

From: [Jeff Crockett](#)
To: [HDC](#); [Thacher, Jill](#)
Subject: Glen Ann Developer's Application for Notice to Proceed.
Date: Wednesday, December 09, 2015 6:10:59 PM

Dear Members of the Historic District Commission and Jill Thatcher,

We learned that the Glen Ann developers are attempting to circumvent your ruling to deny their project with a legal maneuver called an Application for Notice To Proceed. Their request is based on two of the four provisions in City Code Section 8:416. Below are the arguments and our responses.

a. The site is contaminated and represents a threat to the community. Because the Glen Ann developers will clean up the site as part of their project, they argue that they should be allowed to proceed in order to eliminate the hazard and perform a public benefit.

Response:

1. This property has been contaminated for many years, and the first environmental impact study was done in 2001 according to the staff reports. If this site presented an actual threat since 2001, why hasn't the city acted upon this to force the owners to clean up the property before this time? Certainly the city of Ann Arbor understands ground water issues. There has been endless discussion in this community about ground water for decades ranging from the Gelman plume to the FDD issues. Never once has this site on the corner of Glen and Ann provoked alarm, or even been mentioned, during the course of our endless citywide discussions. Why do the developers, individuals who have never participated in these myriad discussions over the past decades, suddenly consider this former gas station site an eminent and catastrophic threat now?

2. Reclamation of former gas station sites for new development is a nation wide issue. Municipalities usually address this issue on a case-by-case basis. Why is this site, vacant for years, suddenly a pressing hazard which can only be solved by erecting an unapproved building?

3. Also, if the developers believe there is a ground water threat, why, as responsible owners, haven't they started the clean up in advance of constructing a building? If there is a threat and they haven't acted upon, can they be sued?

4. Furthermore, brown field mitigation is a legal requirement for developing this site. It is not construed as a public benefit under Ann Arbor's PUD zoning. It is basic to any development itself.

5. Nowhere it is written that environmental problems on this or an other site must be remedied through constructing an unapproved building.

b. Leaving the property as it is in the not in the interest of the majority of the community.

Response:

I don't think anyone disputes that. The relevant issue is what kind of structure **is** in the best interest of the majority of the community. The Historic District Commission already determined with a 4-3 vote that the proposed project is not in the best interest of the majority of the community. The petition to proceed is based on the developer's own opinion on what is in the best interest of the community. But, that opinion has already been rejected.

The huge **negative** impact on the local community will be the increased traffic congestion to both local residents and commuters. Glen is four lanes. There are two southbound lanes, one northbound lane and one turning lane. During rush hour, it will be very difficult to turn left into the hotel off of Glen. Cars will need to enter the hotel by turning right off a southbound lane.

Yesterday, I drove north and south on Glen at 5 PM. How many of you have tried driving Glen at that time? You should see what I mean. Ann is a one way street. Residents on Ann east of Ingalls will be forced into that congested intersection.

The easiest way to enter the hotel is by heading south on Glen. But, getting on Glen heading south is difficult for an out-of-town person coming from Huron Ave. The tendency will be to turn

left onto Catherine and then turn around on Catherine, making it more difficult for east bound travelers on Catherine during rush hour.

It wouldn't surprise us if MDOT looked at these plans and rejected a Glen Street entrance/exit. If that happened after approval, we might get stuck with entrances and exits on Catherine and Ann Streets, a negative impact to local residents.

In Summary

I believe the intent of this provision of the City Code was to deal with a deteriorating structure that presented a hazard to pedestrians. Applying the provision to a vacant parcel is highly suspect. There is no evidence that the contaminants in the ground present an imminent threat to pedestrians or nearby residents. Otherwise, why hasn't the city required cleanup in the 14 years since the first contamination study? In regards to residents in the historic district, we know of no one who approves this project. We expect that commuters in this area, once they understand the impact on traffic congestion, will be against this project.

Finally, approving this request would set a dangerous precedent that would essentially gut the authority of the Department of Interior standards and our local Historic District Commission. For \$850, any developer could try to override the HDC with a similar request.

For these reasons, we urge you to reject this application.

Sincerely,

Jeff Crockett
Communications Officer
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