

## Lenart, Brett

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**From:** Joseph Martinez <martinezjj@waymo.com>  
**Sent:** Tuesday, December 18, 2018 10:20 AM  
**To:** Planning  
**Subject:** Brightdawn development

Dear City Planning Commission,

I have owned my home in Forestbrooke for 11 years. I want to voice my strong opposition to 2 points:

1. The rezoning of the Brightdawn development at 2805 Burton road to RD4
2. The opening of Eli road to traffic regardless of zoning

I bought my house in 2007 with my wife as a young married couple with the idea of transitioning out of the neighborhood after a few years when we started to build our family. Now 11 years later we have a family of 5 and wouldn't want to live anywhere else. Forestbrooke is a unique community in 2018. It's a close knit community where neighbors young and old know each other. That doesn't sound like much, but it's rare in this day and age.

At the center of this community is the Forestbrooke swim club. It is a small non-profit pool that is situated on the corner of Eli and Yost. The pool is what pulls us together for summer fun, BBQs, swim meets, pool operations, etc. The pool has over 130 children as members and over 85 children on the swim and dive team. Most of these 85 children are at the pool at least 4 days a week for practice. Many walk or bike to the pool from the adjoining neighborhood.

This brings me to the my most critical issue - the safety of our children. Opening up Eli road will bring many vehicles past the pool and put our communities children at greater risk. Currently the only people using Eli are members of our community who know the children and families at the pool. They drive with the respect the area demands. People from outside our community will not treat the area with the same respect. I know this is true because I live on Yost which is used as a cut through between Packard and Washtenaw. Vehicles regularly speed through the neighborhood. The city has installed speed management tools, but they don't help.

There has been a lot of talk in the last few years about how the city is prioritizing pedestrian safety. I agree with this push. We need to protect pedestrians, but opening up Eli would have the opposite affect. The city master plan mentions "reduce the impact of traffic on existing streets and neighborhoods" as a goal. This project would do the opposite.

The other major concern I share is the share size of what is being discussed. RD4 would allow for 4 story building which does not fit with the community we have built. The homes next to the development would be dwarfed. Also there are very few cases (maybe 5 total) of RD4 being used anywhere in the city. It certainly doesn't make sense in a neighborhood of modest single family homes.

Thank you for taking the time to read my note and taking. Please take the consideration listed above into your decision making process and deny this application to rezone.

Thank you,

JJ Martinez

2448 Yost Blvd  
Ann Arbor, MI, 48104

**Lenart, Brett**

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**From:** Jennie Lewis <jenniemlewis@gmail.com>  
**Sent:** Tuesday, December 18, 2018 10:07 AM  
**To:** Planning  
**Subject:** Rezoning concern 2805 Burton Rd.

Dear City Planning Commission,

I am a tax payer in the Forestbrooke Subdivision that is adjacent to the west of 2805 Burton Rd where the Brightdawn apartment development is being proposed. I am against the rezoning of parcel number 09-12-409-026.

The existing zoning is already multi-family R4B which supports 120 dwelling units. The developer is using "affordable housing" as a means to make more money at the neighboring community's expense and will later just release those said "affordable" units back to the city's AMI as most business developers have already done. The city should not enable this type of unwanted behavior and should leave the current rezoning rule in place.

Traffic is a huge concern for a our small neighborhood. Traffic calming was put in to place years ago on Yost blvd. We continue to have high rates of speedy drivers as well as increased volume. I personally have had a Diesel Truck stolen from my driveway, it seems access to this neighborhood is all to easy for many. There should be no connection of Eli road to Burton road. We have young children traveling to and from school as well has to community parks and pools. Nevertheless increase traffic will continue to deteriorate our roads which already are in poor shape.

I am also concerned about our water run off management program. Flooding in a known issue in the neighborhood. Adding more house will only increase this problem.

The new owners should be held accountable to the land use conditions and zoning covenants that have been implemented. They knew the zoning and history of this parcel when they purchased it. This is an example of rich out of town business minded people trying to see what they can get away with. Denying the application for rezoning is the correct response to this request.

Owner: Jennie Lewis  
2400 Yost Blvd  
Ann Arbor, MI 48104

**Lenart, Brett**

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**From:** Diane Compton <compton.diane@gmail.com>  
**Sent:** Tuesday, December 18, 2018 9:58 AM  
**To:** Planning  
**Subject:** Brightdawn Development

Dear City Planning Commission,

I am writing you to share my concerns regarding the proposed rezoning of 2805 Burton Rd from R4B to R4D and the development of "Brightdawn Villages Apartments". I urge you to **vote no** to the rezoning.

- Already has been rezoned with conditions.
- Safety of school age children and families.
- Doesn't fit the City Master Plan.

In 2007 this parcel of land was rezoned to R4B so it could be developed to multi-family affordable housing. There were agreements and compromises the landowners made with the City of Ann Arbor and the surrounding neighborhood to develop this parcel. City council, planners, neighbors, consultants and the landowner worked to achieve a "best use" scenario for this residential property.

The new owners surely knew the zoning and history of this parcel when they purchased it. **This land has already been rezoned and has defined zoning parameters.** Since it appears nothing has changed, I don't think it is fair to the City or the neighborhood for the new owners to disregard the land use conditions and zoning covenants that so many people worked to implement.

My next concern with this rezoning and development is a **safety issue** for both the current neighborhood and any new neighbors. The traffic issue we currently have with drivers cutting through from Packard to Washtenaw dangerous **for the many school children** we have walking and biking to school and community activities. This proposed rezoning and development would put a tremendous strain on the intersection at Burton and Packard as well as greatly increase traffic cutting through Brandywine and Yost to Washtenaw. There has been talk of opening Eli Rd to Burton Rd but this was/is vigorously **objected to** by all neighbors as it would put children going to and from school, the playgrounds and pools in the summer at grave risk and run even more vehicles up and down the already sub-standard (rated a grade of 3 by the city) streets!

There are no four-story buildings in this part of Ann Arbor. Putting one looming over the backyards would be so out of place and as a single mom with two teen daughters our second floor bedrooms and bathrooms on Lillian would no longer feel private. This development would drastically change the feel of our neighborhood and is not consistent with the original **City Master Plan calling for single-family homes on Burton.**

Forestbrooke is a gem of a neighborhood with lots of young families and school aged children. I urge you to **vote no** to the rezoning.

Respectfully,

Diane Compton  
2823 Lillian Rd  
Ann Arbor, MI 48104



## Lenart, Brett

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**From:** McAleenan, Geoff <gmcaleenan@alixpartners.com>  
**Sent:** Tuesday, December 18, 2018 9:42 AM  
**To:** Planning  
**Subject:** Brightdawn Village - 2805 Burton Road Rezoning  
**Attachments:** Exhibit A.pdf; Brightdawn Village Position Paper.pdf

Dear Sir or Madam,

My name is Geoffrey McAleenan, and I am a resident of Ann Arbor, more specifically of the Forestbrooke community. I understand that there is a public hearing this evening regarding the development of Brightdawn Village. Unfortunately, I will not be able to attend, and so I would like to submit my written comments on this matter to your office, which I've attached for your review.

Please let me know if any further discussion would be helpful.

Best,

Geoff

**Geoffrey McAleenan**

Legal Counsel

**AlixPartners**

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# PLANNED REZONING FOR NEW 160-UNIT DEVELOPMENT!



## Planning Commission Public Hearing

**When:** Tuesday, December 18, 2018 at 7:00 pm

**Where:** Second Floor Council Chambers of City Hall at 301 E. Huron Street, Ann Arbor

Hello, neighbors!

### The issue

The new out of state owners of the 8-acre site, located at 2805 Burton Rd, are requesting to rezone it from R4B to R4D and construct four, 4-story multi-family apartment buildings and a clubhouse. 160 new units with a maximum of **576** residents.

### Why should I care?

- Increased traffic in and around Forestbrooke, especially Packard and Yost.
- Decreased pedestrian safety along Brandywine and Yost, particularly school children on Yost.
- Increased light and noise pollution.
- No similarly dense zoning in this area. **The property has already been rezoned from single family homes**, but the developers want more units and taller buildings than what R4B allows.
- Large 4-story buildings adjacent to 1- and 2-story single family homes.
- Damage to area wetlands and potentially increased flooding to neighboring homes.
- Goes against the city Master Plan.
- Is being sold to citizens under the guise of "Affordable Housing."

