

GAINES CHARTER TOWNSHIP
PLANNING AND ZONING DEPARTMENT
2010 ANNUAL REPORT

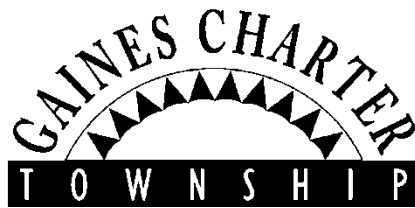


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EXECUTIVE SUMMARY

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 **2010 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 2010 Work Program
- A review of Master Plan implementation actions

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

Chart 1, Table 1 and Chart 2 below detail the number of new dwelling units per year over a 10-year period from 2001 to 2010. This includes single-family dwelling, as well as attached units and apartments/condos. Please note the following:

- For the 5-year period from 2001 – 2005, the Township averaged 303 new housing units per year. This includes all unit types. Single-family housing averaged 190 new units per year over this time period.
- The actual numbers from 2006 – 2010 are well below the average of the preceding 5 years, with totals of 162, 86, 53, 58 and 28 respectively.
- The continuing trend is still an overall reduction in the number of both new total housing units and single-family housing units.
- 2010 was the **slowest year for new housing in the past 20 years.**

Chart 1 – Building Permits – Total Units

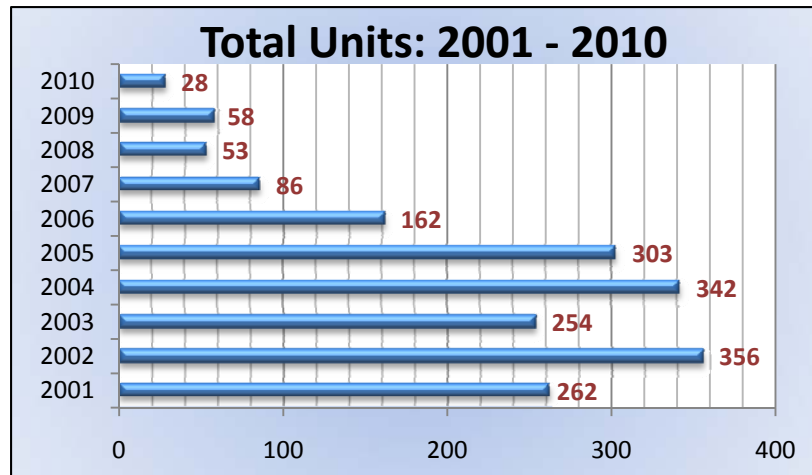
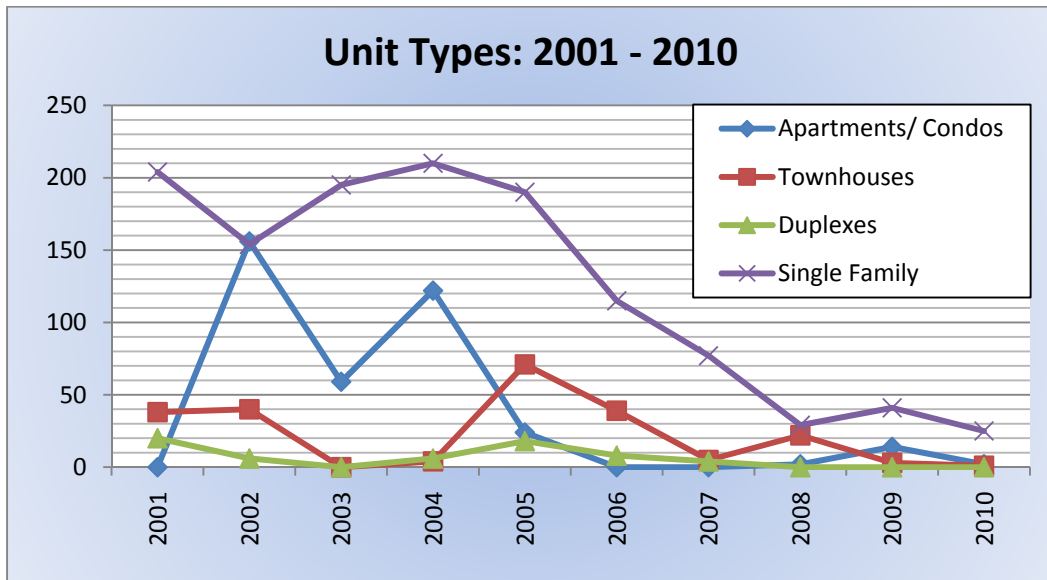


Table 1 – Building Permits – Total Units

	Apartments/ Condos	Townhouses	Duplexes	Single Family	Total Units
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
2010	2	1	0	25	28

Chart 2 – Building Permits – By Types



The number of building permits issued for new housing units during 2010 is down considerably from 2009, even with the federal housing tax credits that were available in the first half of the year. **This may signify that even with incentives, the demand for new housing construction continues to be stagnant; an aftermath of the national financial crisis/recession that began in 2007. Although the recession officially ended in the summer of 2009,** it is difficult to forecast the amount of new starts for upcoming years based on the continued weak job market, slow economic growth and restrictive lending practices.

In order to better understand the larger picture in terms of potential housing construction, staff tracks the number of approved, but unbuilt, lots and units.

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

- There are 24 approved residential developments/phases not yet built out.
- 873 total dwelling units were unbuilt
- 515 were detached, single-family unbuilt product
- **At the 2006-2010 average of 77 units/year, it would take approximately 11 years to complete construction of the total available units.**
- **At the 2001-2005 average of 303 units/year, it would take nearly 3 years to complete construction of the total available units.**

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 neighborhoods, perhaps different than the traditional suburban subdivision.**

FORECLOSURE DATA

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 (1) filings completed of properties foreclosed, (2) redeemed from foreclosure, or (3) purchased from a foreclosing entity between 1/1/2010 and 12/31/2010. However, if a property was foreclosed and redeemed, or foreclosed and purchased during this timeframe, it was only designated as a single foreclosure.

2010 showed a significant decrease in foreclosure activity, with 81 foreclosed properties, in comparison to the 197 in 2009 and 130 in 2008. However, both 2008 and 2009 had developments where many lots owned by a single developer or company were foreclosed within the same year, which inflated the number of foreclosures. These developments include a portion of Cook’s Crossing (formerly “Cobblestone Corners”) and the developments located largely in the northeast quarter of section 9.

Chart 3 provides the number of total annual foreclosures by section of the Township, and **Table 2** includes the same information with annual averages.

