

**HOLDING ACTION ON LAND USE**

**Thesis for the Degree of M. U. P.**

**MICHIGAN STATE UNIVERSITY**

**Joseph Anthony Kowalski**

**1965**



**LIBRARY**  
Michigan State  
**University**

ROOM USE ONLY

## ABSTRACT

### HOLDING ACTION ON LAND USE

by Joseph Anthony Kowalski

The subject of this thesis is the evaluation of the Capitol Development Area in Lansing, Michigan, where the State of Michigan is developing office facilities. This study is an attempt to evaluate the changes that have occurred in the area and to determine causes of these changes. The study begins with a historical review of the Area's development from 1920 to 1963. Actions that have influenced changes are reviewed and the recorded data related to its development are examined.

The development schemes prepared for the Capitol Development Area are reviewed and evaluated. An examination is made of assessed valuation, building permits, rezoning petitions, newspaper articles, and public action and how these parameters have influenced the pattern of the area. The more recognized methods of controlling land use are reviewed. An attempt is made to determine whether these holding actions, if utilized, could have caused a change in the Capitol Development Area.

The significant result of the review of this subject

Joseph Anthony Kowalski

is that many of the factors examined had no appreciable influence on the development of the area. Conversely, implication, lack of funds, and the original layout of the Capitol Area are the factors that had the greatest control of development.

HOLDING ACTION ON LAND USE

by

Joseph Anthony Kowalski

A THESIS

Submitted to  
Michigan State University  
in partial fulfillment of the requirements  
for the degree of

MASTER OF URBAN PLANNING

Department of Urban Planning

1965

TABLE OF CONTENTS

	PAGE
PREFACE -----	v
CAPITOL DEVELOPMENT AREA -----	1
Introduction -----	1
Prior to 1920 -----	3
1920 - 1921 -----	4
1935 -----	10
1937 -----	11
1938 -----	11
1942 -----	15
1943 -----	15
1944 -----	15
1945 -----	17
1947 -----	19
1948 - 1953 -----	19
1955 -----	19
1956 - 1957 -----	21
1958 -----	22
1960 -----	25
1962 -----	26
1963 -----	27
The Effects of the Capitol Development Area--	29
IDENTIFICATION AND EVALUATION -----	43
Effects of State Action on the Capitol Development Area -----	43
Effects of Action by the City of Lansing on the Capitol Development Area -----	44

HOLDING ACTION ON LAND USE -----	47
Legal Justification -----	48
Police Power -----	49
Purchase: Negotiated -----	49
Purchase: Eminent Domain -----	50
The Comprehensive Plan -----	52
Zoning -----	53
Official Map -----	55
Gifts -----	58
Exchanges -----	58
Tax Foreclosures -----	59
Subdivision Regulation -----	60
Dedication -----	61
Re-assessments -----	63
Purchase of Easements or Development Rights--	63
Urban Renewal -----	64
Escheat -----	65
Taxation -----	65
Liens -----	65
Leases -----	66
CONCLUSION -----	68
BIBLIOGRAPHY -----	72
APPENDIX -----	75



PLATES

	PAGE
1. Capitol Development Area Location -----	2
2. Vacant or Unimproved Property - 1920 -----	5
3. City of Lansing Land Use - 1920 -----	7
4. Plan "A" of a Suggested New Capitol Group-1920--	8
5. Plan "B" of a Suggested New Capitol Group-1920--	9
6. Existing Development Around State Capitol-1938--	13
7. Capitol Development Area -----	14
8. Scheme One -----	18
9. Capitol Development Area - 1947 -----	20
10. Suggested Future Scheme for Capitol Development Area -----	23
11. Capitol Development Area as prepared by the State - 1958 -----	24
12. Capitol Development Area as Prepared by the State - 1963 -----	28
13, View of Radials -----	30
14. Perimeters of Value - 1938-1963 -----	32
15. Radial Value Profiles -----	33
16. Radial Value Profiles -----	34
17. Building Permits Issued in the Capitol Development Area - 1923 - 1963 -----	36
18. Number of petitions for Rezoning In and About the Capitol Development Area- 1938-1963--	37
19. Newspaper Articles Concerning the Capitol Development Area -1930 - 1963 -----	41
20. Positive and Negative actions Effecting the Capitol Development Area -- 1921 - 1963 ---	42

## PREFACE

On March 9, 1961, President Kennedy, in proposing a Federal open space program in his Housing Message to Congress, said: "Land is the most precious resource of the metropolitan area. The present patterns of haphazard suburban development are contributing to a tragic waste in the use of a vital resource now being consumed at an alarming rate."

Open space must be reserved to provide parks and recreation, conserve water and other natural resources, prevent building in undesirable locations, prevent erosion and floods, and avoid the wasteful extension of public services. Open land is also needed to provide resources for future residential development, to protect against undue speculation and to make it possible for State and regional bodies to control the rate and character of community development.<sup>1</sup>

Centralizing the activities of government has long been accepted by many planners as an efficient use of public funds. Most state capitals throughout the country, especially in recent years, have given serious consideration to keeping their administrative offices together. For over 100 years the Capitol of Michigan has been located

---

1. U.S., Housing and Home Finance Agency, Urban Renewal Authority, Preserving Urban Open Space (February 1963), p.3.

in Lansing, Michigan; and, during this time, planners have proposed many schemes for its harmonious development. As in most developments of this type, time has required changes and revisions of plans. An effort will be made in this paper to review the changes that have occurred in and about the present Capitol Development Area in Lansing from 1920 to 1963.

There are certain controls available to governments that restrict the use of private property to provide the desired services for which governments were created. These will be briefly reviewed and related to the Capitol Development Area.

## THE CAPITOL DEVELOPMENT AREA

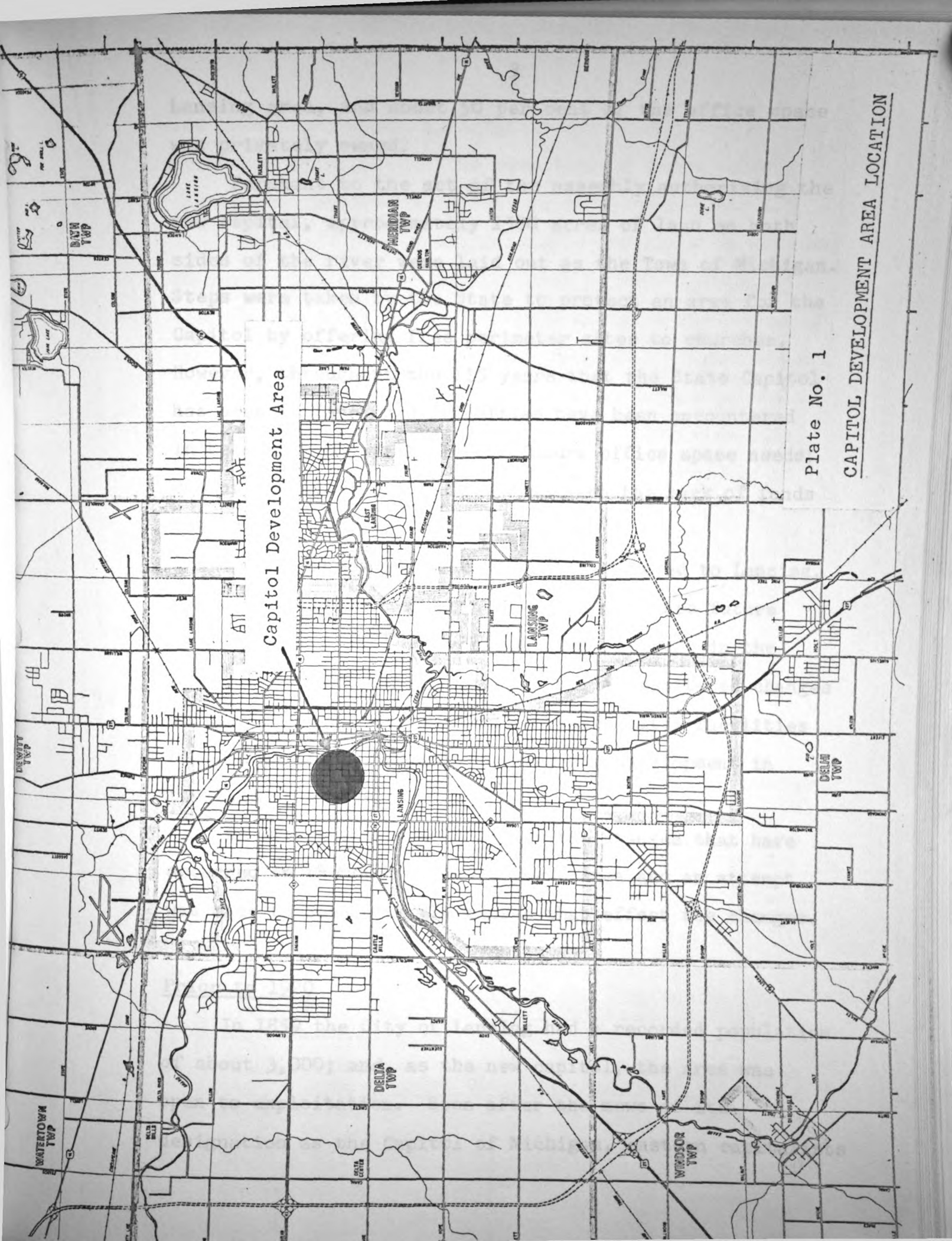
### Introduction

Government is big business. Governments--local, state and federal--are among the largest employers in the United States. Buildings housing the various governmental functions, require a considerable amount of land and are generally located in or become the center of urban development. Early planners usually underestimated the scope that government functions would one day assume. As a result, the land provided for those functions was usually inadequate and further expansion was restricted by surrounding development. The area for the Capitol Development of Michigan is no exception.

Located immediately east of the central business district of the City of Lansing (See Plate 1) is an area that for many years has been known as the Capitol Development Area. The area was first designated in 1847 when the Legislature of the State of Michigan decided to remove the state capital from Detroit to a site more centrally located in the State. The area now known as Lansing, Michigan, was selected for the new state capital.

Although Lansing has been the Capital since 1847, an area for the State's office facilities was not formally suggested until 1920. (See Plates 4 & 5.) In 1963, as a result of continued expansion, the State offices were located in over 50 buildings dispersed throughout the

Handwritten text and diagrams along the right edge of the page, including a table with columns and rows, and a diagram showing a cross-section of a structure with various labels and dimensions.



Capitol Development Area

Plate No. 1

CAPITOL DEVELOPMENT AREA LOCATION

WATER TOWN TWP

DELTA TWP

MERIDIAN TWP

LANSING TWP

WINDSOR TWP

DELTA TWP

LAKE LANSING

LANSING

WILLY HILLS

Lansing area, and about 50 per cent of the office space was privately owned.

Pursuant to the act of the assembly authorizing the new capital, approximately 1500 acres of land on both sides of the river were laid out as the Town of Michigan. Steps were taken by the State to protect an area for the Capitol by offering free perimeter sites to churches. However, throughout the 115 years that the State Capitol has been in Lansing difficulties have been encountered in keeping land available for future office space needs. One of the major difficulties has been the lack of funds to acquire property for this purpose.

During the years since the Capitol moved to Lansing, a number of plans have been made to facilitate future needs of the State; however, urban development in the area has caused many difficulties and necessitated changes in plans. Also, the existence of the capitol facilities has had an influence on properties and development in the Lansing area.

An effort was made to review the changes that have occurred in the Capitol Development Area and an attempt was made to determine the causes that effect the changes.

#### Prior to 1920

In 1859 the City of Lansing had a recorded population of about 3,000; and, as the new capitol, the area was open to exploitation. Soon after the news of its designation as the Capitol of Michigan, eastern capitalists

and promoters bought up large tracts within the City to hold for speculation. The retention of these lands caused new families to settle in outlying districts.<sup>2</sup>

Lansing's population gradually increased in the next 60 years, and by 1920 totaled over 57,000. Although there was a great demand for land in the central area of Lansing by this time, many large parcels of land were not as yet improved. Plate 2 indicates the vacant or unimproved property in the central area of Lansing in 1921.

The City of Lansing, as well as the State, had no definite plans for future development of the Capitol City up to 1920. In about 1919, the City of Lansing hired Harland Bartholomew, City Plan Engineers of St. Louis, to create a plan for the development of Lansing.

#### 1920 - 1921

In 1921, Harland Bartholomew presented the City Council with the Lansing Plan. The Plan . . . "encouraged the wider appreciation of the civic value of dignified and impressive public buildings"<sup>3</sup>, and provided for a suggested new capitol group for State government offices.

- 
2. State of Michigan, Department of Administration, Building Division, A Report of the Progress by the State of Michigan in the Development of its Capitol Area - 1935-1960, p.11.
  3. Harland Bartholomew, City Plan Engineer, The Lansing Plan: A Comprehensive City Plan Report for Lansing, Michigan: 1921, p. 54.



Gen

0

Yic

A

Yic

Yic

Yic

Yic

Yic

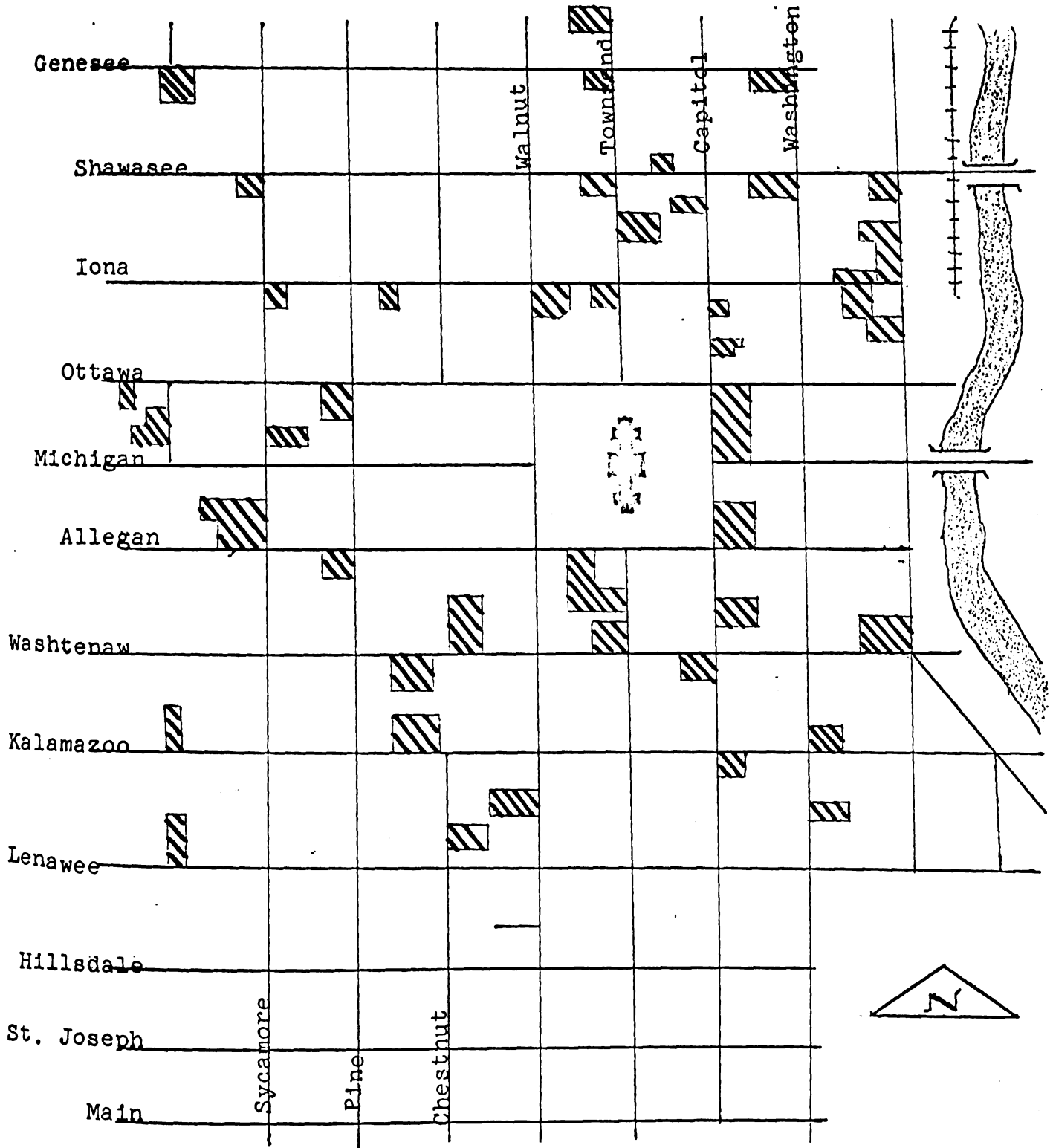


Plate No. 2

VACANT OR UNIMPROVED PROPERTY - 1920

Source: The Lansing Plan, A Comprehensive City Plan Report for Lansing, Michigan

The areas suggested by these plans became better known as the Capitol Development Area. The report indicates that the public was not overly concerned with the grouping of State office facilities . . . "It is apparent that heretofore neither those who represent the state at large in the legislative assemblies nor the citizens of Lansing have been especially interested in the possibilities of grouping the great state buildings."<sup>4</sup>

The lack of State building grouping and reservation of land for future office needs is depicted in Plate 3, which shows the land use in the central area in 1920. The map indicates that development had already enveloped the Capitol and the Lewis Cass Building. The separation of these two structures can be partially attributed to the erection of the Cass Building on a site that was publicly owned. The availability of this site apparently took precedence over the grouping of State offices.

The Lansing Plan also points out that the present State office facilities would eventually need expansion. .