### What can I do?

Join your neighbors and voice your opinion about why this rezoning isn't right for Forestbrooke or Ann Arbor:

- **Attend** the 12/18 meeting and share comments in person
- **Call** (734) 794-6265 and voice your concerns ASAP
- **Email** [planning@a2gov.org](mailto:planning@a2gov.org)

**\*\*Written comments must be provided to City Planning Staff by noon on the day of the Public Hearing\*\***

### Learn more and connect with other concerned neighbors

- Join the Google group: <https://groups.google.com/forum/#!forum/forestbrooke-brightdawn-development>
  - Click Contact owner or Apply to join group.
  - If you have any issues, email [megan.avram@gmail.com](mailto:megan.avram@gmail.com) to be added directly
- Facebook group: Email Angie Smith at [angieannarbor@gmail.com](mailto:angieannarbor@gmail.com) to be added
- Questions regarding the development, email [pavram82@gmail.com](mailto:pavram82@gmail.com)

**Position Paper on the Matter of Whether 2805 Burton Road, Ann Arbor, MI Ought to Be Rezoned to Accommodate an Apartment Complex Development**

**Background.**

Capital S Investment Co. (“Capital S”) is demanding that the city of Ann Arbor rezone a parcel of land located at 2805 Burton Road so that it may construct four, 4-story multi-family apartment buildings and a clubhouse (the “Property”).<sup>1</sup> The Property’s current zoning would allow the construction of a maximum of 120 units.<sup>2</sup> Capital S argues the Property should be rezoned to accommodate the additional 40 units to drive down the cost of rent, thereby providing “affordable housing” to prospective renters.<sup>3</sup> Although Ann Arbor is striving to provide more affordable housing to its residents,<sup>4</sup> the city should not grant this rezoning request.

**Argument**

**1. Rezoning the Property’s contravenes the stated intent of Ann Arbor’s zoning ordinance**

**1(a) Natural Features.**

Chapter 55, Section 5.4 of the City of Ann Arbor’s Unified Development Code states that the intent of the ordinance is “to provide for the preservation and management of significant Natural Features, ensure safe and efficient traffic patterns, and to achieve harmonious relationships between Buildings, Structures, infrastructure, and land uses....”<sup>5</sup> Rezoning the Property to permit the development of Brightdawn Village would dramatically undermine these values.

The Property is currently an undeveloped, 8-acre parcel of wooded land with adjacent wetland areas; development of Brightdawn Village will result in the destruction of these natural features. Beyond the intrinsic, environmental value of the woods to nearby landowners and local wildlife, this parcel stands as the only significant boundary between the Forestbrooke neighborhood and the US-23 Highway. Noise pollution that would otherwise spill over from US-23 is significantly abated by the natural protection offered by the trees. Clearing the Property will expose Forestbrooke families to the perpetual, grinding drone of US-23 traffic, in addition to diminishing the reasonable expectation of privacy previously afforded to adjacent landowners, all of which will have a detrimental impact on the quality of life for Forestbrooke residents.

Moreover, the tree clearing and landscape grooming process itself will result in weeks, if not months, of amplified noise pollution resulting from the operation of heavy machinery, which will be replaced by the sounds of construction once building the complexes begins. Regardless of the landscaping Capital S may intend to add to its development, there is no compelling reason to believe it will, or even could,

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<sup>1</sup> See [https://www.mlive.com/news/ann-arbor/index.ssf/2018/09/brightdawn\\_village\\_developer\\_c.html](https://www.mlive.com/news/ann-arbor/index.ssf/2018/09/brightdawn_village_developer_c.html); see also [https://www.mlive.com/news/ann-arbor/index.ssf/2018/01/160\\_apartments\\_planned\\_for\\_sit.html](https://www.mlive.com/news/ann-arbor/index.ssf/2018/01/160_apartments_planned_for_sit.html)

<sup>2</sup> Id.

<sup>3</sup> Id.

<sup>4</sup> Id.

<sup>5</sup> <https://www.a2gov.org/departments/planning/Documents/Planning/UDC%20-%20Final%20Published%207-18.pdf>



adequately replace the natural features, and the benefits created thereby, of the currently existing woodlands.

### **1(b) Safe and Efficient Traffic Patterns**

Rezoning the Property will have a deleterious effect on the safety and efficiency of the traffic patterns in this region of Ann Arbor. Despite its small-town charm, Ann Arbor is the fifth largest city in Michigan,<sup>6</sup> and the traffic reflects that distinction.<sup>7</sup> Two of the major roads that cut east-west through the city are Washtenaw and Packard, running virtually parallel to one another until they form Cross Street in Ypsilanti. The two streets each form two boundaries of the Property, along with US-23 and the Forestbrooke neighborhood. The only existing route to the Property is off Packard down a dirt street—Burton Road—which dead ends before it reaches Swift Drain.

Brightdawn Village would introduce an additional 576 residents to this cramped area,<sup>8</sup> with only a narrow dirt road to service the influx of motorists. Even with public transportation options offered by the city, this development will likely introduce dozens of cars onto one of the most congested streets in Ann Arbor, and almost immediately before it bisects another large thoroughfare, Carpenter Road. Given the location of the US-23 South onramp to the planned location of Brightdawn Village, a road from Washtenaw to the Brightdawn Village is unlikely, leaving the Forestbrooke community as the only alternative entrance.

Forestbrooke connects Washtenaw and Packard by way of Yost Boulevard and Brandywine Drive, respectively. Motorists use the Forestbrooke neighborhood to bypass traffic lights and avoid slowdowns, which already creates a significant risk to the many young children that live in the neighborhood. Brightdawn Village would undoubtedly lead to a rise in the number of cars using Forestbrooke as a detour, in addition to increased foot traffic going in and out of the neighborhood to bus stops, which is a matter of deep concern for Forestbrooke families.

The inevitable result of rezoning the Property to accommodate Capital S's plans will be adding dozens, if not hundreds of additional motorists to an area of Ann Arbor bordered by a highway and two main roads. Traffic patterns and the safety of pedestrians will be adversely affected, and it will be a burden shared by local families and commuters alike.

### **1(c) Harmonious Relationships Between Buildings, Structures, Infrastructure, and Land Uses**

Capital S intends Brightdawn Village to comprise four, 4-story apartment complexes. With US-23 on the east side of the Property, the only structures nearby are single-family homes in Forestbrooke, which at most stand two stories tall. Rezoning the Property would lead to the Brightdawn Village complexes being the tallest buildings in the area, the juxtaposition of which to single family dwellings would be difficult to ignore. While the city has approved various development projects on the Property in the past, none sought to erect such towering buildings to accommodate its residents.<sup>9</sup> Rezoning the

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<sup>6</sup> <http://worldpopulationreview.com/states/michigan-population/cities/>

<sup>7</sup> See, e.g. <https://www.michigandaily.com/section/ann-arbor/frequency-crashes-washtenaw-and-hill-increases-dramatically>

<sup>8</sup> See Exhibit A.

<sup>9</sup> [https://www.mlive.com/news/ann-arbor/index.ssf/2018/01/160\\_apartments\\_planned\\_for\\_sit.html](https://www.mlive.com/news/ann-arbor/index.ssf/2018/01/160_apartments_planned_for_sit.html)



Property to allow these complexes to be built adjacent to the Forestbrooke community will undermine the value of the neighborhood atmosphere afforded by the single-family dwelling zoning.

Moreover, the apartment buildings will offer a unique vantage point to Brightdawn Village residents on the higher floors of the complexes into Forestbrooke. The adjacent landowners deserve a reasonable expectation of privacy that should not be vitiated by the unanticipated introduction of hundreds of eyes perched with a convenient view into their backyards and windows.

Rezoning the Property departs from the principle of maintaining a harmonious relationship with the adjacent single-family dwellings, and the city should not create such a precedent.

**2. *Capital S Failed to Select a Properly Zoned Parcel for its Project, and the City Should Not Rezone the Property Again***

In the ordinary course of business and in performing its due diligence, Capital S should have been on notice that this parcel was not zoned properly for Brightdawn Village. Capital S either made the brash assumption that the city would elect to rezone the Property, or it simply failed to perform routine research that would have plainly revealed this parcel to be zoned inadequately.<sup>10</sup> In either event, Capital S's error should not constitute a problem for the city nor a burden to adjacent landowners.

Furthermore, the Property has been rezoned in the past to accommodate other developments,<sup>11</sup> and the city should strongly consider whether it is appropriate to do so again. Over the last decade, as many as three different projects have been slated for this parcel.<sup>12</sup> In 2007, Ann Arbor approved a site plan for a project called "Burton Commons" that would have involved the construction of five, 3-story buildings with 120 apartments.<sup>13</sup> The plan was later revised in 2011 to accommodate five, 2-story buildings with 80 units, and as recently as 2014, a homeless encampment located on the Property was evicted in preparation for development of another affordable housing project.<sup>14</sup> To date, none of these projects have been successfully executed, and yet the Property nonetheless remains rezoned.