Chart 3 – Foreclosures by Section

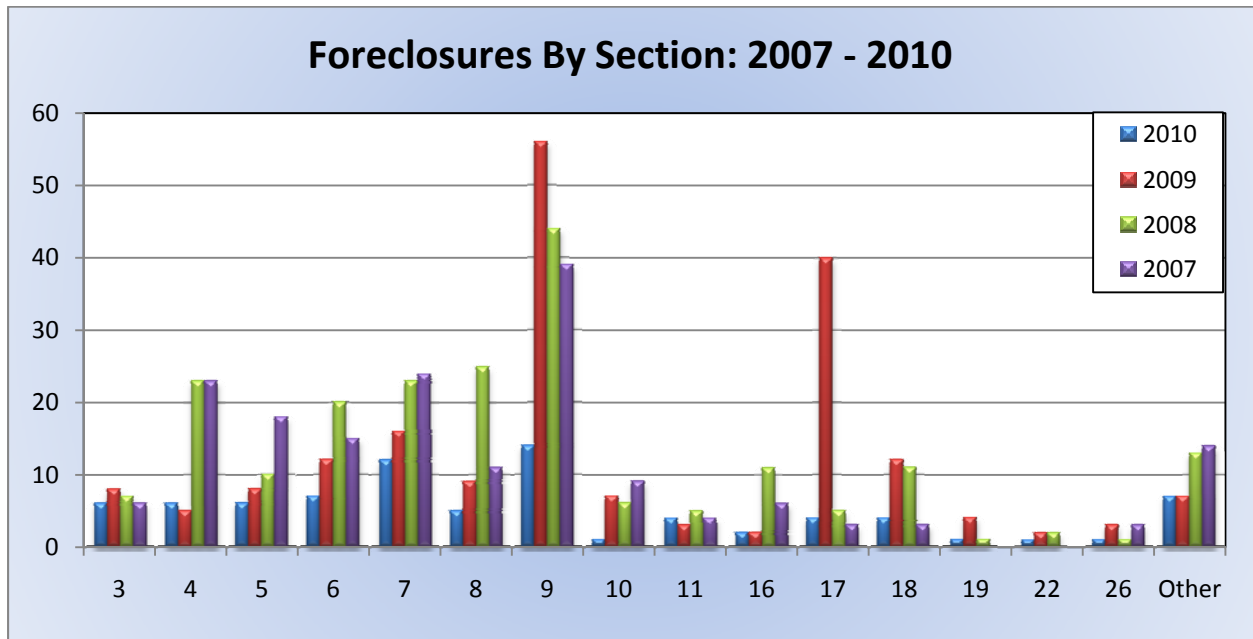


Table 2 – Foreclosures by Section

Section	2010	2009	2008	2007	4 Year Avg.
3	6	8	7	6	6.8
4	6	5	23	23	14.3
5	6	8	10	18	10.5
6	7	12	20	15	13.5
7	12	16	23	24	18.8
8	5	9	25	11	12.5
9	14	56	44	39	38.3
10	1	7	6	9	5.8
11	4	3	5	4	4.0
16	2	2	11	6	5.3
17	4	40	5	3	13.0
18	4	12	11	3	7.5
19	1	4	1	0	1.5
22	1	2	2	0	1.3
26	1	3	1	3	2.0
Other	7	7	13	14	10.3
Total Properties	81	194	207	178	165.0

This data shows the significant overall decrease in foreclosures in 2010, and the **substantial decline of foreclosures in Sections 6 and 7** – two of the most populated and previously high foreclosure-rate sections in the Township. This data also highlights the impact of the large number of Cook’s Crossing lot foreclosures in 2009, and the Section 9 foreclosures from 2007-2009 in Hartman Estates, The Village of Crystal Springs and Cornerstone Estates. **The general decrease in foreclosures may be a sign that stability is slowly coming back to the housing market.**

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

DEVELOPMENT REVIEW

Table 3 on the following page 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	N/A
Belle Tire 6739 Kalamazoo Ave.	PUD Amendment	More signage for tire store than previously approved	Approved	Approved
Belle Tire 6739 Kalamazoo Ave.	Site Plan Review	Tire store and related parking	Approved	N/A
Dutton Elementary 3820 – 68 th St.	Site Plan Review (Administrative)	Parking and bus loop improvements	Approved	N/A
Dutton Fire Station 3471 – 68 th St.	Site Plan Review	Station additions and renovations	Approved	N/A
Kentwood PS 6230 Kalamazoo Ave.	Site Plan Review (Administrative)	Fitness room addition	Approved	N/A
McDonald's 6090 Kalamazoo Ave.	Site Plan Review (Administrative)	Drive-thru lane addition	Approved	N/A
Meijer 1801 Marketplace Dr.	Site Plan Review (Administrative)	Smoking Shelter	Approved	N/A
P & L Co. LLC 6670 Kalamazoo Ave.	Site Plan Review (Administrative)	Dumpster/enclosure addition	Approved	N/A
Pine Rest 300 – 68 th St.	Site Plan Review	Mulder Building addition and improvements	Approved	N/A
Providence CRC 7730 Eastern Ave	Site Plan Review	Multi-purpose facility and parking additions	Approved	N/A
Rainbow Child Care 2347 - 68 th St.	Site Plan Review (Administrative)	Building addition	Approved	N/A
Truck & Trailer 6726 Hanna Lake Ave. 1130 Hanna Lake Ind. Dr.	Site Plan Review (Administrative)	Building and parking additions	Approved	N/A
Verizon/Faulk & Foster 10399 Patterson	Site Plan Review (Administrative)	New antennas for wireless facility	Approved	N/A
Verizon/Faulk & Foster 9240 Sedona Ridge	Site Plan Review (Administrative)	New antennas for wireless facility	Approved	N/A
Rhonda Gonzalez 6205 Hanna Lake Ave.	Special Use	Kennel of up to 13 dogs	Approved	N/A
Jeff Keast 7006 Kalamazoo Ave.	Special Use	Home occupation with exterior display window	Approved	N/A
Kim Koster 8735 East Paris Ave.	Special Use	Home occupation within an accessory building	Approved	N/A
Everett's Landscaping 7884/7920 Eastern Ave.	Special Use	Expansion of a nonconforming use	Approved	N/A

As with residential development, the Township has experienced an overall slowdown in non-residential activity, with 2010 being consistent with the amount seen in 2008 and 2009. Staff has had numerous conversations with individuals who claim that, similar to residential mortgages, banks have tightened their lending practices for commercial and industrial construction.

