

# Building Scene

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Marilyn Fitchett editor/591-2300



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## Architecture that responds to a site

By Dale Northrup  
special writer

Many are unaware that the Kellogg Foundation in Battle Creek is one of the largest philanthropic organizations in the world. The foundation was started in 1930, with the largesse of W.C. Kellogg, founder of the cereal company.

With the task of funding charitable causes in agriculture, education and health and now expanding into Central and South America, the foundation has outgrown its current facilities. For its new home, the foundation has opted for a 150,000-square-foot building on a 15-acre site in downtown Battle Creek that will eventually accommodate a staff of 300-350. After inviting architectural firms from across the nation, the foundation chose Luckenbach-Ziegelman & Partners of Birmingham.

With a highly regarded architectural reputation, LZP met the design criteria set by Kellogg, namely an appropriate response to the urban context. Kevin Owen, project manager, said the building will serve as a catalyst for future development in downtown Battle Creek and also function as an anchor at the opposite end of town on Capital and Michigan avenues.

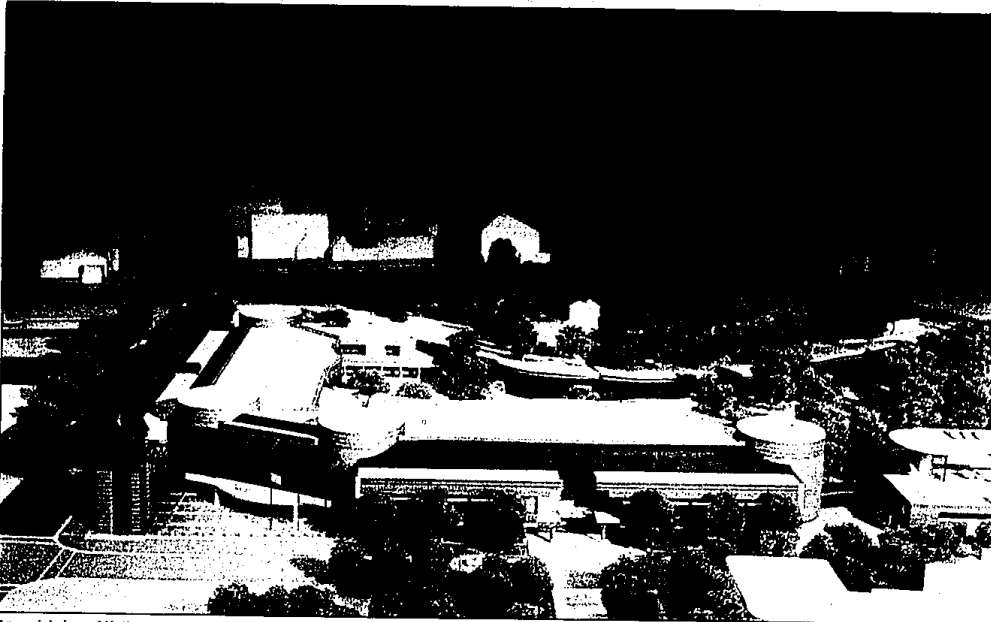
Owen interviewed 155 staff members to gain some insight into an architectural image that would dovetail with the community. Brick and limestone, referred to as the "palette," and the interplay of architectural forms relate to the buildings of Battle Creek. Adjacent to Mill Run Park, a stepped-up arch on the facade historically marks the site of Mill Run, which swiftly ran between the Kalamazoo and Battle Creek rivers, helping to spawn the milling industry that played a vital role for the city. Another outstanding feature is a carillon tower on the corner.

The street presence of the Kellogg Foundation is reinforced by the three-story facade with a pedestrian arcade marked by columns on Michigan Avenue. The circulation pattern within the building is on the outside of the building and dubbed "main street."

To acquire the site, Kellogg had to acquire 40-50 separate pieces of property involving businesses they helped to relocate. The W.C. Kellogg house was moved from its former location in town to a park across the Battle Creek River from the foundation and will serve as a meeting center.

Contextualism has become a salient characteristic in today's architectural setting. The success of other buildings by LZP, more notably in downtown Birmingham, played a significant part in their success with the Kellogg Foundation headquarters project.

The achievement of their architecture is a meaningful play of building forms.



An aerial view of Kellogg Foundation Headquarters shows the Battle Creek River and W.C. Kellogg house in the background.

## Roll 'em: Videos are OK

Our board wishes to rent the clubhouse to show videos for some of the elderly residents. We want to charge an admission fee, but certain members of the association are questioning the propriety of that. Is it OK to show a movie in the clubhouse, and can we charge if the funds go to the association?

I can answer this only in the generic sense because I do not have the benefit of your condominium documents. But it is safe to say that the use of the clubhouse will be governed by your operation of the non-profit corporation. Presumably, the association has control over the common elements that include the clubhouse. Also, the association has the right to engage in some social functions for the benefit of its members. It would not appear to be unreasonable to use the clubhouse, on occasion, for social gatherings, including the showing of movies.

To the extent that the association expends funds for that and to the extent that it recoups those funds from members of the association viewing these movies, I do not think that would be an unreasonable expenditure on the part of the association nor improper for the association to charge co-owners and their guests so long as it does not end up being a commercial enterprise and does not get out of hand in terms of potential exposure or liability for the use of the clubhouse by outsiders. But I would encourage the board to obtain an opinion from legal counsel to protect themselves.

I purchased a home several years ago and was advised by the real estate agent that we would have city water. When we closed we determined that we had a well and that it would cost us substantial sums of money to get city water. I am wondering if we have any claim against the real estate agent for that representation. The seller did not say anything about it, but we were relying on the listing ticket. The inspector we hired also confirmed we had city water.

The real estate agent has the responsibility to

**The real estate agent is responsible for investigating the accuracy of the listing ticket that is provided to you. To the extent that you retained an inspector who may have confirmed the statements of the agent, the inspector may also be responsible.**



condo queries  
**Robert M. Meisner**

investigate the accuracy of the listing ticket that is provided to you. To the extent that you retained an inspector who may have confirmed the statements of the agent, the inspector may also be responsible. It sounds as though the seller is off the hook to the extent that he/she did not advise you of this situation unless the seller knew of the listing and failed to advise you. You may clearly have a claim against the real estate agent, perhaps the inspector and perhaps the seller.

Our board decided that it will prohibit ball playing on all common areas. Might it be discriminating against my family and particularly my children because of that prohibition?

This is a tough question in light of the recent passage of amendments to the Fair Housing Act prohibiting discrimination as to familial status. While there can be a reasonable policy provision on the part of the association to protect the safety of the co-owners by prohibiting ball playing, to make a total prohibition on it in all areas of the condominium may not be reasonable as a restriction.

Since the amendments to the Fair Housing Act are relatively new, there is not a great deal of precedent to rely on in making such a decision. It may depend upon a case-by-case analysis but if there is a strong policy basis for prohibiting ball playing throughout the condominium because of the physical composition of the project, for example, lack of room, it may be sustainable. You are advised to consult with your attorney who may have to do an extensive amount of research to come up with an answer.

I am a developer of a condominium for the first time and am wondering what disclosures I have to provide with respect to insulation.

Under certain federal statutes, you are obligated to provide the nature and extent of the insulation that you are going to be providing in the units, together with the R factor, among other things. There are regulations concerning that which you should be familiar with but presumably your attorney will assist you in preparing the purchase agreement for your condominium project.

You should also be concerned about the environmental ramifications of the project and should provide adequate disclaimers. If necessary, in your purchase documents regarding the condition of the land from an environmental standpoint.

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

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