Capital S should have been aware of the previous rezoning of this area and the past development projects. Reasonable business judgment should have raised concern that the city would refuse to rezone the Property again.

Among the criteria considered by the Zoning Board of Appeals for granting a land use variance is "that the conditions and circumstances on which the variance request is based are not a self-imposed practical difficulty."<sup>15</sup> The rezoning scenario is analogous to that of granting a land use variance, and the guiding principle is applicable here: the conditions and circumstances giving rise to this rezoning request were self-imposed.

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<sup>10</sup> It should be noted that Iddo Schwartz of Capital S Investment Co apparently assumed that the city would just rezone the Property without any further inquiry. [https://www.mlive.com/news/ann-arbor/index.ssf/2018/09/brightdawn\\_village\\_developer\\_c.html](https://www.mlive.com/news/ann-arbor/index.ssf/2018/09/brightdawn_village_developer_c.html)

<sup>11</sup> Id.

<sup>12</sup> [https://www.mlive.com/news/ann-arbor/index.ssf/2018/01/160\\_apartments\\_planned\\_for\\_sit.html](https://www.mlive.com/news/ann-arbor/index.ssf/2018/01/160_apartments_planned_for_sit.html)

<sup>13</sup> Id.

<sup>14</sup> Id.

<sup>15</sup> Chapter 55, Section 5.29.12C4 of the City of Ann Arbor's Unified Development Code

Geoffrey K. McAleenan  
December 18, 2018

Given the substantial and readily available resources, Capital S could have avoided purchasing the Property, or could have otherwise adjusted its development plans to align with the existing zoning restrictions.

**Conclusion**

The City Planning Manager has publicly stated that the intent of the current zoning is the best fit for the Property.<sup>16</sup> Creating affordable housing in Ann Arbor is a laudable endeavor, but there is a right manner and a right place for doing so. Capital S Investment Co. has failed to meet either criteria, and it is now asking the city to compensate for its errors. For the foregoing reasons stated herein, the rezoning requested by Capital S Investment Co for Brightdawn Village should not be granted.

Respectfully,

Geoffrey K. McAleenan  
Attorney at Law

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<sup>16</sup> [https://www.mlive.com/news/ann-arbor/index.ssf/2018/09/brightdawn\\_village\\_developer\\_c.html](https://www.mlive.com/news/ann-arbor/index.ssf/2018/09/brightdawn_village_developer_c.html)

## Lenart, Brett

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**From:** Jason Pohlonski <jpohlonski@kw.com>  
**Sent:** Tuesday, December 18, 2018 9:28 AM  
**To:** Planning  
**Subject:** Brightdawn Project Support

I'm writing in support of the proposed apartment development on 2805 Burton Road.

As a local real estate agent, I've noticed several Ann Arbor condominium associations restricting rentals within their communities. Because of this, it's become increasingly difficult to locate reasonably priced, well-built apartments, especially around the Ann Arbor/Ypsilanti border.

I've reviewed the plans for this development and I believe it adds value to the area. The developer has created handicapped accessible units while maintaining an environmental mindset. The community will have several amenities that are difficult for renters to find in this area including a club house, a community park, dog park and playground. This location is close to shopping, on the bus line and close to expressways. The building design is current and aesthetically pleasing and I believe the overall project helps the community.

Thank You for your time,

Jason Pohlonski  
Real Estate Consultant  
Keller Williams Ann Arbor  
734-417-2931

A portion of all sales are donated to [One More Moment](#).



**Lenart, Brett**

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**From:** Dianne McLaren-Brighton <diannemmb@gmail.com>  
**Sent:** Tuesday, December 18, 2018 5:39 AM  
**To:** Planning  
**Subject:** rezoning for 2805 Burton Dr.

Hi,

I am writing to share my concerns regarding the rezoning of the site located at 2805 Burton Rd. from R4B to R4D. I am in full support of increased affordable housing in all areas of the city. The original proposal that rezoned the site from single family to allow for apartment housing allows that to happen while still staying within the scale of the su and is not a part of the city's master plan. Four-story buildings are wildly out of scale considering there are no buildings of that height in an area consisting exclusively of single and two-story homes. In addition, to my concerns about the height of the buildings is the toll this would take on the infrastructure in the Forestbrooke neighborhood where the roads were not designed to support that much additional traffic.

Sincerely,

Dianne McLaren-Brighton  
3 Gallway Ct.  
Ann Arbor  
734-223-6655

**Lenart, Brett**

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**From:** Gloria Jones <gloria.kathleen.jones@gmail.com>  
**Sent:** Monday, December 17, 2018 11:18 PM  
**To:** Planning  
**Subject:** 2805 Burton Road - Glory Crest

Dear Planning Commission,

I am reaching out to share my concerns about the proposed development at 2805 Burton Road. This property was re-zoned in 2007 from R1C to R4B to allow for 120 units after much debate, discussion and compromise to meet with the standards outlined in the City's Master Plan. The current developer is interested in an unprecedented zoning change to R4D. I have concern about the impact this will have to our neighborhood (Forestbrooke), in particular with the traffic.

We currently experience a lot of racing traffic on Yost as people cut through to get to Washtenaw from Packard or vice versa. While slowing measures have been created, the lack of side walks on Yost near Eli is still a concern. I cannot imagine a scenario, with Eli open or not, in which hundreds of people living on this very small plot of land, do not severely impact the traffic flow in these areas. The City Master Plan vision discusses transportation systems that include "extensive opportunities for alternative modes of travel and improved management techniques to reduce the impact of traffic on existing streets and neighborhoods". An approval of this zoning request would be a move away from the intention of this Master Plan. As a mother of three preschoolers, I am sincerely fearful of a worst-case scenario. The completed traffic study does not take into account impacts to our neighborhood.

Our pool each summer has over 130 children members biking, walking, running, and strolling to get to the neighborhood pool. That very dynamic creates opportunity for exercise, engagement with others, and the building of neighborly relationships; for plant exchanges, babysitting care help, and tool sharing. This neighborhood is special and one whose character should be preserved and used as an example for other Ann Arbor neighborhoods, not be treated as a thoroughfare to serve large scale developments. While I am not opposed to development, the plan as it currently stands, in its current density, feels threatening to such an intentional neighborhood. I respectfully ask that you do not approve this request to rezone.

Sincerely,  
Gloria K Jones  
2811 Lillian Road  
586-907-6512

**Lenart, Brett**

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**From:** Carole Metzger <carolekm@gmail.com>  
**Sent:** Monday, December 17, 2018 10:38 PM  
**To:** Planning  
**Subject:** Planning Commission Letter  
**Attachments:** Metzger\_Letter.pdf

Hello,  
Attached is a letter expressing concern about the Brightdawn Development.

Thank you for reading it and taking it into consideration.

Sincerely,

Carole and Derek Metzger  
2805 Yost Blvd, Ann Arbor, MI 48104



December 17, 2018

Ann Arbor City Planning Commission

Dear Planning Commissioners,

As residents of Forestbrooke subdivision we are writing about our concerns in the Brightdawn Development and the proposed re-zoning of Burton Rd. (parcel 09-12-02-409-026). We are against the rezoning for the following reasons.

The existing zoning is already multiple family dwelling and supports 120 dwelling units. This increase is already significantly more than the original R1C (48 dwelling units).

This new zoning is not consistent with the existing neighborhood community. The surrounding neighborhood is either R1C or R2A, single and two-family dwellings. There are no R4D zoning within 3 miles of the site. Furthermore, the 50 ft building height limit is considerably higher than all of the adjacent single-family homes that are next to the site.

A significant concern of ours is traffic and pedestrian safety. The traffic study that was completed only looked at the arterial roads (ie., Packard) and not the neighborhood streets such as Yost Blvd. and Brandywine Blvd. If Eli and Burton Rd. are connected the amount of traffic added to the neighborhood, particularly around the pool and northward to Washtenaw Blvd. would be significant. Each day I walk my son, a kindergartener at Pittsfield Elementary, to and from school. The current lack of sidewalks makes the walk unsafe at times and adding more vehicles in a space that was not designed to accommodate more thru-traffic is unwise. If Eli and Burton Rd. are not connected, however, it is impossible for school buses to access the development (which would be necessary to provide bus transportation for a special needs student).

Finally, we are concerned about the increase in noise due to the removal of natural features, along with the increase of automobile traffic.

We hope you will take our concerns into consideration on this matter and deny the application to rezone.

