

From: Tom Whitaker [mailto:tgwhitaker@gmail.com]
Sent: Thursday, October 01, 2009 9:11 AM
To: Planning
Cc: DiLeo, Alexis; Rampson, Wendy
Subject: Re: **Moravian PUD**

PLEASE FORWARD TO PLANNING COMMISSIONERS AND INCLUDE IN THEIR PACKETS. Thank you.

Members of the Planning Commission:

I just heard back from Jerry Hancock this morning about the revised FEMA maps and here is what he said:

"I spoke with FEMA's consultant a few weeks ago and he indicated they are shooting for the final maps for Washtenaw County to be distributed on 1/6/10 and the effective date on the maps would be 7/6/10. So, assuming he is correct with his estimate, we are looking at July 6, 2010."

This is at least the third time this date has been pushed back to my knowledge. We've heard July 2009, and then October 2009, and now July 2010.

The Moravian PUD proposal should be rejected because at this time, and until a future date uncertain, half of the site remains in a floodway. State law prohibits residential construction in a floodway. The City should not be wasting time on developers who are trying to force incompatible projects onto cheap land by violating State law and demanding wholesale changes to City zoning. Please reject this proposal outright. It cannot be built lawfully, and the City should not be entertaining it based on speculation that the map might change in the developer's favor.

Thank you.

Tom Whitaker
444 S. Fifth Ave.

On Wed, Sep 30, 2009 at 11:10 PM, Tom Whitaker <tgwhitaker@gmail.com> wrote:
Please forward the correspondence below to the Planning Commission and insert it in their packets.

Members of the Planning Commission:

On October 6, you will be asked to review and act upon The Moravian PUD. As a property owner and resident of the neighborhood in which this project is being proposed, I ask you to please vote to recommend denial of this PUD by City Council.

I'm not sure why this proposal has gotten this far in the first place. The site is currently in the Allen Creek floodplain and floodway. State law forbids residential construction in a floodway, and any construction in a floodway *at all* goes against the City's flood mitigation plan. Why was this proposal not rejected by staff outright instead of wasting all this City time, effort and money on a project that can not lawfully be built? If and when the FEMA flood maps are updated to remove this site from the floodway, then and

only then should the petitioner be allowed to submit this project for approval. It is not acceptable for the City to approve this proposal and then push the final judgment on permission to build it out to the building department where permit decisions are not subject to public scrutiny.

As of this writing, the staff report on this project was not available for public viewing on the City website (nor was the CPC agenda or packet), so I'm not certain what it will contain. However, I was told that if I wanted my message included in your packets, that I needed to get it in by Thursday, October 1. Without the new report to comment on, I want to comment on the last staff report written for this project. In that report, the proposed PUD was compared to what might be allowed under existing zoning. Unfortunately, staff used R4C zoning as the underlying zoning for the *entire* site. As you must know by now, half of this site is zoned M1, which allows no residential construction. As a result, the contrast between what would be allowed under existing zoning and what was proposed under the PUD was not properly illustrated in the staff report, making the PUD seem much less out of scale than it truly was. If the new staff report uses the same approach to the underlying zoning, I ask you to reject the figures and demand figures for what the petitioner would actually be allowed to submit as a "matter of right" proposal on this site, using the actual zoning currently in place.

Please do not allow urban sprawl to creep into our neighborhoods and reject this ugly (compare it to the Meijer on Jackson Rd.) dorm project that would dwarf the neighboring homes. This project provides NO public benefit and thus should not be entitled to the very special privilege of PUD zoning. PUD zoning should only be used to solve difficult, site-specific development problems, or to achieve specific, stated City goals. This proposal does neither and is, in fact, in direct conflict with the Central Area Plan which specifically discourages the bundling of multiple parcels for new developments in our vulnerable near-downtown neighborhoods.

Thank you for thoughtfully considering these objections. I trust that just as you have done in the past, you will reject this proposal and send a message to tax-paying property owners that their neighborhoods are safe from destruction and replacement by monstrosities like the Moravian.

Sincerely,

Tom Whitaker
444 S. Fifth Ave.