Another factor possibly influencing commercial construction in the Township is the overall declining availability of commercial property within the immediate M-6/Kalamazoo Avenue interchange area. Although there are still vacant properties in this area, as the availability of commercial property continues to decline there will be increased pressure over time to convert more property in the Township to commercial use. **In 2011, the Planning Commission may wish to begin discussing the process for adopting a new Master Plan before there is a dramatic increase in demand for additional residential and commercial development.**

During 2010, the Planning Commission handled 4 requests for special land uses, the same amount as in 2009. **The special land use requests in 2009 and 2010 are the lowest amounts in the last 10 years, down from a high of 29, which occurred in 2002, 2003 and 2004.**

Please see **Table 4** and **Table 5** 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	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
# of Requests	27	29	29	29	23	18	13	7	4	*4
Change from Previous Year	35%	7%	0%	0%	-21%	-22%	-28%	-46%	-43%	0%
# of Staff Recommended Approvals	26	25	27	25	20	12	11	7	3	*3
% Recommended by Staff for Approval	96%	86%	93%	86%	87%	86%	85%	100%	75%	*75%
# Approved	27	28	28	27	21	13	11	6	3	3
% Approved	100%	97%	97%	93%	91%	93%	85%	86%	75%	100%

* Staff did not provide a recommendation for 1 of the 4 requests in 2010 (Everett’s Landscaping).

Table 5 – Accessory Building Requests

Year	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
# of Requests	16	17	16	18	12	8	4	0	0	0
Avg. Sq. Ft. in "A-B"	4392	2000	0	1733	1800	3248	0	0	0	0
Avg. Sq. Ft. in "A-R"	2454	2452	2313	2845	1781	2749	9440	0	0	0
Avg. Sq. Ft. in "RL-10"	978	1020	1140	2221	0	0	863	0	0	0
Avg. Sq. Ft. in "RL-14"	1236	408	1666	732	586	1008	0	0	0	0
Avg. Sq. Ft. in "R-3"	484	2590	0	528	828	576	0	0	0	0

There have been no requests for residential accessory building special use requests over the past three 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.

VARIANCES

Table 6 shows a 10 year history of variance requests:

Table 6 – Variance Request

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Total Number of Variances Requested	14	11	8	20	15	11	2	3	8	1
% Change in Total from Last Year	-36%	-21%	-27%	150%	-25%	-27%	-82%	50%	100%	-88%
Total Number Approved	12	7	8	14	11	10	2	2	8	1
% of Total Requests Approved	86%	64%	100%	70%	73%	91%	100%	67%	100%	100%
Number Recommended for Approval by Staff	8	4	2	8	5	7	1	2	6	0
% of Total Recommended for Approval by Staff	57%	36%	25%	40%	33%	64%	50%	67%	63%	0%
Number of Use Variances Requested	0	0	0	1	1	0	0	0	0	0
Number of Use Variances Approved	0	0	0	1	1	0	0	0	0	0
% of Total Requested as Use Variances	0%	0%	0%	5%	6%	0%	0%	0%	0%	0%

The single variance application received by the Zoning Board of Appeals in 2010 was for an accessory building dimensional (non-use) variance for a setback. This is the lowest number of requests in the past ten years. The Zoning Board of Appeals has not received any requests for use variances since 2006, and has not received any requests for zoning ordinance interpretations or an appeal of a decision made by the Zoning Administrator since 2000. **The adoption of a new zoning ordinance at the end of 2007 has played a large role in the overall declining number of variance requests.**

Table 7 provides a summary of the variance requests in 2010.

Table 7 – Variance Request Summary

Address	Variance Type	Description	Staff Recommendation	Action
Douglas Emaus 6944 Aleda	Dimensional	Accessory Building street side setback	Denial	Approved

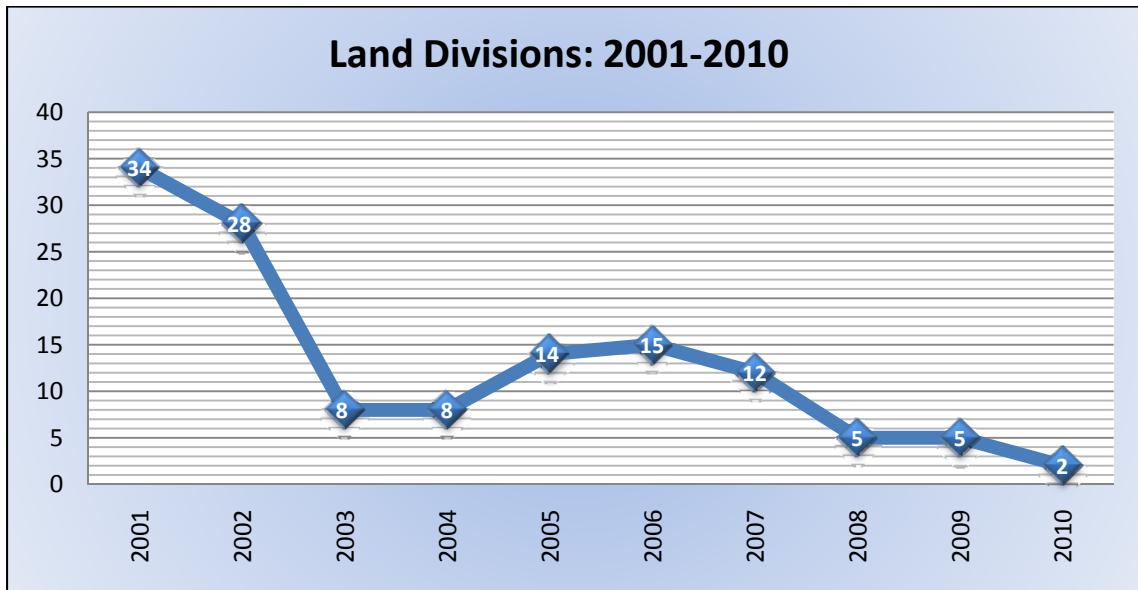
LAND DIVISIONS

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.

2010 was the slowest year for administrative land divisions over the last 10 years, with two land division applications, four lot line transfer applications, and two land combination applications. One of the two 2010 land divisions divided parcel 41-22-23-300-033 into a 2.5 acre parcel and a 7.5 acre parcel, while the other land division split parcel 41-22-05-476-012 into three parcels in correlation with a PUD amendment received for the Quality Carwash PUD.

Chart 5 on the following page provides information on the number of land division applications since 2001. 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 4 – 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 8** lists the proposed implementation tasks and their current status.

Table 8 – 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 9 below provides a small statistical analysis of the action taken on the 2002 Master Plan implementation strategies.

Table 9 – 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 original 2002 Master Plan is nearly 9 years old and staff finds that adequate progress has been made on the implementation strategies, considering the Master Plans typically projects at least 10 years into the future.

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

- Development of a template Form Based Code based on The Plan for Fisher’s Station.
- U.S. Environmental Protection Agency brownfield assessment grant for the Division Avenue corridor.