Sincerely,

Derek and Carole Metzger  
2805 Yost Blvd.,  
Ann Arbor, MI 48104

## Lenart, Brett

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**From:** Noah Bander <noah.bander@gmail.com>  
**Sent:** Monday, December 17, 2018 10:26 PM  
**To:** Planning  
**Subject:** Against rezoning of 2805 Burton Rd (Parcel Number: 09-12-02-409-026)

To Whom it May Concern,

Some people think of a home as simply a place to live or a roof over their head. The families in Forestbrooke have a different perspective, which is one of the main reasons many of us chose to live in this neighborhood. Our perspective is this: our home is a place to live in a safe, quiet, close knit community, with a great school and a place to raise our young families away from the hustle and bustle of a busy metropolitan area. Our worry is that with the rezoning and development of the Brightdawn Villages Apartments, many of the things that attracted us to this area will be taken away from us. Therefore, I am joining many of my neighbors in saying that I am **STRONGLY AGAINST** the rezoning of 2805 Burton Rd (Parcel Number: 09-12-02-409-026).

My family was drawn to this area for a job that was located near the Packard and Carpenter road location. We had the luxury of a long search for a home where we could really choose what we wanted. We looked at many homes in many neighborhoods and finally found the house we really loved. Unfortunately, we did not like the neighborhood and chose to continue with our search. I am so happy we did because shortly after, we came across the Forestbrooke neighborhood. Not only was it close to work, but it was peaceful, safe, and the people we met all seemed friendly. What solidified our decision was that on our last visit to the house before purchasing it, we stopped at the neighborhood pool and approached several strangers. These "strangers" turned out to be an extremely close group of friends that all met at neighborhood functions, who had nothing but amazing things to say about the neighborhood, its members, and how they all have been here, or intended to stay, for a long time. They told us that they felt safe, pointed out how great the school was, and it was a great place to raise their families. We were sold, and those "strangers" welcomed us in to their community with open arms and have now become some of our closest friends, and families with which we will raise our kids together.

I share this experience with you because I am deeply concerned that the rezoning of 2805 Burton Rd (Parcel Number: 09-12-02-409-026) will take away from the positive things people would have to say about this neighborhood. Lets pretend that a new potential Forestbrooke family has the same experience we did when searching for their new home. Now imagine they stop at the neighborhood pool to get some input. Will that input be the same as ours? With the rezoning, I can confidently say the answer will be no.

Instead of saying the neighborhood is safe, they will likely say that everyday their kids are walking to school or to a friend's house, the **increased traffic** from the new development makes them worry they will be part of the next terrible news story of a child getting hit by a car. Or when they ask if the neighborhood is peaceful, they will be told that it's not because there is an **overshadowing apartment structure** that took away the sound barrier to the highway, their beautiful view of trees and there is a high amount of traffic in and outside of the neighborhood because of the new addition of the up to 160 units. When they ask about the **schools**, will they be told that they are overpopulated, the children don't have the resources they need to excel, or that they don't have enough teachers to give their kids the attention they need?

How about when they ask how the commute would be in the morning? Since the traffic study that was conducted for this rezoning didn't take into account what it would be like to turn left onto Packard, the "strangers" would warn them that it is nearly impossible to turn left onto Packard because of the high amount of traffic. So they would be advised to just go through the subdivision. Not only does that mean that a number of other families in Forestbrooke would be doing the same thing, but many of the Brightdawn Village apartment tenants would be as well. That would then increase their **concern for kids** in the neighborhood (no sidewalks near the pool), make their commute more inconvenient, and it would quickly destroy the **neighborhood roads** that are already in poor condition.

If the house this potential Forestbrooke family was thinking about purchasing was on Lillian Rd, the kind "strangers" would have to warn them about the new **risk of flooding** that would likely take effect because of the development of a wetland area for the Brightdawn Village apartments. The potential family would also see for themselves that they don't have a scenic view of trees in their backyard, but a 4 story apartment building to look into. If they stepped outside, they would easily notice that instead of a quiet and peaceful environment, they would hear the **noise** that often accompanies such a large structure.

I am sure many of my neighbors have discussed the details of the current zoning and rezoning, previous agreements, and the City's Master Plan. My intention in writing you this letter was to give you a real life example of what the impact of rezoning 2805 Burton Rd (Parcel Number: 09-12-02-409-026) and the development of the Brightdawn Village Apartments will have on the current and potential members of the Forestbrooke community.

I want to leave you with the rest of my story. I was relocated to Auburn Hills for work, which on a good day is at least 1 hour each way. I had the opportunity to accept a generous moving package to find a house closer to work so I could avoid a long and very indirect commute. I have turned down the open ended package for over 2 years now, in fear that I will never find a place as wonderful and complete as Forestbrooke. If the 2805 Burton Rd (Parcel Number: 09-12-02-409-026) is rezoned, and the Brightdawn Village apartments are developed, it seems as though I will have many reasons to accept that moving package.

Thank you for your time and consideration to deny the application for rezoning of 2805 Burton Rd (Parcel Number: 09-12-02-409-026).

Sincerely,

Noah Bander  
Yost Blvd  
Ann Arbor, MI 48104



## Lenart, Brett

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**From:** Paula Gardner <annarborpaula@gmail.com>  
**Sent:** Monday, December 17, 2018 10:24 PM  
**To:** Planning  
**Subject:** Brightdawn Village

Ann Arbor Planning Commission,

I'm a neighbor of this proposed project and wanted to give you some of my feedback as you consider this.

My home appears to be on lot 51 of the site plan as it shows the parcels with Lillian Road addresses. My family and I moved here in 2001 and we take a lot of pride in southeast Ann Arbor. Its sense of community, its schools and its location made it a perfect home. We know not all in Ann Arbor value this area the way we do, and we've fought misperceptions over time. If you would like to see the neighborhood through my eyes, I invite you to meet with me (I'll buy the coffee!) and I can tell you more about how this property feels like more than just another building site to me.

Here are a few concerns:

1. The existing zoning represents significant compromise for the neighborhood and the city, which went beyond the existing Southeast Area Plan at the time of the rezoning for the extra units in a stacked apartment formation. The driver was affordable rentals - and the ceiling was set at 120 units. We've been through the debates about traffic, density, tree removal, adding pavement, highway noise and all other aspects of creating livable spaces. This project will not be better - for the neighborhood, for the city, or for anyone who'd end up living there - by shoehorning more units there.
2. The existing zoning provided the developer with a reasonable framework to plan for the property. The purchase cost should reflect the development potential; in these situations, many developers buy on a contingency until plans are approved. It's neither the responsibility of the neighborhood nor the city to absorb further compromises to planning and zoning to make the project fit a pro forma.
3. The "affordable" aspects of this plan feel forced, and the city gains no assurances that these buildings will be priced for the stated target group. That's true for successive owners, as well. We're told they'll sell in 10 years.
4. Downtown is used to height debates; we're not. There's a reason. You haven't approved anything that tall around us, even among commercial spaces. The height may be appropriate to transition neighborhoods moving closer to downtown or in a commercial corridor, but this is envisioned as a tall and dense apartment "island" between a single-family neighborhood and a busy highway (in comparison, 1.5 stories taller than Green Brier, near Plymouth Road). I'm struggling to consider that desirable for a tenant. I also wonder about the effect of the height next to the highway - will residents get more highway noise? Will it "bounce" to my house?
5. I'm troubled by what appears to be development inexperience paired with lack of true familiarity with the city. I am not confident that the wish list of amenities would reach the opening day of this complex. I predict significant value engineering over the course of construction, and urge you to set a course for this property that gives all of us (including future residents) assurances that a quality environment is created and that a development agreement does not allow modifications in quality or built amenities.

6. In any configuration on this land, the number of cars and egress into the parking lot will be an issue. I want to sit in my home and not have the lights of 160-plus vehicles sweep across my wall as they turn from a parking lot to Burton during peak traffic times. Screening of those vehicles will be important for anyone living on Lillian. That may involve a high fence or shrubbery, or some creative solution. But please view the driveway plans through the eyes of someone who's going to experience in all rooms on the back of her house that sweep of light with every turn.

I have other concerns, but those top my list right now. I'll close by saying that a bad project toward a good end (new housing) doesn't make the project better. I think staff sees that with the recommendation for denial. Let's see what the development team can come up with that uses the existing (and already dense) zoning.

