					
Sep	Cancelled					
Oct	x	x	x	x	x	x
Nov	x	x	Absent	Absent	x	x
Dec	Cancelled					

DEPARTMENT PERSONNEL

Planning Director

Brian Tingley

Hired: May 2005 as Assistant Planner
Promoted to Planning Director in July 2006

Assistant Planner

Megan Sharp

Hired: October 2005 as Clerical Assistant
Promoted to Assistant Planner in January 2007

Planning and Zoning Clerical Assistant

Vacant

Vacant Since: January 2009

The job responsibilities within the Planning and Zoning Department are divided between the Planning Director, Assistant Planner, and the Planning and Zoning Clerical Assistant. Both the Planning Director and Assistant Planner are full time positions and fulfill the role of Zoning Administrator, while the Planning and Zoning Clerical Assistant is a part-time position. In general, the Planning Director is responsible for overseeing staff and the functioning of the department as a whole and is primarily involved in the Long-Range Planning and Department Administration efforts. The Assistant Planner is primarily involved in the Current Planning and Code Enforcement efforts, while the Planning and Zoning Clerical Assistant provides administrative support within the department. However, there is overlap among all tasks within the department.

In 2009 the Clerical Assistant position was vacant, as Jenni Lamb moved to the Executive Office full-time in anticipation of the Township Superintendent being hired. Jenni continued to act as the recording secretary for the Planning Commission and Zoning Board of Appeals in 2009. However, the recording secretary duties will now be split between the Planning Director and Assistant Planner. The part-time Clerical Assistant position will most likely remain vacant for the near future.

In lieu of clerical support staff, the Department established a Summer Internship Program in 2009. The intent behind this program is that the Township would employ an intern in the Department from approximately May through August of each year. It is seen as win-win situation, where the intern gains work experience while the Township is able to utilize the skills of the intern in a meaningful and cost-effective manner. This year, our intern was Elizabeth Van Doorne, a graduate student at Western Michigan University. During her time of employment, which ran from May 4, 2009 through September 11, 2009, Elizabeth performed the following tasks:

- Collected and compiled data from the 2009 Parks and Recreation Community Attitude survey
- Prepared maps via GIS for use in the 2010 – 2014 Parks and Recreation Plan
- Contributed to the “Goals and Objectives” section of the 2010 – 2014 Parks and Recreation Plan
- Collected data and prepared an internal report on private street regulations for potential use by the Township
- Collected data and prepared an internal report on the Transfer of Development Rights concept for potential use by the Township
- Prepared demographic maps via GIS for general Township use

- In cooperation with REGIS staff, manually mapped with a GPS unit all private and public trails within the Township, and prepared related maps via GIS

Because of the overall success of the first year, funds have been budgeted to continue the program in 2010.

As housing construction and overall development activity has decreased over the course of the last 3-4 years, the Department has continually sought new ways in which to provide services to the Township and its residents. Future areas of increased involvement could include:

- Future staff support to the Division Avenue Corridor Improvement Authority
- Involvement in strategic planning and capital improvement programming efforts
- Increased grant writing efforts and administration
- Increased economic development efforts, including PA 198 requests
- Increased staff support to parks and recreation activities

As the Township continues to work towards the vision laid out by the 2002 Master Plan and the 2008 Master Plan Update, Planning and Zoning Department staff will continue to seek out new ways to provide meaningful service to the Township and its residents.

2009 WORK PROGRAM REVIEW

This review lists the action items that were identified in the 2009 Work Program and assigns one of the following “rankings” to each of the action items:

- No Action.
- Positive Action.
- Mixed Results.

At the end of the review staff provides statistical data regarding how well the Department achieved completion of the 2009 Work Program.

