

City of Ann Arbor

March 28, 2018

ATT: Planning Commission

Re: 1202 Packard Road SEU18-21

We own the properties located at 1200 Packard Road and 944 Dewey Avenue which have a common property line to 1202 Packard Road. Certain driveway easements were granted to 1202 Packard in 1989 that allowed *limited* vehicular access to 1202 Packard Road. What has been proposed on the site plan will not be allowed by the easement agreements. Therefore:

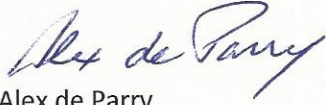
1. The applicant cannot construct the proposed 6 foot tall wooden fence on the west end of our 1200 Packard Road property.
2. The proposed sliding chain link fence gate can only be accessed by crossing the 944 Dewey Avenue Property and cannot be allowed under the easement agreements.
3. The current owner of 1202 Packard Road is currently in default of the easement agreements and we will send a formal notice to the owner informing him of our intent to declare him in violation of the easement agreements.

- Additionally, The Eberbach Cultural Arts Building is owned by the City of Ann Arbor and used by the Community Education & Recreation Department of the Ann Arbor Public Schools which "uses the facilities to host events, classes and special functions". This is certainly a school with children attending classes and falls well within the 1000 foot radius. Why was this not considered when determining the 1000 foot distance to nearby schools as required by Section 5:50 (3)(c) of the Zoning Code?

Kadushin does not have an easement to cross our property that would allow for retail traffic; therefore his plan does not honestly reflect what can be done at the site. Without access to Dewey Street, all traffic will be required to enter and exit through the very narrow one-way drive. This will create significant congestion, particularly when combined with the unusual configuration of this intersection and its traffic light. More importantly, frequent use of this drive will be dangerous for pedestrians who cannot be seen at all to the west when exiting the property. This site has limitations that simply make it inappropriate for a retail use.

We therefore oppose the application of the proposed use for 1202 Packard Road.

Sincerely,

A handwritten signature in cursive script that reads "Alex de Parry". The signature is written in dark ink and is positioned above the printed name.

Alex de Parry

Representative for:

Fifth Avenue Limited Partnership

AFSE LLC