Paula Gardner  
2615 Lillian

## Lenart, Brett

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**From:** Alexandra Bander <blbander@gmail.com>  
**Sent:** Monday, December 17, 2018 10:08 PM  
**To:** Planning  
**Subject:** AGAINST 2805 Burton rezoning Brightdawn Village

Why do people purchase a home? A Community, safety, surrounding areas, traffic are just some aspects I thought of when purchasing in one of Ann Arbor's oldest neighborhoods; Forestbrooke. I have 2 young children and the rezoning of 2805 Burton Rd (Parcel Number: 09-12-02-409-026) is extremely concerning to my family. I am **against** the re-zoning for the same reasons I purchased a home here.

**TRAFFIC:** How will a 160 unit development affect the traffic around my home? The Packard and Carpenter intersection is very congested, more people means more traffic. My children will be walking along these streets to get to school safely. 160 units could equal 230+ cars driving in an already busy area. My children, including all of our friends' children, walk these streets to get to their elementary school. Opening the Eli Road deadend would be devastating for our community.

**SCHOOL:** A 160 unit will introduce new children to our school. How will Pittsfield Elementary School accommodate an increase in attendance to the school? How will Ann Arbor Schools accommodate this increase?

**LAND DESTRUCTION and VIEW:** A 4-story building will drastically change the landscape around our community. This is very unlike Ann Arbor, who focus is on community and maintaining a healthy environment for our ecosystem. We purchased here for the large old trees, not a 4-story apartment building behind our house. Wetlands and trees will be stripped and flooding will occur along Lillian Rd.

**VACANCY:** How many available apartments are there within 5 minutes of this location within Ann Arbor and Ypsilanti? A 160 unit development is not needed in this area.

Lastly: Developers G. Schwartz and I. Schwartz (unsure if these are their true names) were quoted saying, ""Obviously the more units we build, the **cheaper it is to build per unit and then we can rent it out as affordably priced housing.**" Why should my families home and safety be influenced by 2 developers whose only desire is to build cheap apartments and make money for themselves? Where are the statistics that all 160 units will be rented? Allowing this company to rezone to a 160 unit is completely not necessary and carries too many negative aspects of the old, established and loving community we already call home.

**I am against the re-zoning of 2805 Burton Rd (Parcel Number: 09-12-02-409-026)**

On behalf of my family thank you for your time,  
Alexandra Melendez Bander  
Yost Blvd. resident

JUSTIN P. BAGDADY  
JBAGDADY@BODMANLAW.COM  
(734) 930-2727

BODMAN PLC  
SUITE 400  
201 SOUTH DIVISION STREET  
ANN ARBOR, MICHIGAN 48104  
734-930-2494 FAX  
734-761-3780



December 17, 2018

**VIA FEDEX AND EMAIL**

Scientific Method Research II, LLC  
Attn: Drew Hutton  
339 East Liberty Street, Suite 220  
Ann Arbor, Michigan 48104  
Email: markjhutton@gmail.com

Adinath LLC  
Attn: Mark Hutton  
3935 Research Park Drive  
Ann Arbor, Michigan 48108  
Email: markjhutton@gmail.com

HRIM LLC  
3935 Research Park Drive  
Ann Arbor, Michigan 48108  
Email: markjhutton@gmail.com

Re: *Notice of Objections-Proposed Medical Maribuana Class B Grow Facility and a Medical Marijuana Processing Facility at 3935 Research Park Drive, Ann Arbor, Michigan 48108.*

Mr. Hutton:

Our firm represents Intech Ventures of Ann Arbor Limited Partnership (“Intech Ventures”). Intech Ventures recently received a much delayed Notice of Public Hearing stating that a public hearing regarding a request to allow medical marijuana growing and processing facilities as a special use on the site located at 3935 Research Park Drive, Ann Arbor, Michigan (“Proposed Project”) would take place on December 18, 2018. Intech Ventures owns the properties located directly adjacent to the Proposed Project on the north, commonly known as 3915 and 3917 Research Park Drive.

As a primary concern, given the delayed manner in which Intech Ventures received this Notice of Public Hearing regarding the Proposed Project, and informal discussions which Intech Ventures has conducted with other property owners (who are CC’ed below) in Research Park, it is unclear if proper notice of the public hearing has been given to neighboring property owners in accordance with City Code and the Michigan Zoning Enabling Act. Intech Ventures will be requesting that the Planning Commission, at the very least, delay a public hearing on the Proposed Project until it can be confirmed that all interested parties entitled to receive notice of the Proposed Project have received such notice in accordance with the law.

Specifically, City Code requires that all property owners, occupants and owners’ associations owning, occupying or representing owners or occupants within 300 feet of the Proposed Project must be mailed written notice at least 15 days prior to the date of the public hearing for a request for special use. See Sec. 5.29.5, City Code. As of December 14, 2018, after speaking with concerned neighbors, it is unclear

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that all required owners/occupants received proper mailed notice of the public hearing. Further, Intech Ventures is not aware of any published notice of the public hearing, which should have been circulated in a newspaper of general circulation at least 15 days prior to the public hearing. Last, there has been no posted notice of the public hearing on the Proposed Project site as required under City Code. A public hearing for the Proposed Project should be delayed until sufficient notice can be given to concerned and interested parties in accordance with Michigan law and City Code. See Sec. 5.28.2, City Code.

Further, Intech Ventures never received notice of a citizen participation meeting for the Proposed Project, which is also required under City Code. Review of the staff report provided to Intech Ventures today indicates that no neighboring properties and no individuals were present for the citizen participation meeting. Again, this raises concerns that proper notice was not given, and we will be requesting that the Planning Commission delay discussion on this matter in order to provide proper notice to concerned citizens as required by Michigan law and City Code.

Notwithstanding this potential deficiency in notice procedures, Intech Ventures would like to share with you the safety, development, financing, and title related concerns that it has related to the Proposed Project.

1. Unauthorized Improvements to 3935 Research Park Drive prior to approval of such improvements in relation to Proposed Project. As you are aware, in the last two months you have made substantial permanent improvements at the Proposed Project site. Specifically, a massive cement wall (appearing to be at least 10 feet in height) and chain link fence has been erected on the Proposed Project site as shown in the pictures attached as Enclosure A hereto. Also shown in the pictures is razor wire at the top of the chain link fence surrounding the Proposed Project site. Not only are newly added improvements too large for the property and negatively detract from the aesthetic value of Research Park, they have not been approved in relation to your application for a special exception use for the Proposed Project. In fact, your application for the Proposed Project submitted on July 26, 2018 states inaccurately on Sheet C1.0 that the masonry wall and chain link fence already existed at the time of submission. As owners of the neighboring property, we can confirm that the improvements were not already existing and have been erected subsequent to your submission of the Proposed Project to the City of Ann Arbor. Not only is the site plan for the Proposed Project inaccurately describing the nature of the site, but it is clear that you have undertaken improvements to the property which are in furtherance of your goals to be approved for a special exception use without first getting approval from the City of Ann Arbor with input from concerned neighbors. The masonry wall and chain link fence are not necessary for the current use of the property, and are in furtherance of your unapproved site plan. Such construction should be terminated and the masonry wall and chain link fence should be removed immediately.

In addition to the Zoning concerns relating to the improvements, Intech Ventures would also like to inform you that the fence/wall is in violation of the Greater Ann Arbor Research Park Restriction Covenants for the Research Park Area recorded in Liber 1115, Page 4447, Washtenaw County Records. Specifically, "fencing, if built, shall not extend streetward beyond the front façade of the main structure." As indicated on the site plan, the current fence extends almost eleven (11) feet past the front façade.

2. School in Close Proximity. Under City Code, no processing or growing facility may be located within 1,000 feet of a public or private school. See Sec. 5.16(2)(d), City Code. We would like to take this opportunity to let you know that Progress Park-Washtenaw ISD is located at 3980 Research Park Drive which serves students with severe behavioral, emotional, and/or mental health needs. The staff report notes that this school is closed, which is inaccurate. If the school is in fact located within 1000 feet, the Proposed Project is not permissible under the City Code under Section 5.16. Even if the school is located outside of the 1000 feet range as indicated in the City Code, there are serious concerns over the proximity of the Proposed Project to a school serving such young children. Students at that school frequently walk Research Drive and would come into direct contact with the Proposed Project.

In addition to the school, the Center for Independent Living and Child Care Network are also located in close proximity to the Proposed Project site. They should be given the opportunity to express any concerns they may have over the Proposed Project.

