

# Building Scene

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## Good planning: having your cake and eating it, too

By Gerald Frawley  
staff writer

In the grand scheme of things, community planning is a relatively new idea.

Forty years ago, with the exception of infrastructure, builders and developers pretty much did as they pleased, and as one might expect, they made some bad (and good) decisions.

And it's the community planners and zoning boards of appeal members who are entrusted with that responsibility.

There are no statutory requirements for becoming a planning commission or zoning board of appeal member, according to Michigan Society of Planning Officials executive director Helen Willis.

"Normally, when you are appointed they hand you a book and say there you go."

Generally speaking, these people are not experts in the building field, but are doctors, lawyers, retirees, housewives and business men and women.

"They come in with different notions and backgrounds — having members with different ideas is important," she said.

But planning know how?

Most people have to learn on the job, Willis said from her Rochester office. "That is the primary purpose for MSPO — education."

"The purpose of planning is to create a community and preserve a quality of life so that people will stay there," Willis said.

FOR MANY YEARS, planning commission and zoning board of appeal members relied on professional staff and paid consultants, but as the job has become increasingly complex, it becomes imperative that planning commission members have a solid foundation on which to make decisions, Willis said.

"Planners are not technicians, and planning is a fairly technical process," she said. "It takes two years for a person to just begin to feel comfortable with the responsibilities."

MSPO's educational programs reduce the time it takes to turn a busi-

ness person into a community planner.

There is tremendous turnover on planning commissions and zoning boards of appeal. With roughly 1,800 planning bodies statewide, with five to nine members each, it's not surprising that more than 10,000 people have attended the MSPO seminars, she said.

THESE PEOPLE help write zoning ordinances, approve site plans, approve variances and take testimony from residents on a project's impacts, she said. They prepare community master plans, grant exceptions, create special land uses, review site plans — and those are the simple tasks, Willis said.

In April, MSPO will present seven advanced seminars to its members on new ways to control development like strategic plans, overlay zoning, performance zoning, open space protection, historic preservation, farm, land protection, access regulations, corridor plans tax increment financing and tax abatements — to name just a few, she said.

Willis said all benefit from an education-based planning commission — the community, the residents — even builders. "I think they would rather work with a knowledgeable commission than one that doesn't know what it's doing."

In talks with builders, Willis said that the number one complaint builders have about planning commissions are they are inconsistent. A rule doesn't always apply.

"A good developer and a good planning commission will make a good development," Willis said.

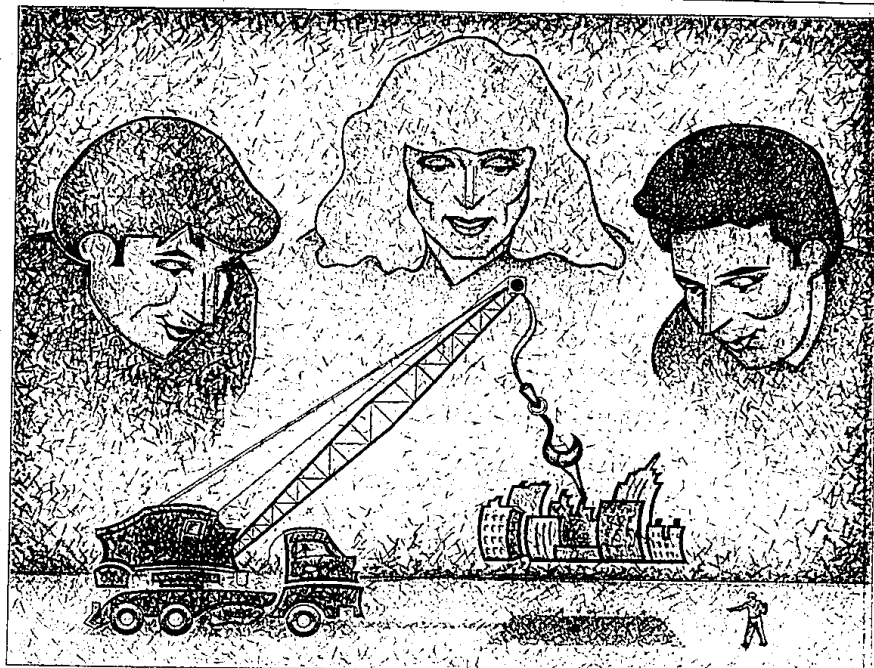
Smith Horton, Plymouth Township trustee and liaison to the planning commission said organizations like MSPO are particularly helpful to new members learning the ropes.

