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April 29, 2016

JBeaudry@A2gov.org

Jacqueline Beaudry, City Clerk
Ann Arbor City Clerk's Office
Guy C. Larcom, City Hall
301 E. Huron, 2nd Floor
Ann Arbor, MI 48104

**RE: PUBLIC HEARING WOODBURY CLUB APARTMENTS
ANNEXATION ZONING AND SITE PLAN
ANNEXATION OF 54 ACRE PARCEL FROM ANN ARBOR TWP.
REZONING THE PROPERTY R4A**

Dear Ms. Beaudry:

Please accept this notice on behalf of Arbor Hills Condominium Association - the Association of all co-owners of units in the Arbor Hills Condominium. This firm is legal counsel for the Association. Arbor Hills Condominium is adjacent to the land that is the subject of the Woodbury Club Apartments Annexation Zoning and Site Plan matter currently under consideration.

A public hearing was held by the Ann Arbor City Planning Commission at 7:00 p.m. on October 21, 2014 to consider the above matter – a copy of the Notice of Public Hearing is attached hereto. The notice requirements in the Michigan Zoning Enabling Act, Sections 125.3103 and 125.3306 were not followed at the time that the notice of the meeting was sent. Specifically, notice was not given to all persons whom real property is assessed within 300 feet of the property that is the subject of the request. A list of addresses was provided by the City Clerk pursuant to FOIA request in February of this year. A copy showing a listing of the property addresses to which such notice was sent is attached. While a small number of property owners addresses within Arbor Hills Condominium were shown on the list, most were not. In addition, notice was not sent to Arbor Hills Condominium Association as a legal entity. Such

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Re: Woodbury Club Apts
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notice was to be provided to the Association's registered agent, Your Peace of Mind, Inc. The failure to send notice to all owners of property within Arbor Hills Condominium and the failure to send notice to the Association's registered agent constitutes a material defect in the conduct of the hearing. Notice of the planning commission meeting was required to be sent all Co-owners of Arbor Hills Condominium.

The Master Deed for Arbor Hills Condominium provides that each co-owner in the condominium project shall have undivided and inseparable rights to share with other Co-owners in the Common Elements of the Condominium Project as are designated by the Master Deed. The land that is the subject of the proposed annexation and re-zoning is within 300 feet of various designated Common Elements within Arbor Hills Condominium. Accordingly, each Co-owner of a Unit in Arbor Hills Condominium is a person to whom real property is assessed within 300 feet of the property that is the subject of the annexation and rezoning and was required to be provided with notice of the hearing. Since such notice was not provided to all such persons, the meeting held on October 21, 2014 was not lawfully conducted and must be reconvened after proper notice is given in order to properly hear and consider the issue before the Planning Commission regarding the Woodbury Club Apartments Annexation Zoning and Site Plan. The due process rights of the property owners were violated and further action of the Proposal needs to be stopped until the defect is cured.

If you have any questions regarding the above matters, please feel free to contact me.

Very truly yours,



Edward J. Zelmanski

Attorney at Law

ezelmanski@zdfattorneys.com

EJZ:dlm
Attachments
Cc: Board of Directors

NOTICE OF PUBLIC HEARING

A public hearing on the following items will be held by the Ann Arbor City Planning Commission in the Council Chamber, Second Floor, Guy C. Larcom, Jr. Municipal Building (City Hall), 301 E. Huron Street, Ann Arbor, Michigan on Tuesday, October 21, 2014 at 7:00 p.m.

Concordia University Kreft Center Landscape Modification – A request for a landscape modification on this 80.63 acres site at 4090 Geddes Road. No changes are proposed to the existing parking lots and the petitioner is asking permission to waive the requirement to install bioswales within the existing parking areas. Ward 2

Woodbury Club Apartments Annexation, Zoning and Site Plan - A proposal to annex this vacant 54 acre parcel located, at 3380 Nixon Road, from Ann Arbor Township, zone it R4A (Multiple-Family Dwelling District), and construct 282 apartment units in 4 buildings and a clubhouse on the western portion of the site. (Ward 2)

Nixon Farm North, 3381 Nixon Road – A proposal including several related petitions necessary to develop a 68-acre site at the northwest corner of Nixon and Dhu Varren Roads for multiple-family residential use with 209 attached dwelling units in 51 buildings, with community clubhouse and pool, storm water management and park donation. Petitions include Annexation, Zoning (to R4A Multiple-Family Dwelling), Site Plan and Natural Features Open Space Activity authorization, Landscape Ordinance modification request and Wetland Use permit. Ward 1.