3. Security. City Code requires applicants for special exception uses related to medical marijuana processing and grow facilities to submit detailed safety and security plans to the Planning Commission. See Sec. 5.16.3(G)(7). As noted in your application, there will be no security guard present at the Proposed Project site after hours. This is inadequate given the proposed use of the site and the inherent safety and security concerns that a medical marijuana facility presents. Without on-site security, the property, along with the neighboring properties may be more vulnerable to criminal activity (especially given the increased traffic noted in the site plan). Further, the site plan and application do not provide for additional lighting throughout Research Park, including the neighboring properties. As emphasized below, the Proposed Project is not consistent with other uses of properties in Research Park. The Proposed Project is particularly susceptible to safety and security concerns which are not present on the other properties. The Proposed Project should include additional security related measures that extend to neighboring properties and Research Park as a whole. Please consider increased lighting, a camera system, and securing on-site safety and security guards throughout Research Park and not just on the Proposed Project site.



4. Financial/Solvency. The application for special exception use notes that you, the applicant/licensee is leasing the building/property from the current owner, HRIM LLC. Notwithstanding recent changes to Michigan law regarding the controlled growing, processing and selling of medical marijuana, it is still a federal crime for an owner of a property to intentionally rent, lease, profit from or make available for use its property for the unlawful manufacturing, storing, distributing, or using of a controlled substance under the Controlled Substances Act. Related to the unlawful nature of manufacturing at the federal level, there continues to be ongoing uncertainty related to the ability of property owner to finance or mortgage properties that are used in violation of federal law. Operation of a grow and processing center by an owner would be in violation of several provisions in many standard financing documents related to covenants not to break any laws. Additionally, a typical lending institution will not finance a property/property owner when there is no collateral to underwrite the financing. As medical marijuana operations are in violation of federal law, they cannot serve as collateral for typical financing. As a result, lending and financial institutions will not knowingly finance the property or the medical marijuana business located thereon. In the event that the proposed businesses fail, the Proposed Project may be subject to more financial instability than a business not conducted in violation of federal law.

Related to standard property and casualty insurance, insurance companies exclude damage from the operation of a medical marijuana facility from coverage (again as a result of the illegality of such operations under federal law). The financial concerns related to the illegality of medical marijuana operations under federal law make the property particularly susceptible to insolvency, with no ability for you to recover insurance proceeds or obtain necessary financing. This would have a direct impact on neighboring property owners and Research Park as a whole if the Proposed Project site is not sustainable, as its vacancy and failure to maintain would impact neighboring property values.

5. Impermissible Zoning. The Proposed Project site is zoned RE Research District. In accordance with the City Code, uses within the RE Research District are intended to provide for low intensity land coverage, campus-like developments, preservation of natural features, and “the absence of nuisance factors.” See Sec. 5.13.4(A), City Code. Specifically, no process carried on within a building shall produce any “odor discernible at the Lot Lines.” Sec. 5.13.4(B)(3), City Code. The Proposed Project fails to conform with the zoning initiatives and requirements for the RE Research District. The Proposed Project fails to adequately preserve natural features and will result in the removal of trees on the site. See Sheet To.o of Site Plan. Similarly, as noted below, the proposed use as a medical marijuana facility will result in a nuisance on the property in relation to odor and increased vulnerability to safety and security concerns.

The Proposed Project is also incompatible with the City's Master Plan. The Proposed Project site is located in Area 3 of the South State Street Corridor. For properties located in Area 3, the City recommends exploration of clean energy initiatives for existing buildings, connecting existing building owners with developers in relation to the leasing of rooftops for solar energy projects, integration of public art into the corridor, and to promote commercial and mixed land uses along the corridor. The Proposed Project fails to promote any of the City's Master Plan objectives related to sustainability and instead will result in an immense amount of wastewater being generated in conjunction with the growing and processing of medical marijuana.

Additionally, the site improvements, including the obtrusive masonry wall and chain link fenced topped with razor wire fail to take into account the City's desire to incorporate art and aesthetically pleasing design along the South State Street Corridor. Steps should be taken to improve the Proposed Project's conformity with the Master Plan. Specifically, more green design and landscaping should be planted on the exterior of the building. The large masonry wall should be replaced with a more aesthetically pleasing fence that contributes green landscape design. More trees and landscaping should be considered to shield the public and neighboring properties from the increased trash/loading facilities that will be needed in relation to a proposed medical marijuana processing and growing.

6. Traffic Impact. We are concerned that the Proposed Project will result in a significant increase in the traffic counts in the area of the Proposed Project, resulting in increases in queuing on State Street and Research Park Drive, and more traffic accidents, including car – pedestrian accidents. As stated on the site plan, the Proposed Project will result in an increase in trip generation. This will directly affect the neighboring property owners, including Intech Ventures and its tenants and customers. In addition to the increase in traffic generation, you are proposing to eliminate parking spaces at the Proposed Project site. The increased traffic along with the reduction of spaces could result in guests of the Proposed Project parking on adjacent property not owned by you, which will have a negative impact on Intech Ventures, its tenants and guests.
7. Nuisance/Odor Mitigation. Under City Code, the applications for special exception use in relation to medical marijuana facilities require detailed descriptions of the methods to contain odors within the building. See Sec. 5.16.3(G)(7). The Proposed Project application and site plan do not detail with any specificity the mechanisms and processes by which odor will be mitigated at the Proposed Project site. The Proposed Project should not be considered for recommendation to City Council until the application includes more information regarding the technology being used to mitigate odor as that is a direct requirement for approval of such special use. Odors

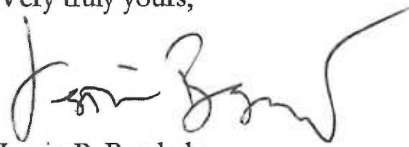


emanating from the Proposed Project site could be a nuisance and have detrimental effects on neighboring properties and their tenants and guests.

The Proposed Project fails to meet the minimum requirements for approval as a special use as set forth in Section 5.16.3(G) and is generally incompatible with the City's Master Plan and the zoning initiatives related to the RE Research District. Further, the Proposed Project raises several health and safety related concerns, along with a question as to the long term financial sustainability of the proposed use. The incompatibility with City Code and the impact on neighboring properties should be considered. We will be requesting that the Planning Commission deny your application for special use at this point.

Please contact me if you have any questions.

Very truly yours,



Justin P. Bagdady

JPB:aed

Enclosures

cc: Jill Thacher, Planner, City of Ann Arbor (*via email to* [jthacher@a2gov.org](mailto:jthacher@a2gov.org))  
Planning Commission, City of Ann Arbor (*via email to* [planning@a2gov.org](mailto:planning@a2gov.org))  
Brett Lenart, AICP, Planning Manager (*via email to* [blenart@a2gov.org](mailto:blenart@a2gov.org))  
James M. Galbraith (*via email to* [jgalbraith@lautrecltd.com](mailto:jgalbraith@lautrecltd.com))  
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Steven Cole (*via email to* [scole@bodmanlaw.com](mailto:scole@bodmanlaw.com))  
Alexandra E. Dieck (*via email to* [adiECK@bodmanlaw.com](mailto:adiECK@bodmanlaw.com))

**ENCLOSURE A**  
Pictures of Masonry Wall and Razor Wire Fence  
*(see attached)*









**Lenart, Brett**

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**From:** Lily Sacks-Hubbard <lily.sacks@gmail.com>  
**Sent:** Monday, December 17, 2018 12:10 PM  
**To:** Planning; Ackerman, Zach; Taylor, Christopher (Mayor); Grand, Julie  
**Subject:** Opposition to Bright Dawn Development

To Whom It May Concern,

I am writing to express my opposition in the zoning proposition for Bright Dawn Development on Burton Road. As a resident of the adjoining neighborhood I have very strong concerns about the increased density proposed. I have raised concerns previously with our reps and our mayor about the issues of no sidewalks where our children walk to school on a street that is a cut through between Washtenaw and Packard with dense and fast traffic. No changes have been made to address the safety concerns on this street and now this development has been proposed without a proper traffic study. I feel that pedestrian safety is being ignored and people, especially our children, are at risk. Opening up Eli road is not a solution either because that will bring even more traffic into a small neighborhood with young families walking to the pool and school. If this development moves forward even more people will be walking and at significant risk without a proper traffic study nor sidewalks.

Additionally, no other dense housing exists in this area. Dense housing would strain the resources at Pittsfield School, which is the smallest school in Ann Arbor.

As a resident of Ann Arbor I urge the Planning Commission and our local representatives to listen to us and not support the zoning proposition for Bright Dawn Development. I am unable to attend the meeting planned for tomorrow as I am recovering from surgery related to my breast cancer but I do hope that my letter will make an impact.