"The State of Michigan is not always going to find its present capitol adequate and is very likely in time to need additional office buildings similar to that built on Walnut Street. It would be an obvious service to the people of the state to plan an orderly grouping of these structures in advance of their construction."<sup>5</sup>

Bartholomew prepared two suggested plans for the new Capitol Group in anticipation of expansion. Plan "A,"

---

4. *ibid.*

5. *ibid.*



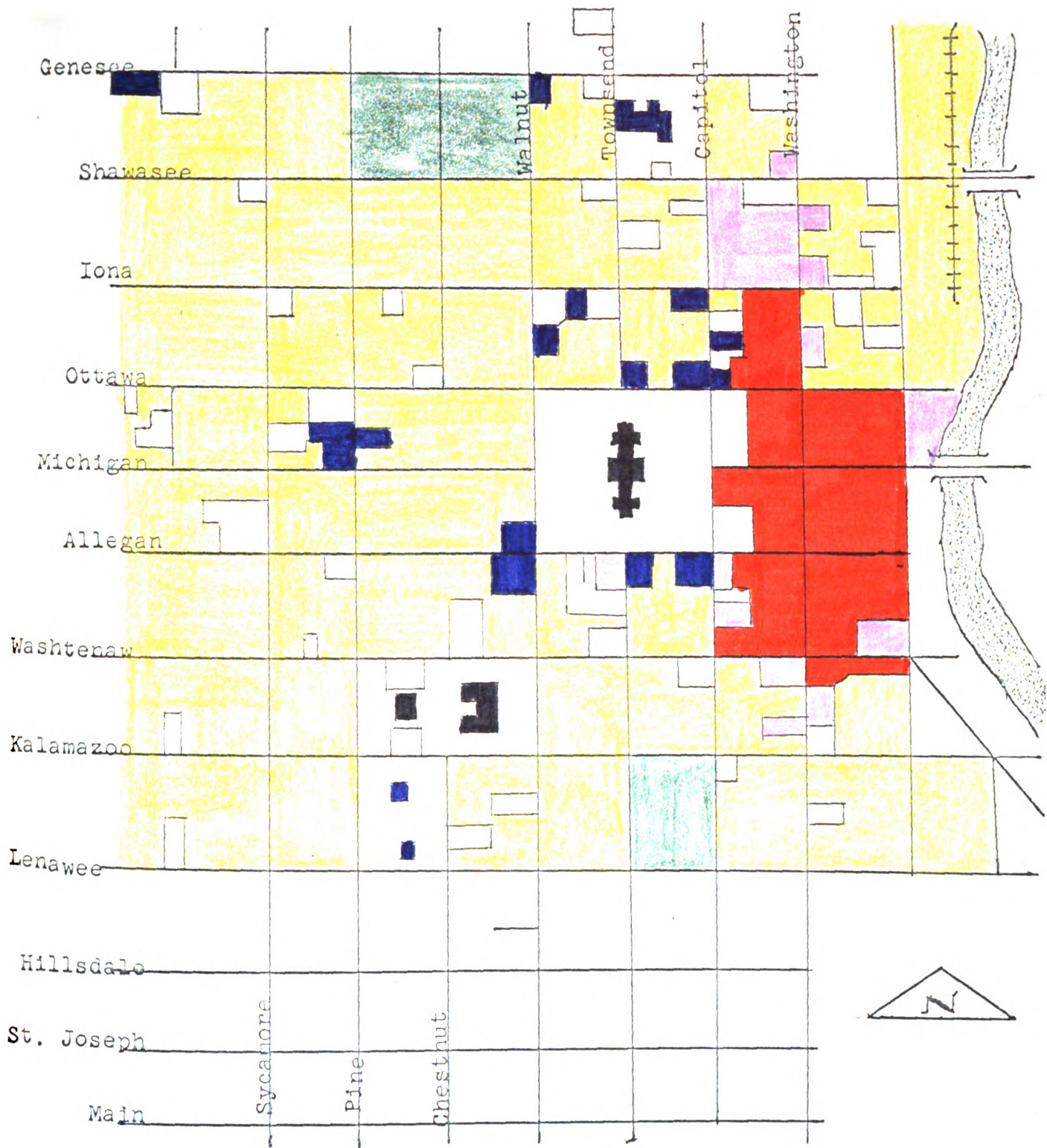


Plate No. 3

CITY OF LANSING LAND USE - 1920

Source: Lansing Planning Commission  
 - Work Map by Harland Bartholomew  
 & Assoc.

Residential  
 Commercial  
 State Gov't Bldgs.  
 Public & Quasi Pub.  
 Churches  
 Park Land  
 Vacant





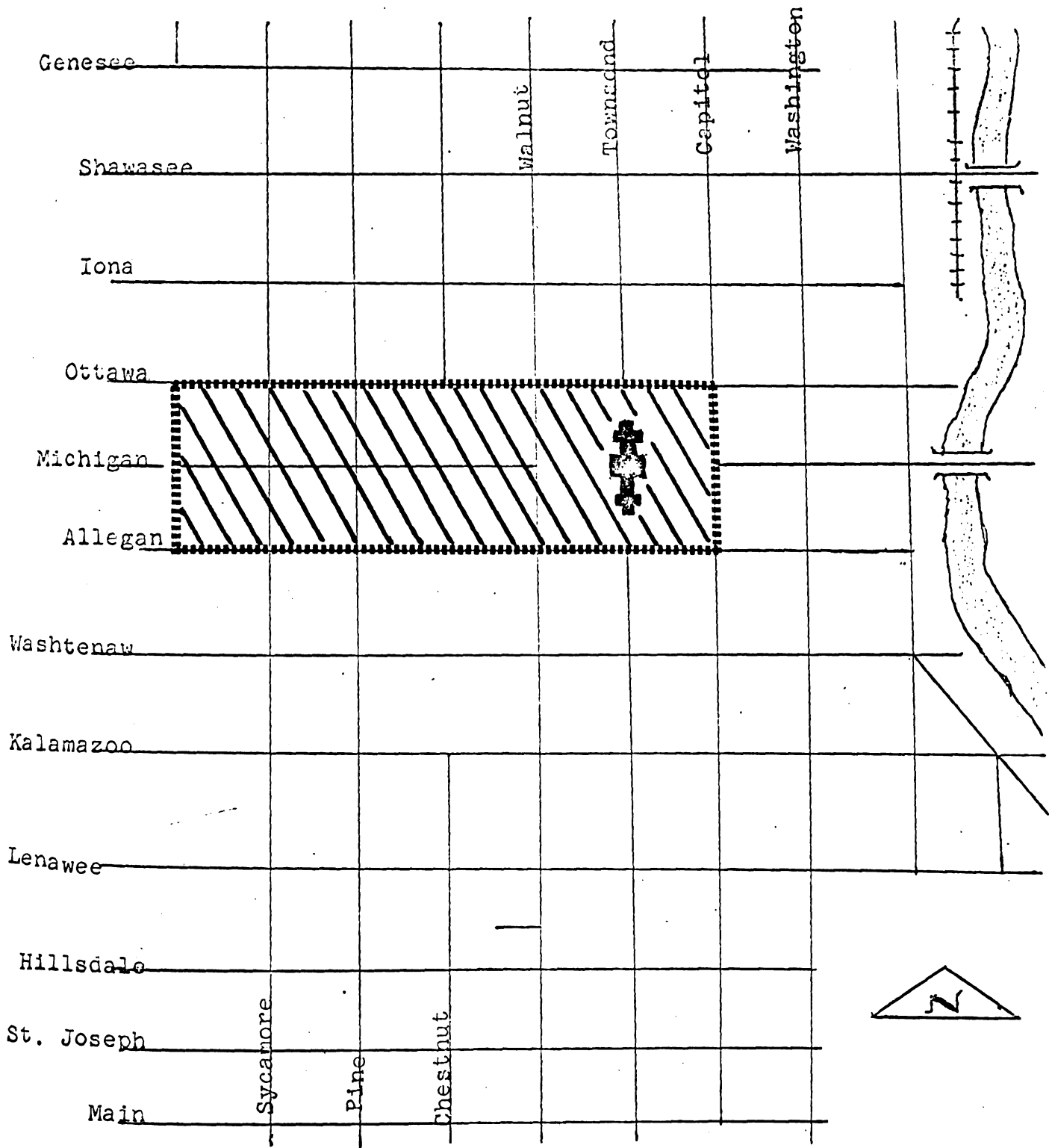


Plate No. 4

PLAN "A" OF A SUGGESTED NEW CAPITOL GROUP- 1920

Source: Lansing City Planning Commission - sketches made by Harland Bartholomew, 1920

Gen

0

Mo

A

1880

1881

1882

1883

1884

1885

1886



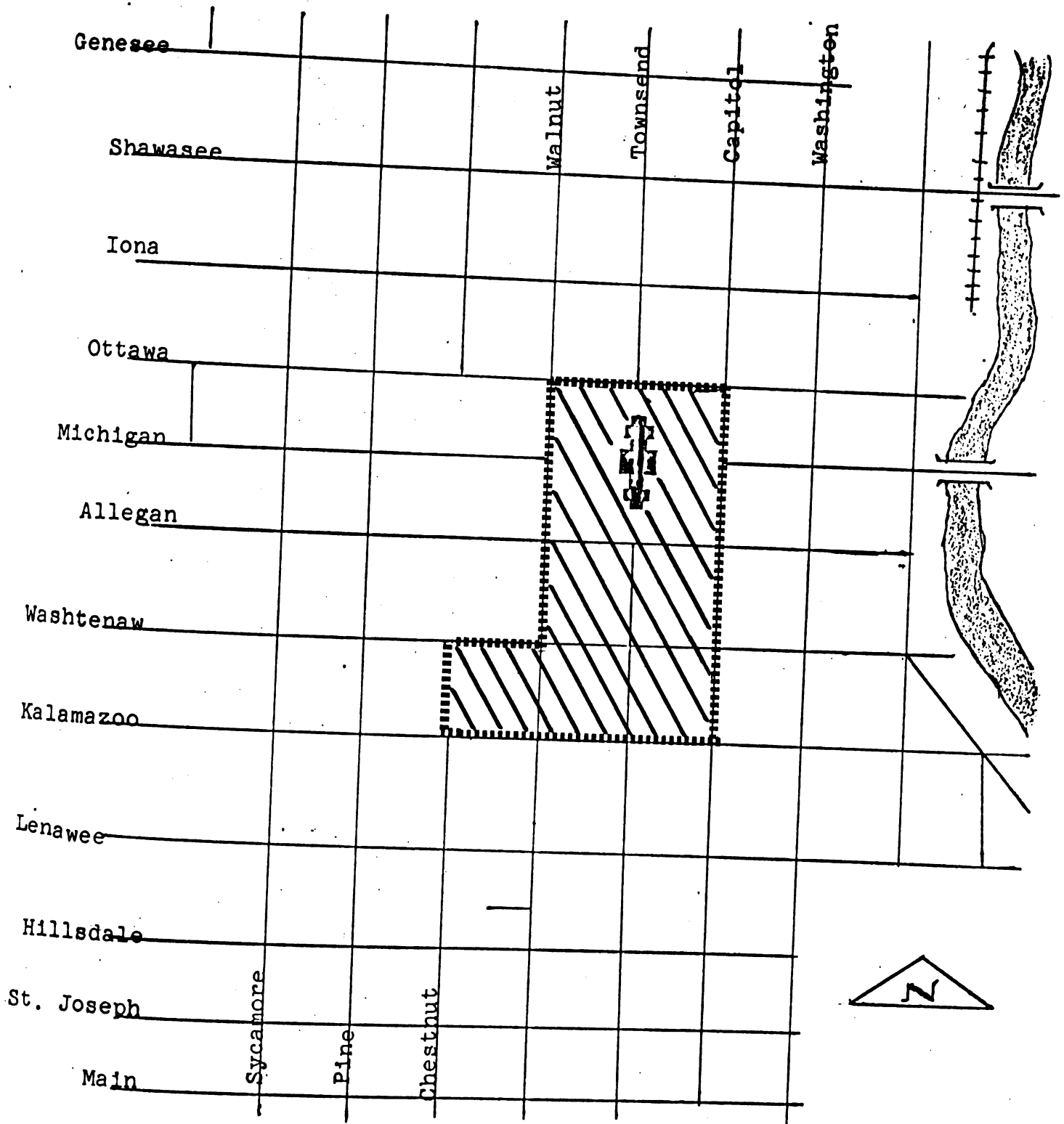


Plate No. 5

PLAN "B" OF A SUGGESTED NEW CAPITOL GROUP- 1920

Source: Lansing City Planning Commission  
 - sketches made by Harland Bartholomew

Plate 4, the scheme recommended by the planners, indicates 12 blocks for the Capitol Development Area. This plan contemplates the eventual use of the site for the present Capitol as an open plaza, to provide an impressive view of a dignified Capitol Group farther west. Plate 5, Plan "B," indicates 9 blocks for the Capitol Development Area. This plan anticipates the eventual replacement of the present Capitol and suggests a group of buildings, including the new Cass Building, related to it.

Although these proposals for the Capitol Development Area were the most sound plans up to this date, planning for the Area, as well as other parts of Lansing, did not take on significant proportions until the mid 30's.

### 1935

In 1935, the Lansing City Council authorized the appointment of a City Plan Commission. This Commission immediately inaugurated a project for the preparation of a comprehensive plan for the City of Lansing. Recognizing the need for cooperation, both financial and otherwise with State government, the City Plan Commission arranged a meeting with the Finance Committee of the State Administrative Board to initiate a joint venture in financing the development plans. In August, 1935, the State Administrative Board approved the recommendation of its Finance Committee that a sum not to exceed \$5,000. (which would be matched by City funds) be expended for preparation

of a definitive plan in which the basic requirements of State and City development would be set forth.<sup>6</sup>

### 1937

In 1937, the State Legislature created the State Capitol Building and Grounds Commission. The Commission was directed to prepare a master plan for the development of State buildings and grounds in the City of Lansing. The Committee had several meetings and reports were made to the Governor.<sup>7</sup>

The funds appropriated by the State and matched by the City were used to engage Harland Bartholomew to re-evaluate the Lansing Plan of 1921, and to prepare a plan for the future development of Lansing and the Capitol Development Area.

### 1938

In the latter part of 1938, Bartholomew submitted the Lansing City Plan to the City Plan Commission. The need for grouping of State office facilities was again emphasized in this plan: "Additional office facilities are now needed for the many persons who administer the State's activities and extensive improvements will be necessary in the future. It is impossible for any organization to function efficiently under conditions such as are found in the State offices in Lansing today. State departments should not be located in

---

6. State of Michigan, p. 1.

7. *ibid.*

rented quarters scattered promiscuously through Lansing's business district, nor should the employees of one department be located in different buildings or in different parts of the same building."<sup>8</sup>

Plate 6 displays the existing development around the State Capitol in 1938. Since 1920, intensive development had occurred to the east, north, and south of the Capitol. The land use map also indicated the increased development of commercial uses along Washington Avenue.

The general plan for the State Capitol Development Area, as shown on Plate 7, encompasses an area of twenty-two city blocks. The area begins in the north at Ferris Park and extends southward in a two-block area to Lenawee Street where it turns westward continuing from Capitol Avenue to Sycamore Street and occupies both sides of Michigan Avenue from Capitol Avenue to Sycamore Street. The proposed development plan contemplates expansion of the facilities to the block west of the Capitol Building, and the other buildings and open areas are subordinate to this concept. This plan is based on the retention of the Capitol Building as the focal point of the design and the creation of a strong east-west axis.<sup>9</sup> The plan was accepted by the City and State as a logical development for the Capitol Development Area.

---

8. City Plan Commission, The Comprehensive City Plan: Lansing, Michigan, by Harland Bartholomew and Associates, City Planning Consultants (St. Louis, Missouri, November, 1938), p. 76.

9. *ibid.*, p. 79.

Gen

O

Mol

A

Est

Elam

Spaw

2118

100

22

22

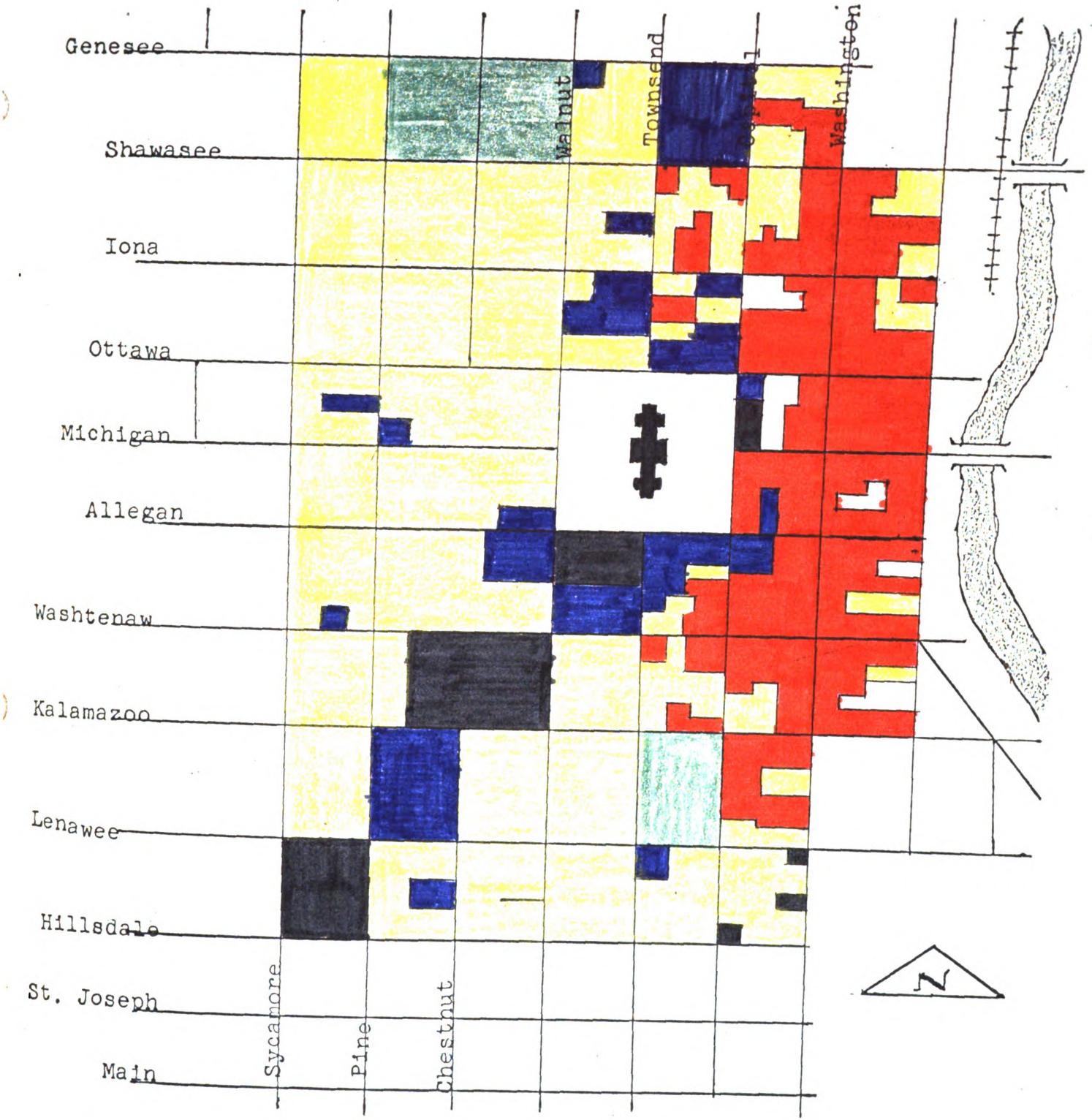


Plate No. 6

EXISTING DEVELOPMENT AROUND STATE CAPITOL - 1938

Source: Lansing City Planning Commission

- Residential
- Commercial
- State & Federal Bldgs.
- Public & Quasi Pub.



