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City of Ann Arbor Planning Commission
305 East Huron Street
Ann Arbor, MI 48014

Planning Commission Members:

The Nixon Area Alliance is a community based organization comprised of city residents, many of whom are stakeholders from a number of neighborhoods including Orchard Hills, Maplewood, and Cedarbrook, Arbor Hills, Ashford Place, Barclay Park, Foxfire, Fox Ridge. Our mission is to preserve the community, the environment, and the recreational quality of Ann Arbor, with a focus on its northeast.

The Woodbury Club Apartments planned project as proposed, is not in the interest of the public's health, welfare, safety, nor convenience. In addition, statutes and regulations protecting the public's interests appear to be disregarded, blatantly in some cases.

Expected negative impacts to the community include traffic growth, worsening of school overcrowding, increased burden on area water management, damage to protected water resources and wetlands, non-compliance to accessibility laws, and development design incongruent with the nature of the area.

- Added traffic will worsen regional congestion, not just on Nixon Road. The AAATA states no public transit will be provided now or in the future. The Nixon Corridor traffic planning is incomplete. No studies are planned for Green or DhuVarren roads, nor the local commuter choke points.
- Thurston Elementary School is already over crowded at 108% of capacity, and is predicted worsen to 125% based on consultant research and average metrics.
- Water resource and environmental impacts have not been and must be fully assessed to the extent required by law.
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- The site design could readily be modified to reduce overall impacts using best management practices for low impact development, commonly used elsewhere.
- Poor design choices include the paltry use of best practices for water management. Significant runoff from massive surfaces that create a serious burden on the watershed and area water management. This kind of design deteriorates water quality, damages watersheds, and accelerating erosion, algae and bacterial growth.
- Unless water management is dramatically improved, the water resources will be placed at risk on the east parcel the City wishes to preserve along with the rest of the highly connected area water resources and include both private residential and commercial interests within Barclay Park, Arbor Hills, and Green Things Farm.
- Fair Housing, ADA, Section 504, and other accessibility standards required by law that will probably affect the site layout beyond allowed administrative changes, have not been fully met.

- An updated and accurate wetlands study is needed including wetlands appear grossly under marked on the plans. By regulation, wetlands studies are only good for one year, must be conducted during the right season, and there are "gross errors" in wetland delineations (of boundaries), per Chris Grobbel, Grobbel EPA. Unaccounted development impacts to wetlands result in loss of water storage and very limited clean water supply that is vital to the city's watershed quality and recreation.
- Each of the four buildings are roughly 40,000-50,000 square feet, the size of the Michigan Theater, coming within 65 feet of the bordering homes, and is inconsistent with the residential proximity.
- Arbor Hills is beginning to see the death of more trees, repeating a pattern of deforestation and water storage loss that Barclay Park has experienced over the last decade that has lead to serious water management issues including high infrastructure costs and the formation of wetlands abutting homes.
- History reveals that whatever happens to Barclay Park hierologically will affect Arbor Hills. We do not want to see the same situations repeated with what we view as an **over built** residential complex on our shared wetland.

Without assurance that these negative impacts will be corrected, the Nixon Area Alliance cannot support the Woodbury Club Apartments development as planned. To date, and after three meetings with the developer and many appeals to the City, no assurances and little cooperation has been given towards resolving public concerns.

According to the city staff, the only means available to protect area storm water management from development impacted is to improve the storm water management within the proposed design, yet the developer refuses to do so. With the vast impermeable roofs and surfaces planned, we are concerned about the volume of water that will be released into the shared and connected wetlands. We've asked the developer, without success, to consider low impact development practices that are clearly appropriate for the site to significantly reduce runoff and the reconfiguration of the rétention pond to lessen unaccounted wetlands impacts and the loss of water storage, as desirable alternatives. We've asked the developer to consider revising the architectural design to lower overall impacts and that the southernmost building (phase 1) be moved away from the border of Barclay Park. Unfortunately, the developer is blindly committed to a formulaic archaic architectural plan, poorly placed and highly unsuited to this site.