Sincerely,  
Lily Sacks  
2818 Lillian  
Ann Arbor 48104

## Lenart, Brett

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**From:** Paul Hubbard <paulalex.hubbard@gmail.com>  
**Sent:** Monday, December 17, 2018 10:58 AM  
**To:** Planning  
**Subject:** Re-zoning of Parcel #: 09-12-02-409-026

Dear City Planning Commission,

I'm a concerned citizen, parent, and homeowner in the Forestbrooke subdivision that is adjacent to where the Brightdawn apartment development is being proposed. As similar homeowners from the area have expressed, I am in agreement with the city's planning office regarding the re-zoning of the area (Parcel#: 09-12-02-409-026) and I am **against** the re-zoning for the following reasons:

1. Existing Zoning is already multiple family dwelling, with this proposed increase being non-congruent with the city's current expectations for both increasing affordable housing as well as maintaining consistency with local communities
2. Traffic will be substantially increased, considering that each dwelling will be multifamily housing and the potential for additional hundreds of commuters to the area. The impact will not only be felt on local road ways (i.e. Packard), but within the residing communities. No study has been conducted to review the impact this new development could potentially have on both areas.
3. No review has been assessed on the impact an increase of upwards 160 families will have on the local school system. I am concerned that the influx of new families into the school system could strain current resources if not appropriately accounted for by the new development.

Well my concerns in this message are succinct and limited; I do wish to emphasize my real concern that this development does not benefit the city of Ann Arbor in a fashion consistent with sustained and positive growth. Please consider the impact of what the developer is asking and how it will affect the future sustainability of the local community.

Kind regards,

Paul Hubbard

2818 Lillian

Ann Arbor, MI 48104

## Lenart, Brett

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**From:** Peter Avram <pavram82@gmail.com>  
**Sent:** Monday, December 17, 2018 9:47 AM  
**To:** Planning  
**Subject:** Citizen Comments Regarding the Brightdawn Village Rezoning Request (File Nos. SP18-010 & Z18-007)

Dear City Planning Commission,

I'm a concerned citizen, taxpayer, and homeowner in the neighboring Forestbrooke subdivision that is adjacent to the west of 2805 Burton Rd where the Brightdawn apartment development is being proposed. I am in agreement with the city's planning office regarding the re-zoning of 2805 Burton Rd (Parcel Number: 09-12-02-409-026) and I am **against** the re-zoning for the following reasons.

1. Existing Zoning is already multiple family dwelling:
  - a. The parcel is currently zoned as R4B which supports 120 dwelling units. The re-zoning request is **150%** increase in density over the original zoning of R1C which only supported a maximum of 48 dwelling units and an increase of and a **33%** increase over the existing zoning.
  - b. The neighboring community agreed to the previous rezoning from R1C to R4B under the guise of "affordable house" which was inline with the city's desire to have a subset of the apartments designated as  $\leq 60\%$  of the city's Area Median Income (AMI).
  - c. The Brightdawn development is willing to do 40 of the requested 160 units at 80% AMI. This goes against Ann Arbor's desires.
2. New zoning is not consistent with the neighboring community:
  - . All of the neighboring land use is either R1C or R2A (single and two-family dwellings).
  - a. There is no R4D zoning within 3 miles of the parcel and there are only 5 uses, that's I'm aware of, in the entire city.
  - b. R4D zoning for this parcel is against my and the city planning office's interpretation of the City's Master Plan.
  - c. The 50 ft building height limit is considerably higher than all of the adjoining buildings and will overshadow the adjacent single family homes and their yards.
3. Traffic:
  - . The traffic study conducted only took into account arterial roads like Packard St and did not study the impacts of the adjoining neighborhoods (i.e. Forestbrooke) where most northbound traffic would go.
  - a. Additional traffic on Yost Blvd would adversely affect child pedestrians as they try to get to school or during summer activities due to the lack of sidewalks on Yost over the creek.
  - b. Connecting Eli Rd to Burton Rd would only further exacerbate the pedestrian safety as there is no sidewalk adjacent to the Forestbrooke pool at the corner of Eli and Yost.
  - c. Additional traffic would further deteriorate the already poorly rated roads within the Forestbrooke subdivision.
4. Noise:
  - . Artificial noise corridor(s) would be created by the removal of natural features (i.e. trees, bushes, etc) to build additional buildings to accommodate the increase in density.
  - a. Limited parking and use of Burton road would dramatically increase vehicle based noise pollution for the residents on the east side of Forestbrook sub.
  - b. Increase of road use on Eli, Yost, Lillian, Brandywine, and Terhune will increase road noise for current citizens living on those roads.
5. Wetland destruction:
  - . By increasing the density and land use, there will be a higher propensity for flooding of homes on the east side of Lillian Rd that back up to Burton Rd.

- a. Many of the residents on Lillian expressed concern about increased flooding after development activity, during the last development attempt, affected drainage of the neighboring wetlands.

Please take the above considerations into your decision making process and deny this application to rezone.

Regards,

Peter Avram  
3630 Terhune Rd  
Ann Arbor, MI 48104



## Lenart, Brett

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**From:** Simone Samano <si\_samano@yahoo.com>  
**Sent:** Monday, December 17, 2018 9:18 AM  
**To:** Planning  
**Cc:** Julie Grand; Ackerman, Zach; Andy LaBarre  
**Subject:** Burton project bad for schools/area!

Dear Planning Commission members,

As a 16 year resident of the Darlington neighborhood, and a former member of the executive board of the AAPS PTO Council, I have repeatedly asked both my city council and county representatives to support projects that enhance our area and our schools rather than perpetuate a detrimental idea that we are the "poor" "undesirable" side of town.

Building an ugly four-story apartment building that is out of character with the single-family neighborhood it will loom over, and that has a large percentage of affordable housing, is not a welcome or practical addition to our area.

Our quality southeast schools (Pittsfield, Mitchell, Scarlett) already have the highest percentage of free and reduced lunch families. We pride ourselves on being economically and ethnically diverse but that "lunch number" means we already serve more than our share of struggling families.

We are Title 1 schools which means that more of our kids require extra educational support and services. That also means our hardworking PTOs tend to have less money with which to supplement our kids' school needs than other A2 schools.

The city is already building a large subsidized housing development on Platt, north of Loraine, which adds to other subsidized housing already here and the fact that we are one of the most affordable areas already.

I understand that Burton is zoned for single family development - why not build middle income houses which would be a in keeping with the adjoining neighborhood and would help maintain an economically balanced school population?

When Mr. Ackerman was first running to represent us he came to my house and I expressed much of the above to him. He said he was sympathetic and as a struggling recent graduate he would probably only be able to afford to live in our wonderful neighborhood.

I do not believe Mr. Ackerman has moved here. Furthermore, I was shocked to hear that he is involved with the development of this building. If that is so, it is a stunning conflict of interest and a betrayal of his constituents. I have not met one person in this area that supports that building. It is zoned as single family for good reason.

Demonstrate that you are responsive to what our community wants and needs. For the sake of our schools, and in deference to all the other concerns local residents have presented to you, please do not allow this project to go forward.

Respectfully,  
Simone McDaniel  
2510 Elmwood Ave.

**Lenart, Brett**

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**From:** Rosemary Bogdan <rosemarybogdan@gmail.com>  
**Sent:** Monday, December 17, 2018 1:50 PM  
**To:** Planning  
**Subject:** Proposed Rezoning for Brightdawn Development

Dear Ann Arbor Planning Commission:

As 33 year residents of Forestbrooke, the neighborhood immediately west of Burton Road., we have serious concerns about the rezoning request before you for BrightDawn Development.

Forestbrooke is a neighborhood of families. Our pool is a gathering place for swim meets, community barbecues and celebrations. Brightdawn could adversely affect all that is good about Forestbrooke.

First, there are no four-story buildings in this part of Ann Arbor. Putting one looming over the backyards and second floor bedrooms of every home on Lillian would drastically change the feel of our neighborhood and is not at all consistent with the original City Master Plan calling for single family homes on Burton.

There is also inadequate parking planned on the site of Brightdawn. With no parking on the street, US 23 on the east side, and no parking on Packard, the only overflow area is into Forestbrooke. We cannot accommodate these additional parking needs, nor should we be asked to.

Most seriously, there is the problem of increased traffic. Vehicles leaving Brightdawn would find it difficult to turn left onto Packard, as it is already hard for Forestbrooke residents to turn left onto Packard from Brandywine. The only rational route to Washtenaw and US23 coming out of Burton is to turn right and then take the next right directly into Forestbrooke, sending hundreds of cars into our quiet neighborhood. Incredibly, the traffic study done by the developers did not include any data on increased traffic through Forestbrooke.