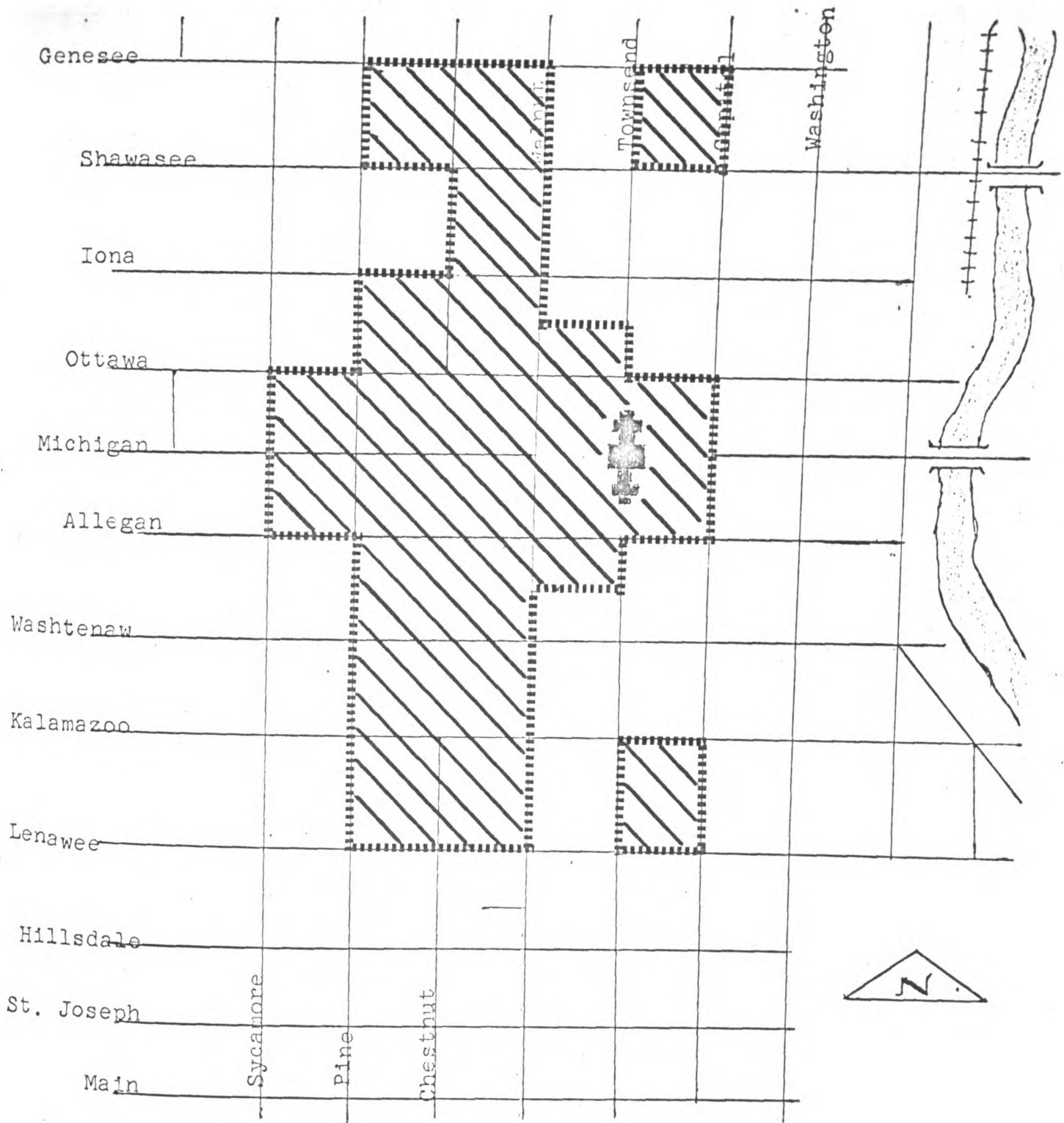


Plate No. 7

CAPITOL DEVELOPMENT AREA - 1938



1942

The City of Lansing Zoning Ordinance approved August 31, 1942, repealed the zoning ordinance passed June 13, 1927. The Capitol Development Area, as defined on Plate 7, was zoned "D-M" Multi-Dwelling and "D" Apartment Districts by the new zoning ordinance. Zoning of these areas was effected to protect the Area from commercial encroachment.

1943

In 1943, Governor Harry F. Kelley reorganized the State Capitol Building and Grounds Commission. The Commission undertook an inventory of all facilities used in Lansing by the State and engaged the services of Smith, Hinchman and Grylls, Inc., Architects and Engineers of Detroit, to assist in its work.<sup>10</sup>

1944

In March of 1944, the State Capitol Building Commission recommended the acquisition of a four block area immediately west of the Capitol, and that proper steps be taken for the protection of the land surrounding the areas to be acquired against possible future encroachment by commercial structures.<sup>11</sup> This year is memorable in

---

10. State of Michigan, p. 1.

11. *ibid.*, p.2.

that it was the year when funds were first provided by the State Legislature to initiate land acquisition.

In the same year, the State of Michigan and the City of Lansing established a mutual agreement concerning the protection and development of the Capitol Area. By resolution on March 24, 1944, and with concurrence of the City Council on March 27, 1944, the City Plan Commission gave assurance that that agency and the City Council would cooperate in every way possible with officials of the State to effect necessary street closures and enforcement of the Zoning Ordinance.<sup>12</sup> In essence, the resolution provided that the City of Lansing would not permit any zoning changes in the Capitol Development Area. This mutual agreement provided a basis for decisions by the Legislature that resulted in a major expenditure of funds for acquisition of private properties and planning and construction within the designated Capitol Development Area.

In December of 1944, Smith, Hinchman and Grylls submitted a report outlining the space occupied by the various agencies of the State, including probable future requirements for a period of 10 years and 10 possible master plan arrangements.<sup>13</sup>

The ten master plan arrangements for the Capitol

---

12. *ibid.*

13. *ibid.*

Development Area submitted by the Architects occupy an area ranging from  $14\frac{1}{2}$  blocks to a 16 block area. Scheme No. one, defined in Plate 8, covers a  $15\frac{1}{2}$  block area and bears the Architects' recommendation, since it seems to best exemplify the contemporary trend toward open planning and satisfies the requirements of the State's building program during that time.<sup>14</sup> The other nine schemes are contained in the appendix of this report. All ten proposed schemes tie in the Cass Building to the Capitol and the proposed new structures. Variations in the plan are in the use of blocks immediately northwest of the Capitol grounds. The schemes also provide for a number of alternative arrangements of buildings in the four-block area west of the Capitol.

### 1945

In September, 1945, Smith, Hinchman and Grylls, the firm which made the field investigation and prepared the preliminary report for the Capitol Building Commission, were commissioned to develop preliminary site and building plans for the four-block area west of the Capitol.<sup>15</sup> This action by the Commission did not provide for consideration of the remaining six blocks proposed

---

14. Report on Requirements for the Expansion of Site and Building Facilities: Michigan State Capitol Group: Lansing, Michigan, by Smith, Hinchman & Grylls, Inc., Architects & Engineers, December, 1944; p. 35.

15. State of Michigan, p. 3.

G

M

Was

Ma

Se

Et

St.

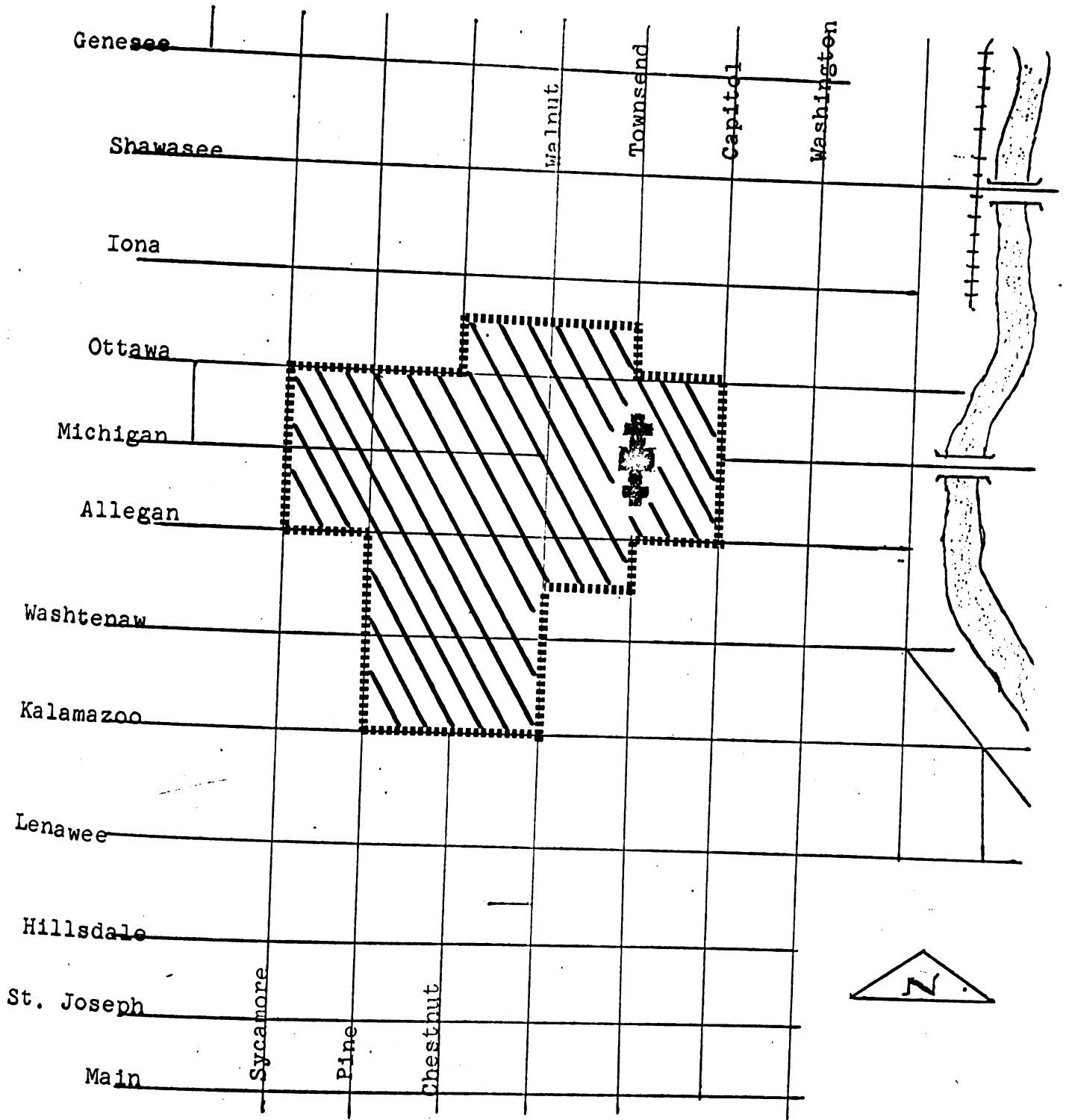


Plate No. 8

SCHEME NO. 1

by Scheme No. One, Plate 8.

### 1947

By 1947, plans for the Capitol Development Area indicate that scheme No. one (Plate 8), recommended by Smith, Hinchman and Grylls, had been reduced from 15½ blocks to an eight-block area. Plate 9 defines the State's Capitol Development Area for 1947. It was concluded by the State that this area would fulfill the office needs for a number of years. Although the area outlined on Plate 9 was of prime concern to the State in 1947, other areas were being considered, but, as yet, had not been defined.

### 1948 - 1953

In 1948, the Building Division of the Department of Administration was given authority and duties formerly assigned to the two commissions established in 1937 and 1945. After some three years of preparing plans, specifications, and acquiring financing, the Building Division was able to start construction of the Stevens T. Mason Building. The structure, completed in 1953, occupies a site in the southwest block of the State's Capitol Development Area of 1947.

### 1955

In 1955, the City of Lansing constructed the Civic

Gene

S

F

O

Mc

A

Mc

Mc

Mc

Mc

Mc

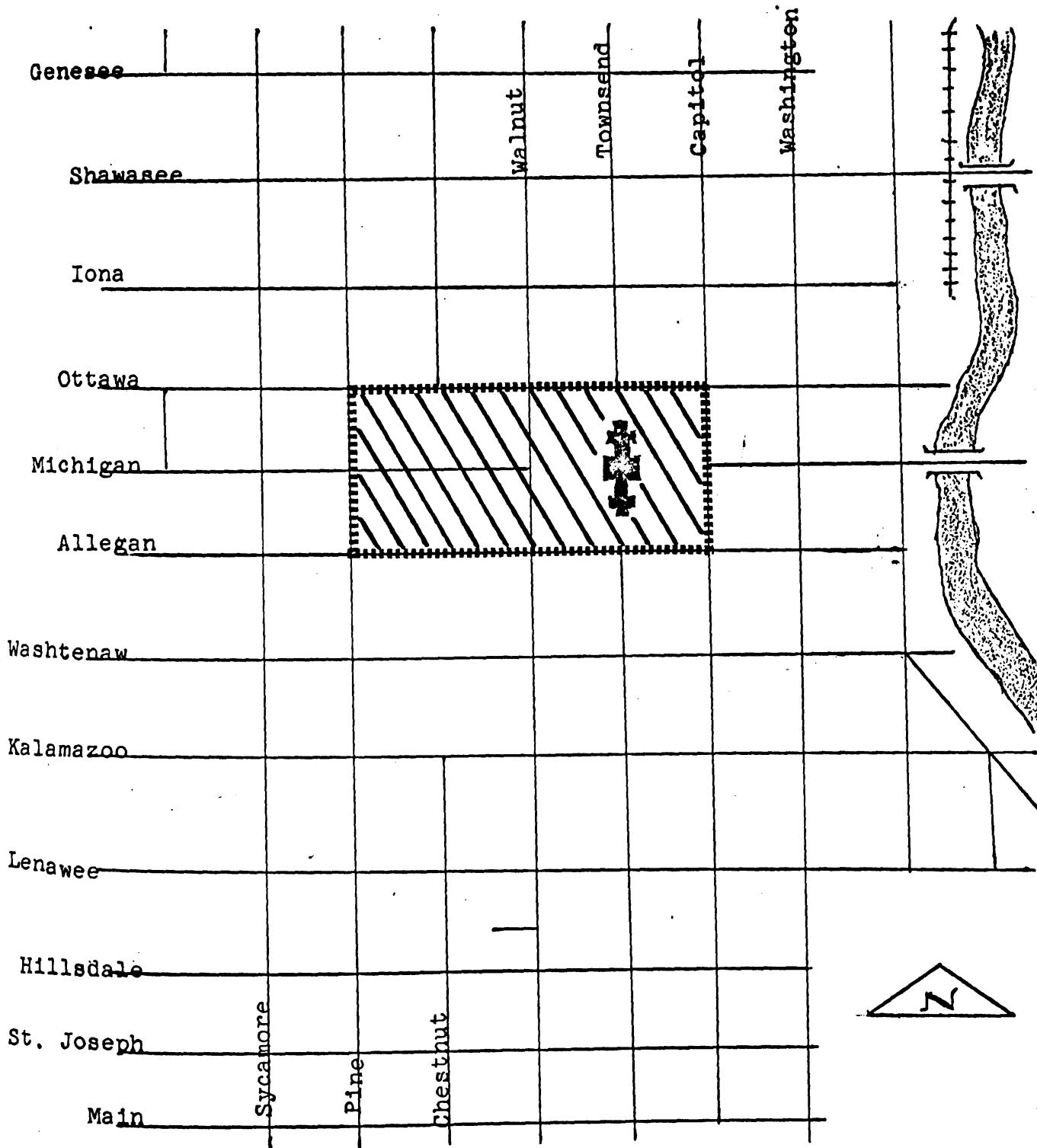


Plate No. 9

CAPITOL DEVELOPMENT AREA - 1947



Center in the two blocks immediately north of the Cass Office Building. One of the major factors contributing to its construction on this location was that the City owned one of the two blocks. The site was formerly occupied by the Prudden Auditorium which was built about 1916. (Mr. Prudden deeded the property to the City with provisions that it be used for auditorium purposes.)

The State did not favor the construction of the Civic Center by the City, for the State believed its construction would obviate connection of the Cass Building with the Capitol Office complex. It was also assumed that there would now be two agencies seeking parking for employees instead of one.

#### 1956 - 1957

During 1956, preliminary specifications for a building to house the State Supreme Court, Law Library, and Solicitor Generals Office were proposed and subsequently approved by the Legislative State Office Building Commission. Bids were prepared in connection with the State office building and state library. In February, 1957, the Capitol Outlay Budget recommended that an appropriation be made for acquisition of land for parking and future development of the Capitol Development Area, and that the proposed buildings be financed from the sale of bonds. However, due to lack of funds, the Legislature was unable to authorize either project.

This was one of the most disheartening setbacks for the Capitol Development Area in the period following the construction of the Mason Building.<sup>16</sup>

### 1958

In 1958, the City Planning Board of Lansing released the Comprehensive Master Plan, 1960-1980, which outlined a future scheme for the Capitol Development Area. As depicted in Plate 10, the area includes 31 city blocks and extends north to Shiawasee Street, south to St. Joseph Street, east to Capitol Avenue, and west to Sycamore Street. The area proposed encompasses the Capitol, other State office buildings, and local civic structures. Also proposed for inclusion were two City owned buildings, the Civic Center, and proposed City Library.

The State did not agree with the City scheme of 1958 and advanced its own scheme the same year. Plate 11 depicts the Capitol Development Area as conceived by the State. The plan, which includes 23 city blocks, excluded two blocks west of Pine Street which the City suggested be used to meet future parking needs. The State deleted the two-block area south of Kalamazoo Street, since it believed that due to the traffic volumes on Kalamazoo Street this arterial

---

16. *ibid*, p. 5.

