

**CITY OF GERMANTOWN PLANNING COMMISSION  
MINUTES OF MEETING HELD JUNE 22, 2022**

The City of Germantown Planning Commission met at City Hall on June 22, 2022 at 7:00 p.m.

**MEMBERS PRESENT:** The following members were present at the Call to Order: Mrs. Izor, Mr. Wisner, and Mr. Rettich.

**EXCUSE ABSENT MEMBER:** On a motion by Mrs. Izor, seconded by Mr. Wisner, it was moved to excuse absent member, Emily Berry. On call of the roll: Mrs. Izor, yes; Mr. Wisner, yes; and Mr. Rettich, yes. Motion carried.

**ALSO PRESENT:** John Kallergis and JJ Kallergis, Taco Bell representatives; John Burkhardt, Burkhardt Engineering (via Zoom); Chip Wirrig, Public Service Operations Manager; and Keith Brane, City Planner.

**CONSIDER APPROVAL OF THE MINUTES OF THE MAY 26, 2022 PLANNING COMMISSION MEETING:** Mr. Wisner said there should be one correction under others present; it should be Mr. and Mrs. Clay Alsip.

On a motion by Mr. Rettich, seconded by Mr. Wisner, it was moved to approve the minutes of the May 26, 2022 meeting as corrected. On call of the roll: Mr. Rettich, yes; Mr. Wisner, yes; and Mrs. Izor, yes. Motion carried.

**PRELIMINARY PUD PLAN APPLICATION PP22-01 FOR TACO BELL:** Chairman Izor said this evening we will be hearing about Preliminary PUD Plan Application PP22-01 made by Hickory Pointe Development LTD to consider a new commercial Taco Bell restaurant building to be located at Cottonwood Court/Beechwood Drive. She asked the applicant to present the project.

Mr. John Burkhardt of Burkhardt Engineering presented the proposed project, a Taco Bell. The building has a drive through window and outdoor seating components. The materials consist of hardy board and/or hardy panels. There are about 30 parking spaces. We are proposing three access points for this location, two on Beechwood Drive and a right in/right out on Route 4. A lighting plan is included and we have landscaping throughout. On the Beechwood side there is water and sewer.

Mr. Brane said access is to be achieved from two 25 foot curb cuts along Beechwood Drive as well as a 30 foot curb cut along Dayton Germantown Pike. Specific to the 30 foot drive, Mike Hafner, PE/PTOE of TEC Engineering recommends no direct access be permitted from Dayton Germantown Pike. In his memo dated 6-7-2022 he notes reasonable access is available on Beechwood Drive and consistent with ODOT standards, no direct access to Dayton Germantown Pike should be permitted. He indicates strict adherence to city standards would only permit one access point per commercial property, however Hickory Pointe is part of a PUD which allows flexibility for two access points on Beechwood. Staff recommends approval with the following conditions:

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1. All exterior lighting shall be provided with shielding to make them directional in nature and directed on site.
2. Access to the proposed Taco Bell site shall be restricted to the proposed Beechwood Drive access points. No direct access shall be permitted from Dayton Germantown Pike (SR4).
3. All submitted final plans shall be consistent with access from Beechwood Drive only.

Mr. Brane added with regard to the memo you just received regarding the CVS curb cut and if CVS has one, we should have one too. CVS sets at a higher elevation than the Beechwood Drive surface and the accessibility off Beechwood to CVS is difficult to negotiate. At the south end of the CVS lot, the curb cut onto SR4 has a similar elevation and allows for much better access for larger emergency apparatus. Taco Bell does not have the elevation differences that exist at the CVS site and access to Taco Bell from Beechwood should not be difficult to negotiate for emergency/fire apparatus. Another concern with a curb cut from SR4 is the possibility of vehicles in the drive through lane backing up into the travel lane portion of south bound SR4 causing traffic concerns. The department has seen the situation occur numerous times at McDonalds backing up the north bound lane and impeding traffic flow and crashes have occurred.

Chairman Izor opened the public hearing at 7:14 p.m. There were no proponents or opponents wishing to make comment, she asked for final statements from the applicant.

Mr. Johnathan Burkhardt of Burkhardt Engineering on Cherry Street stated the access on SR4 is critical for the successful operation. I understand some of the concerns, living in the area, such as traffic backing up but the layout of this site is much more efficient than the McDonalds. From a circulation standpoint, the driveway is wider around the building. That south bound lane becomes a right turn only lane so people are already slowing down.

JJ Kallergis a representative from Taco Bell said normally 8 to 10 cars will fit in the gap for the drive through lane. It is a very long stack for our restaurants so we can maximize the use of this opening and we created an extra-large parking lot to extend the stack to the maximum amount and allow parked cars room to get in and out easily. Mr. Rettich said when you say the lane, are you talking about all the way across the building to exit or where your mini sign board will be. Mr. Kallergis said basically where the cars will enter the main part of the drive.

Mr. John Kallergis said typically we can put a Taco Bell on ½ to ¾ of an acre. The majority of our customers go through the drive through, close to 80%. It would be easier for them to come in off SR4 to get in the drive through and leave onto SR4. Trucks coming in cannot go through the drive through, they will hit the board. If they can come and go off SR4, they would not have to use Beechwood and there would be less issues with the neighbors there.

Chairman Izor said it is an area that is continuing to grow and we have already encountered issues with the curb cuts along SR4, with accidents. We agree safety is important and we do have Beechwood Drive as an access road.