Other long-range planning activities undertaken in 2010 include the development of a 2010 Capital Project List for the Building & Grounds Committee as a precursor to a future 6-year Capital Improvement Plan.

ORDINANCE UPDATES

In 2010, the staff and the Planning Commission conducted work on the following areas of the zoning ordinance:

- Finalized an overhaul of the Site Plan Review chapter
- Finalized new regulations for temporary storage units and carports
- Finalized new regulations for adult-oriented businesses
- Presented new regulations regarding medical marihuana to the Township Board

In addition to the zoning ordinance work, staff and the Planning Commission also conducted work on the following non-zoning ordinance items:

- Reauthorized the Planning Commission under the 2008 Michigan Planning Enabling Act
- Finalized new regulations for adult-oriented businesses
- Presented new regulations regarding noxious weeds to the Township Board
- Presented new regulations regarding medical marihuana to the Township Board

The work on the adult-oriented business and medical marihuana regulations dominated much of the Department's time during 2010.

Another item that staff spent considerable time on in 2010 was the lawsuit (CBS Outdoor, Inc. vs. Gaines Township, Case No. 09-06224-CZ) filed against the Township by CBS Outdoor over the Township's denial of a billboard within Gaines Marketplace. The lawsuit was filed in 2009, and after many months of pre-trial work, the parties were ordered to take part in a one-day mediation session. This session occurred in March of 2010, where the framework for a settlement of the lawsuit took shape. After many more months of negotiation, the Township Board voted 4-3 on 8/23/10 to enter into a consent judgment with CBS Outdoor, thus terminating the litigation. In summary, the consent judgment calls for the following:

1. The Township will allow the Target Billboard
 - West face may be static, digital or tri-vision
 - East face shall be static until 2-years after construction, then can be digital or tri-vision
2. CBS will remove the Division Avenue Billboard
 - Removal must occur before erection of Target Billboard
 - CBS loses any further interest in the Division Avenue site
 - CBS will attempt to prevent a future billboard from going on the site and the Township will not allow a billboard on this site
 - If the Division Avenue Billboard is not removed within 2 years of the Consent Judgment, then CBS loses its right to the Target Billboard
3. No other billboard shall ever be located within the Gaines Marketplace PUD
4. One or both faces of the Southeast East Paris billboard may be changed to digital
5. Both faces of the Southwest East Paris billboard shall remain static
6. CBS loses its interest in the Consumer Energy Parcel – north side of M-6, along Division
7. CBS will defend the Township against any lawsuit from the property owner or other interested party related to the Division Avenue site – through 2026
8. CBS will not attempt to erect a billboard in any other non-industrial districts
9. CBS will not challenge the constitutionality of any of the Township's current billboard regulations, including the cap of 9 billboards

REZONINGS

Table 10 provides information on the three rezoning applications received in 2010. One of the applications was withdrawn. The Planning Commission’s public hearing and recommendation of approval of one of the rezoning applications led to the Planning Commission initiating a separate rezoning for the adjacent parcels.

Table 10 – 2010 Rezoning Requests

Development Name/Address	Request Type	Description	Status	Township Board Action
Gaines Charter Twp. 4400 & 4474 – 60 th St.	Rezoning	Planning Commission initiated rezoning from RL-14 to the I-1 zoning district	Approval Recommendation	Scheduled for 2011
Highpointe Real Estate 4500 & 4520 – 60 th St.	Rezoning	Rezoning from RL-14 to the I-1 zoning district	Approval Recommendation	Scheduled for 2011
Jeffrey Keast 7006 Kalamazoo Ave.	Rezoning	Home occupation with exterior display window	Withdrawn	NA

ECONOMIC DEVELOPMENT

The Department did not undertake any major economic development initiatives in 2010. However, it is anticipated that the Department will begin to take on a much larger role in economic development activities starting in 2011. This is a result of outcomes from the Township Board’s 2-day strategic planning exercise in December of 2010.

GRANT WRITING

The Department has been responsible for the federal reporting requirements for the FEMA fire station construction grant. This will continue throughout 2011. Reports are submitted quarterly online, and help the federal government track job creation and funding request. Department staff is also responsible for submitting the actual request for funds through FEMA’s online portal.

On behalf of the Parks and Recreation Committee, staff requested matching grant funds for a [Game Time](#) playground grant in November of 2010. Staff proposed three different funding and schedule options to start a playground with swings, two playsets and a bench in Prairie Wolf Park. Although Game Time had approved a 50% match for the playsets, the Township Board found it was not the time to invest in a playground and staff’s funding request was denied.

Also on behalf of the Parks and Recreation Committee, Township staff oversaw the completion of The Grove at Prairie Wolf Park, which was funded through a combination of Township general fund money, private donations, and a Department of Natural Resources Community Forestry grant. An irrigation system was installed to feed the 11 existing trees, with room for approximately 22 trees. Tree identification signs and a main grove sign were also part of the project.

In 2010, staff has met with Dutton Elementary and discussed with Dutton Christian Middle School and Cross Creek Charter Academy the [Safe Routes 2 School Program](#) administered by the Michigan Department of Transportation and assisted by Michigan Fitness Foundation. It is staff’s hope that one of these schools will participate in the program in the future, with assistance provided by the Township.

In June of 2010, Department staff prepared a proposal to secure a First Steps Service Grant through the Partnerships for Change – Sustainable Communities program, which is administered by the Land Information Access Association through partnerships with the Michigan Townships Association and the Michigan Municipal League. This program is a multi-jurisdictional planning assistance program, and the proposal centered on planning efforts along the Division Avenue corridor between Gaines and Byron Townships. Although staff secured support from both Division Avenue Corridor Improvement Authority Boards and both Township Planning Commissions, the Byron Township Board decided not to support the proposal at this time.

The grant writing database has continued to grow and now holds application information for over 120 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, or are specific to cities, villages or counties.

PARKS & RECREATION

Planning Department staff continued in its role as staff support to the Parks and Recreation Committee. In 2010 Department staff led the effort to prepare a Nonmotorized Transportation Plan. The Township Board adopted the plan at its December 13, 2010 regular meeting.