Jan

Q

O

Nov

A

Dec

Jan

Feb

Mar

Apr

May

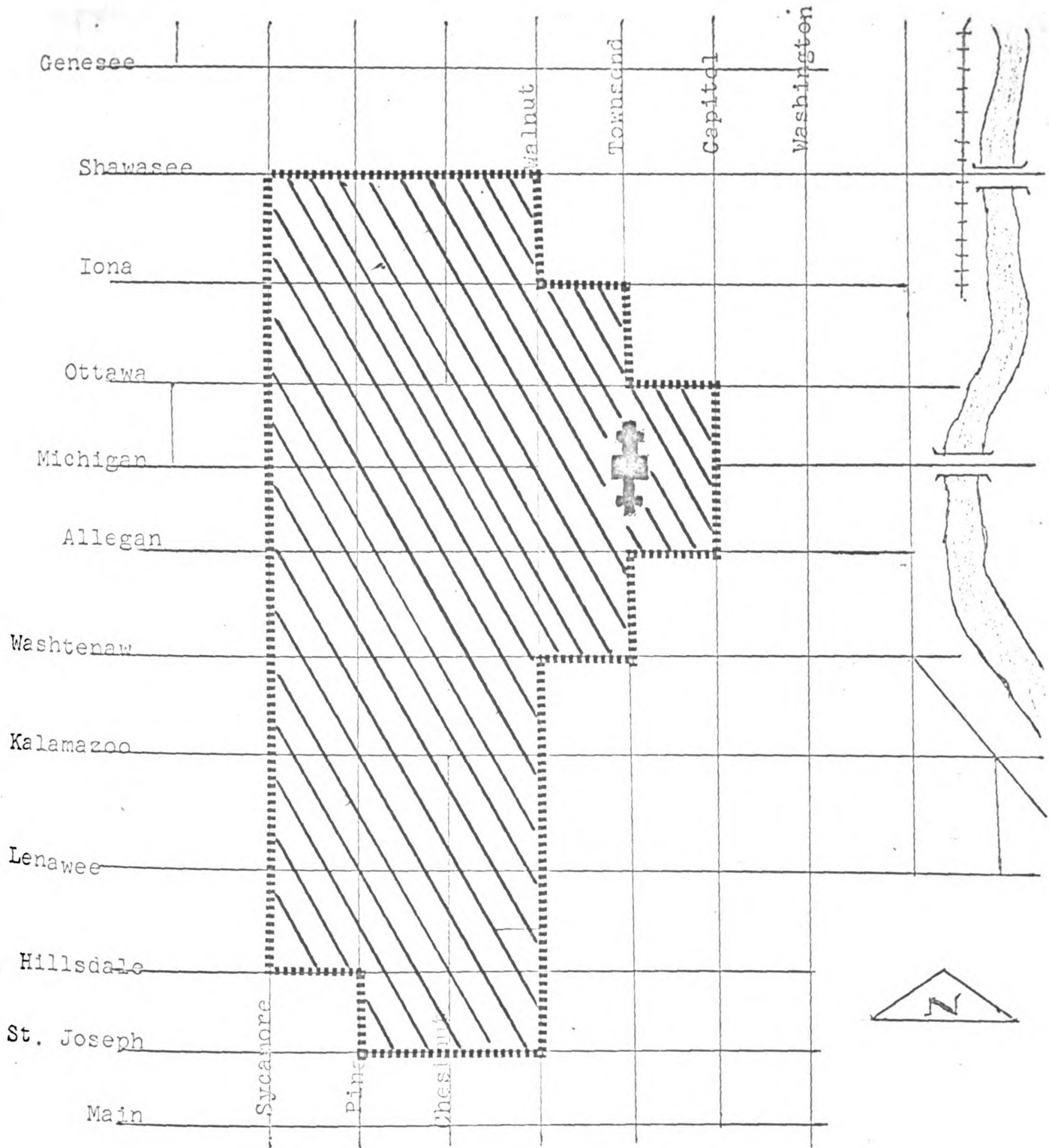


Plate No. 10

SUGGESTED FUTURE SCHEME FOR CAPITOL DEVELOPMENT

AREA

Source; Lansing City Planning Board

Gen

S

V

O

Med

A

Med

Med

Med

Med

Med



Plate No. 11

CAPITOL DEVELOPMENT AREA AS PREPARED BY  
THE STATE - 1958.

roadway would make a logical boundary. The block south of the Capitol was also deleted, since it was occupied by the main Post Office; and the block north of the Capitol was excluded for it was dominated by St. Mary's Church and School complex. The State's scheme anticipates that the City would acquire one of the blocks for Civic Center parking.

### 1960

In 1960, a suit in Chancery in the Circuit Court for the County of Ingham was instituted against the City of Lansing by Vernon Anderson to change the zoning in the Capitol Development Area. The suit was brought against the City so that certain property could be developed for professional offices. The fear was that the results of the suit could abolish the safeguards established by the City to protect against encroachment of the area for Capitol Development which was set aside jointly by the City and State agreement more than two decades ago.

The adjudication was not a clear-cut victory for either side. It might be said that the decision indicated to the City and the State that the Capitol Development Area could not be protected from commercial development much longer.

At its meeting on April 5, 1960, the State Administrative Board was concerned that the abolishment

or even the relaxation of the present safeguards would cause considerable loss to the State of Michigan and, indirectly, the City of Lansing, and would cause the State to abandon plans for the expansion of its facilities within the Capitol Development Area.<sup>17</sup>

### 1962

On May 7, 1962, a high-rise apartment development was proposed on the northwest corner of Pine Street and Ottawa Street, just northwest of the State-owned Stevens T. Mason Building. Morton L. Scholnick, the developer of the proposed structure, requested that the City of Lansing allow the use of the requirements provided by the Community Unit Plan, Section 36-7 of the Lansing City Zoning Ordinance on the proposed site. Section 36-7 requires that the tract of land must comprise an area not less than ten acres and be used for residential purposes. It also requires . .

. . "that the average lot area per family contained in the site, exclusive of the area occupied by streets, will be not less than the lot area per family required in the district in which the development is located."<sup>18</sup>

The request was not for re-zoning, since the tract of

---

17. *ibid.* p.1.

18. City of Lansing, Michigan, Zoning Code: Reprint of Chapter 36; 1958; p. 608.



land was already zoned "D" Apartment District. The request was basically for a more intensive use of the property.

On June 18, 1962, the City Council approved the proposed development subject to certain conditions. The approval of the high-rise apartments was of grave concern to the State and steps were taken to re-examine its plan for the Capitol Development Area.

### 1963

In June, 1963, the architects for the State were called upon to revise the State's 1947 plan of development. Up to this point, the existing State plans for the Capitol Development Area were for a loose arrangement of buildings, roughly a 40 per cent coverage, resembling a campus arrangement. But with the anticipated intensive use of the property proposed by Scholnich, the State believed that perhaps its loose arrangement of buildings was not the best use of the land.

Plate 12 shows the plan for the Area of the State for 1963. The Area covers 13 blocks, fewer than was planned for in 1958. One reason for this revision was that the land was thought to be more valuable and therefore required more intensive use.

The new plans, prepared by the Architects, propose a complex of buildings with two decks of parking



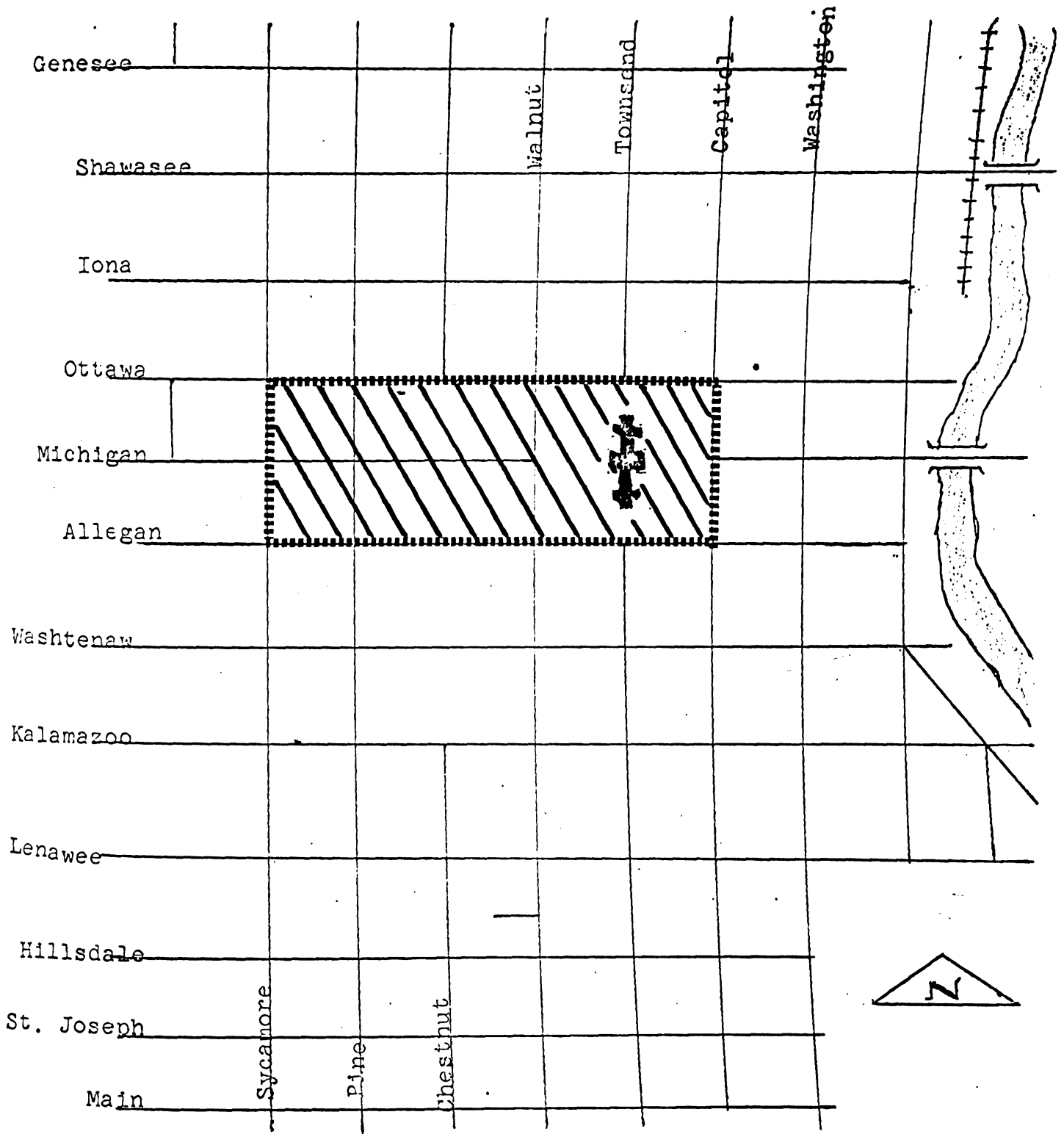


Plate No. 12

CAPITOL DEVELOPMENT AREA PREPARED BY THE STATE - 1963

having roughly 100 per cent coverage of the property. This proposal is designed to satisfy office-space needs for the State until 1968.

By 1980, it is expected that twin-tower office buildings will be built in the complex. Also anticipated is the acquisition of a one-half block area immediately west of the Cass Building and the eventual movement of the building complex west from the present plan, between Ottawa and Allegan Streets. Future plans may also provide a bridge to connect the State building complex to the Lansing Civic Center.

#### The Effects Of The Capitol Development Area

An effort was made by the author to determine whether the holding actions on land use in the Capitol Development Area had any effects in and near the Area. An examination was made of the property value changes and direction of these changes in 1938 as compared with 1963. Using the center of the Capitol grounds as the axis, radii lines were projected a distance of 1800 feet, encompassing an area beyond the Capitol Development, as shown on Plate 13.

For any property that touched any of the radii, the total assessed valuation (land and building) was obtained for 1938 and 1963. These values were then categorized so that they would best represent changes. These values were then delineated by the

Gene

S

.

O

Wol

A

Wol

Wol

Wol

Wol

Wol

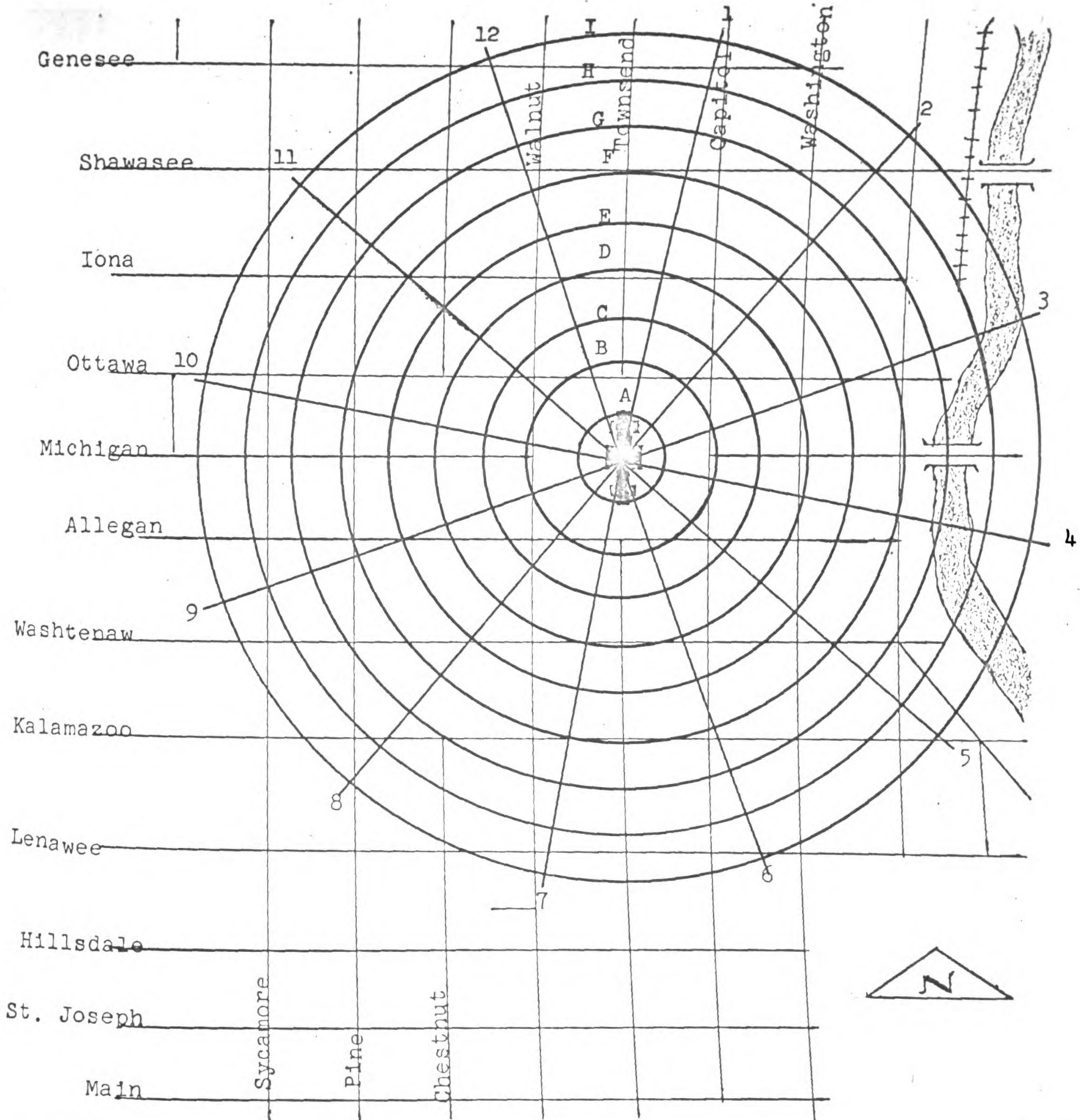


Plate No. 13

VIEW OF RADIAL - USING THE CAPITOL GROUNDS  
AS THE CENTER

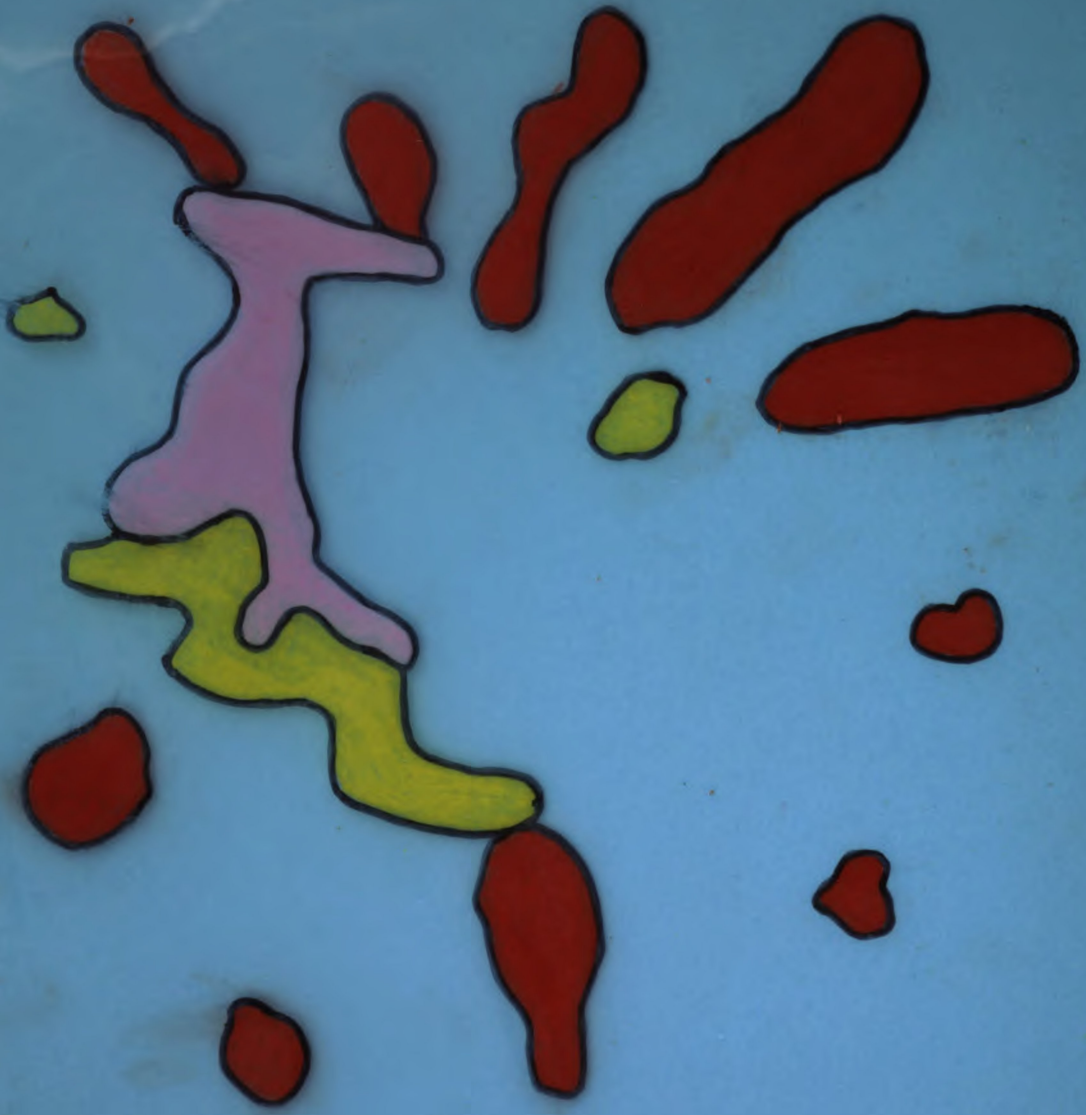
Distance between circles - 200 feet  
 Radii are 30 degrees apart

categories represented on Plate 14.

