

**CHARTER TOWNSHIP OF GRAND BLANC
ZONING BOARD OF APPEALS
Grand Blanc Township Government Center
5371 S. Saginaw St. Grand Blanc, MI 48480
December 15, 2009 at 6:30 pm.**

The meeting was called to order by Chairman Ragsdale and opened with the Pledge of Allegiance.

ROLL CALL

Larry Anderson, Mark Palazzolo, Jerry Ragsdale, Paul Wagner (Ed Brown, absent)

STAFF PRESENT

Mike Deem, Planner
Dave Lattie, Township Attorney

APPROVAL OF MINUTES OF OCTOBER 20, 2009

Motion by Mr. Palazzolo, supported by Mr. Wagner, to approve the minutes of October 20, 2009, as presented. Motion carried 4-0.

APPROVAL OF AGENDA

Motion by Mr. Wagner, supported by Mr. Palazzolo, to approve the Agenda as presented. Motion carried 4-0.

COMMUNICATIONS – None

UNFINISHED BUSINESS – None

NEW BUSINESS

A. ZBA #09-1914	Re: Gen Variance for Driveway Standards
By: AutoZone Development Corp	6311 S Saginaw Street
David Bentley	PID 12-09-526-053, Section 09
123 S Front Street	Zoned GC (General Commercial)
Memphis, TN 38103	

Applicant is seeking a general variance of commercial driveway standards for driveway spacing according to the requirements of Sections 5.1.4.A. and 5.1.4.C., Access Management (Driveway) Standards, of The Grand Blanc Township Zoning Ordinance, to place a driveway one-hundred sixty feet (160') more or less from the intersection of Saginaw Street and Frederick Street.

4. Minimum Driveway Spacing.

A. Same Side of Road: For sites with insufficient frontage to meet the following minimum driveway spacing standards, a waiver will be considered by the Planning Commission only after the Applicant has demonstrated that both alternative access (per Section 5.1.3.F) and access restriction (per Section 5.1.3.G) have been seriously considered and incorporated in the site plan where feasible.

Minimum Center-To-Center Driveway Spacing By Speed Limit ¹ (Same Side of Road)	
25 mph	125 ft
30 mph	150 ft
35 mph	200 ft
40 mph	250 ft
45 mph	325 ft
≥ 50 mph	400 ft

¹ If unposted, assume 25 mph in commercial or residential area and 55 mph in rural area, unless safe operation indicates lower speed.

C. Relative to Intersections: per Section 5.1.3.D, the minimum distance between a proposed driveway and the nearest intersection shall not be less than the minimum driveway-to-driveway spacing specified in Section 5.1.4.A. Also, a proposed driveway on the approach to an intersection shall not be opposite a dedicated left-turn lane for the intersection, or within 100 ft upstream of that lane. Possible waivers by the Planning Commission must be supported by a traffic impact study.

The applicant, Mr. David Bentley for AutoZone, presented his case, discussing the width of the property along Saginaw Street as being one hundred sixty (160') feet, which does not allow the minimum driveway spacing required by the Grand Blanc Township Zoning Ordinance. Mr. Bentley stated that this in itself creates the difficulties for which they are seeking a variance; it is not self-created.

Mr. Deem the ZBA with specific business and traffic information about the site, and gave the Board a map of current curb cuts in the general area of Saginaw and Frederick Streets. The parcel in question is directly south of Frederick Street, and the next parcel to the south is single-family residential. Adjacent to the south is The Fish House, and adjacent to the south is Tom's Coney Island. The speed limit at this location on S Saginaw Street is 45 miles per hour, which, per Township Ordinance standards, requires a minimum distance of three-hundred twenty-five (325) feet between intersections / driveways. Mr. Deem informed the Board of two different schools of thought pertaining to commercial driveway spacing: 1) a higher number of curb cuts

increases the likelihood of accidents, or 2) a higher number of curb cuts decreases the likelihood of accidents because traffic is generally slowed.

Mr. Deem also stated that the Kia Nissan Dealership location approved at S Saginaw Street and Frederick Street (on the north side of Frederick Street) will not add any curb cuts to Saginaw Street or to Frederick Street. The new business will use an existing entrance/exit located at the traffic light, across from the entrance to Heritage Park.

Public comment was opened. No member of the audience spoke.

Chairman Ragsdale commented that, considering the speed limit of 45 miles per hour, a dangerous condition is created by a hill on Saginaw Street just south of the property.

Mr. Wagner agreed with Chairman Ragsdale that an additional curb cut would create a dangerous situation. He suggested that the applicant consider paving Frederick Street to the back property line and create a curb cut there instead.

Mr. Lattie addressed the Board, stating that the width of the property, which is an existing lot, creates a unique situation for the applicant.

Chairman Ragsdale stated that the issue of substantial justice does not exist because the situation is not comparable to others that the Board has approved in the past. Other properties have no other options for ingress/egress; 6311 S Saginaw Street has Frederick Street as an available access. The Fish House and Tom's Coney Island, for example, are land locked and must use Saginaw Street for ingress/egress.

The applicant responded to the Board comments, stating that the company (AutoZone) wants to be customer friendly and provide easy access to their store. He further remarked that the store needs the Saginaw Street access to receive deliveries. The company has its own delivery trucks and systems, and access from Frederick Street only is not workable for the semi-trucks. Deliveries are generally made weekly, and take approximately twenty (20) minutes. The size of the trucks and the size of the lot prohibit entry, delivery, and exit on Frederick Street because of maneuverability requirements.

Mr. Roger Buell, Township Engineer, addressed the Board, stating that compromise may be possible. He reviewed other similar situations, noting that that Township has given approval for temporary curb cuts, pending further development in the area, to other business such as Taco Bell. As part of the compromise, the Township requires the creation of an access drive serving adjacent locations at the time of further development in the area. He noted Taco Bell, 9008 N Holly Road, now shares an access drive with the Amerihost Inn, 9040 N Holly Road. Similar arrangements have been made with the business center located at 10009 S Saginaw Street, where the curb cut is too close to the intersection of S Saginaw Street and E Baldwin Rd. When there is further development in that area, an access road will be created, and the current curb cut will be abandoned.

Members of the Board noted that future development at the sites near 6311 S Saginaw Street

could not be presumed, because the property immediately to the south of it is a single-family residential home.

Mr. Buell suggested that a curb cut on S Saginaw Street be approved with a restriction to right turn only (for ingress and egress). The applicant agreed that, while not the ideal solution for customers this approach would solve the delivery problems faced by the store. However, Board Members felt that this solution would not mitigate the safety issue. Even if a deceleration lane were provided by the Genesee County Road Commission, the safety concerns caused by the hill would still exist.

Motion by Mr. Anderson, supported by Mr. Palazzolo, to deny ZBA 09-1914, request for a general variance for commercial driveway spacing, based on packet exhibits, testimony from the application and the Township Engineer. Chairman Ragsdale asked Mr. Lattie to read the standards of consideration prior to the Board vote on the motion. Mr. Lattie read the standards, stating that the need for the Saginaw Street curb cut could be mitigated by adding a curb cut on Frederick Street; the situation is self-created because the applicant can add a curb cut on Frederick Street; the question of substantial justice is not valid, and can be answered by the applicant installing a curb cut on Frederick Street. This request is not for the minimum variance required. Motion to deny passed 4-0.

FUTURE BUSINESS – None. The next regular meeting of the Zoning Board of Appeals is scheduled for February 16, 2010, unless there are no cases.

ADJOURNMENT

Meeting adjourned at 7:05 p.m.
By: Maryann Palid
January 4, 2010

BOARD APPROVAL: April 20, 2010