



---

TO: Mayor and Council

FROM: Larry Collins, Interim Community Services Area Administrator  
Craig Hupy, Public Services Area Administrator  
Tom Shewchuk, Information Technology Manager  
Cresson Sloten, Systems Planning Manager

CC: Tom Crawford, Interim City Administrator

SUBJECT: Council Agenda Responses

DATE: 12/21/15

---

**CA- 3 – Resolution to Approve a Professional Services Agreement with Fiberlink, Inc. for Fiber Optic Network (FON) Design and Engineering Services (Total Contract NTE \$\$476,256.00)**

**Question:** I understand the benefits of a city-owned network (vs. Comcast), but can you please summarize the key business case elements associated with a city-owned network (ongoing operating and maintenance costs vs. paying Comcast, up-front costs of city to design and construct, any ongoing personnel requirements, etc.).  
(Councilmember Lumm)

**Response:**

**City-owned vs. Comcast**

- Benefits:
  - Control and ownership of our network so we can control costs and perform adds, moves, and changes as we see fit.
  - Ability to expand to future sites without restrictions.
  - Partnering/sharing opportunities with government and educational institutions.
  - Not subject to cost increases by Comcast or other vendor.
  - No re-occurring monthly costs to Comcast/other vendor for our 31 primary sites. For example, the IT department received an estimate last year from

Comcast for a connection to the Natural Area Preservation site in excess of \$1000 per month for their Metro Ethernet Services. If you use this site as a baseline for the city's 31 primary/existing sites that is over \$31,000 per month for 31 sites or \$372,000 annually. If we were to spend 2 million dollars on this project the ROI is between 5 and 6 years (minus on-going maintenance costs). Expected useful life of this asset is 20+ years.

### **Up Front Costs**

- Initial design costs and construction oversight is \$476,265. Time & Materials, not to exceed.
- Construction and on-going maintenance costs have yet to be determined.

### **On-going personnel requirements**

- Plan is to have a 3<sup>rd</sup> party maintain the network. Primary city labor costs will be in IT and some administration.

**B-1 – An Ordinance to Amend Chapter 55 (Zoning), Zoning of 69 Acres from TWP (Township District) to R4A (Multiple- Family Dwelling District) WITH CONDITIONS, Nixon Farm North Zoning, 3381 Nixon Road (CPC Recommendation: Approval 7 Yeas and 0 Nays) (Ordinance No. ORD-15-15) (8 Votes Required)**

**B-2 – An Ordinance to Amend Chapter 55 (Zoning), Zoning of 41 Acres from TWP (Township District) to R4A (Multiple- Family Dwelling District) WITH CONDITIONS, Nixon Farm South Zoning, 2999 Nixon Road (CPC Recommendation: Approval 7 Yeas and 0 Nays) (Ordinance No. ORD-15-16) (8 Votes Required)**

**Question:** Is there a precedent for approving a conditional rezoning in the absence of a specific ordinance provision on conditional zoning. Have any other communities in Michigan (that do not have a specific ordinance provision) approved a conditional zoning, or would Ann Arbor be the first? If there are others, can you please provide the details? (Perhaps I missed it, but I did not notice any information on precedents.) (Councilmember Lumm)

**Response:** The City approved the Ellsworth Retail Plaza conditional rezoning in 2010 without having enacted a specific ordinance provision regarding conditional rezoning. Dick Carlisle, the City's planning consultant, polled the consultants in his office and has initially reported that Carlisle/Wortman Associates, Inc. has been involved in at least four conditional rezonings where the community did not have a specific ordinance provision regarding conditional rezoning: Southgate, Ann Arbor Township, Clarkston and Green Oak Township. We are also aware that the City of Wyoming approved a conditional rezoning in 2012. They did not have a conditional rezoning ordinance at the time of approval (nor have they added one to-date).

**Question:** In reading the responses to the issues/concerns raised by the Nixon Area Neighborhood Alliance, I too was surprised to see that the roads in this development are not considered “private streets”, but “rather, by definition the developments have parking lots” and as a result, the requirements related to road width and parking are less than what they are for private streets. Can you please provide the rationale/basis for this conclusion/classification and what precedents in Ann Arbor there are for this (what other large residential developments are there where their roads are not considered private streets?) (Councilmember Lumm)

**Response:** One of the fundamental purposes of streets is to provide access to lots. Chapter 47 of City Code states that “private streets may be provided to access lots.” The Nixon Farm developments are not subdivided into lots, they are multiple-family developments with many buildings on a single lot, which will be accessed from Nixon Road and Dhu Varren Road. Access to the various buildings within the lot is provided by a network of driveways connecting the garages and open parking spaces. Since the on-site access system is not a public or private street, the minimum width requirements of Chapter 59 Off-Street Parking for driveways and parking lot aisles are applied.

The Chapter 59 parking requirements for multiple-family dwellings in the R4A district is the highest of all residential land uses as noted below:

- Single-Family Developments: 1 space per dwelling (minimum)
- Two-Family Developments: 1-½ spaces per dwelling (minimum)
- Multiple-Family Developments in R4A 2 spaces per dwelling (minimum)
- Multiple-Family Developments in R4B, R4C, R4D: 1-½ spaces per dwelling (minimum)

Nixon Farm North and Nixon Farm South both provide two parking spaces per dwelling unit in garages. In addition, there is space in front of every garage for a vehicle to park without blocking the sidewalk for two additional parking spaces per dwelling unit. There are also over 100 extra parking spaces throughout each development for further parking opportunities. The clubhouse on the Nixon Farm North site has its own parking lot as well.