A comparison of land values in 1938 and 1963 indicates that property values decreased as the distance from the Capitol increased. Also, it is evident that the highest land values are located to the east of the Capitol Development Area, and that between 1938 and 1963 the higher land values were located to the north, south, and to the east. The land in most of the area described is in commercial use which had been denied movement to the west by zoning regulations. The changes in land value as the distance increased from the center of the Capitol ground can further be illustrated by the following radial value profiles (Plates 15 and 16). Using the plan view map (Plate 13) as a guide, one can locate each of the profiles.

The difference in the length of the graphs is attributable to the fact that in some areas there were more public or exempt properties than in other areas. Data for assessed valuation on public or exempt properties were not available, since they were not assessed.

To compare the assessed values of properties with actual sales or market value in the Capitol Development Area, the Lansing Board of Realtors was contacted. The intent was to acquire information about the asking price, selling price, and year the property was sold



PERIMETERS OF VALUE - 1938

Genesee

Shawano

Iona

Ottawa

Michigan

Allega

Washtenaw

Kalamazoo

Lenawee

Hillsdale

St. Joseph

Ma

So  
La

\* In



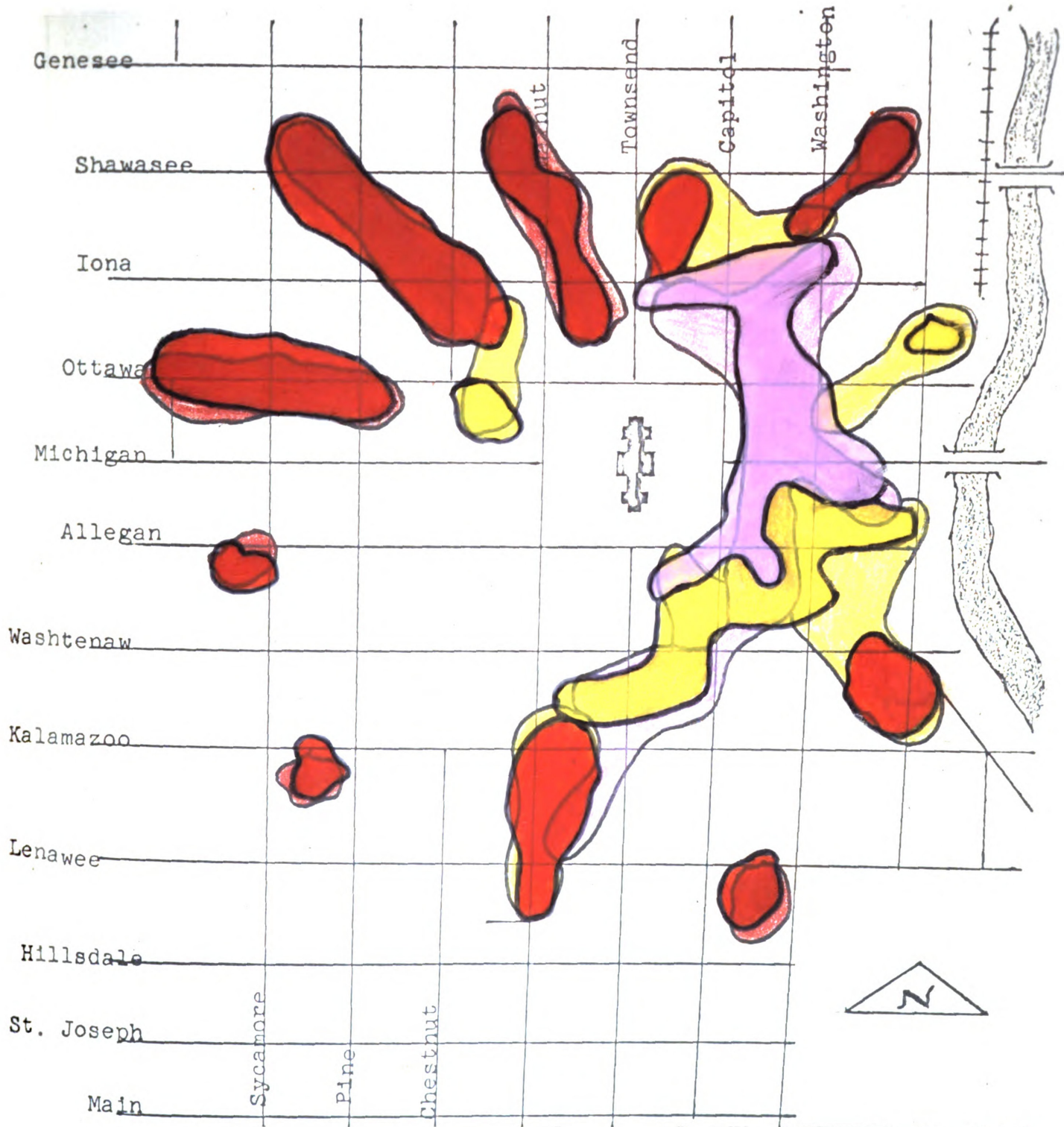


Plate No. 14

PERIMETERS OF VALUE - 1963  
PERIMETERS OF VALUE - 1938

Source: Assessment Records  
 Lansing City Assessors Office

\*Assessed Valuation

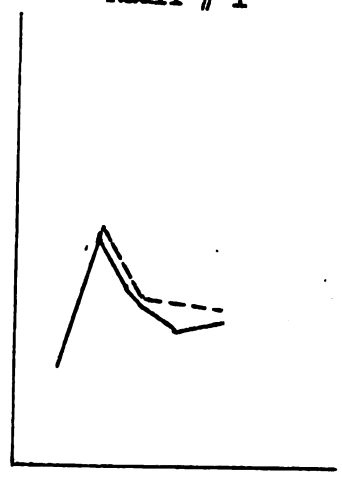
- \$100,000 - up
- \$20,000 - \$99,999
- \$3,000 - \$19,999

\* Includes land and buildings. Data available was compiled by

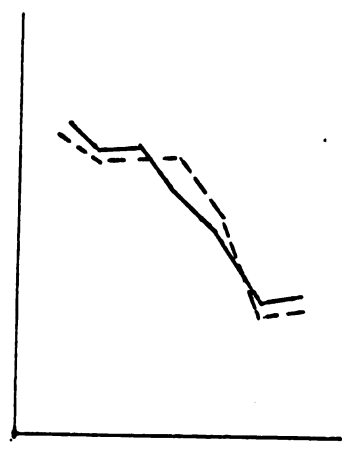
NO. 1)  
RADIAL VALUE PROFILES

1938 ---  
1963 —

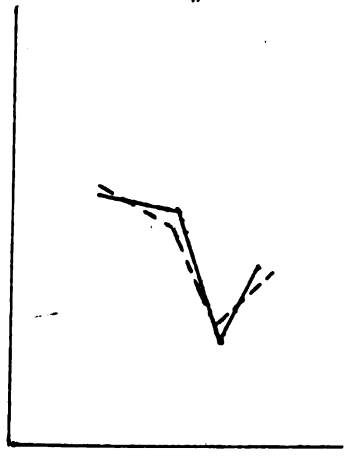
Radii # 1



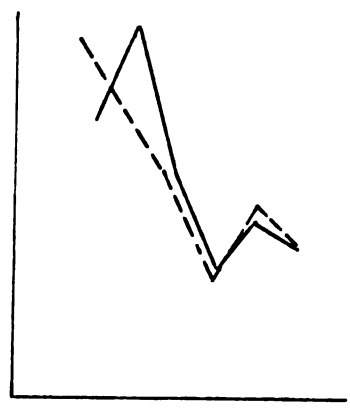
Radii # 4



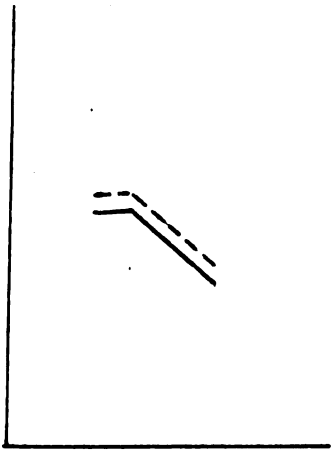
Radii # 2



Radii # 5



Radii # 3



Radii # 6

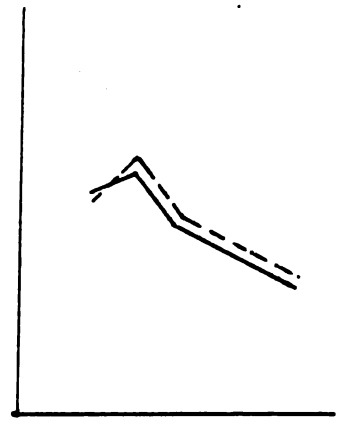
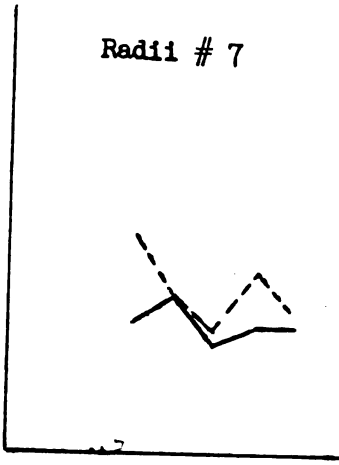


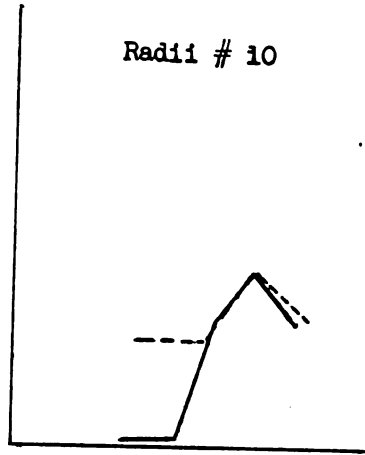
Plate No. 16  
RADIAL VALUE PROFILES

1938 ---  
1963 —

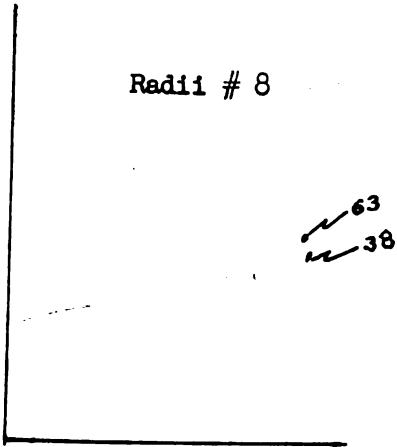
Radii # 7



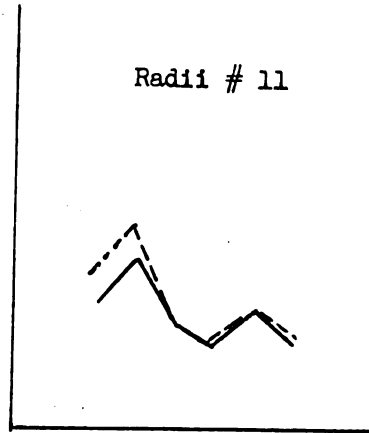
Radii # 10



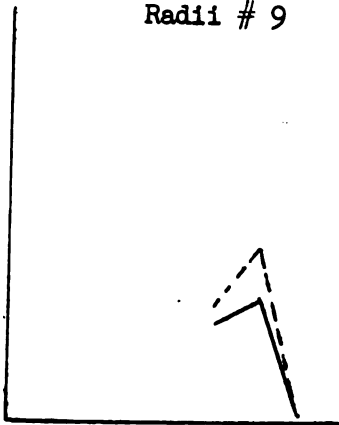
Radii # 8



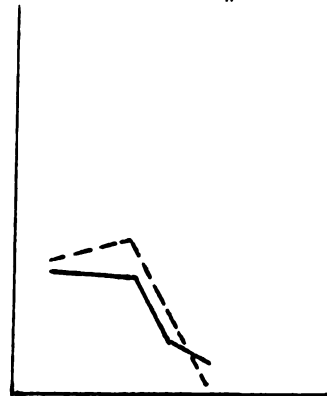
Radii # 11



Radii # 9



Radii # 12



between 1921 to 1963. The request for this information was denied.

An attempt was further made by the author to determine whether the number of building permits issued reflected the formal or informal restrictions applied to the Capitol Development Area.

Plate 17 shows the number of building permits issued in the Capitol Development Area from January 1923 to July, 1963.

The graph portrays a gradual decrease that has occurred in the number of building permits issued through the years, and it was assumed that this decrease could be attributed to the restrictions on properties in the Capitol Development Area. More likely, the decline was a natural reflection of the age and built-up character of the area. The graph does not reflect any appreciable change after 1942, when the Capitol Development Area was rezoned to a multi-dwelling and apartment district.

The power of the holding action imposed in the Area is further illustrated on Plate 18 which shows the number of petitions seeking rezoning of the Capitol Development Area from 1938 to 1963.

The high and low points on the graph can be analyzed as follows: when the Lansing Plan of 1938 was released, there was a gradual decrease in requests due to the anticipation that properties in the Area would be

Plate No. 17

BUILDING PERMITS ISSUED IN CAPITOL DEVELOPMENT

AREA - 1923 to 1963

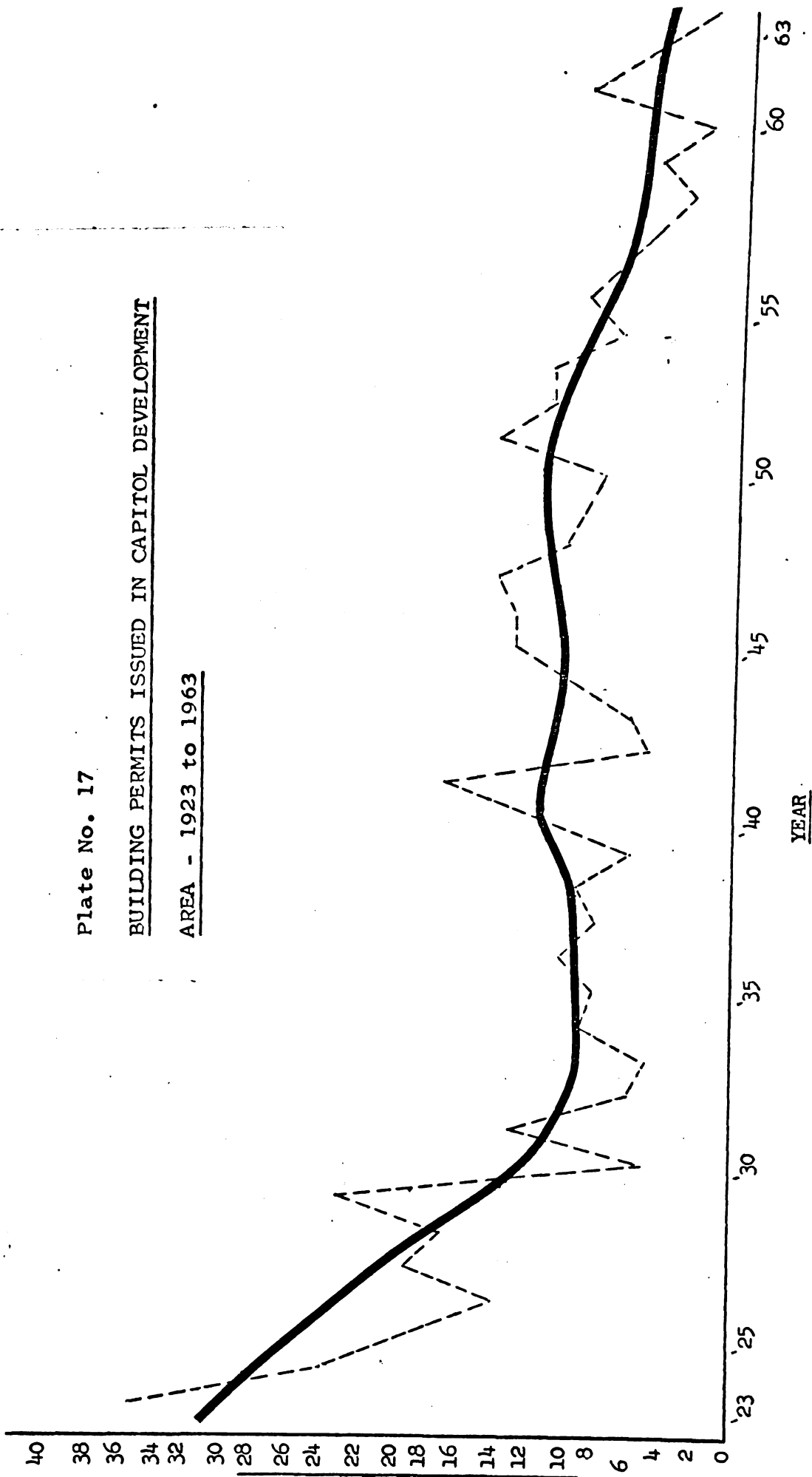
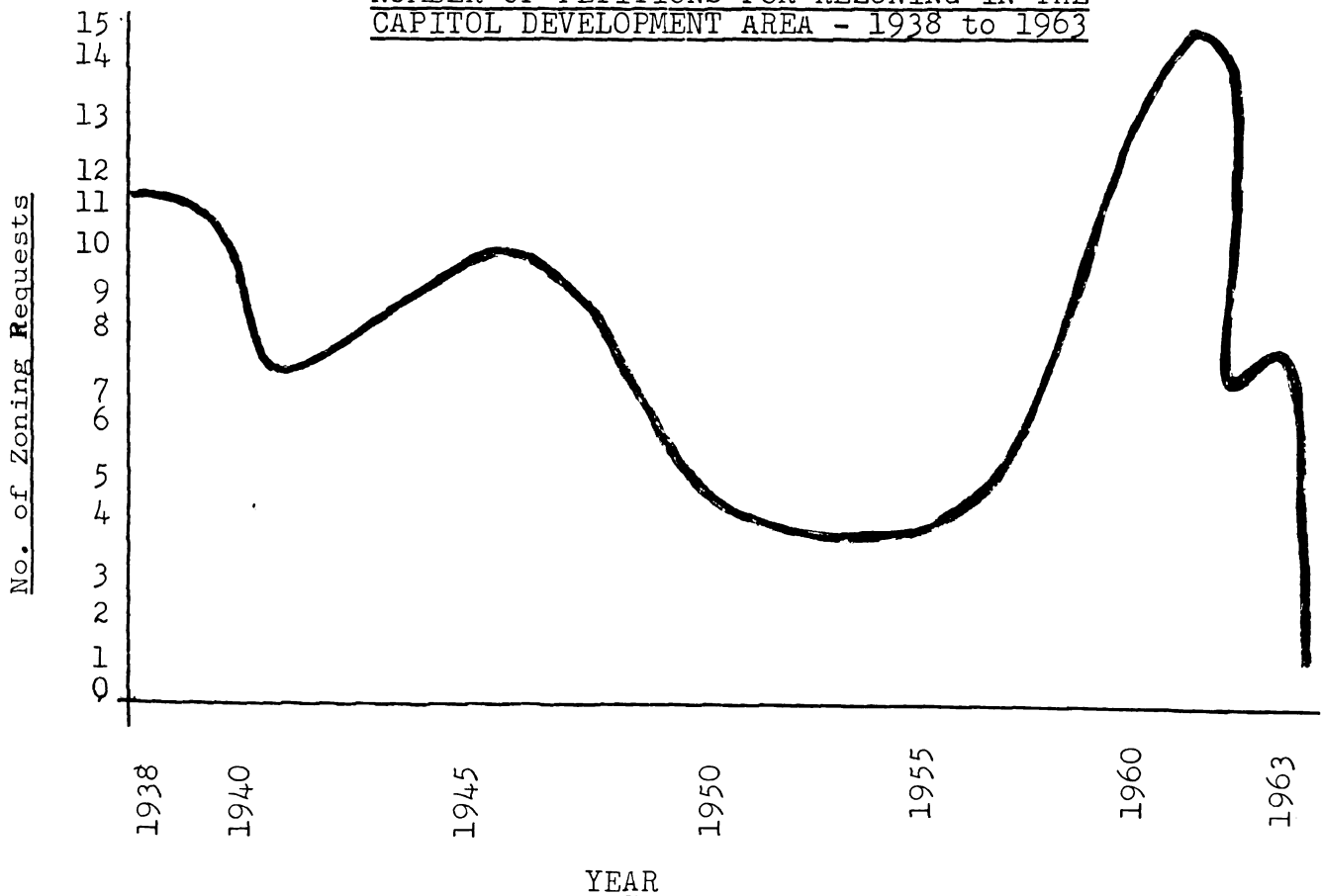