PLYMOUTH TOWNSHIP has only recently joined MSPO, he said, but there are other ways to educate members on the techniques and tools of planning. Plymouth Township has relied on its planning staff, trips to new developments, in-house workshops and a close working relationship between new and old members.

Petoskey city planner Brad Leech wrote in The History of the Michigan Society of Planning Officials.

After formation, MSPO undertook the task of monitoring the planning activity throughout the state and even began lobbying the state legislature for land planning legislation, Leech wrote.

The organization's quick growth in the late 1950s and early 1960s reflected the post-war baby boom. The scope of the organization evolved from essentially an urban planning focus to broad-based planning de-



through work sessions and even to accomplish its planning objectives.

But if for no other reason, MSPO and in-house meetings are useful because they make sure that all the people involved in the planning process — the commissioners and zoning board members, professional planners, builders, engineers — are speaking the same language.

"There are all kinds of little things that go on that we need to be up on," he said. "Information gives everyone a piece of reference from which to work."

Patricia Goodwin, Rochester Hills planning director, said Michigan is fortunate because it has two planning organizations — one for professional staffers and one for the lay planner.

"MSPO provides a framework for training and enlightenment of the non-professional," Goodwin said. "It

(MSPO) is vital because it gives (planning commission and zoning board members) enough background and understanding of the planning laws and what's happening around them."

"It's in everyone's best interest to have a well educated commission," Education seminars help members to get a broad understanding of the impacts of their decisions, and they also help them understand the possible liability of their actions.

"So it makes fiscal as well as practical sense," Goodwin said.

JOANNE SMITH, Farmington Hills Planning Commission chairwoman, said organizations like MSPO also have great value to more established members of planning boards.

Planning laws, strategies and concepts evolve fairly quickly, and it

behooves a planning commission to keep up with new developments, she said. "Probably one of the most important things we gain is access — through our membership — to changes in the law and to new ideas and concepts."

Concepts from tree ordinances and landscape plans to ways local governments can help revitalize older areas exist, but unfortunately many people aren't aware of them, she said.

Intensive seminars, planning commission exchanges, and seminars on different techniques that have proven successful in other communities may have applications in one's own community, she said.

"Sometimes we think we have all the answers and know what we're doing, but then you find out something new and realize there's a better way," she said.

EVEN ONE seminar can make a difference. "Last October's seminar was the kind of a program we wish we could have seen when Farmington Hills first started developing 15 years ago," she said.

Large-scale development like that which has occurred in the last decade in Farmington Hills can be beneficial if done properly — even though it brings problems along with it.

Farmington Hills actively sought to bring office development to certain areas in the city with the purpose of creating a healthy tax base, she said. But that tax base has generated traffic and reduced the amount of open areas.

Through good planning, it is hoped a balance can be achieved. "Planning," Smith said, "is about having your cake and eating it too. We want to make sure it's not too big a bite to swallow."

## History of planning reflects development of region

By Gerald Frawley  
staff writer

The Michigan Society of Planning Officials as an organization has existed for many years, but its focus has changed as planning and issues have changed.

In 1945, 49 municipal planners from throughout Michigan met to create a forum for the exchange of information on planning practices and principles, to stimulate interest in planning, and to further the interests and purposes of community planning, former MSPO president

and Petoskey city planner Brad Leech wrote in The History of the Michigan Society of Planning Officials.

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signed to accommodate the new suburban growth in townships and small cities, and included such rudimentary concepts as suburban migration, lack of zoning in townships, sewer, road and water line extensions, annexation, and the planning of new subdivisions, Leech wrote.

By the late 1960s, MSPO's emphasis returned to the plight of the urban centers. Planners became aware that there were many social problems, and consequences of urban planning. MSPO responded to the "crisis of the cities" by exploring the

idea of regional planning, Leech wrote.

