

# Farmington Observer

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Irving Yackness, of the Southeastern Michigan Builders Association, addresses the city council.

By Joanne Maliszewski  
staff writer

Tougher Farmington Hills regulations for subdivision open space completion are going back to the drawing board — again.

Concerns by developers and some council members Monday prompted yet another review of a proposed open space completion ordinance. Councilman Terry Sever, who opposed adoption of the city's open space policy in August, also opposed the review.

With the help of interested developers, city administrators will study the proposed ordinance based on the open space policy — and return to council with a report within 30 days, City Manager William Costick said.

While administrators are reviewing the proposed ordinance, the city's open space policy will remain in effect. The policy requires developers to complete open spaces before the fifth building permit is issued. It also requires a 150-percent escrow deposit to ensure improvements are completed.

The new policy and proposed ordinance represent a crackdown on developers and completion of open spaces in new neighborhoods. The tough restrictions came in response to problems and controversy in the past year over open spaces that were still incomplete long past the established deadline.

**REGULATIONS TREAT** open spaces as any other subdivision improvements, such as water and sewer lines, which are required in the subdivision platting process.

Both the 3-month-old open space policy and a similar proposed ordinance came under fire Monday by developers and builders.

"We are against the ordinance. We feel the best approach at this time is to rewrite the policy," developer Peter Burton said.

Notably, developers took exception to the requirements that open spaces be completed before a fifth building permit is issued and that escrow deposits must equal 150 percent of the estimated cost of common areas improvements.

Developers also prefer a city policy rather than an ordinance to govern completion.

A policy would allow both the city and developers flexibility, depending on the characteristics of each subdivision, especially the planned residential developments. In contrast, an ordinance "sets a hard set of rules in concrete," which are difficult to change, said Irv Yackness of the Southeastern Michigan Builders Association.

USING BURTON's proposed 300-acre Copper Creek planned residential development as an example, de-

velopers told council that strict regulations will hamper creative development and protection of the land's features. Copper Creek will be between 12 and 13 Mile, Haggerty and Halsted roads.

Burton's proposed development, for example, features an 82-acre golf course. Under the city's open space policy and proposed ordinance, the course must be completed before the fifth building permit is issued. Burton has planned to build the development in stages.

"It (proposed ordinance) will discourage developers from planning open spaces," Yackness said.

Because the larger planned residential developments are built in phases — generally because of economic reasons — open space completion should follow the same pattern, Yackness said.

The costs of completing an open space would be prohibitive, particularly when the rest of the development is being built in phases, Yackness said.

Farmington Ridge subdivision developer Barry Stuhberg agreed.

"There are certain open space improvements that should go in first, some improvements that should go in later on," he said.

Installing playground equipment in an open space long before the subdivision is completed and occupied would be worthless. Besides possible vandalism, playground equipment would suffer from lack of use simply because there would be no residents to use it, Stuhberg said.

THE SAME holds true for walkways, which, if installed from the outset, would probably be damaged as grading and construction continues in the subdivision.

The only way to avoid these problems and to continue to make open spaces cost-effective for developers is to provide for staged completion, developers said.

"There is no provision in this ordinance for that aspect," Yackness said.

Burton's attorney, James Ginn, told council that the proposed ordinance and strict provisions of the city's existing policy "will discourage just the kind of development this community has been in the forefront of encouraging."

The strict regulations, he continued, will only provide increased costs for the developer and, in turn, for the home buyer.

With a state statute that provides for subdivision open space completion, as well as various city ordinances and policies, the proposed ordinance only adds to the "regulation merry-go-round," Ginn said.

Planned residential developments, in particular, should be provided latitude because of the unique character of the land, design and size of such developments. A policy, rather than an ordinance, would provide latitude and flexibility for both developers and the city, Ginn added.

THE CITY can ensure timely open space completion "by a well-written policy. I strongly urge you to refer the matter back to the city manager and city attorney for revision," Ginn said.

Though most council members agreed that the proposed ordinance could use fine-tuning, some disagreed whether the regulations should remain as policy or be made into an ordinance.

Councilwoman Joan Dudley, who originally requested an ordinance, maintained her position.

"We need an ordinance. We need the force of law. There is flexibility. This council should ultimately have the decision," she said.

Mayer Joe Alkatech disagreed.

"I believe if we pass an ordinance, we would not serve ourselves or the community," he said, adding he prefers a policy that offers flexibility.

Costick promised he will remain "open-minded" in the open space review. But he told council he prefers an ordinance because it is easier to administer than a policy.

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