

BLOSSOM RIDGE AND CARILLON CREEK DEVELOPMENT SUMMARY

Blossom Ridge

History

- May 2011-Planned Residential Rezoning Overlay (PRRO) application filed by developer, Mocerri/DM Investments, LLC.
- February 2012-Planning Commission recommends approval of PRRO with 282 total units, with a congregate building of 126 units and greater than two stories.
- August 12, 2012- Board of Trustees approves 238 units, with a congregate of 126 units and greater than two stories.
- August 6, 2013- Referendum vote over turns Township's PRRO approval.
- October 13, 2013- Mocerri's attorney offers a compromise of 228 units, with a congregate of 126 units but limited to two stories.
- December 10, 2013- Board of Trustees denies the Special Accommodation Use request of 238 units.

Lawsuit

- December 2014- Michigan Paralyzed Veterans of America (MPVA), Mocerri/DM Investments and former Township Supervisor Joan Buser sue the Township for violation of 1) the Fair Housing Act, 2) American's with Disabilities Act, 3) Elliott-Larsen Act and 4) Michigan Zoning Enabling Act, for ordinances and actions which fail to reasonably accommodate the disabled and result in exclusionary zoning. Litigation discovery determines that Mocerri seeks Court approval of his Blossom Ridge project, together with an additional damage award of \$17,000,000.00 for delay, loss profits, attorney fees and cost of litigation.

Facilitation

- Per the Federal Court's direction, facilitation begins with former Oakland Circuit Court Judge Barry Howard. The Board of Trustees Subcommittee, the representative and legal counsel of the Township's insurer (MMRMA), Mr. Mocerri and company personnel, representatives of the MVPVA and all litigation counsel attend five separate day-long facilitation hearings on October 28, November 19, December 10, December 14, and December 21, 2015. Additional meetings between the legal counsel for all parties occurs on December 18, 2015, and January 6, 2016.

Township's Facilitation Objectives

- Dismissal of all litigation without an award of damages or cost.
- Resolution of the litigation would not include an admission of liability nor an acquiescence that the Township's ordinances or prior actions constitute a violation of any Federal or State Act.
- Taking into consideration the existing and future development of the general area, obtain a development which reduces the adverse impact on the area surrounding Blossom Ridge. Primary within this goal was to obtain a density consistent with the Master Plan's anticipated density of 3-5 dwelling units per acre for the 42 acre Blossom Ridge site, a reduction in the congregate building's total units and a limitation of no more than two stories.

Oakland Christian Church Property-Carillon Creek Project

- Based on the Township's concerns for the impact Blossom Ridge would have on the region, discussions occurred with regard to the impact future development of currently undeveloped properties would have on the overall area. These discussions focused on the 30+ acres of undeveloped property under the ownership and control of Mocerri surrounding the Oakland Christian Church. In light of the 30+ acres being currently zoned as Research Laboratory, the allowed uses of the property included all uses under the Township's local office and general office zoning categories:
 - These uses include: general office, medical office, financial institutions, funeral homes, veterinarian hospitals, schools, hospitals, large research and engineering centers.
 - Other potential uses including self-storage facilities, retail, large scale convalescent homes, cell towers, gas and oil drilling operations and fast food restaurants.
- The Township's consultants have estimated the 30+ acres of Church property would accommodate 260,000 square feet of office and one or more multi-story office buildings.
- The current Research Laboratory zoning designation of the Church property raised significant concerns for the Township as to the overall adverse impact on the area should a future development would have on the area.
- In response to the Township's concerns, Mocerri/DM Investments proposed a resolution that would include approval of a significantly reduced Blossom Ridge project and a down-zoning of the permitted uses on the Oakland Christian Church property (Church property development identified as Carillon Creek).

Development Summary

- The following provides a brief outline of both the Blossom Ridge and Carillon Creek developments (the Township has made available for public review the site plans of both projects):

Blossom Ridge

- 189 total units.
- All buildings no more than two stories.
- Congregate building reduced from 126 units to 100 units.

Carillon Creek

3 Distinct Projects

- 1) Corner of Adams and Silverbell- Zoned Neighborhood Services for the purposes of developing a fine dining restaurant of approximately 6,800 square feet. The two acre site would be limited to no fast food or pharmacy/drug store.
- 2) Health and Wellness Residence- Single story facility with 56 studio units on a 6.33 acre (lot area required is 2 acres; 6.33 acres provided) site on the northwestern portion of the former Oakland Christian Church site.
- 3) 84 two to three bedroom residential units in 13 two-story buildings over an approximately a 21 acre area.

Additional Offer

- Mocerri would build a fire/ambulance facility on the Carillon Creek site.
- Mocerri would donate up to \$200,000.00 for the purchase of a new emergency (ALS) vehicle.
- Approximately 8 acres would be donated to the Township along Adams Road on the Southeast portion of the former Church site. The acres may be used by the Township for purposes of a public park or construction of other public facilities such as a fire station.
- Matching contribution of Mocerri of up to \$125,000.00 toward the construction of a Veteran's Memorial on the Carillon Creek property.

Facilitator's Recommended Consent Judgment

- Following five days of facilitation hearings and two additional meetings, former Oakland County Circuit Court Judge Barry Howard has recommended approval of the proposed resolution and has concluded the facilitation process. The final proposal of the MPVA and Mocerri will be brought before the Board of Trustees for its review and consideration. Although not required to do so, the Board of Trustees has approved release of the site plans for public review and comment on both the proposed Blossom Ridge and Carillon Creek developments. In addition to the facilitator's recommendation to approve the proposed resolution, the Township's insurer, MMRMA, has strongly recommended the Township accept the proposed Consent Judgment. The Oakland Township Board of Trustees has placed the matter on the Board's January 26, 2016, agenda for the purposes of receiving public comment prior to the Board's review and consideration of the Court Appointed Facilitator's recommended Consent Judgment.