ALTHOUGH THE idea never took a solid hold, regional planning eventually resurfaced in the form of the Southeastern Michigan Council of Governments (SEMCOG). Today, suburban Detroit leaders are taking a second look at various forms of regional planning, Leech wrote.

In the 1970s, MSPO responded to a growing wave of environmental and conservation concerns. Its educational and lobbying efforts resulted in several significant acts, including

the Shorelines Protection Act, the Natural Rivers Act, and a 1971 Amendment to the Solid Waste Act of 1965, Leech wrote.

Other issues relating to land use management were also explored throughout the 1970s.

But by 1980, the group — after noting the decrease in federal and state funding for planning education and promotion — returned to the original course of promoting the education of those planners and zoning members, MSPO executive director Helen Willis said.

"We don't lobby — we may give

the pros and cons on legislation, but we do not take a stance on whether it should be approved," Willis said.

Today, the group has broadened its scope to educate township, county, landscape and other land planners, she said.

MSPO accomplishes its educational goals through several means, including its planning and zoning seminars, its annual meeting, a quarterly magazine, a bimonthly newsletter, and an opportunity to share ideas with more than 3,600 members, Willis said.

## Condominium requires independent advice

We live in a conversion condominium and I am on the advisory committee. The developer has not been cooperative dealing with construction defects and deficiencies that we have discovered at the site and has hired a management company that we understand represent a number of developers in the city at condominiums. The management company has apparently been utilizing contractors affiliated with the management company, including the CPA. Several of us think that the management agent and the developer are in cahoots. What can we do?

The condominium documents should describe the process by which the turnover of control of the association will take place as required by the state condominium act. One of the purposes of the advisory committee is to serve as a conduit for communication between the developer and the members of the association. While it does not have any real legal power, it can serve as a learning experience for those who serve on the advisory committee, many of whom eventually end up serving on the first co-owner controlled board of directors. I would request the developer to advise you as to how many units have been sold in the project and as to when the turnover of control of the board of directors of the association will take place. I would also be interviewing new management companies, an independent CPA and other professionals who do not have any legal, financial or economic ties with either the developer or the management company.

You will then be in a position to select and choose from



condo queries

Robert M.  
Meisner

these people even before the turnover. Even if the developer does not fund the retention of counsel, a CPA etc. for the advisory committee in behalf of the members of the association, it should try to raise funds of a volunteer basis from among the members of the association. Your argument to the members of the association will be that the developer in your case is abusing its prerogatives in an unhealthy relationship with the management firm and that it is necessary for the members of the association to retain independent and objective outside assistance to deal with the obvious problems at the condominium project.

We are concerned about the amount of fee that builds up on our streets in our condominium. As a co-owner, I have written the board of directors on several occasions and requested that it provide more salt. It has indicated that remuneration the association cannot afford to do so. I am worried about slips and falls. What can I do to convince the board to deal with this problem?

One of the responsibilities of a board of directors is to maintain the safety of the condominium project. An item of basic maintenance is to insure those common areas over which the association has responsibility for maintenance and repair are properly attended to, including reasonably attempting to keep the roads and sidewalks from ice and snow. To the extent that the board can take reasonable precautions to avoid being by way of falling, etc., it should do so. The fact that it claims that it does not have the economic means to do so is really no excuse as the board, in any condominium association, has the ability to increase assessments sufficiently to meet the reasonable needs of the association, whether it be the salting of roads or prosecution of litigation, as the case may be. I would write each member of the board advising them of what you consider to be this precarious situation and reminding them that they may well be deemed personally liable as well as the association. Perhaps you can scare them into submitting to their legal responsibilities even if they have to raise the necessary funds, if that be the case, to properly run the association.

Robert M. Meisner is a Birmingham attorney specializing in condominiums, real estate and corporate law. You are invited to submit topics about condominiums that you would like to see discussed in this column by writing Robert M. Meisner at 30200 Telegraph, Suite 467, Birmingham 48010. This column provides general information and should not be construed as legal opinion.

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