Long Range Planning Division

Master Plan

- Along with the Township Board, explore establishing a Downtown Development Authority within the Dutton Subarea. **Mixed Results.** The Department prepared some initial information on the creation of a Dutton DDA. However, after further discussion, it was determined that due to the fact that the various taxing jurisdictions have been opting out of numerous tax-increment financing authorities (including our own Division Avenue Corridor Improvement Authority), the impact of a DDA would be minimal compared to the cost of creation and operation.
- Prepare and adopt a “Master Streets and Non-Motorized Transportation Plan”, per the Michigan Planning Enabling Act. **No Action.** It was determined that this item would be completed in 2010.
- Identify the location, availability and cost of key properties within the Dutton Subarea for potential purchase. **No Action.**
- Create in-house promotional material for the Township, Dutton Subarea and 100th Street Subarea. **No Action.**
- Cooperate with area stakeholders on the potential application of LEED – Neighborhood Development through the region. **Positive Action.** Planning Director Tingley is active in the United States Green Building Council – West Michigan Chapter. He was the Coordinator/Facilitator of the Chapter’s LEED-ND Interest Circle in 2009, which meets on a monthly basis to discuss the potential application of LEED-ND in the West Michigan region.
- Increase public education:
 - Prepare “public education pieces” for placement on the website.
 - Create a description of the Planning Commission and Zoning Board of Appeals.

Mixed Results. Staff has prepared documents for both of the above bullet points, but nothing has been placed on the Township website. In addition, staff has utilized the website’s blog feature to post 22 blogs in 2009 related to Planning and Zoning Department or Parks and Recreation Activity.

- Prepare a report on the possibility of utilizing the Transfer of Development Rights as detailed in the Michigan Zoning Enabling Act. **Mixed Results.** Staff has gathered information and prepared draft documents. However, nothing formal has been prepared for the Planning Commission or others.

Ordinance Updates

- Finalized amendments to the Sign Chapter of the Zoning Ordinance, including billboard regulations. **Positive Action.** A new “Chapter 17 – Sign Regulations” was adopted by the Township Board on 2/9/09.
- Complete updates to the regulations pertaining to the keeping of animals, Bed & Breakfasts, and non-profits in Residential and Agricultural zones. **Positive Action.** New regulations related to these items were adopted by the Township Board on 7/13/09.

- Clarify how the front yard is determined for lots with multiple road frontages or unique lot shape. After further review of the Zoning Ordinance, it was determined by staff that no further clarification was needed. This item was removed from the Work Program.
- Clarify how lot widths are measured for cul-de-sac lots. After further review of the Zoning Ordinance, it was determined by staff that no further clarification was needed. This item was removed from the Work Program.
- Clarify floor area requirements for houses (full basements vs. all others). After further review of the Zoning Ordinance, it was determined by staff that no further clarification was needed. This item was removed from the Work Program.
- Possible additional PUD Amendment type – Site Plan Review. **Mixed Results.** Although no specific work was performed on this item, staff did begin a review of the overall Site Plan Review process and possible changes to that process.
- Require digital copies of site plans. **Positive Action.** Staff will be including this requirement in the changes that are being made to the site plan review process – see above.
- Review and update regulations for the placement of dumpsters, carports and temporary storage units. **Positive Action.** Staff presented regulations to the Planning Commission and these regulations should be adopted in early 2010.
- Continue work on preparing an omnibus “land development ordinance”, which would contain regulations for subdivisions, land divisions, site condominiums, and private roads. **Mixed Results.** Although the committee that was formed in 2008 to work on this project did not meet in 2009, staff prepared regulations related to platted Subdivisions which has been reviewed by legal counsel. In addition, staff has gathered information related to private street regulations.
- Review Township ordinances for compatibility with 2008 Master Plan Update. **Positive Action.** This is an ongoing task and staff began looking into potential regulations related to mixed-use development that would help implement the Dutton and 100th Street Subarea plans.

Grant Writing

- Continue to build the grant writing database. **Positive Action.** The database now holds information on over 110 grants opportunities.
- Identify and prepare at least two grant requests. **Positive Action.** The Planning and Zoning Department provided assistance in the preparation of the FEMA/ARRA grant that the Township received for the construction of the new Dutton Fire Department station. Department staff also submitted and received a DNR Community Forestry Grant.
- Identify, and explore partnerships with, 501(c)(3) non-profit organizations to expand the Township’s potential grant opportunities. **Mixed Results.** Although no formal action took place, this item was identified as an objective in the 2010 – 2014 Parks and Recreation Plan.

