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Rose and other nearby residents have a myriad of concerns about the property, Gage's ruling and the proposed consent judgment.

"They don't want an office on the property, particularly in what has been described as a Beech-Maple climax forest, which features trees more than 100 years old. It's going to destroy part of the forest that is our environment," said Rose, who moved to Springland in 1985 because of the heavily wooded environment.

With the small setbacks suggested in the consent judgment, Rose is concerned that whatever is built on the acreage will be pretty close to her home. She would like to see larger setbacks, as well as more of the property left in its natural state.

Concern over ruling

Fabian acknowledges that developer Michael Hornwitz, who had the latest \$1 million purchase option on the acreage, and McMahan

would prefer commercial development. And he acknowledges that the McMahan family naturally would want to make big dollars from the land, which would be commercial or office rather than residential.

"But since when is the basis of zoning whether it is profitable for a developer?" Fabian asked. "It has always been a single-family rezoning. They could put one house on the land. Someone would want it."

Others agree. "I am concerned about maintaining a residential quality," said Irene McCann, whose property adjoins the acreage. He's hoping the wetland on the acreage — which drains through Rose's property — will keep any type of building away from his and neighbors' property.

Residents also are concerned about Gage's ruling and the lawsuit that led to it. In her ruling, Gage said neighbors didn't object to rezoning.

"I can't believe that," Rose said. Fabian agreed. "We have insights

that were not presented at trial. It's like they didn't want anyone knowing what was going on. They never met with us. We offered our assistance throughout the whole process."

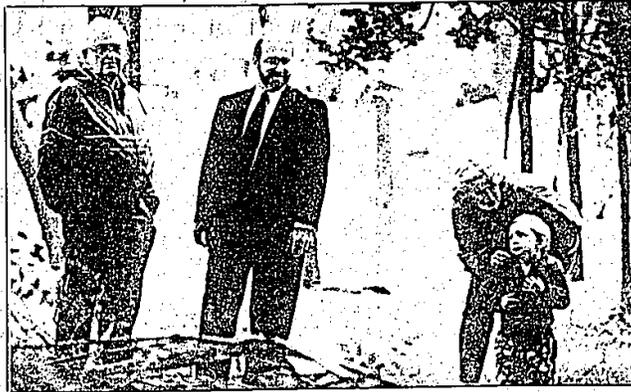
Rose and Fabian don't want the city to approve the consent judgment as it is now, because after that, there's no negotiation.

"We are now left with limited options after the fact," Fabian said. "We're left in a position of second-guessing because we didn't have an opportunity to participate."

The consent judgment concerns Rose and Fabian because, in their opinion, the city is opening the door for the owner or a developer to do more to the property than Gage ruled.

"This consent judgment is not beneficial to the property owners or the city. It's such a broadly written consent judgment. It violates protections other properties in the city enjoy (such as the tree ordinance and customary setbacks)," Fabian said.

Rose wants city officials — before they do anything — to know just how Gage's ruling and the consent judgment will affect neighbors and



SHARON LUMKIN/STAFF PHOTOGRAPHER

Giving their input: Springland-LaMuera residents (from left) Irving McCann, Michael Fabian, Janet Rose and Matt Rose look over the land that is the focus of a consent judgment.

their property values and the aesthetics and environment of the area.

"Do we really want a 12 Mile corridor down Orchard Lake Road?" Rose asked, referring to a domino

effect with office and commercial development down the thoroughfare.

City attorney offers opinion on rezoning

BY JOANNE MALISZEWSKI
STAFF WRITER

City attorney John Donohue says he saw "a window of opportunity" following an Oakland County Circuit Court ruling for office zoning on acreage adjacent to the Springland-LaMuera subdivision.

"There is no market for office and no chance or little likelihood there's financing for office," said Donohue, who represented Farmington Hills in a suit brought by Kay McMahan who inherited 9.08 acres on Orchard Lake Road, between Springland and Rockshire roads.

McMahan — who received offers to buy the property since 1985 — has consistently been denied a rezoning from single-family. McMahan sued. A proposed consent judgment followed Oakland County Circuit Judge Hilda Gage's ruling that the property should go to office.

Some Springland-LaMuera residents believe the city will give too much away if they agree to the consent judgment, which offers options

with incentives for single-family, multiple-family or elderly housing. Donohue disagrees.

"The problem of that siting there as court-ordered office zoning — it casts a pall on single-family zoning on Orchard Lake Road frontage. In the future, a lot of rezoning requests could all point to that key parcel," Donohue said.

"To deflect that, we're trying to give them options for single-family or multiple-family. We may see a developer who can get financing for that. We're in a better position to protect the Orchard Lake zoning."

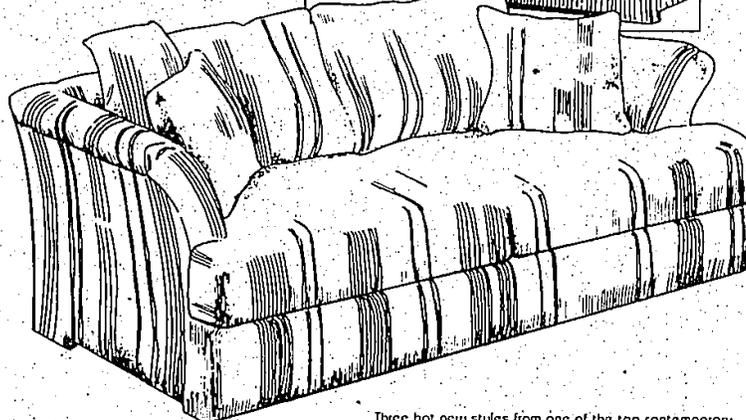
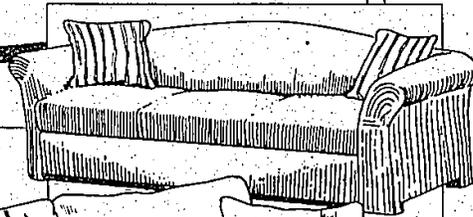
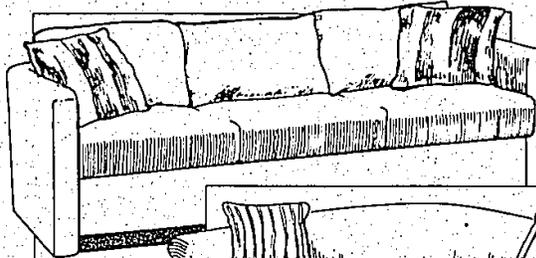
As far as involving residents more in the trial process, Donohue says he usually doesn't. "I've never called a resident as a witness in a zoning case. It's usually an appeal to emotion."

Residents such as Michael Fabian and Janet Rose want the city to uphold Gage's ruling. Admittedly, Rose said, there are a few residents near Orchard Lake Road who wouldn't mind the property rezoned

See REZONING, 11A

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