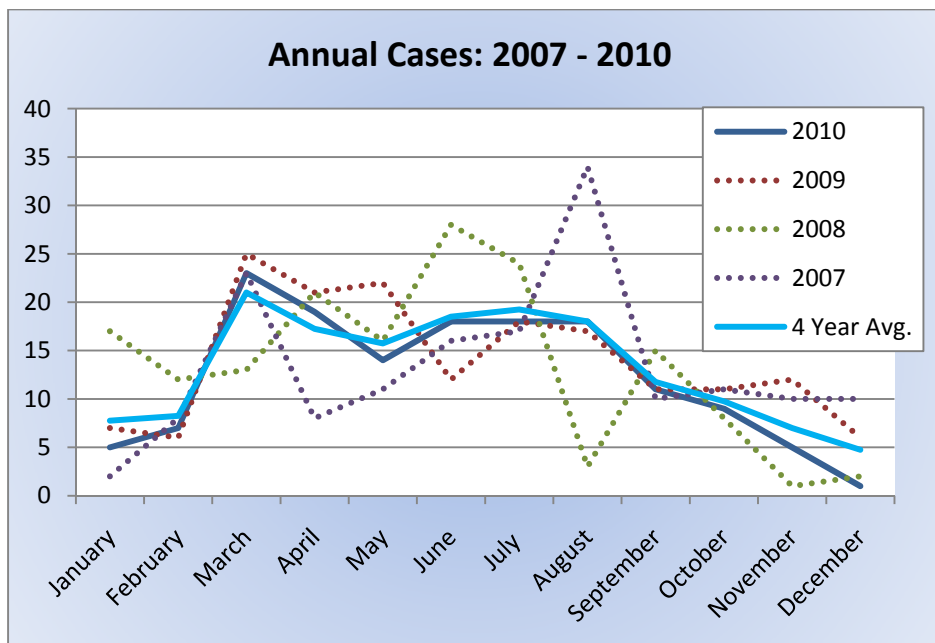
CODE ENFORCEMENT DIVISION

Throughout 2010, the Planning Department continued to utilize BS&A software to register and track code enforcement cases. 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. 148 cases were filed in 2010, 11 cases less than the annual average from 2007-2010. As seen below in the **Table 11** and **Chart 5**, the cases filed in 2010 follow the same trends of previous years, with March through August being a steady period of increased filings.

Table 11 – Annual Cases by Month

Month	2010	2009	2008	2007	4 Year Avg.
January	5	7	17	2	7.8
February	7	6	12	8	8.3
March	23	25	13	23	21.0
April	19	21	21	8	17.3
May	14	22	16	11	15.8
June	18	12	28	16	18.5
July	18	18	24	17	19.3
August	18	17	3	34	18.0
September	11	11	15	10	11.8
October	9	11	8	11	9.8
November	5	12	1	10	7.0
December	1	6	2	10	4.8
Annual Total	148	168	160	160	159.0

Chart 5 – Annual Cases by Month



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 county Sheriff's Department or Animal Control.

Of the 148 cases filed in 2010, 103 were brought into compliance and closed, 8 received civil infraction citations, and 37 were deemed to have no violation.

Chart 6 provides a percentage breakdown of the types of enforcement cases that were processed in 2010, while **Table 12** provides the number of case types and annual averages.

Chart 6 – Annual Case Types

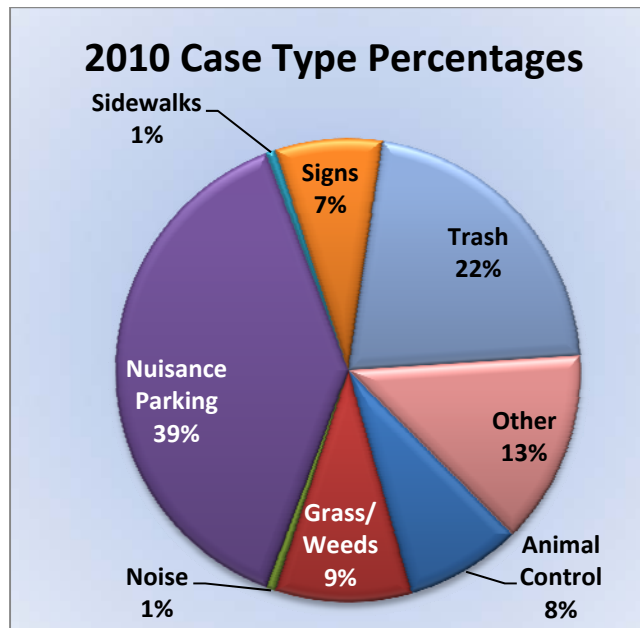


Table 12 – Annual Case Types

	2007	2008	2009	2010	Annual Averages	2010 Average Differential
Animal Control	6	5	3	12	6.5	5.5
Grass/ Weeds	4	11	9	14	9.5	4.5
Noise	2	0	1	1	1	0
Nuisance Parking	66	61	52	57	59	-2
Sidewalks	17	3	5	1	6.5	-5.5
Signs	0	24	6	11	10.25	0.75
Trash	39	35	39	32	36.25	-4.25
Other	26	21	33	20	25	-5
Totals	160	160	148	148	154	-6

Table 12 on the preceding page shows an increase from the four-year average in animal control and grass/weeds complaints, but decreases in sidewalk, trash and “other” complaints, as well as an overall decrease in the number of complaints filed annually since 2007.

Staff also assesses annual data for problem areas within the Township. **Chart 7** provides an overview of cases per section by percentage, while **Table 10** provides cases per section comparisons between 2007 and 2009. This data is important for future use if/when the Township pursues more proactive code enforcement practices, instead of performing inspections solely on a complaint basis.