There are children walking to our neighborhood school during the school year. During the summer children walk to swim team practice every morning during rush hour. There are no sidewalks around the pool. The increased traffic danger to our children is enormous. Can you imagine, after having been warned of this risk, the liability our city could incur if, God forbid, the unthinkable happened? Yost is not a thoroughfare, nor should it ever be one.

Forestbrooke is a gem of a neighborhood. It is more affordable than most of Ann Arbor, and it forms the kind of family community sadly lacking in many cities. By gathering at the pool, we know and care about our neighbors. We are friends. Is it not the role of a planning commission to make decisions that support those residential neighborhoods that are working well and allowing young parents to raise children in safety and peace? We urge you to vote no to the rezoning.

Respectfully,

Mike and Rose Bogdan  
3550 Terhune Rd.





ANN ARBOR HOUSING COMMISSION

## ANN ARBOR HOUSING COMMISSION

727 Miller Avenue, Ann Arbor, Michigan 48103  
Phone (734) 794-6720 • Fax (734) 994-0781 • [www.a2gov.org](http://www.a2gov.org)

December 16, 2018

Ann Arbor Planning Commission

I am writing this letter in support of the proposed project known as Bright Dawn at 2559 – 2805 Burton Road because the owner is including housing that is affordable to households at 80% of the Area Median Income. This property perfectly illustrates the need for a broad policy discussion about the barriers to affordable housing construction in the City of Ann Arbor.

Over the past 13 years, I have tried to advise at least four developers who have attempted to develop this property as affordable housing. This site does have challenging physical features that has made it difficult to develop as affordable housing including a lack of public infrastructure, a wetland on the corner of the property as well as its location at the end of a dead-end road adjacent to a highway. In addition, the property has other man-made barriers related to zoning, neighborhood concerns and local ordinances.

When it comes to affordable housing, there is no perfect location in the City of Ann Arbor. Any property that is ideal for development has been or will be developed as market-rate housing. Affordable housing developers cannot compete with the for-profit sector to acquire prime properties and therefore must look for difficult to develop properties that market rate developers are not competing for.

This land was originally assembled from individual parcels and approved as a Planned Project in 2007 as 3-story buildings with 120 units and 185 parking spaces known as Burton Commons. The rents would have been affordable to households at 60% of the Area Median Income, which is about \$40,000 - \$50,000/year for households with 1-3 people. The site plan was approved after many compromises and commitments made to address neighborhood concerns.

Unfortunately the project was never built because they could not secure federal affordable housing funding because federally funded projects must meet regulatory requirements set far higher than market-rate housing projects.

For example, one of the biggest issues was that the noise levels caused by the highway exceed federally acceptable noise levels. The developer tried to figure out how to install a 1,165 foot long wall along the highway to reduce the noise but there was not a way to build the wall to meet both the federal requirements as well as city code. The project was never built.

In the ensuing years, several affordable housing developers have tried to overcome these barriers to successfully build an affordable housing project. The barriers could not be overcome using traditional subsidized funding sources within the site's constraints.





The current developer is attempting to build a project that includes affordable housing that does not require federal funding in order to avoid that historical barrier. However, without direct funding subsidies, the project must reduce its costs in order to keep the rents affordable to households in the 80% AMI range (about \$50,000 - \$67,000) for 1-3 person households. Increased density is a common tool many communities use to incentivize the construction of affordable housing that otherwise would not get built. The increased density lowers the per unit cost because the cost of the land and infrastructure are spread over more units.

In full disclosure, this project owner (like all previous owners) talked to me about potential roles the AAHC or other non-profit could have in the project. Over the years these discussions have included co-developing the property, purchasing the property after it has been built, managing the property, providing support services, providing project-based vouchers, and cleaning up the trash on the vacant land. The Ann Arbor Housing Commission has not made any commitments to this or previous developers, other than paying the AAHC and AAHC tenants to clean up the trash on the property a couple times.

If the City agrees to rezone the property to increase the density, with the understanding that the project will include 40 units affordable to households at 80% AMI as a public purpose, then the City does need assurance that those 40 units will remain affordable. A restrictive covenant would be an appropriate tool to ensure the long-term affordability of those apartments.

Sincerely,



Jennifer Hall  
Executive Director

## Lenart, Brett

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**From:** Megan Avram <megan.avram@gmail.com>  
**Sent:** Monday, December 17, 2018 8:37 PM  
**To:** Planning  
**Subject:** Proposed rezoning of 2805 Burton Road (Parcel #09-12-02-409-026)

Dear Ann Arbor Planning Commission,

I'm writing regarding the proposed "Brightdown" development at 2805 Burton Road (parcel #09-12-02-409-026). The developers are requesting to rezone it from R4B to R4C. As a concerned citizen of Ann Arbor, a homeowner in the neighboring Forestbrooke community, and a parent of current and future Pittsfield Elementary students, I want to voice my **strong opposition** to this proposal and state my many concerns.

1. Current zoning is already multiple family dwelling, and **this parcel was already rezoned from single family homes in 2007**:
  - a. The parcel is currently zoned as R4B, which allows 120 units for the size. The rezoning request to 160 units is a **150%** increase in density over the original zoning of R1C--which only allowed a maximum of 48 dwelling units--and an increase of **33%** over the existing zoning.
  - b. The neighboring community only agreed to withdraw their opposition to the previous rezoning from R1C to R4B because the previous owners were going to develop the whole property as affordable housing. That development was to have **80 units at 60% AMI**.
  - c. The Brightdown development is only willing to do 40 of the requested 160 units at 80% AMI. This goes against Ann Arbor's commitment to *truly* affordable housing.
2. Proposed zoning doesn't match the neighboring community:
  - . There is no R4D zoning within 3 miles of the parcel, and there appear to be only 5 uses in all of Ann Arbor.
    - a. All of the neighboring land use is either single- or two-family houses (R1C or R2A).
    - b. The 50 ft building height limit is significantly higher than all nearby buildings. These 4-story buildings will loom over the adjacent single family homes.
    - c. R4D zoning for this parcel is against the City's Master Plan.
3. Destruction of wetlands:
  - . By increasing housing density and land use, there will be a higher likelihood of flooding for the homes on the east side of Lillian Rd that abut Burton Rd.
    - a. Many of the residents on Lillian Rd and Eli Rd noted increased flooding after past development activity affected drainage of the neighboring wetlands.
4. Increased traffic:
  - . The traffic study conducted by the developers is inadequate. It only analyzed main roads like Packard and didn't study the impacts to the residential streets like Brandywine and Yost Blvd (the paths most traffic going to Washtenaw or US-23 would take).
    - a. Additional traffic on Yost Blvd would endanger children on their way to school or during summer activities (like swim practice at Forestbrooke Pool) due to the lack of sidewalks on Yost over the creek.
    - b. Connecting Eli Rd to Burton Rd would only further exacerbate the pedestrian safety issue because there is no sidewalk adjacent to the Forestbrooke pool at the corner of Eli and Yost. The rain gardens installed in 2018 at the pool (to protect the creek) would be destroyed if a sidewalk were constructed.
    - c. Additional traffic would speed the deterioration of the already poorly rated roads within the Forestbrooke subdivision.
    - d. The number of proposed parking spots is inadequate for the number of allowed tenants. Because the development is bordered by US-23 and Packard Road, the spillover cars could only park on neighboring streets closest to the proposed development, and this would further

increase congestion, decrease pedestrian safety, and complicate snow removal and other street maintenance.

5. Increased noise:

- . Artificial noise corridors would be created by the removal of natural features (e.g., trees, bushes, etc.) to build additional buildings to accommodate the increase in density. This would funnel the already loud vehicle noise from US-23 directly to the existing homes. Residents already have to use white noise machines at night to attempt to mask the highway noise. (I doubt there would be noise machines loud enough to mask the noise inside the proposed apartments.)
- a. Limited parking and exponential use of Burton Road would dramatically increase vehicle-based noise pollution for the residents on Lillian, Eli, and Terhune.

Finally, I have serious concerns about the ability of these particular out-of-state developers to construct an apartment complex that will integrate with the existing neighborhood and enhance Ann Arbor as a whole. They've publicly stated their intention to sell the development within 10 years, so they're not invested longterm in our community. Additionally, the developers initially submitted plans to the city for a 160-unit development, even though a quick Google search by a layperson (like me) shows that R4B only allows 120 units for this parcel. The developers overlooked a fundamental detail like that and are now scrambling to make the parcel fit their needs, rather than modifying their plans to fit the parcel itself. Our neighborhood shouldn't have to suffer so that an inexperienced developer can profit, and we urge you to deny the rezoning request.

Thank you for your careful consideration,

Megan Avram  
3630 Terhune Rd  
Ann Arbor, MI 48104