Nixon Farm South, 2999 Nixon Road – A proposal including several related petitions necessary to develop a 40-acre site at the southwest corner of Nixon and Dhu Varren Roads for multiple-family residential use with 264 attached dwelling units in 51 buildings, with storm water management and park donation. Petitions include Annexation, Zoning (to R4A Multiple-Family Dwelling), Site Plan and Natural Features Open Space Activity authorization, Landscape Ordinance modification request and Wetland Use permit. Ward 1.

Additional information is available at the Planning and Development Services Unit (734-794-6265), First Floor, Guy C. Larcom, Jr. Municipal Building (City Hall), Ann Arbor, Michigan. After 3:00 p.m. on the Friday prior to the public hearing, staff reports will be available at the Planning and Development Services Unit or the electronic staff reports can be viewed at <http://a2gov.legistar.com/Calendar.aspx>. This meeting will be televised live on Cable TV, Channel 16. Persons with disabilities are encouraged to participate. Accommodations, including sign language interpreters, may be arranged by contacting the City Clerk's Office at 734-794-6140 (V/TDD) at least 48 hours in advance. To provide written comments prior to the meeting date, please email planning@a2gov.org, or mail/hand deliver to Planning & Development Services, 1st floor, 301 E. Huron Street, Ann Arbor, MI 48107-8647 by noon of the meeting date.

Authorized by:
Wendy L. Rampson
Planning Manager

St_Number	St_Number_Sfx	St_Dir_Pfx	St_Name	St_Name_Sfx	St_Dir_Sfx	Unit_Type	Unit_Label	City
								Ann Arbor
								Ann Arbor
2699			Barclay			Way		Ann Arbor
2701			Barclay			Way		Ann Arbor
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			Fishers
			Warren
			Ann Arbor
			Ann Arbor
			Ann Arbor

State	Country	Street	zip_code	Type
MI	USA	1045 Olivia Ave	48104-3928	Owner
MI	USA	2455 S Industrial Hwy Ste A	48104	Owner
MI	USA	2699 Barclay Way	48105	Resident
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MI	USA	2800 Barclay Way	48105 Resident
MI	USA	2801 Barclay Way	48105 Resident
MI	USA	2803 Barclay Way	48105 Resident
MI	USA	2804 Barclay Way	48105 Resident
MI	USA	2805 Barclay Way	48105 Resident
MI	USA	2806 Barclay Way	48105 Resident
MI	USA	2807 Barclay Way	48105 Resident
MI	USA	2808 Barclay Way	48105 Resident
MI	USA	2809 Barclay Way	48105 Resident
MI	USA	2810 Barclay Way	48105 Resident
MI	USA	2811 Barclay Way	48105 Resident
MI	USA	2812 Barclay Way	48105 Resident
MI	USA	2813 Barclay Way	48105 Resident
MI	USA	2814 Barclay Way	48105 Resident
MI	USA	2815 Barclay Way	48105 Resident
MI	USA	2816 Barclay Way	48105 Resident
MI	USA	2817 Barclay Way	48105 Resident
MI	USA	2818 Barclay Way	48105 Resident