Chart 7 – 2010 Section Comparison

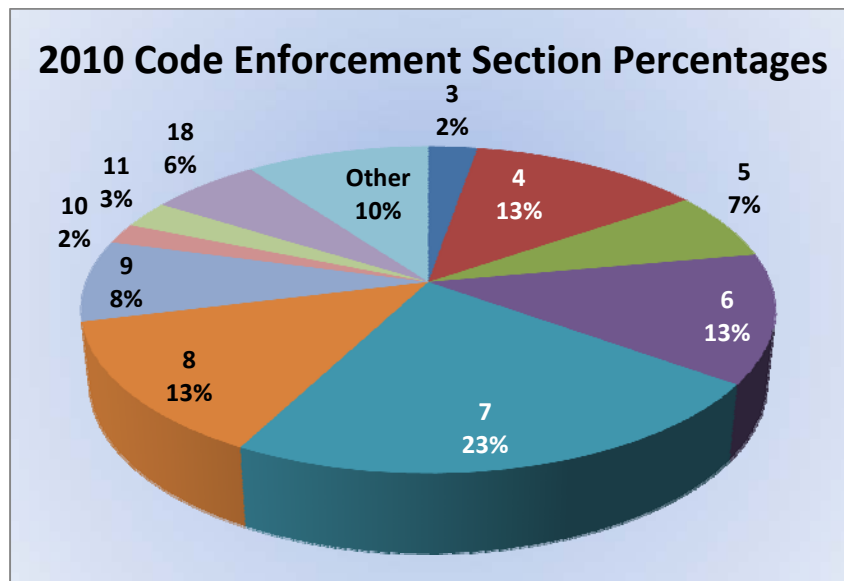


Table 12 – Annual Cases by Section

	2010	2009	2008	2007	Annual Average No.	Annual Average %	2010 Average No. Differential
3	4	6	3	3	4	2.5%	0.0
4	19	19	22	8	17	10.7%	2.0
5	10	14	16	7	11.75	7.3%	-1.8
6	19	18	12	29	19.5	12.2%	-0.5
7	34	41	53	54	45.5	28.5%	-11.5
8	20	12	10	15	14.2	9.0%	5.8
9	12	29	24	11	19	11.8%	-7.0
10	3	5	0	7	3.75	2.3%	-0.8
11	4	8	0	1	3.25	2.0%	0.8
18	9	4	8	12	8.25	5.2%	0.8
Other	15	12	12	14	13.25	8.4%	1.8
Totals	149	168	160	161	159.5	100.0%	-10.5

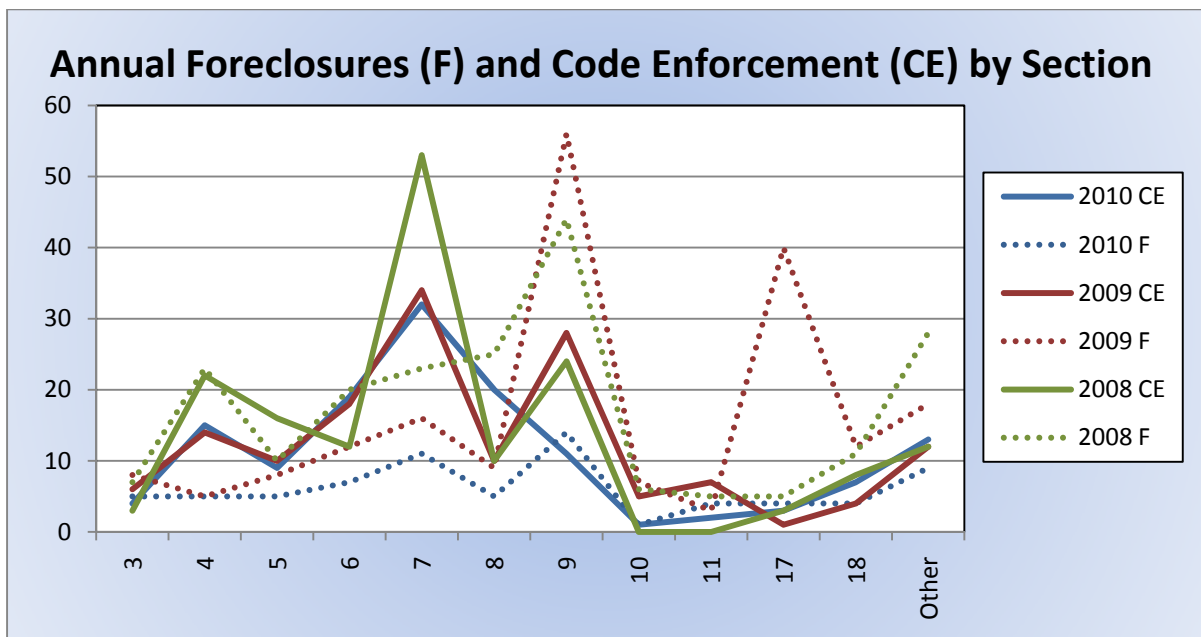
Increases. Section 8 has seen a steady increase in filings since 2007. However, as the section has only accounted for 9% of the total cases filed since 2007 staff does not believe it is indicative of a major trend or issue.

Decreases. There has been a notable, gradual decrease of cases in Section 7, even though it is one of the more populated sections of the Township. These decreases may be attributed to the slow improvement of the real estate market and the affordability of these properties for new home owners, and is hopefully a sign of continued improvement in the more populated areas of the Township.

Staff has also been analyzing code enforcement data over time to see if there is any correlation between foreclosures and code enforcement filings.

Chart 8 provides a section comparison of annual code enforcement cases to annual foreclosures.

Chart 8 – Foreclosures and Code Enforcements Cases by Section



Although the Department only has three years of foreclosure data, based on **Chart 8**, it appears that there is a correlation between foreclosed properties and code enforcement activity. Staff has expected this correlation based simply on population densities, but this data serves to confirm those assumptions. Staff made a concerted effort in 2010 to work with banks and tenants of properties in a phase of foreclosure to resolve violations.

In 2009, staff started tracking the occupancy type of properties receiving civil infraction citations. While there is only two years worth of data, staff has noticed that the majority of civil infraction citations are administered to rental and abandoned/vacant dwellings.

Table 13 provides a breakdown of property types receiving civil infraction citations in 2009 and 2010.

Table 13 – Civil Infraction Citation Property Types

Property Type	2010	2009
Abandoned/Vacant	2	0
Rental	5	6
Owner Occupied	1	2

Table 14 provides an overview of civil infraction citations administered from the time the Township began utilizing the municipal civil infraction process in 2007 through 2010.

Table 14 – Civil Infraction Citation Types

Violation	2010	2009	2008	2007	Total Administered	Annual Averages
Grass/Weed Control	0	0	1	0	1	0.25
Nuisance Parking	5	4	3	3	15	3.75
Trash/Junk	2	3	6	3	14	3.5
Other	1	1	1	0	3	0.75
TOTAL	8	8	10	6	32	8

The 2010 number for citations includes three nuisance parking citations to one property and one nuisance parking citation to a property that also received a citation in 2009. The “other” citation was administered for a temporary storage unit (TSU); this was the first TSU case since adopting TSU regulations in 2009.

If a violation is brought into compliance prior to an informal hearing requested by the township or citation recipient, staff dismisses the citation. If there is no representative present for the recipient at the informal hearing, a default judgment is entered and the recipient is fined. Staff noted the following numbers regarding the civil infraction citations administered in 2010:

- Staff requested 6 informal hearings:
 - 2 were dismissed due to compliance prior to the informal hearing
 - 2 received default judgments and fines
 - 2 were found responsible and fined
- 2 citations were administered to a property in foreclosure

Staff continues to believe that civil infraction citations have assisted in motivating property owners to bring their property into compliance quicker and maintain compliance longer, as opposed to treating violations as criminal misdemeanors.

DEPARTMENT ADMINISTRATION

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

PLANNING COMMISSION

Table 15 lists the members of the Planning Commission during 2009.