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Mr. Rettich said it looks like if I come off SR4, I will basically be doing a U-turn in your drive through lane and from where your sign is and where you are going to be ordering food, it looks like there is only room for three cars. Chairman Izor said I'm trying to understand too how the drive through works. Mr. Rettich said it looks like queuing will be forced onto the street; if I pull into your parking lot, I'm not going to go all the way around the building, I'm going to U-turn into the line. Chairman Izor said the road is 50 MPH and you would literally have to come to a crawl to make that U-turn, so that is a concern.

Mr. Rettich said, don't get me wrong, I don't think anybody in this town is anti-Taco Bell, we just want to implement it in the safest way with everything else around. Mr. Kallergis reviewed the parking lot layout with the board explaining there are two lanes for convenience.

Chairman Izor said I appreciate the efficiency you want for your business but if you lived here and you saw how the traffic operates on that road, you would understand our concerns.

Chairman Izor asked if the sign was a monument style sign or a billboard sign. Mr. Kallergis said it's a 20 foot high pole with a 50 square foot pylon and a four by eight foot reader board. A reader board is helpful in smaller communities to communicate local initiatives. Chairman Izor said there has been discussions in Germantown about tall signs and stacking on SR4 and it's been sort of a nuisance, so we are trying to shift towards low laying signs with landscaping and lighting. Most people know where everything is in Germantown and we are trying to clean up the skyline view.

Mr. Rettich asked where the menu board is located. Mr. Kallergis said usually five cars back from the pickup window and he described where it is on the layout on page three. Chairman Izor said in between where the nine, fourteen, and the eight make triangle in the lower right hand corner of the drawing. Mr. Kallergis said correct.

Mr. Rettich said it's great you have the extra lane but people are going to pull off SR4 and block that lane because they don't want anybody to get in front of them. That's how people are. You are going to have that lane blocked by people doing a U-turn to get to the menu board. You will have to direct traffic better to keep from giving them that ability.

Chairman Izor said I have two main concerns. The first is the curb cut on SR4 based on what's happening out there today. The other concern is the signage, the pole signs are an ongoing topic. The pole signs are so close to each other you can't even read them. I would like to see something a little lower to the ground and we do have regulations on the reader boards.

Mr. Brane asked of the two lanes off SR4, which is the most important; right in or right out? Mr. Kallergis said of the two, the right in would be most important. Br, Brane asked if there was any physical barrier like an extension of the curb or something that would belay Mr. Rettich's concerns about traffic stacking on the main road. Mr. Kallergis said you mean something to force them to go through the parking lot to get in line? We could definitely put up signage or extend the curb from the first island.

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Chairman Izor asked if it was any more effective for people to come in off SR4 and go around the building than just coming in off Beechwood Drive.

Mr. Wisner said most of the population of Germantown who will travel to eat here will be going east and will have to turn at the intersection by Beechwood to get in and they will still have to come out Beechwood to get to the light to go back in the direction towards town.

Mr. Rettich asked why they chose that lot instead of the corner lot. Mr. Wierig said there are a lot of easements on the corner lot.

Chairman Izor said it really is a concern coming in off a 50 MPH road and it would be hard for us to go against the recommendation of our traffic engineer and our fire chief. We like the idea just the access off SR4 is a tricky thing. Mr. Kallergis said I'm surprised the fire chief would make that recommendation. Chairman Izor said they would be coming from the other direction so they would have to go to the light anyway, there is a median.

Mr. Rettich asked what are some possible options or changes we could make to the layout. I don't want to turn down a Taco Bell so I would love to get this solved and get it improved for the future.

Mr. Wisner said I don't see why the curb cut on SR4 is such a big deal when I don't see it as a major factor to the business. Mr. Rettich said you are going to be capturing people coming from the other direction and they are going to have to make that turn anyway. Chairman Izor said people in Germantown are going to be so happy to have this, they won't mind going around that corner. Mr. Wisner said I don't use the curb cut at CVS. Chairman Izor said I understand why it's there because of the elevation but I don't think it gets much use.

Mr. Rettich asked how much room is there from the proposed curb cut to the CVS curb cut. It's probably already a deceleration lane anyway. The only time I see people using that lane is when they are going to CVS or some not nice person passing on the right.

Mr. Brane said you can approve the application or approve the recommendation with the conditions listed or you can turn down the application. Should it be turned down, there can be no resubmittal within 12 months after it was denied, but an applicant can reapply with new plans substantially different from the original proposal. I would like to see them have the opportunity to come up with solutions to the concerns the board has raised this evening. How long do you folks think it might take to get revisions to the city and do you have some ideas for that?

Mr. Kallergis said for me it would just be closing off the curb cut on SR4 and just using the two on Beechwood and everything else would be consistent with what we have submitted.

Mr. Rettich said we can amend this so there is no access on SR4 which should solve all the problems except for the sign. Mr. Brane said the board can approve this with the conditions as listed and the sign has to be a monument sign.

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On a motion by Mr. Rettich, seconded by Mr. Wisner, it was moved to approve Application PP22-01 with recommended staff conditions: all exterior lighting shall be provided with shielding to make them directional in nature and shall be directed on site; access to the proposed Taco Bell site shall be restricted to the proposed Beechwood Drive access points, no direct access shall be permitted to/from Dayton Germantown Pike (SR4); all submitted final plans shall be consistent with access from Beechwood Drive only. On call of the roll: Mr. Rettich, yes; Mr. Wisner, yes; and Mrs. Izor yes. Motion carried.

**ADJOURNMENT:**

With no further discussion, the meeting adjourned at 8:05 p.m. All were in favor; none were opposed.

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Whitney Izor  
Chair, Planning Commission

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Keith A. Brane  
City Planner