Plate No. 18

NUMBER OF PETITIONS FOR REZONING IN THE  
CAPITOL DEVELOPMENT AREA - 1938 to 1963



Source: Official Proceedings of the City Council of the City of Lansing. City Clerks Office.

acquired by the State. These requests for rezoning hit a low point at the outbreak of World War II, in 1941. Requests gradually increased when the property owners became convinced that the State was not taking prompt action in acquiring properties. A high point was again reached in 1945, and the City made an agreement with the State to deny any requests for zoning changes in the Capitol Development Area. This

brought about another low point in the number of rezoning requests.

The highest number of petitions was presented in 1960, which could be credited to the first law suit against the City of Lansing to change the zoning in the Capitol Development Area. The law suit was brought about from a refusal to allow an attorney's office in a district that permitted other professional offices. The case resulted in the exclusion of this district from the Capitol Development Area. The damaging effect was not the establishment of the professional office district, but that it weakened the authority that had protected the Capitol Development Area.

There has been much said and written about the development in the Capitol Area. Plate 19 pictorially indicates what was reported in the State Journal about the development of the Capitol Area. The graph represents actions, opinions (public and otherwise) concerning the Capitol Development Area. This information was abstracted from articles written in the Lansing State Journal between 1930 and 1963. There were 160 articles examined, and each article was objectively judged to be for or against the development of the Capitol Area. About half the articles were neither for or against the Capitol Development Area, but were concerned with its development. Assuming that the articles were written with public opinion in mind, one could conclude from the graph that the public has been in

favor of the development of the Capitol Area.

The changes in the Capitol Development Area can be reflected in the actions taken by the City of Lansing, the State of Michigan, and people who had interest in the Area.

The following are actions that have had an effect on the Capitol Development Area:

- 1921 - Plans were prepared by Harland Bartholomew for the Capitol Development Area.
- 1935 - The State Administration Board approved the funds to be expended for a plan in which the basic requirements of the State and City development would be set forth.
- 1937 - Creation of the State Capitol Building and Grounds Commission. This commission prepared plans for the State buildings and grounds in the City.
- 1938 - Bartholomew submitted the Lansing City Plan of 1938 that included a plan for the State Capitol Development Area.
- 1938 - An agreement by the City and State to one plan for the Capitol Development Area.
- 1942 - Adoption of a new zoning ordinance by the City of Lansing.
- 1943 - Study conducted to inventory State office facilities and needs.
- 1944 - Funds were made available by the State for the purchase of 70 parcels of property for the expansion of office facilities.
- 1953 - Completion of the Steven T. Mason Building by the State.
- 1955 - Construction of the Lansing Civic Center by the City of Lansing.
- 1958 - Comprehensive Master Plan of Lansing was prepared redefining the Capitol Development Area.
- 1960 - Suit in Chancery to change the zoning in the Capitol Development Area.



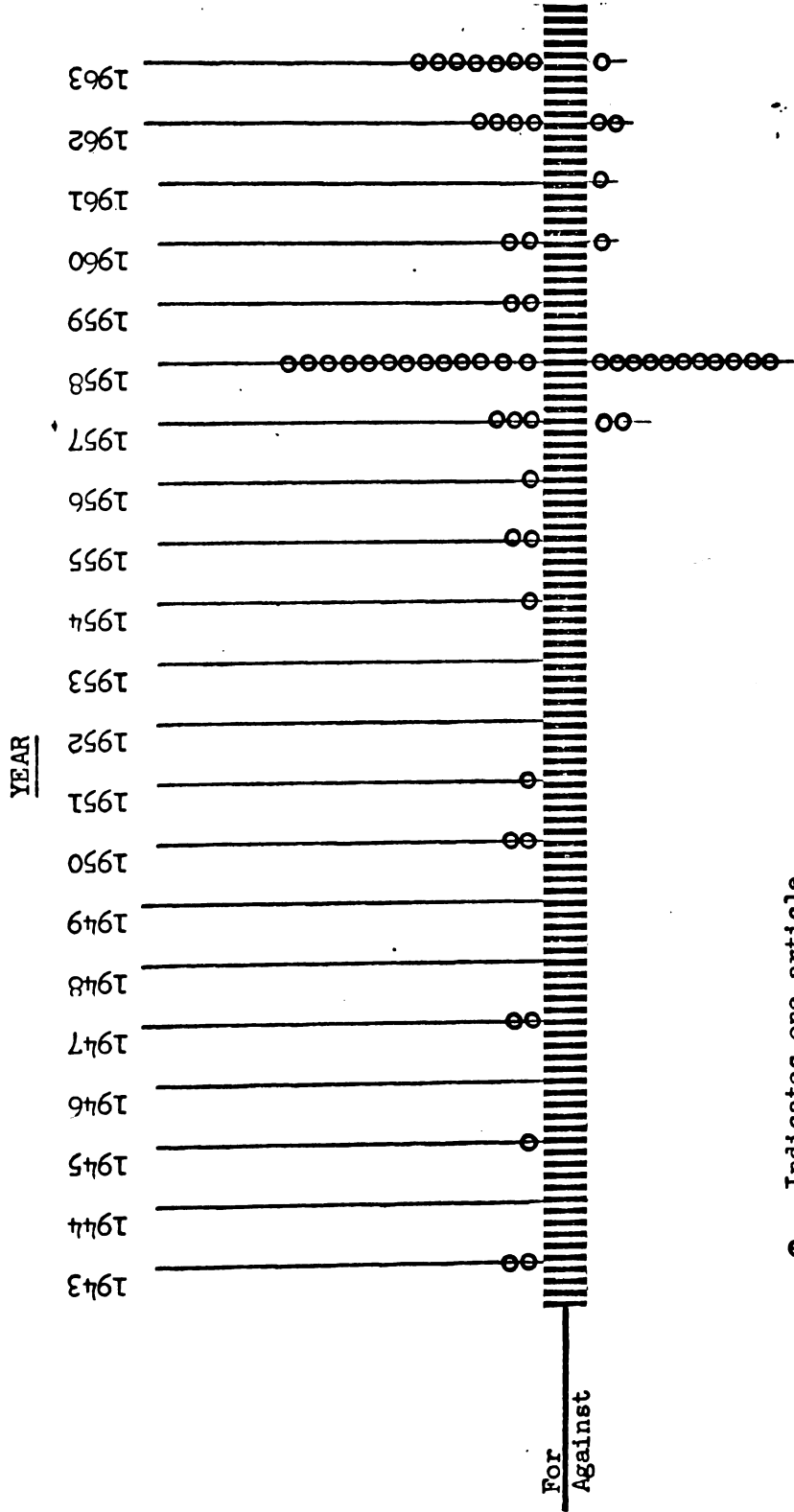
- 1962 - The approval of a high-rise apartment development on the northwest corner of Pine and Ottawa Streets.
- 1963 - Re-appraisal of the State's plan for the Capitol Development Area decreasing its size.

If one were to arbitrarily reason that these actions were for or against the development of the Capitol Area, an illustration such as that depicted on Plate 20 would result.



Plate No. 19

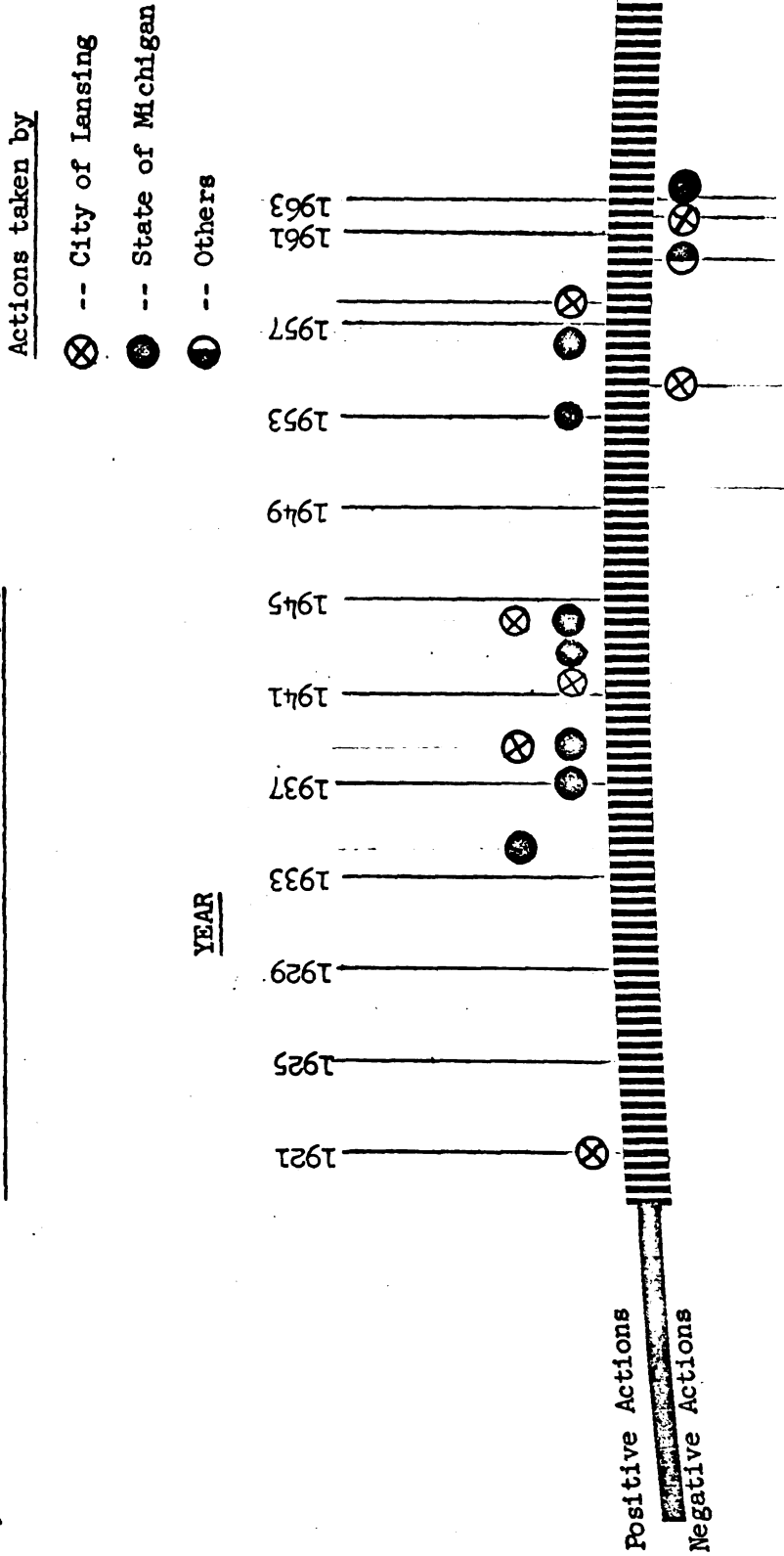
ARTICLES FOR OR AGAINST THE CAPITOL DEVELOPMENT AREA  
1930 to 1963



● -- Indicates one article

Source:- Lansing State Journal

Plate No. 20  
POSITIVE & NEGATIVE ACTIONS AFFECTING THE  
CAPITOL DEVELOPMENT AREA -- 1921 to 1963



\* The actions were judged purely on a subjective basis

## IDENTIFICATION AND EVALUATION

### Effects of State Action on the Capitol Development Area

There are certain aspects of the State's approach to the development of the Capitol Area which should be evaluated. The enthusiasm of the State to carry out the development of the Area varied through the years. One can note that the pressures from other State needs (such as health and education), the recession of the fifties, and threat of losing land in the Area, had an effect on the funds appropriated by the State Legislature for the construction of new office facilities. The amount of activity can also be attributed to the governors that were in office. Some were more interested in the Capitol Development Area than others.

It might be said that there were direct and indirect land holding actions taken by the State that affected land development. The most direct action taken by the State through the years was outright purchase of property. The funds for construction of buildings had come from direct appropriations by the Legislature or the Michigan Office Building Corporation, a non-profit public corporation formed solely for the purpose of drawing leases and issuing bonds.

The number of changes in the areas set aside by the State for the Capitol Development Area can be interpreted as a holding action device.

1938 - 22 blocks  
1947 - 8 blocks  
1958 - 23 blocks  
1963 - 10 blocks

It is believed that the land owners in the Area were led to believe that the State would purchase their land. Also, the changes in enthusiasm by the Legislature about development in the Capitol Area also helped to keep land use static.

Effects of Actions by the City of Lansing on the Capitol  
Development Area

Probably the most direct and effective holding action utilized by the City of Lansing on development in the Capitol Area was zoning. Up to 1942, most of the Area was zoned as "D" Apartment District. About 1946, it was rezoned to "D-M" Multi-Dwelling District. The rezoning was the major step taken by the City to obviate commercial development of the Area.

A not so well known holding action was instituted in 1944 when the City Council and Planning Board assured the State that they would protect the Area from any change in zoning. Requests for zoning changes in the Area were answered by a statement that the City could not change zoning because any alterations would effect a future building arrangement of State offices. This response to requests was successful until 1960, when a suit was brought against the City of Lansing to change the zoning in the Area. The essence of the plaintiff's

case was that there was no such zone as the Capitol Development Area.

There were two indirect holding actions on land use in the Area by the City that can be noted also. The first is the changes made in the plans proposed for the Area.

1921 - 12 blocks  
1938 - 22 blocks  
1958 - 31 blocks

The changes in the proposed schemes assisted in repressing the desire for change. The second can be the support of the City in favor of Development of the Capitol Area. With the assumption that City officials represent the public reaction, it can be said that the people in the Area favored the development and therefore did not force changes in land use.

If one were to evaluate the success of holding actions used to control changes in land use in the Area, the answer would likely be a qualified "yes". As of 1957, there were only two non-conforming uses in the entire Capitol Development area. The City of Lansing has been successful in keeping the agreement they made with the State in 1944 to carry out the regulations of the Zoning Ordinance. The main weakness that can be traced through the entire history of the Capitol Development Area is that the State Legislature has been reluctant in taking action on development of the area. Much can be attributed to the lack of funds, but it can be said that, in the long run, the State has lost out financially due to not

acting when it was to its advantage.

It is believed that numerous property owners in the Area have been unnecessarily inconvenienced by delays the State imposed in purchase of their properties. More prompt action by the State would have resulted in the State acquiring land at less cost and with more cooperation by the property owners. The State would probably have been able to plan its buildings in a less intense arrangement than is proposed in the latest plans.

There were certain characteristics of the Capitol Development Area that discouraged change. In the original town site, lots were as narrow as 25 feet. Developers requiring large parcels of property were discouraged, since many properties had to be assembled to obtain a suitable site.

Land surrounding the area to be used for the Capitol was offered by the State for church development. By 1937, there were 10 churches within a two-block distance of the Capitol. The cost of acquiring these church properties has discouraged change.

At one time it was fashionable to live in proximity to the Capitol, and many large, expensive houses were built and still remain today. However many of these houses are being converted into a higher use, although the change has come about slowly.



## HOLDING ACTION ON LAND USE

Holding actions on land use are one of the methods utilized to achieve the realization of a planned development. Following is a review of the more recognized methods of controlling land use and how they relate to the Capitol Development Area.

