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2009 JUL 17 PM 1:10

JOHN L. ETTER
MARK A. READING
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ASSOCIATE:
JENNIFER CHARNIZON

July 17, 2009

VIA E-mail and Hand Delivery

Ann Arbor City Mayor and Council Members

100 North Fifth Avenue

Ann Arbor, Michigan 48104

E-mail: abowden@a2gov.org

**Re: Proposed Amendments to Ann Arbor City
Downtown Plan and Zoning Ordinance
- Sloan Plaza Condominiums**

Dear Mayor and Council Members:

I am writing you once again to strongly recommend that you reconsider the proposed rezoning of East Huron 1 to D-1 and that you provide side setback protection to Sloan Plaza which is at least equal to that you have provided to the Old Fourth Ward properties. My recommendation is based on the following facts:

1. MDOT IS OPPOSED TO THE PROPOSED REZONING.

MDOT, through Mark S. Geib, its Brighton Service Center Manager has stated its "*opposition to the proposed rezoning.*" And, contrary to what you have been told by others, while Mr. Geib is relatively new to his Brighton position, he has 18 years of experience with MDOT, in addition to five prior years experience with the Indiana Department of Transportation. His MDOT experience includes four years as Manager of the Kalamazoo TSC. Before he wrote and signed the letter to you, he consulted with MDOT's regional planning staff. He believes in a pro-active approach to problems when possible. That is why he wrote to you that, while perhaps not a typical action for them, "*when we become aware of proposed planning/zoning actions along a state trunkline road which appear inconsistent with MDOT's safety and mobility interests, we feel it best for all involved to express our concern.*" [Emphasis added.]

Ann Arbor City Mayor and Council Members

Re: Proposed Amendments to Ann Arbor City Downtown Plan and Zoning Ordinance

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2. THE PROPOSED REZONING TO D-1 IS UNREASONABLE.

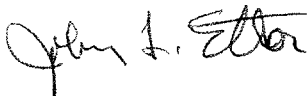
The Calthorpe report completed in 2006, called for a maximum height along Huron Street of ten stories. The City commissioned and paid for that report. Since that time, the University has opened new facilities which add greatly to the traffic on Huron. In addition, the opening of North Quad and the University Hospital expansion will add substantially more traffic. While the City can not control the University's activities, it also can not ignore them. If ten stories may have been a reasonable maximum height in 2006, it no longer is. Yet you are about to ignore the Calthorpe report, the University's activities, and the MDOT opinion, and authorize 15 story buildings. How could anyone defend your action as reasonable?

3. SLOAN PLAZA SHOULD HAVE AT LEAST THE SAME SIDE SETBACK PROTECTION AS THE OLD FOURTH WARD PROPERTIES.

Your new proposed ordinance provides certain side setback protection to a "*residential zoning district.*" Sloan Plaza's residential use is a permitted use under the current ordinance, and the fact of its residential use since 1986 is a matter of record. The note in Table 5:10.20A may provide a side setback to Sloan Plaza, but to remove doubt, the note could be amended to add the words "*or residential building in existence on the effective date of this section*" to the note. Elsewhere in the ordinance you have used such language to emphasize pre-existing rights. I trust you will agree that Sloan Plaza and its residents deserve protection equal to that you have provided to the Old Fourth Ward properties.

Attached is a new copy of Mr. Geib's letter of July 1, 2009, revised by him to add the word "*not*" in the last line on page 1. That word had been inadvertently omitted in the earlier copy I sent to you.

Very truly yours,



John L. Etter

JLE/kld

Cc: Sloan Plaza Condominium Association Board
Mr. Mark Geib, Brighton TSC Manager



JENNIFER GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
BRIGHTON TRANSPORTATION SERVICE CENTER

KIRK T. STEUDLE
DIRECTOR

July 1, 2009

John L. Etter, Esq.
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Ann Arbor, Michigan 48104
E-mail: rel@aiserv.net

Dear Mr. Etter:

Thank you for reporting to me the City Council's action on June 15, 2009 to approve the Downtown Plan including the D-1 designation for East Huron 1. I also understand from your letter that the Council will likely consider approval of proposed Ordinance 09-12 on Monday July 6, which as proposed would also zone East Huron 1 to D-1.

On behalf of MDOT, I am concerned by these developments and the apparent disregard of MDOT's position as expressed in my letter of June 10, 2009. While it is true that our office typically does not get involved in land use planning issues, when we become aware of proposed planning/zoning actions along a state trunkline road which appear inconsistent with MDOT's safety and mobility interests, we feel it is best for all involved to express our concern.

One of MDOT's principal goals with respect to state trunklines is to assure as smooth and unobstructed a flow of vehicular traffic as possible from the entry points to the exit points. The Washtenaw-Huron-Jackson corridor through Ann Arbor is an important part of MDOT's system. The City's plans to increase downtown residential density are in general not a concern of MDOT. However, given the existing limitations of this particular MDOT corridor to widening or other alternate means of offsetting the greatly increased burden on the corridor which would arise from the D-1 zoning in East Huron 1 in particular, we feel it necessary to express even more strongly our opposition to the proposed zoning.

For the city to favor such a high-rise development, knowing that MDOT would likely not issue permits for further access to or from it to Huron Street seems to be an unreasonable action. The other streets and roads in downtown Ann Arbor are not under MDOT's jurisdiction (except for their intersections with MDOT's corridor). Locating D-1 projects on those other streets and roads would not require a permit from MDOT.

John L. Etter, Esq
July 1, 2009
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We appreciate your bringing these issues to our attention. We have a good relationship with the City and its officials, and we authorize you to provide a copy of this letter to the Mayor and Council Members at or prior to their meeting on Monday, July 6, 2009.

Sincerely,

A handwritten signature in black ink that reads "Mark S. Geib". The signature is written in a cursive style with a large, prominent "M" and "G".

Mark Geib, Manager
Brighton TSC