



City of Ann Arbor

PLANNING & DEVELOPMENT SERVICES — PLANNING DIVISION

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October 25, 2013

Ray Rabidoux
President & CEO
Glacier Hills
1200 Earhart Rd.
Ann Arbor, MI 48105

Dear Mr. Rabidoux:

As you are aware, City staff has been evaluating the facts and circumstances surrounding the approval of the Glacier Hills Planned Project Site Plan in response to concerns expressed by legal counsel for the Earhart Village Homes Association. This letter summarizes the City's conclusions from this review.

The original Glacier Hills Planned Project Site Plan was approved by resolution of Ann Arbor City Council on April 16, 1984. At that time, City Council approved the Site Plan subject to relinquishing all of its rights in a scenic easement that was granted to the City on October 14, 1971. The City Council resolution conditioned approval of the Site Plan and release of the earlier scenic easement "after receipt of a fully executed copy of the conservation easement and Declaration of Building and Use Restrictions". The Grant of Conservation Easement and Declaration of Building and Use Restrictions were recorded against the property for the benefit of the City and Earhart Village Homes Association.

According to the Declaration of Building and Use Restrictions, the restrictions were put in place because of expressed concerns regarding the vacation of the original scenic easement, which protected a larger area. Both the Grant of Conservation Easement and the Declaration of Building and Use Restrictions state that the rights and obligations of the owner of the Glacier Hills property "shall be subject to the provisions of the Planned Project Site Plan and resolution of approval by the City of Ann Arbor for the development, improvement and maintenance of the entire parcel..." The Planned Project Site Plan was amended on April 3, 2000, and the amended Site Plan references the Grant of Conservation Easement. The amended Site Plan was consented to by Earhart Village Homes Association. Among other detail, this amended Planned Project Site Plan shows specific setback dimensions from the villas at the south end of the property to the northern boundary of the conservation easement.

Upon review of this history, City staff has determined that in order to comply with these restrictions on its property, Glacier Hills will need to seek and receive approval from Earhart Village Homes Association of any amendments or revisions to the amended Planned Project Site Plan prior to obtaining final City approval.

Based on this conclusion, Planning staff will continue to keep the Glacier Hills Parking Addition Amended Planning Project Site Plan (SP13-018) and the Glacier Hills Villa F Planned Project Administrative Amendment (SP13-004) on hold until written documentation is received from the Earhart Village Homes Association that one or both of the proposed projects are approved by the Association.

Thank you for your patience as we researched the background and implications of the previous approvals. Please contact me at 734-794-6000 x 42606 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Wendy L. Rampson". The signature is written in a cursive, flowing style.

Wendy L. Rampson
Planning Manager

c: Earl Ophoff, Midwestern Consulting
William Stapleton, Hooper Hathaway
Sumedh Bahl, Community Services Area Administrator
Kevin McDonald, Senior Assistant City Attorney