Holding action on land stems from the need for most metropolitan areas to provide open space. Open space encompasses three broad categories:

- (1) Open space that would meet the need for outdoor recreation.
- (2) Open space that meets the need for conservation of resources.
- (3) Open space which meets functional needs in the orderly development of the metropolitan area.

Open space may be large or small, public or private, urban or rural, permanent or temporary. It can serve as land permanently set aside for recreation, conservation, for shaping development, or for any combination of these objectives.<sup>19</sup>

In almost every municipality, government is directly responsible for providing land for recreation, public buildings and facilities, and for transacting public business and providing services. To provide these facilities and services, a municipality must have certain

---

19. Proceedings of the Third Annual Metropolitan Area Planning Conference, Northeastern Illinois Metropolitan Area Planning Commission (Chicago 3, Illinois) p.36.

powers to reserve and preserve land.

### Legal Justification

Public action to preserve urban land depends upon one of three governmental powers -- the power to (a) regulate the use of property, (b) acquire property, and (c) tax.

The power to regulate permits a government to control the use of property without compensation to the owners. This power is derived from the police power and can be utilized if it is in the interest of public health, morals, safety, or the general welfare. A limit is reached in the use of the regulatory power when the public benefit is outweighed by the harm inflicted on the owner of the regulated property. When this occurs, the courts declare that the regulation is an unconstitutional "taking" of private property without just compensation.

The power to acquire private property may be used by a government agency when the acquisition is for a public use or purpose. Such acquisition may be by purchase or condemnation. Court decisions have held that condemnation -- acquisition at fair value without owner's consent -- may be used for a broad range of purposes including slum clearance, industrial development, and housing.

Historically, governments could buy or regulate land for public purposes and could condemn land only for public

uses. For example, a city could condemn land for a public park, but was restricted to purchase from a willing seller land intended for resale for industrial development. In recent years, the courts have dropped this distinction and have upheld public purchase, regulation, and condemnation as long as a public benefit would result. Consequently, there should be no constitutional barriers to the acquisition of public open space by either purchase or condemnation, if a public purpose is served.

#### Police Power

The most comprehensive and pervasive of all powers of government is that known as the police power. In the broadest sense, it is the inherent power of every sovereignty to govern men. It includes the power of government to regulate the conduct of individuals subject to its jurisdiction in their relations toward each other; and the manner in which each shall use his power embraces regulations designed to promote the public convenience and general prosperity, as well as the public health, morals, and safety.<sup>20</sup>

#### Purchase: Negotiated

The traditional method of acquiring land for public

---

20. Donald H. Webster, Urban Land and Municipal Public Policy (New York: Harper Brothers, 1958), p. 270.

purposes is through direct purchase of full title. Courts throughout the nation have affirmed that land for public use is a valid purpose for the expenditure of public funds. In most cases this method of controlling the rights to land far exceeds any other control available to public agencies. The State has, through the years, been able to use this tool with considerable success. The State of Michigan favored this method since it created the least public reaction when a government agency acquired the rights to private land. However, it should be noted that the difficulty was caused by the failure of the Legislature to provide the necessary funds.

Purchase: Eminent Domain

The power of eminent domain, or condemnation, and the legitimacy of its use for the acquisition of private property for public facilities has long been recognized. This power permits a properly authorized public body to acquire land by involuntary condemnation proceedings; provided the owner is paid a "fair" price for his property, and provided the property is taken for an authorized "public purpose". The amount to be awarded to the owner is determined by the courts in the condemnation proceedings, as is the question of whether the taking is for a public purpose.

The mere existence of the power is probably as effective as its actual use, for the knowledge that it

could be utilized often facilitates acquisition of property or interest therein through some other means.<sup>21</sup>

Prior to acquiring or controlling property, a governmental unit must have: (1) adequate statutory authority for the acquisition which is proposed, and (2) it must comply with constitutional restrictions of the regulatory powers.<sup>22</sup>

In many cases, the use of eminent domain tends to extend the process of acquiring land, and very often the costs are above expectation. Therefore, other means of acquisition are generally sought as a means of expediting the purchase and saving money.

An additional step in the purchase method of controlling land development is the lease-back arrangement wherein the city owns the land and rents it to private enterprise in accordance with certain conditions. A contract method of the purchase variety is the long-term lease. The city or the unit of government leases the land from the private owner to assume control of land development

The use of eminent domain during the period when the Capitol Development Area underwent a major change was not the popular procedure for acquiring property.

- 
21. City of Ann Arbor, Parks and Open Space Plan, Ann Arbor General Development Plan, Part II, November, 1962, p. 47.
22. Phillip P. Green, Jr., Cases and Materials on Planning Law and Administration (Chapel Hill, N.C.; VI:1; Institute of Government, University of North Carolina), Ch. 6.

Nevertheless, the potential authority of this process gave the State sufficient power to purchase desired land. As the City of Lansing expands on its urban renewal program, this process of obtaining property rights will become a more acceptable method.

### The Comprehensive Plan

In general terms a comprehensive plan may be defined as the determinations, decisions, and forethought applied to the development of a community. It is a development guide set down in words, maps, charts, and sketches which the local governing officials and private citizens use in developing land. The comprehensive plan enables the community, through its governing body and planning commission, to agree on a definite set of policies to guide future physical development and physical design. It further enables the governing body and planning commission to review all the specific projects requiring their action prior to the completion of the plan and to view each project as part of an overall scheme of desirable development.<sup>23</sup>

Since the comprehensive plan is the basic guide for urban growth, it can, through proper implementation, retain certain lands for particular uses. The controls incorporated in the plan encompass a variety of municipal

---

23. State of West Virginia, West Virginia Planning Manual (1960), p. 28.

functions. "Whenever the commission shall have adopted the master plan of the municipality or any part thereof, then and thenceforth no street, park, or other public way, ground, place, or space, no public building or structure, or no public utility, whether publicly or privately owned, shall be constructed or authorized in the municipality until and unless the location and extent thereof shall have been submitted to and approved by the planning commission; the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for, or sale or lease of any street or other public way, ground, place, property or structure shall be subject to similar submission and approval....."24

The comprehensive plan had been a major influence in the evolution of the Capitol Development Area. The plans prepared for Lansing in 1921, 1938, and 1958 were a definitive guide in not only the development of the area, but an influence in discouraging non-public improvements. The plans set the stage for the existing pattern and that which will follow. Although the State did not totally accept the City's plans, it certainly was guided by the land made accessible by the influence of the City's schemes from 1921 to date.

### Zoning

The most widely employed land-use control today is zoning. As an indispensable tool of planning, zoning is the division of a community into zones or districts according to present and potential use of properties for the purpose of controlling and directing the use and

---

24. Charles H. Haar, Land-Use Planning, A Casebook on the Use, Misuse, and Re-Use of Urban Land (Boston; Little, Brown & Co.; 1959), p. 27.

development of the properties. It is concerned primarily with the use of land and buildings, the height and bulk of buildings, the proportion of lot which buildings may cover, and the density of population of a given area. It is not concerned particularly with land ownership. As an instrument of plan implementation, zoning deals principally with the use and development of privately owned land and buildings rather than with public land, buildings, and facilities.

Regulation of land use through zoning is a constitutional exercise of the police power of the state delegated to local governments for the conservation and protection of urban and rural land for its most appropriate uses in the interest of promoting the public health, safety, morals, convenience, and general welfare. A basic principle of zoning is that the regulations be reasonable and comprehensive, and reflect a sound pattern of existing and future land use for all parts of the area under the jurisdiction of the legislative body concerned.<sup>25</sup>

Modern zoning regulations protect all types of land use from the adverse effects of other, and provide flexibility to permit adjustments to changing conditions in the community. Thus zoning regulations provide a legal and administrative tool for progressively

---

25. Green, p. 18



carrying out the land use plan and other elements of the comprehensive plan for guiding the growth and development of the community.<sup>26</sup>

Zoning provides a means of control over private property to protect the community against inappropriate use of buildings and structures and thereby encourages the most appropriate use of land. Although the use of private property has long been recognized as being subject to public regulation, zoning is a comparatively recent application of the police power to carry out the objectives of planning.<sup>27</sup>

Zoning was the most successful holding action used to control land in the Capitol Development Area. It enabled the City of Lansing to protect the area from high-density development and to maintain the minimum values of properties to be acquired. Although there were several cases in which the plaintiff questioned the zoning in the Area, the City was able to protect this land.

#### Official Maps

Another method of holding land for future use is the official map-- a device whereby a municipality can reserve land for future public improvements.

---

26. Green, p. 19.

27. Webster.

Often official maps are adopted in the absence of a comprehensive plan, although ideally such a map should be preceded by a comprehensive plan or at least the major street portion of a comprehensive plan. A simple device, the official map is one of the oldest extant planning devices. It is one way, but not the only method, to fix building lines. Lines of existing streets as well as widening lines along existing streets and future streets may be mapped. The purpose is to assure that buildings will not be built in the beds of mapped streets and that land needed for street widening and for future streets will be available at bare land prices.<sup>28</sup>

The official map technique has been used successfully to prohibit development on sites for future streets and highways, but its application to the reservation of future parks and recreation areas has not yet been applied widely. It has been found by the courts to be an unconstitutional taking of property without just compensation, when there is an undue delay in acquisition and an unreasonable restriction upon use of property reserved by an official map.

On the basis of available data and of an experienced judgement as to how the future use of land in an area ought to be guided, the official map may be

---

28. McLean, Mary, Local Planning Administration (Chicago; International City Manager's Association; 1959), p. 36.

a valuable tool. The municipality is empowered to restrict the use of real property which it may at some future time decide to acquire. In this sense, the official map is in the nature of a "restrictive option."

In regard to the progress of this device, the State of Maryland extends to all owners some compensation for their forbearance. Under its statute, areas may be designated on the master plan as "reserved" for public purposes. For three years after the plan has been adopted, the owner is not allowed to make any improvements in the reserved area, and, as a consideration for this abstention, is exempt from real estate taxes during the period of reservation.

Mapped reservation for parks is still in its infancy, from a legal point of view. The official map has had its greatest success in connection with streets. Its success in being utilized as a device for setting aside open space will depend on public use, reaction, and court decisions.

The official map usually receives status after the planning commission of any municipality has adopted a comprehensive plan which includes a major street plan and has certified a copy of such major street plan to the governing body of the municipality. The governing body may establish an official map

showing the location of the streets of the municipality and theretofore establishes by law public streets.<sup>29</sup>

It has not been the practice in Lansing to use an official map to guide development. Several reasons may be cited; zoning had been a successful control, and many property owners were content with waiting until the State decided to take their property. However, there is some indication that the original "town" site map for Lansing could be considered an official map.

#### Gifts

There are many examples of gifts of land left to cities for public facilities. Often a landowner will find it advantageous in terms of the effect such a gift will have on his Federal or State tax position. Aside from the benefits to the donor, however, a sense of public spirit may often induce individuals and organizations to make a gift of land to the city.<sup>30</sup> Most of the land that the Capitol of Oklahoma is now using was a gift, but such was not the case in Lansing.

#### Exchange

Often a city may find it beneficial to exchange its land or interests therein for land owned by another public agency or private individual. Such a trade may

---

29. Green, p. 28.

30. City of Ann Arbor, p. 48.

often prove advantageous to both parties.

In the case of the State of Michigan, it had no land available for exchange, although the State was able to take advantage of a playfield the City owned for construction of the Lewis Cass Building. In this case it may be said that the "exchange" worked as a disadvantage. The Cass Building is now the only building that bears no relation to the rest of the existing or proposed building complex.

#### Tax Foreclosures

Planning literature contains frequent references to the possibilities of acquiring desirable properties through tax foreclosure. Such possibilities are usually of slight significance, except during times of economic hardship. In most cities, only a relatively small amount of property has become available through this process since the beginning of World War II. If property is valuable, it will usually be "bid in" at the foreclosure sale by the delinquent taxpayer himself, rather than being allowed to fall into the hands of the city.<sup>31</sup> There are cases (e.g.- Cook County, Illinois) where, although the land may be valuable, it will not be "bid in." This is prevalent where a subdivider may improve land for housing in an area where the market becomes

---

31. Green, pp. 73,74.

saturated and the property is forced into receivership.

There was no record of property made available to the State of Michigan due to tax foreclosure.

### Subdivision Regulations

Although more recent than zoning, subdivision regulations, under the police power, have also become an accepted method of local government control for the development of land.<sup>32</sup>

Through vigorous and judicious enforcement of its subdivision regulations, a municipality can have an effective tool for acquiring and preserving land for future needs. The primary objective of subdivision control is to assure that the land subdivided will constitute a permanent asset to the community, and will provide the maximum degree of health, comfort, convenience, and beauty consistent with true economy.

Land subdivision regulation is the guidance of land subdivision development by a public authority, preferably the planning agency, enforced through the power to withhold the privilege of public records from plats that do not meet established requirements and standards.

Subdivision controls are usually administered by local planning agencies to regulate the subdivision of

---

32. Community Builder's Council of Urban Land Institute, The Community Builder's Handbook (Washington, D.C.; 1960), p. 65.

raw land into building lots, streets, and other prescribed uses. More recently, these controls contain provisions related to the preservation of open space. For example, they may prohibit or limit development in areas without public utilities, such as water and sewer, where such development would be unsafe or unhealthy.

A number of subdivision regulations include a positive requirement for the developer to dedicate a specified portion of land in each subdivision as permanent open space, or to contribute a money equivalent to pay for permanent open space elsewhere. It has not yet been determined precisely by the courts that required dedication is a taking of property without just compensation, rather than a reasonable requirement for provision of services.

More specifically, subdivision regulations can require a special assessment providing land or funds for public improvements. The City of Lansing could have used this regulation to dedicate open space in the Capitol Development Area. However, at the time this land was subdivided no such regulations were recognized. This type of assessment will be more acceptable in the future.

### Dedication

Public open spaces and sites for various types of public facilities have come to form an important part of community living. The proper location and development of schools, neighborhood parks, playgrounds, and many

other public facilities are essential to sound land use planning. Properly written subdivision requirements insure that appropriate sites will be reserved for all necessary public facilities and open spaces. In the event that a public facility is shown on the comprehensive plan and is located in whole or in part in the subdivision, the approving authority requires a reservation or dedication of such area by the subdivider as a condition of recording the plat.

In many instances it is possible to secure the reservation and dedication of public sites by persuasion rather than resorting to the force of law. In other instances, the dedication of sites can be secured only by legal compulsion.<sup>33</sup>

The City of Lansing was able to secure several park sites in the Capitol Area, but the purpose for obtaining the property was not for State administrative offices. There was only one parcel dedicated by the City as park land that was obtained by the State for a building. It is doubtful that the City could have set aside land for State administrative offices and been able to retain it long enough for the Legislature to provide funds for its purchase.

---

33. Webster, pp. 445-55.



### Re-assessments

Re-assessments are used to insure that farm owners and large landowners can keep their land in an agricultural use or other open space without the hardship of taxation based on the potential urban development. This action enables large tracts of land in proximity to urban areas to remain in open use for the benefit of urban dwellers. It has gained popularity in large urbanized areas.

The re-assessment approach to securing property cannot be directly applied to the Capitol Development Area. The present location of the State Capitol was the site of the first settlement in Lansing and had always been an urbanized area.

### Purchase of Easements or Development Rights

The purchase by government agencies of easements or development rights can compensate property owners for the relinquishment of the right to develop their property for urban purposes. Voluntary placement of limitations on development rights in property through deed restrictions have benefitted property owners or groups of property owners who desire to keep their areas open. In addition such restrictions can result in lower assessed valuations.<sup>34</sup>

---

34. St. Louis County Planning Commission, A Clarification of the Rural and Open Space Categories of the Land Use Plan, (St. Louis County; May, 1961), p. 9.

The use of an easement or development rights has value only if the State desires open space but does not need actual land. The need for open space is apparent at the site of the Mason Building. If construction continues at its present rate, it is conceivable that this tool could be used.

### Urban Renewal

Within the last decade, the possibility of creating parks and open spaces through "urban renewal" has become more significant. The federal government gave impetus to the practicality of redevelopment through the enactment of "Title One" in 1949. Prior to the enactment of this legislation states tried such inducements as condemnation and tax abatement. Now the federal government offers to further reduce the cost of redevelopment by sharing on a two-to-one basis with a municipality the loss in write-down of the value of land to its proper re-use value. This enables a municipality to develop playgrounds and parks which benefit a project area and to credit these improvements as part of its financial contribution.

Acquiring property through urban renewal appears to have great potential in expanding the Capitol Development Area. Although to date the City has not found it necessary to obtain property in the Area using this device, the future will hold its greatest potential, especially to the west of the present development.

### Escheat

The original owner of all land was the state, from which all titles were traced upon grants and subsequent conveyances. It would be impossible to conceive of land becoming unowned: therefore, we have the law of escheat under which if an owner of land dies leaving no heirs and not disposing of the land by will the ownership of the land goes to the state. However, this very rarely happens. The use of this tool did not contribute any property to the development of the Capitol Area in the past and it is unlikely that it will in the future.

### Taxation

Under the right of taxation, the state levies taxes for its support and for the maintenance of all of its varied branches that protect and benefit its citizens. Land, because of its permanance and accessibility, is convenient to tax and is usually the basis for taxation. If such taxes, when levied, are not paid in due course they are enforced; and this may result in the owners' losing their land.<sup>35</sup>

### Liens

In addition to other interests in land, various rights, known as liens, affect the possession and

---

35. Phillip A. Benson and Nelson L. North, Real Estate Principles and Practices (Prentice-Hall Inc.; 1939), p. 8-9.

ownership of land. A lien is the right given by law to a creditor to have a debt or charge satisfied out of the property belonging to his debtor. Liens may entitle the holder to have the land sold whether or not the owner desires it.

### Leases

Persons owning property permit others to hire it and charge them for its use, the object of the owner being usually to derive an income or profit from the property. A lease is the agreement under which the tenant assumes possession, and the document specifies how long the possession shall continue and the amount which shall be paid the landlord for the use of the property.

The use of taxation, liens or leases have in this sense very limited restriction possibilities, especially in reference to the Capitol Development Area. However, used in combination with other land use controls they can be useful in obtaining the rights to land.

Governmental agencies have available more tools to control the use of land than private individuals or groups. In addition there are more controls available now than in the past. Implementation of plans have been directly related to public support or yields to an assortment of public, private, and political pressures. Other considerations such as availability of funds, proper authority or controls, and management are factors

which contribute to the success or failure of development plans. Therefore, it is not one but a combination of many factors that dictate the success or failure of a plan of development.

