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CITY OF ANN ARBOR  
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February 28, 2013

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*via email and First Class Mail*

City of Ann Arbor City Council  
301 E. Huron Street  
Ann Arbor, MI 48107

Re: Support for Resolution to Establish Moratorium in D1 Zoning District

Dear Honorable City Council Members:

On behalf of Galileo Associates LLC, the owner of Zaragon Place located at 619 E. University, I write to express support for a review of the zoning standards of the City's D1 Zoning District and a Moratorium on all new site plans in the D1 District that have not yet been approved by City Council.

In particular, the D1 District review should consider the adverse effects in certain circumstances of current standards allowing zero set-backs of proposed new buildings from the adjacent property lines. The current zero set-back standard can result in significant health and safety issues for neighboring properties and residents when the neighboring property has an open yard area actively used by the neighboring residents and other members of the public immediately adjacent to the proposed new building.

For example, the zero set-back standard has enabled the developer of the proposed 624 Church Street Project ("624 Project") to show a location of its 13 story tower immediately adjacent to the open backyard area of Zaragon Place, thereby creating a health and safety issue for the Zaragon Place residents who will be using the open backyard area, with its patios, bay windows and outdoor gathering areas, during construction and maintenance of the proposed 13 story tower.

It should be noted that the 624 Project does not have an easement over or across Zaragon Place for construction or maintenance of the proposed 13 story tower. In a case such as this, the site plan for the 624 Project should include at least a 10 foot set-back along the western property line to create a clear fall zone area to enable construction and maintenance of the proposed tower without endangering the health and safety of neighboring residents.

The City's review of the D1 District standards should include clarification of when a zero set-back building is permitted. The standards should specify that zero set-backs are prohibited in cases where the neighboring property is open and accessible to residents or other members of the public, unless the developer can demonstrate

February 28, 2013

Page 2

prior to site plan approval the existence of easements over and across the adjacent property authorizing access for purposes of construction and maintenance of the proposed new buildings in a manner that will allow a clear fall zone area to protect the health and safety of the adjacent residents.

In the absence of such an easement the buildings should be set back from the property line a sufficient amount to protect the health and safety of those using the adjacent property.

In addition, the 624 Project raises the same issues of light, air, shading and view for adjacent residential and non-residential properties as other D1 District site plan proposals, and the proposed Moratorium should include consideration of the adverse effects of the 624 Project on neighboring properties and uses.

We also suggest that the Planning Commission's review of the D1 District zoning criteria include clarification of the standards for approval of a site plan in the D1 District, including a requirement that the developer demonstrate prior to site plan approval that the health, safety and welfare of adjacent residents and other members of the public will be protected during construction and maintenance of the proposed new building.

The standards should require that the developer provide evidence of recorded easements allowing a clear fall zone area over neighboring properties for construction and maintenance of proposed new buildings, and if such easements do not exist, an increased set-back area large enough to accommodate the fall zone associated with installation and maintenance of the proposed construction materials.

The proposed Moratorium is intended to be used as an opportunity to review the D1 District zoning criteria and determine if these criteria should be amended to better protect neighboring uses and provide clearer guidance to prospective developers. This review should encompass all site plans that have not been approved by City Council, including the 624 Project.

We urge City Council to table the 624 Site Plan until after a detailed review of the D1 District Criteria by the Planning Commission.

February 28, 2013

Page 3

Thank you for your attention to this matter. If you have questions, please do not hesitate to contact me.

Very truly yours,



Laurence B. Deitch

LBD:bk

cc: Stephen Postema, City Attorney  
Kevin McDonald, City Attorney  
Wendy Rampson, Planning Manager  
Matthew Kowalski, City Planner  
Scott Munzel  
James Reach  
Galileo Associates LLC