Other residential developments where their on-site roads are not considered private streets under Chapter 47 of City Code include:

- Barclay Park Condominiums (Nixon Road north of Dhu Varren Road)
- Ashford Place Condominiums (Nixon Road at Green Road)
- Northside Glen Condominiums (Pontiac Trail and Dhu Varren Road)
- Traverwood Apartments (Traverwood Drive)
- The Courtyards Apartments (Broadway at Plymouth Road)
- Hideaway Lanes (Traver Road)
- University Commons (Huron Parkway south of Glazier Way)
- Nielsen Square Condominiums (Maiden Lane)

- Liberty Heights Condominiums (West Liberty east of West Stadium)
- Blue Heron Condominiums, formerly known as West Towne (West Liberty Road at South Maple Road)
- Eagle Ridge Condominiums (South Maple Road north of Pennsylvania Ave)
- Brentwood Square Condominiums (Huron Parkway north of Washtenaw Avenue)
- Berkshire Creek Condominiums (Huron Parkway north of Washtenaw Avenue)
- State Street Village Apartments (South State Street north of Eisenhower Parkway)
- Main Street Commons (South Main at Golfview Lane)
- Lake Village of Ann Arbor Apartments (South Main Street north of Oakbrook)
- Balmoral Condominiums (South Main Street at West Oakbrook Drive)
- Cambridge Condominiums (Eisenhower Parkway at Signature Boulevard)
- Forest Creek Condominiums (Stone School Road at Birch Hollow)
- Turnberry Condominiums (Ailsa Craig, south of Packard)
- Stone School Townhomes (Stone School Road north of Champagne)
- The Oaks of Ann Arbor Condominiums (Stone School Road north of Champagne)
- Cloverly Village Condominiums (Stone School Road at Ellsworth Road)
- The Summit Townhomes (Ellsworth Road east of Stone School Road)

## **DC-2 - Resolution Concerning Park and Nature Area Closures**

**Question:** Is it possible to post a list of park hours for the whole city and all parks for January-March (can't find this on the web) – this information might be useful in light of the park closings? (Councilmember Lumm)

**Response:** Per Chapter 39 of the City Code parks are typically closed between the hours of 12:00 midnight and 6:00 a.m. However, parks may establish different closing hours provided that adequate notice of such closing is posted. All parks not identified as cull locations are open during the times posted and signed at that particular park location. A listing of all City Parks and a link to the Park Rules is available here:

<http://www.a2gov.org/departments/Parks-Recreation/parks-places/Pages/default.aspx#parklist>

**Question:** Have received some inquiries about Gallup Park, and why it was not included since deer densities are understood to be high in this area. Realize Gallup's size and number of park users and skiers in the winter make this a challenging location, and wondering if any smaller/less used section of Gallup was/might be given consideration. (Councilmember Lumm)

**Response:** For safety reasons, and for clarity of closures with the public, staff did not choose cull locations that required portions of a park to remain open. It is safer to close an entire park rather than a portion of it.

**Question:** The Arb is also recognized as an area with high deer densities (I will forward an inquiry I received yesterday, accompanied by a photo of a neighboring deer herd in/near a property abutting the Arb) and I have also received inquiries about the plans for working with the UM to address deer overpopulation in this area. I was a bit surprised as well that the Arb wasn't included in the list of sites where culling will occur. (Councilmember Lumm)

**Response:** For this initial year of the cull, the decision was made to focus only on city parks, rather than expanding to other sites that would require oversight by other agencies. Although a portion of the Arb is city-owned, the majority of it is owned and managed by UM. For safety reasons, and for clarity of closures with the public, staff did not choose cull locations that required portions of a park to remain open.

**Question:** Furstenberg Park – CM's Briere and Smith added a resolution on Friday which proposes to remove parks from the list of parks and nature areas recommended by the USDA and city staff as designated cull sites if they provide "unduplicatable transit and recreation" value. Furstenberg Park is listed as one example of a park that "shall not be used for a cull." From a Ward 2 perspective Furstenberg Park is strategically located next to Gallup, and borders areas where there are high deer densities, and folks have suggested to me that eliminating Furstenberg Park may have an adverse impact on the cull's effectiveness for this area. It's also been brought to my attention that the B2B trail does not go through Furstenberg, and, as natural areas, Furstenberg and Gallup are both high (Priority 1) NAP conservation priorities, are on the NAP ecological restoration list, and rank high on NAP's plant survey/Floristic Quality Index. Could you provide the rationale for staff's and the USDA's selecting Furstenberg as a site which meets the cull site criteria, and any background on how this location will help to address the high deer densities that have been reported in this general location/vicinity. And can you please comment on whether you/the USDA share the concern that eliminating this site could have an adverse impact. (Councilmember Lumm)

**Response:** The criteria spelled out in the FAQs are the same criteria used in evaluating all sites, including Furstenberg. Eliminating any of the 26 named sites, or taking any other actions that would further limit the proposed scope of the cull may diminish safety precautions and/or lengthen the time it takes to meet the policy objective.