Parks and Recreation

- Continue to provide staff support as a non-voting member of the Parks and Recreation Committee. **Positive Action.** Staff attended all Park and Recreation Committee meetings in 2009.
- Prepare a 2009 Parks and Recreation Plan in cooperation with the Parks and Recreation Committee. **Positive Action.** The 2010 – 2014 Parks and Recreation Plan was adopted in 2009.

Code Enforcement Division

- Improve staff's knowledge of the municipal civil infraction citation process. **Positive Action.** Having used this process now for nearly 2 years, staff is both knowledgeable of the process and comfortable using the process.
- Identify potential amendments to the new zoning ordinance and other Township Ordinances that would improve enforcement efforts. **Positive Action.** Staff identified the following areas and initiated amendments; carports and temporary storage units.
- Explore utilizing/adopting the International Property Maintenance Code. **No Action.**

Department Administration

- Establish an annual internship program for the department. **Positive Action.**
- Continue to re-file department documents based on parcel/tax-ID numbers. **Positive Action.**
- Begin the reorganization of the of the Department's PUD binders. **Positive Action.**
- Continue to streamline the department's overall Access database. **Positive Action.**
- In cooperation with REGIS, finalize the updated Zoning Map. **Positive Action.**
- Explore printing small Zoning Maps and Street Maps in-house. **Positive Action.**
- Have professionally printed new large-size/foam board Zoning Maps. **Positive Action.**
- Create flow-charts for various department review processes. **No Action.**
- Provide Planning Commissions, Zoning Board of Appeals members and staff with appropriate training opportunities. **Positive Action.** Staff forwards multiple training opportunities to the Planning Commission and Zoning Board of Appeals each year. In 2009 staff attended the following:
 - 2009 Michigan Association of Planning Annual Conference (Planning Director Tingley was a speaker/moderator in a session titled "Fisher's Station: Lessons Learned from a Multi-Jurisdictional TOD Charrette.")
 - 2009 Grand Valley Metro Council – Growing Communities Conference (Both Planning Director Tingley and Assistant Planner Sharp moderated sessions at this conference).
 - Michigan Association of Planning Workshop – Capital Improvements Programs and State and Federal Funding for Public Projects.
 - Michigan Municipal League Workshop – Corridor Improvement Authority Workshop: Best Practices.
 - Michigan Association of Planning Workshop – Transforming Transportation: Creating Systems that Integrate Design, Physical Activity, and Community Engagement.
 - Michigan DNR – Natural Resources Trust Fund Grant Workshop
 - Law Weathers and Richardson – Billboard Workshop
- In cooperation with the Township Board, prepare a Code of Ethics/Code of Conduct for elected officials, REGIS, finalize updates and have printed, carious Townships maps including the zoning map. **No Action.**
- Expand staff's understanding and utilization of REGIS. **Positive Action.** Staff attended a 3-D Analyst class offered by REGIS staff.

Table 17 provides a statistical analysis of the progress made on the 2009 Work Program action items.

Table 17 – 2009 Work Program Action Items

	# of Actions	# of Positive Actions	% of Positive Actions	# of Positive Actions and Mixed Results	% of Positive Actions and Mixed Results
Long Range Planning	19	10	53%	16	84%
Code Enforcement	3	2	67%	2	67%
Department Administration	11	9	82%	9	82%
Total	33	21	64%	27	82%

By staff's findings, 82% of the 2009 action items received either Positive Action or Mixed Results. We find this to be an acceptable level of performance, with the most "No Action" items coming from the Long Range Planning area. This was due to staff underestimating the amount of time that needed to be spent in preparation of the new Parks and Recreation Plan, as well as unanticipated items of work. In addition, other items that were not in the 2009 Work Plan but received staff time include work on updating the site plan review process and research on Capital Improvements Programming.