Table 15 - 2010 Planning Commission Members

Member	3-Year Term Ends	Member Since	Officers
Rob DeWard	December 31, 2012	1990	Chairperson
Tim Haagsma	Township Trustee	2002 (1992 – 1997)	Vice-Chairperson
Louis Waayenberg	December 31, 2011	1997	Secretary
Ted Essenburg	December 31, 2012	2001 (1981 – 1990)	
Ronnie Rober	December 31, 2011	2002	
Lani Thomas	December 31, 2013	2006	
Connie Giarmo	December 31, 2013	2008 (1991 – 2000)	

During 2010, The Planning Commission held 11 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 8:13 p.m., for an average meeting time of 1 hour and 9 minutes. The attendance for all meetings is shown in **Table 16**.

Table 16 – 2010 Attendance

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

ZONING BOARD OF APPEALS

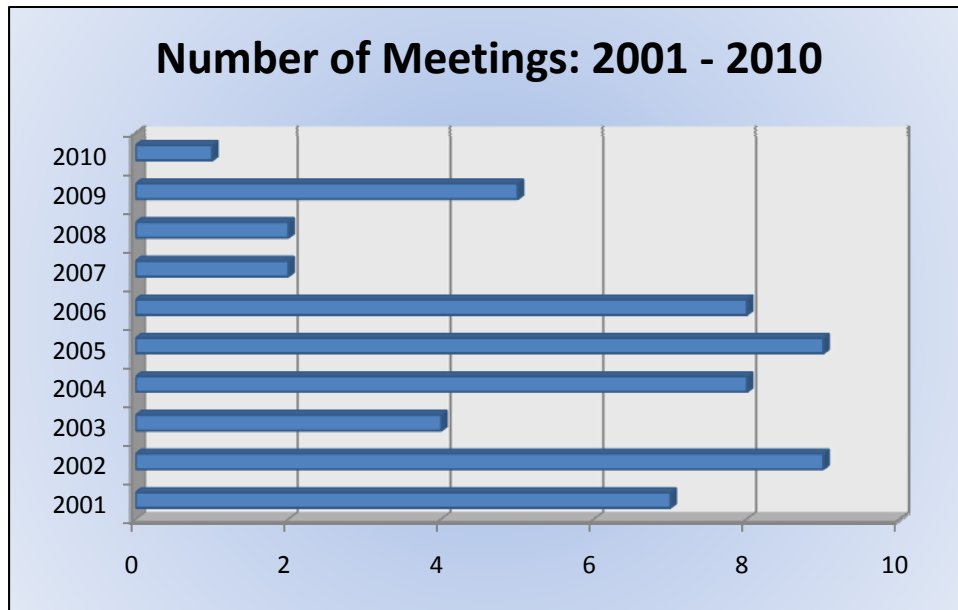
Table 17 lists the members of the Zoning Board of Appeals in 2009:

Table 17 – 2010 ZBA Members

Member	3-Year Term Ends	Member Since	Officers
Don Drenth	December 31, 2012	1979	Chairperson
Ted Essenburg	December 31, 2013	1996	Vice-Chairperson
Dick Steigenga	December 31, 2012	1990	Secretary
Dan Fryling	Township Trustee	2000	
Gayle McGrath	December 31, 2013	2002	
Ruth Ringnalda	December 31, 2013	2008	Alternate

In 2010, the Zoning Board of Appeals held one regular meeting in July. The meeting was called to order at 7:00 p.m. and was 48 minutes long. Members McGrath and Chairman Drenth were absent for the meeting. As seen in **Chart 9**, the number of meetings annually has significantly decreased since 2006.

Chart 9 – Meetings Annually



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.

The Clerical Assistant position has been vacant since 2009, as Jenni Lamb moved to the Executive Office full-time. The recording secretary duties are now 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. In 2010, our intern was Kelly Cavanaugh, a recent graduate of the University of Michigan. During her time of employment, which ran from June 15, 2010 through September 3, 2010, Kelly performed the following tasks:

- Collected and compiled public/subcommittee input for the Nonmotorized Transportation Plan
- Assisted in the preparation and operation of the Nonmotorized Transportation Plan public open houses
- Prepared preliminary cost analysis data for the Nonmotorized Transportation Plan
- Prepared information related to the nonconforming status of Stroo Funeral Home
- Prepared information related to potential updates to the R-3 Multiple Family Zoning District
- Compiled initial data for the 2010 Capital Project List
- On behalf of the Township, attended a "Walkability Audit" of Downtown Standale in Walker put on by national expert Dan Burden
- Attended and took notes at 1 ZBA meeting and 3 Planning Commission meetings

This year, the allotted hours for the intern were reduced by the Personnel Committee from 384 to a maximum of 288 hours. Because Kelly accepted a full-time position with Georgetown Township in August, the hours used in 2010 amounted to only 189.

Overall, the 2nd year of this program went extremely well, and the Department hoped to continue to make this an effective long-term program that benefits both the Township and future interns. **However, the Personnel Committee chose not to fund this program for 2011. When funding is available, we hope to continue this program in the future.**

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:

- Increased staff support to the Division Avenue Corridor Improvement Authority and Parks and Recreation Committee
- Involvement in strategic planning and capital improvement programming efforts
- Increased grant writing efforts and administration
- Increased economic development efforts, including PA 198 requests
- Increased graphic design work

BUDGET

The Department is committed to providing our work in the most efficient and cost effective manner. See the following Tables for information related to recent Department budgets.

Table 18 lists the adopted budgets for the Planning and Zoning Department for fiscal years 2005 – 2010.

Table 18

2005	2006	2007	2008	2009	2010
\$221,366.00	\$199,219.00	\$216,429.58	\$214,495.00	\$183,444.00	\$173,335.00

The average budget amount over for this 6 year period is **\$201,381.43**. **The current budget is the lowest over this 6 year period and down nearly 22% from 2005.**

Table 19 presents the actual dollar amount spent in the fiscal years 2004 – 2008, and shows the amount spent in 2009 through 8/31/09.

Table 19

	2005	2006	2007	2008	2009
Actual Dollars Used	\$181,096.00	\$145,665.00	\$161,910.00	\$196,269.00	\$152,098.00
% of Budget Used	81.80%	73.11%	74.81%	91.50%	82.91%

The average dollar amount spent in the 2005 – 2009 fiscal year period is \$167,406.60. I anticipate that the actual amount spend in 2010 will be below this 5-year average.

The Planning and Zoning Department has always attempted to provide the highest level of professional

planning service while keeping budget figures reasonable and under control. Since 2005, the department has, on average, spent only 80.82% of its approved budget.

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.