MI	USA	2819 Barclay Way	48105 Resident
MI	USA	2820 Barclay Way	48105 Resident
MI	USA	2821 Barclay Way	48105 Resident
MI	USA	2822 Barclay Way	48105 Resident
MI	USA	2823 Barclay Way	48105 Resident
MI	USA	2824 Barclay Way	48105 Resident
MI	USA	2825 Barclay Way	48105 Resident
MI	USA	2826 Barclay Way	48105 Resident
MI	USA	2827 Barclay Way	48105 Resident
MI	USA	2830 Barclay Way	48105 Resident
MI	USA	2831 Barclay Way	48105 Resident
MI	USA	2832 Barclay Way	48105 Resident
MI	USA	2833 Barclay Way	48105 Resident
MI	USA	2834 Barclay Way	48105 Resident
MI	USA	2835 Barclay Way	48105 Resident
MI	USA	2836 Barclay Way	48105 Resident
MI	USA	2837 Barclay Way	48105 Resident
MI	USA	2838 Barclay Way	48105 Resident
MI	USA	2839 Barclay Way	48105 Resident
MI	USA	2840 Barclay Way	48105 Resident
MI	USA	2842 Barclay Way	48105 Resident
MI	USA	2843 Barclay Way	48105 Resident
MI	USA	2844 Barclay Way	48105 Resident
MI	USA	2845 Barclay Way	48105 Resident
MI	USA	2846 Barclay Way	48105 Resident
MI	USA	2847 Barclay Way	48105 Resident
MI	USA	2848 Barclay Way	48105 Resident
MI	USA	2849 Barclay Way	48105 Resident
MI	USA	2850 Barclay Way	48105 Resident
MI	USA	2851 Barclay Way	48105 Resident
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MI	USA	2853 Barclay Way	48105 Resident
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MI	USA	2856 Barclay Way	48105 Resident
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MI	USA	2865 Barclay Way	48105 Resident
MI	USA	2866 Barclay Way	48105 Resident
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MI	USA	2868 Barclay Way	48105 Resident
MI	USA	2869 Barclay Way	48105 Resident
MI	USA	2870 Barclay Way	48105 Resident
MI	USA	2871 Barclay Way	48105 Resident
MI	USA	2872 Barclay Way	48105 Resident
MI	USA	2873 Barclay Way	48105 Resident
MI	USA	2874 Barclay Way	48105 Resident
MI	USA	2875 Barclay Way	48105 Resident

MI	USA	2876 Barclay Way	48105 Resident
MI	USA	2877 Barclay Way	48105 Resident
MI	USA	2878 Barclay Way	48105 Resident
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MI	USA	2956 Barclay Way	48105 Resident
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MI	USA	2962 Barclay Way	48105 Resident
MI	USA	2964 Barclay Way	48105 Resident
MI	USA	2968 Barclay Way	48105 Resident
MI	USA	2970 Barclay Way	48105 Resident

MI	USA	2972 Barclay Way	48105 Resident
MI	USA	2974 Barclay Way	48105 Resident
MI	USA	2976 Barclay Way	48105 Resident
MI	USA	2980 Barclay Way	48105 Resident
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MI	USA	3002 Barclay Way	48105 Resident
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MI	USA	3225 Buckhorn Ct	48105 Resident
MI	USA	3227 Dunwoodie Rd	48105 Resident
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MI	USA	3240 Dunwoodie Rd	48105 Resident
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MI	USA	3247 Dunwoodie Rd	48105 Resident
MI		3248 Dunwoodie Rd	48105 Resident
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MI	USA	3259 Dunwoodie Rd	48105 Resident
MI	USA	3263 Dunwoodie Rd	48105 Resident
MI	USA	3267 Dunwoodie Rd	48105 Resident
MI	USA	3271 Dunwoodie Rd	48105 Resident
MI	USA	3275 Dunwoodie Rd	48105 Resident
MI	USA	3380 Nixon Rd	48105 Resident
MI	USA	3381 Nixon Rd	48105 Resident
MI	USA	4001 GLACIER HILLS DR	48105 Owner
MI	USA	4001 Glacier Hills Dr 124	48105 Owner
IN	USA	9959 Rainbow Falls Ln	46037 Owner
MI	USA	PO BOX 9022	48090-9022 Owner
MI	USA	1730 David Court	48105 Tim Colenback/Neigh of Leslie Science Center, Black Pond Woods/Tr
MI	USA	3347 Elsinore Court	48105 Jane and Rob Klingsten/Arbor Hills Condo Assoc
MI	USA	1100 N. Main St. Suite 210	48104 Jason Frenzel/Huron River Watershed Council