To develop and build without regard for the surrounding environment, wetlands impact, water issues and the welfare of the community is clearly uncaring and irresponsible. We are asking the Planning Commission to intervene on behalf of the neighboring communities and in the public interest.

We respectfully request that Planning Commission deny approval of this planned project. If that is not possible, then we ask Planning to withhold approval of the current plan until changes are made that protect the environment and the property of residents in our area. We ask that the developer be required to adhere all of the applicable statutes, and we ask that the Commission recommend to City Council that the **eastern parcel of this development, which is almost entirely high quality wetlands, never be zoned R4A, a designation that is wholly inappropriate.**

Respectfully,

Jane Klingsten, President
William Quinn, Vice President

A few relevant provisions listed in Chapter 57: Subdivision and Land Use Control (including natural features preservation), Chapter 60: Wetlands Preservation Ordinance, and Chapter 63: Storm water and Soil Erosion.

Chapter 60 - WETLANDS PRESERVATION ORDINANCE

5:203. - Wetland determination.

(1)

The physical boundary and extent of wetlands shall be identified by a professional having technical ability and experience sufficient to accurately identify wetland boundaries.

(2)

Wetland determination shall be made using the same criteria as provided for Part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, and administrative rules as amended.

(3)

To facilitate verification, the boundary of the wetland shall be flagged in the field by the applicant prior to the application for a use permit.

(Ord. No. 49-94, § 2, 12-5-94; Ord. No. 33-96, § 2, 8-5-96)

Chapter 57 - SUBDIVISION AND LAND USE CONTROL

5:119. - Intent.

This chapter is intended to require city review and approval of the development of certain buildings, structures and land uses and the creation of new lots, all of which can be expected to have a significant impact on adjacent parcels and land uses, traffic patterns, natural features and the character of future development. **It is further the intent of this chapter to provide for the preservation and management of significant natural features through city review, as well as to achieve harmonious relationships of buildings, structures and uses, both within a site and with adjacent sites; safe and convenient traffic movement, both within a site and in relationship to access streets; and appropriate public and private infrastructure.**

From Chapter 63 of the Municipal Code of the City of Ann Arbor

5:650. - Intent.

The City Council hereby recognizes and is concerned that excessive quantities of soil are eroding from certain areas that are undergoing development for non-agricultural uses such as housing developments, industrial areas, recreational uses, and roads. This erosion makes necessary costly repairs to gullies, washed out fills, roads, and embankments. The resulting sediment clogs storm sewers and road ditches, muddies watercourses and silts-in lakes and reservoirs, and is considered a major water pollutant, which degrades the natural environment within its jurisdiction and is costly to remedy.

Water quality and quantity within the water resources of the city is a public concern. As the city is developed, natural vegetation is removed and replaced with impervious surfaces. As a result the hydrology of watercourses, ponds and wetlands is changed. These changes in quantity, speed, and timing of water runoff transform Ann Arbor's watercourses. As the volume and speed of water increases, so does the erosive action of runoff on hillsides, stream banks and bottoms. As more soils are transported down waterways and as more damage occurs to stream banks and bottoms, natural systems are destroyed or diminished throughout the watershed. Urban activity also contaminates the land's surface. Contaminants are carried with runoff into all aquatic habitats, where they poison wildlife and contribute to the decline of aquatic resources. For people, the combination of these effects diminishes the quality of drinking water, inhibits healthy fisheries, reduces recreation and lessens scenic beauty. Ann Arbor recognizes the relationship between land use and water quality; and by doing so, desires to control non-point source water pollution. Strategies to control storm water quantity are different from the strategies to improve water quality. This chapter intends to improve the effectiveness of storm water management systems, bring greater effort to control the sources of runoff, and to improve water quality.

5:651. - Purpose.

The purpose of this chapter is **to control soil erosion and the resulting sediment; and to control the impact on water quality and quantity resulting from development and impervious surfaces within the City of Ann Arbor by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction, in order to promote the safety, public health, convenience and general welfare of the community.**