2010 WORK PROGRAM REVIEW

This review lists the action items that were identified in the 2010 Work Program under “**Long Range Planning**”, “**Code Enforcement**” and “**Department Administration**” 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 2010 Work Program. The items under “**Ongoing Items**” are not included in the statistical analysis.

Long Range Planning Division

1. Finalize amendments to “Chapter 25 – Site Plan Review”, of the Zoning Ordinance. **Positive Action – Amendments to this chapter were adopted by the Township Board on 3/8/10.**
2. Finalize amendments related to carports and emergency storage unit regulations of the Zoning Ordinance. **Positive Action – Amendments to this chapter were adopted by the Township Board on 3/8/10.**
3. Prepare and adopt a Township-wide Non-Motorized Transportation Plan. **Positive Action – The Nonmotorized Transportation Plan was adopted by the Township Board on 12/13/10.**
4. Work with the Planning Commission, Township Board and Township management on the development of a Capital Improvements Programming process. **Positive Action – Staff prepared a 2010 Capital Project List. This was submitted to the Township Board’s Building & Grounds Committee and will serve as a precursor to a future 6-year Capital Improvement Plan.**
5. In cooperation with Grand Valley Metropolitan Council, The Rapid, the cities of Kentwood and Wyoming and a consultant, prepare a Form Based Code template, based on the Plan for Fisher’s Station. **Positive Action – Department staff assisted the other stakeholders, along with Williams and Works/Nederveld Associates, in the development of the template form-based code. Staff attended several meetings.**
6. Along with other municipalities, assist the Grand Valley Metropolitan Council on the administration of a U.S. EPA brownfield assessment grant. **Positive Action – Department staff attended several meetings related to this item.**
7. Administer the 2009 – 2010 Community Forestry Grant. **Positive Action – The Grove at Prairie Wolf Park opened in the summer.**
8. Identify the location, availability and cost of key properties within the Township for potential purchase by the Township or for development/redevelopment by a third party; prepare appropriate documents for internal and external use. **No Action.**
9. Begin work on a potential Form Based Code for the Dutton Subarea per the 2008 Master Plan Update. **Mixed Results – Staff began preliminary research on this item, but no information was presented to the Planning Commission.**
10. Increase public education by preparing “public education pieces” for distribution via hardcopy and the Township website. **Positive Action – Department staff prepared four “Educate Gains” pieces in 2010. The intent is to prepare four pieces each year.**
11. Continue work on preparing an omnibus “land development ordinance”, which would contain regulations for subdivisions, land divisions, site condominiums, and private roads. **No Action.**
12. Create in-house promotional material for the Township, Dutton Subarea and 100th Street Subarea for distribution via hardcopy and the website. **No Action.**

Code Enforcement Division

1. Explore adopting a noxious weeds ordinance. **Positive Action** – Staff and the Planning Commission prepared an ordinance that was presented to the Township Board. However, Ordinance No. 10-09 failed to receive enough votes to pass.
2. Explore amending the regulations for dumpsters and trash receptacle. **Mixed Results** – Staff performed preliminary research but did no information was presented to the Planning Commission.

Department Administration

1. Develop a system to accurately track the number of Department documents that are sold/handed out to the public or other Township personnel. **Mixed Results** – Department staff attempted to track the documents through a spreadsheet. However, the variety and types of documents that are produced make it difficult to accurately track the number of documents. **The Department does not plan on continuing this system.**
2. Create flow-charts for various department development review processes; explore including them in the zoning ordinance. **Mixed Results** – Department staff began preparing various flow charts, but nothing has moved past the draft stage.
3. Perform research on the digital archiving of the Department’s historical documents. **Mixed Results** – Department staff did not research private companies, but did determine that our in-house Xerox WorkCentre printer/scanner/copier is capable of scanning documents up to 11x17 in size. The intent is for Department staff to begin scanning historical documents in-house in 2011.

Ongoing Items

- Cooperate with the Township Board and Township management on tasks associated with the Division Avenue Corridor Improvement Authority (DACIA). **Staff worked with the DACIA in the preparation of a *Partnerships for Change – Sustainable Communities* grant.**
- Provide Planning Commission, Zoning Board of Appeals members and staff with appropriate training opportunities. **Staff forwards multiple training opportunities to the Planning Commission and Zoning Board of Appeals each year and all members receive copies of the *Planning & Zoning News*. In 2010 staff had individual memberships in the American Planning Association, the Michigan Association of Planning and the United States Green Building Council – West Michigan Chapter. In 2010 staff attended the following:**
 - 2010 Michigan Association of Planning Annual Conference
 - 2010 Grand Valley Metro Council – Growing Communities Conference
 - Michigan Municipal League Workshop – Creating Vibrant and Walkable Communities
 - Michigan DNR – Natural Resources Trust Fund Grant Workshop
 - MAP/MML/MDOT Transportation Bonanza Conference
 - Standale Walkability Audit by Dan Burden
 - Law Weathers In-House Workshop – FOIA, Open Meetings Act and Emails
 - West Michigan Strategic Alliance – State of the Region Conference
 - Michigan Association of Planning Webinar – The Michigan Development Impact Study Project
- Cooperate with regional stakeholders on the potential application of the “LEED for Neighborhood Development” rating system on local governments. **Staff did not participate in any activities in 2010.**
- Streamline the department’s overall Access database. **Staff worked on this item throughout 2010.**

- Build the grant writing database and identify potential grant opportunities for the Township. Staff participated on two grants projects in 2010 (The Grove at Prairie Wolf Park and the Dutton Fire Station) and presented 2 grant projects that were not commenced.
- In addition to duties related to the Planning Commission and Zoning Board of Appeals, provide staff support to other Township committees. Staff provides staff support to the following committees: Parks and Recreation, Water and Sewer Advisory, Liquor Control Enforcement and the Dutton Fire Station Construction Advisory.
- Re-file department documents based on parcel/tax-ID numbers. The majority of the Department's documents have been re-filed.
- Review Township ordinances to determine if any regulations need updating or if any regulations are inhibiting the implementation of the Master Plan. Staff does this on a continual basis. An example in 2010 was the work that was done on regulations for medical marihuana, which was not something that was identified in the 2010 Work Program

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	12	8	67%	9	75%
Code Enforcement	2	1	50%	2	100%
Department Administration	3	0	0%	3	100%
Total	17	9	53%	14	82%

By staff's findings, 82% of the 2010 action items received either Positive Action or Mixed Results. Although staff expects positive action on all Action Items, 3 major items not identified in the 2010 Work Program demanded much of staff's time; medical marihuana regulations, the CBS Outdoor lawsuit, and the Dutton Fire Station grant administration. Based on this, staff is comfortable with the level of work performed in the Planning and Zoning Department throughout 2010.