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July 17, 2009

Honorable John Hieftje  
Mayor  
City of Ann Arbor  
101 N. Fifth Avenue  
Ann Arbor, MI

VIA HAND DELIVERY

Re: City Place Site Plan

Dear Mayor Hieftje:

I represent Fifth Avenue Limited Partnership (FA) and submit this letter on its behalf. FA's City Place site plan is on Council's agenda for Monday, July 20, 2009. As you know, FA originally proposed the redevelopment of this site as a Planned Unit Development. This was based on FA's belief that the PUD format provided the opportunity to create a project more beneficial to the City than a project using the R4C zoning criteria. When the original PUD was turned down, FA had no viable alternative but to seek approval of a project which complies with all of the R4C requirements (the Project). The Project is now before Council for its consideration.

While the Project worked its way through the City review process, Alex de Parry of FA nevertheless continued to meet with neighbors, to determine if there was an alternative project that might 1) address their comments, 2) meet more of the City's goals, and yet 3) still be a viable project for FA. The meetings with the neighbors were useful, but trying to determine if all of these goals could be met was a complicated and lengthy process. Eventually, the meetings with neighbors stopped and the Project continued to move through the City's review process, which were extended for a variety of reasons.

FA has now determined that it can create a viable alternative project, one which FA believes addresses the neighbor's comments, as well as those from the public and Planning Commissioners; meets more of the City's goals than the Project; and is still architecturally feasible. This project would, however, have to be a PUD.

With that background, FA believes that it would better serve the interests of the community if it could pursue this alternative PUD. That said, given the significant efforts and expense FA has devoted to the R4C Project, it is unwilling to simply abandon that project, on the eve of potential approval. FA understands that it could be possible for Council to table its consideration of the Project to a date certain, and direct the Planning Department to process a PUD application for the site. If such a PUD was approved by

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Council, the Project would become moot and could be terminated. If the PUD was not approved by Council, the Project could be brought back to the table and considered by Council. This approach would seem to solve a procedural impediment to achieving what might be in the best interests of the community.

Accordingly, FA makes three requests of Council. First, FA requests that consideration of the Project be tabled until the August 6, 2009 meeting, your next Council meeting after Monday. That way, the public hearing can be continued to that date and forestall (to some extent) a lengthy public hearing on Monday night, and allow Council to consider FA's second request. Next, FA requests that Council table the Project until November 5, 2009 (or your first meeting in November). That would provide time for the new PUD application to be processed by the City and for Planning Commission to make a recommendation to Council on the new PUD. Third, FA requests that if Council tables the Project as noted above, that Council direct the Planning Department to accept and process in the normal manner a new PUD application for this site. FA recognizes that these requests would delay Council consideration of the Project, and would waive the requirement, contained in Chapter 57, Section 5:122(3), that Council act within 30 days of the Planning Commission recommendation.

As a very long-time member of the Ann Arbor community, FA desires to re-develop this site in a way that meets the community's many goals, while still recognizing the legitimate architectural and financial challenges that affect the site and a new project. FA believes a new PUD application is the best way to achieve these many and varied goals.

Thank you in advance for your consideration of this complicated situation, and please contact me if you have any questions.

Sincerely,

  
Scott E. Munzel

Cc: Council Members  
Alex de Parry  
Stephen Postema  
Kevin McDonald