## CONCLUSION

There are a number of observations that can be made in relation to the governments holding action. It is apparent that plans were made for development as far back as 1920, and continually revised to accommodate changing needs. The State's plans for the Capitol Area were more closely related to land they had already owned, whereas the City of Lansing had plans prepared anticipating ultimate development of the Area.

If one were to select the factor which could be categorized as the major implementation of development plans it would have to be the failure of the Legislature to provide adequate funds. Conversely, zoning restrictions applied by the City of Lansing helped perpetuate low density-development in the surrounding area which assured low property costs at the time of acquisition. As years passed, the area delineated by the State for future expansion continued to decrease. This phenomenon continued even though the number of employees increased and rented offices were scattered throughout the Lansing central area. The Capitol Area was restricted from development to the east due to the high cost of commercial property. Growth to the west was least restricted; however, lack of funds for property acquisition limited expansion to a large degree. As evidenced in the study, the existence of the Capitol Area appreciated property

values and attracted development. However, in some cases, where it was anticipated that the State would acquire property for future expansion of offices, the property was allowed to deteriorate.

Further review of the State's activities indicated that the tools provided by police power contributed to the development of the Area. The City of Lansing provided assistance that contributed to much of the success of the development of the Area.

In relation to planning there are several underlying facts revealed by this study: (1) Future needs may be too costly if the phrase "Make no little plans" is disregarded. (2) Use all planning tools available to implement plans. (3) The timing of proposals may be as important as the proposals themselves.

There were a number of approaches used to determine cause and effect of changes instituted in the Capitol Development Area. An attempt was made to determine sales in the Capitol Development Area. Access to this information was refused. An illustration showing the assessed valuation of properties in the Capitol Development Area between 1938 and 1963 was prepared (see Plate 14) to reveal whether the Capitol has any effect on the surrounding area and whether there were any changes in the period studied. This study appeared to have some correlation and did indicate that higher values were concentrated near

the Capitol. It also indicated that properties were permitted to deteriorate during this time period.

A graph showing building permits issued in the Capitol Development Area from 1923 to 1963 (See Plate 17) had no correlation. The only real information that the graph revealed was that there was a gradual decrease in the number of building permits.

In examining the number of petitions for rezoning, (See Plate 18) there was correlation. The number of actions related to the Capitol Development Area could be related to the fluctuation in the number of zoning petitions.

Between 1930 and 1963, there were a number of newspaper articles written about the Capitol Development Area. (See Plate 19.) After examination of these articles one would have to conclude that there was no real correlation between "public" opinion and changes that occurred in the Capitol Development Area. One objection to this approach was whether the newspaper reported or helped to create public opinion. There was no conclusive evidence to indicate that public or newspaper reaction had an effect on the development in the Capitol Area.

There were, without question, a variety of factors that obstructed change in the Area. It is suggested here that the major power to reserve the Area for State office development was that of implication.



The implication was that the area was set aside by the City as the "Capitol Development Area". A request for change in the Area would be answered by implying that this area was reserved for State offices and would not be changed. One would conclude that if you tell people something long enough, they will become accustomed to it.

## BIBLIOGRAPHY

### BOOKS

- Benson, Phillip, and North, Nelson. Real Estate Principles and Practices. New York: Prentice Hall, Inc., 1939.
- Chapin, F. Stuart. Urban Land Use Planning. New York: Harper and Brothers, 1957.
- The Community Builders Handbook. Prepared by the Community Builders' Council of the Urban Land Institute. Washington, D.C., 1960.
- Green, Philip P. Jr. Cases and Materials on Planning Law and Administration. Chapel Hill, North Carolina; Institute of Government, University of North Carolina, 1962.
- Harr, Charles M. Land-Use Planning: A Casebook on the Use, Misuse, and Re-use of Urban Land. Boston, Toronto: Little, Brown and Co., 1959.
- Horack, Frank E. Jr. and Nolan, Val, Jr. Land Use Controls: Supplementary Materials on Real Property. American Casebook Series. Edited by Erwin N. Griwold. St. Paul, Minnesota: West Publishing Co., 1955.
- McLean, Mary (ed.). Local Planning Administration. 3rd edition. Chicago: The International City Managers' Association, 1959.
- Commonwealth of Pennsylvania, Department of Internal Affairs. Zoning: Insurance for Livability. Harrisburg, Pennsylvania, 1962.
- Pitfalls of Zoning: A guide for Attorneys. Home Title Guaranty Co., 1959.
- Webster, Donald H. Urban Land and Municipal Public Policy. New York: Harper and Brothers, 1958.
- West Virginia Planning Manual. 1960.
- Willhelm, Sidney M. Urban Zoning and Land-Use Theory. The Free Press of Glencoe, 1962.

PUBLIC DOCUMENTS

City of Ann Arbor. Parks and Open Space Plan, Ann Arbor General Development Plan. Part II. Ann Arbor, Michigan: November, 1962.

City of Lansing, Michigan; The Comprehensive City Plan. prepared by Harland Bartholomew and Associates, City Planning Consultants. St. Louis, Missouri: November, 1938.

City of Lansing, Michigan. The Lansing Plan. prepared by Harland Bartholomew, City Plan Engineer. St. Louis, Missouri: 1921.

City of Lansing, Michigan. Zoning Code. Reprint of Chapter 36. 1958.

City of Lansing, Michigan. Lansing Zoning Ordinance. adopted August 31, 1942.

REPORTS

City of Lansing, Michigan; Planning Department. Recommendations on High-Rise Apartment Development; Proposed by Morton L. Scholnick. June 25, 1963. Special Report SS-1-62.

City of Minneapolis, Minnesota. Planning Commission. You and Modern Zoning. Publication No. 112, Zoning Series N. 2. November, 1959.

Duke, Richard. The Planning Process in Community Development. Technical Bulletin B-31. Institute for Community Development, Michigan State University. August, 1962.

Lansing, Michigan, City Clerk. Proceedings of the Lansing City Council Meetings.

Northeastern Illinois Metropolitan Area Planning Commission. Proceedings of the Third Annual Metropolitan Area Planning Conference. September, 1960.

Southwestern Legal Foundation. Proceedings of the Institute on Planning and Zoning. Dallas, Texas. 1960, 1961, 1962, 1963.

State of Michigan, Building Division. A Report of the Progress by the State of Michigan in the Development of its Capitol Area - 1935 to 1960.  
(Mimeographed)

State of Michigan, Capitol Building Commission. A Report on Requirements for the Expansion of Site and Building Facilities of the Michigan State Capitol Group. Prepared by Smith, Hinchman and Grylls, Inc., Architects and Engineers. December, 1944.

Urban Renewal Administration of the Housing and Home Finance agency. Preserving Urban Open Space. February, 1963.

APPENDIX

Schemes Recommended by Smith, Hinchmen, and Grylls  
for the Arrangements of the Capitol Development Area

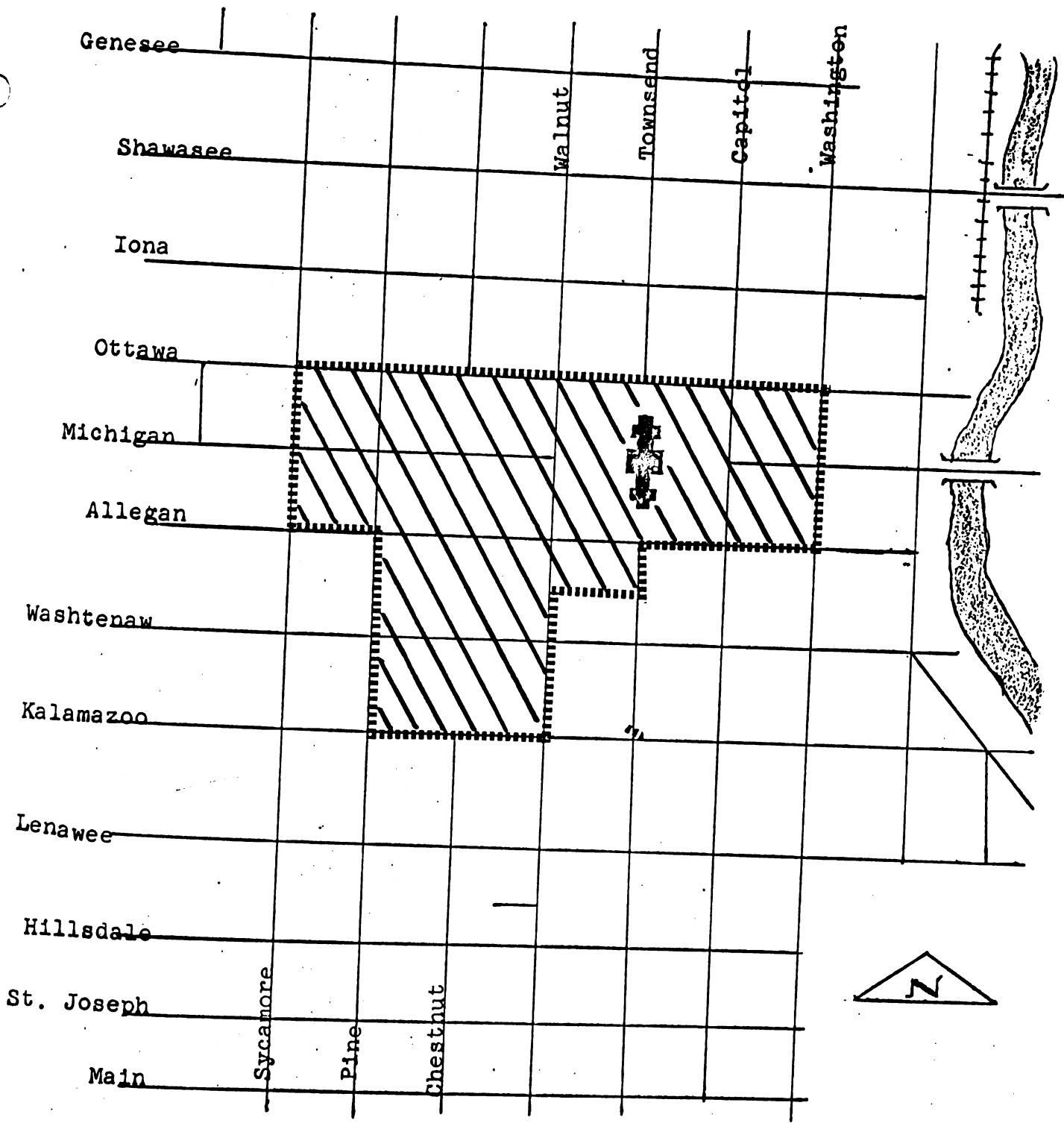
ka

ka

le

r

s



SCHEME 1A



Wa

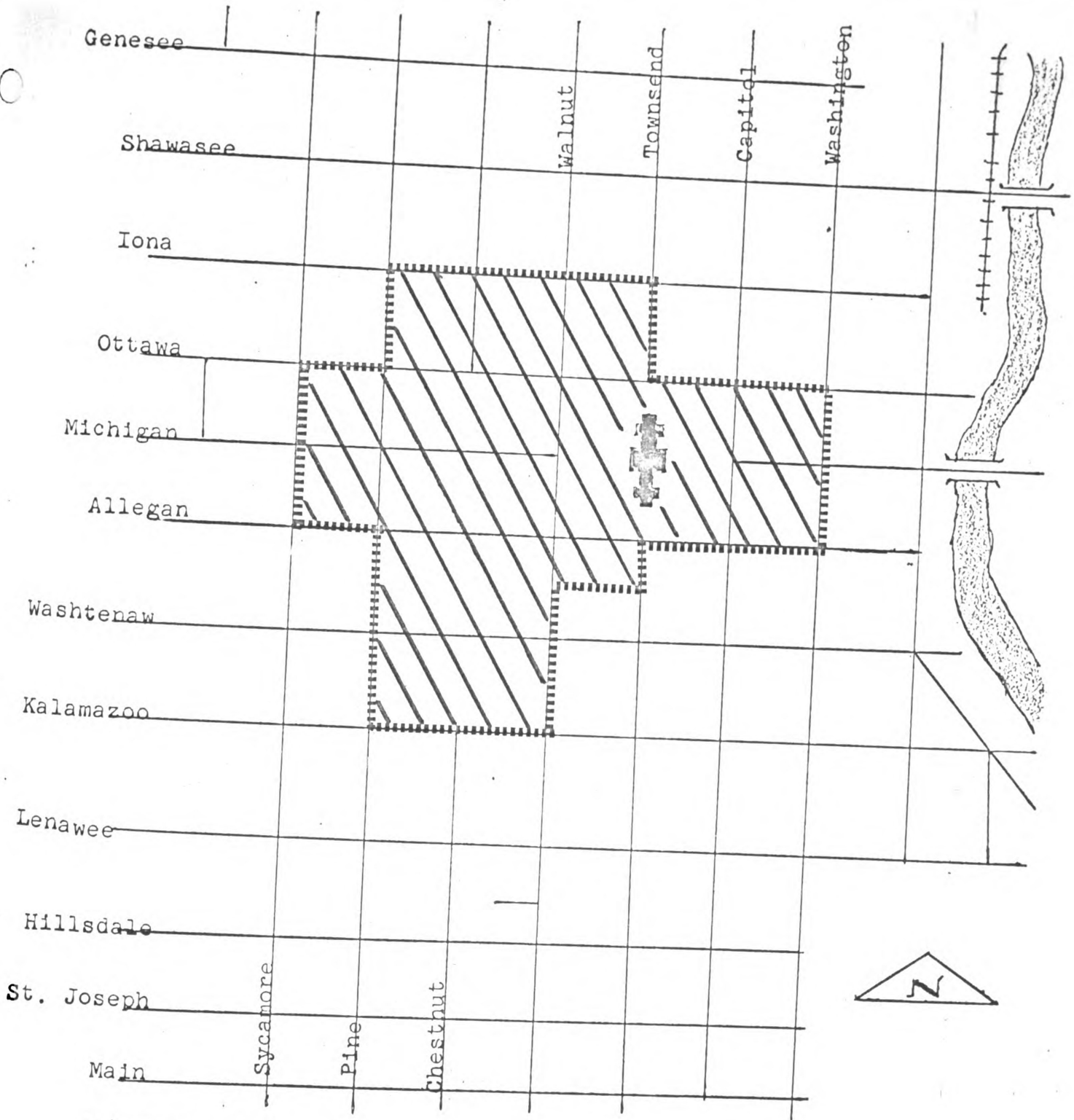
Ya

Ze

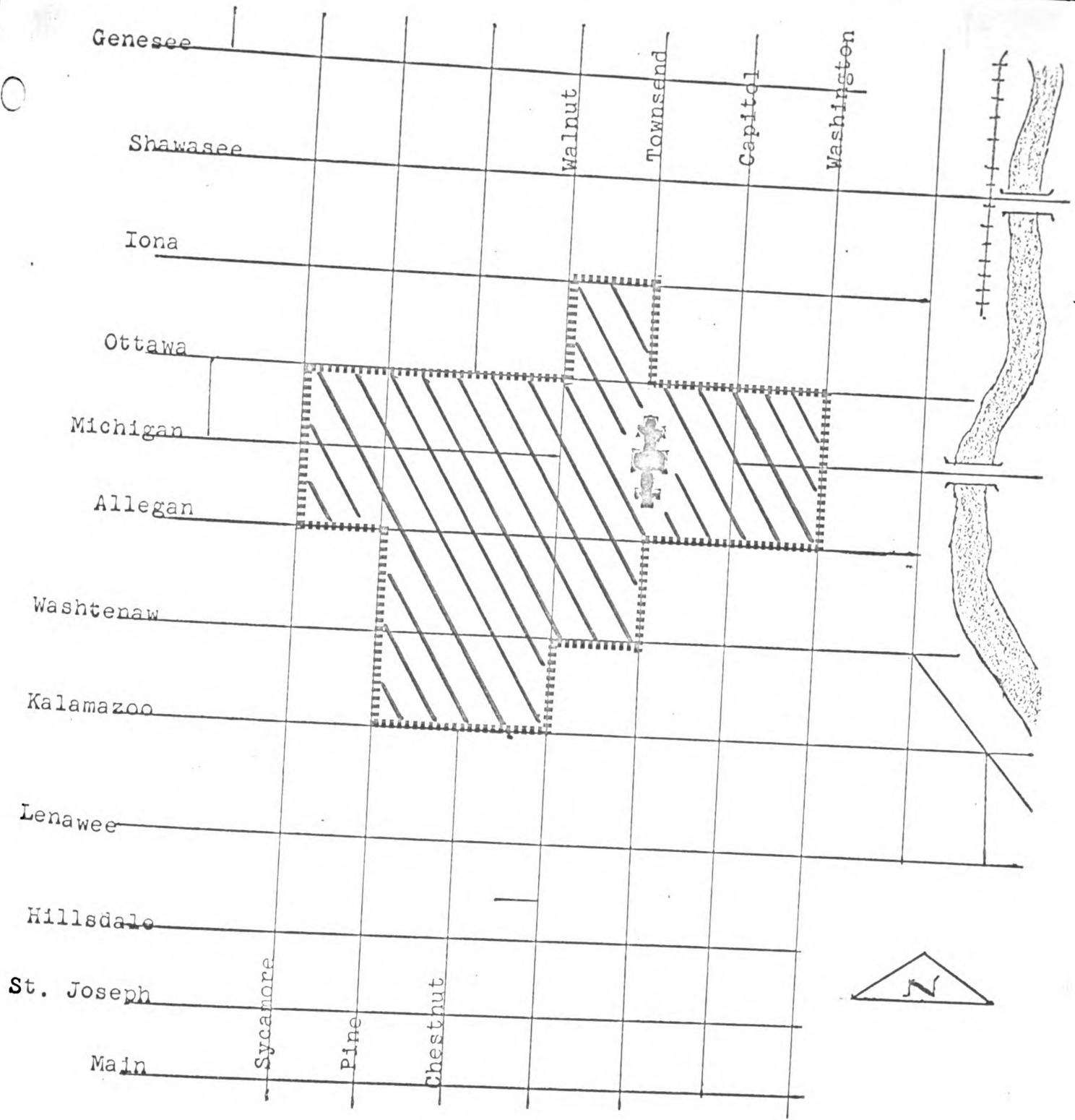
Fi

St





SCHEMES 2, 7, & 9



SCHEMES 6, & 8

MICHIGAN STATE UNIVERSITY LIBRARIES



3 1293 03142 5840