

Via U.S Mail

July 15, 2008

The Honorable City Clerk
City of Ann Arbor
100 N. Fifth Avenue
Ann Arbor, MI 48104

2008 JUL 17 AM 10:59
CITY OF ANN ARBOR
CITY CLERK
REC'D

Re: 42 North Apartments Site Plan

Dear City Clerk:

I have enclosed 11 copies of a letter on behalf of Surrey Park Apartments regarding the 42 North Apartments Site Plan. Please distribute a copy to each member of the City Council before the July 21, 2008 City Council meeting.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

HONIGMAN MILLER SCHWARTZ AND COHN LLP
Attorneys for Surrey Park Apartments



Adam L. Kochenderfer

ALK/dm
Enclosures

DETROIT.3206970.1

Via U.S Mail & E-Mail

July 15, 2008

The Honorable City Council
City of Ann Arbor
100 N. Fifth Avenue
Ann Arbor, MI 48104

Re: 42 North Apartments Site Plan

Dear Council Members:

Surrey Park Apartments ("Surrey Park") submits this letter in opposition to the 42 North Apartments Site Plan (the "Site Plan") before the City Council. Surrey Park is a low density, 1-story apartment complex immediately adjacent to the parcel described in the Plans. Approval of the Site Plan (1) is contrary to the City Code; (2) would introduce a high density, 3-story development that is not in harmony with the surrounding community; and (3) would significantly lower the quality of life enjoyed by Surrey Park residents who have lived in the area for years.

In January 2008, this Council denied a site plan for the 42 North Apartments on the grounds that it failed to comply with the City Code. Despite this unambiguous call for compliance, the current Site Plan does not conform with the City Code either. The City Code permits a maximum height of 30 feet. City Code, § 5:24. The elevation schematics attached to the Site Plan (attached hereto as Exhibit A) show that the buildings' height "t.o. roof," or "top of roof," is well over 30 feet. The applicants have attempted to circumvent the Code's height requirements by excluding the capstones from the total height. However, the Code expressly provides that a building's height must be measured "from the average elevation of the finished grade within 20 feet of the building to the highest point of the roof." City Code, § 5:1 (emphasis added). The "highest point of the roof" is clearly the point marked "t.o. roof" on the elevation schematics. There is no basis in the City Code for interpreting these provisions to exclude capstones. Since the highest point of the roof exceeds 30 feet above grade, the Site Plan violates the Code and cannot be approved.

In addition, the Site Plan proposes a development that is not in harmony with the surrounding community. The area is currently comprised mostly of single-family homes, with a church on one side of the subject parcel and Surrey Park on the other side. Surrey Park is a small, one-story apartment community with units featuring 1 to 2 bedrooms. Surrey Park

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features a student population of approximately 15%. In stark contrast, the Site Plan proposes a high density, 3-story apartment complex with 4 bedrooms to each unit; in essence, a dormitory overwhelmingly comprised of students. Nothing like the 42 North Apartments currently exists in the immediate area, and its development as proposed will severely alter the area's character.

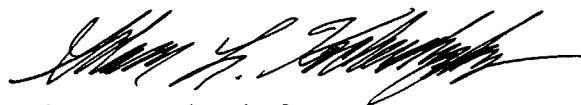
The residents of Surrey Park will be particularly harmed if the Site Plan is approved. The proposed development does not feature any buffer between Surrey Park and the high-density complex other than minimal landscaping. The development's 480 residents and overwhelming student population ensures significant levels of noise and activity, especially in the evening. The Site Plan shows that the development's parking lot will be in close proximity to at least 10 buildings in Surrey Park. These residents, many of whom have lived in Surrey Park for years, will suffer an immediate loss of privacy and security.

In the unfortunate event that City Council approves the Site Plan in some form, Surrey Park requests revisions that would provide some protection for its residents' privacy. A berm and a solid wall between the 42 North Apartments and Surrey Park will be necessary to lower the amount of noise and other disruption that the new development will inevitably create. Although this solution will not fully protect Surrey Park's residents, it will provide much more protection than the minimal and inadequate landscaping that the Site Plan currently calls for.

In conclusion, Surrey Park strongly opposes the Site Plan and the concept of a dense student housing community distant from campus. At a minimum, Surrey Park requests that the Site Plan include a berm and a wall between the 42 North Apartments and Surrey Park in order to lower the amount of disruption to current residents. If you have any questions, please do not hesitate to contact me.

Very truly yours,

HONIGMAN MILLER SCHWARTZ AND COHN LLP
Attorneys for Surrey Park Apartments



Adam L. Kochenderfer

ALK/dm

DETROIT.3203112.1

EXHIBIT A

