

**CITY OF GERMANTOWN PLANNING COMMISSION  
MINUTES OF MEETING HELD SEPTEMBER 28, 2022**

The City of Germantown Planning Commission met at City Hall on September 28, 2022 at 7:08 p.m.

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

Vice Chairman Wisner said Chairman Izor was traveling for business and won't be able to attend.

**ALSO PRESENT:** Ryan Morris, Associates; John Kallergis and JJ Kallergis, Taco Bell representatives; Dan Mutzner, City Engineer; Mike Hafner, Traffic Engineer; John Burkhardt, Burkhardt Engineering; and Keith Brane, City Planner.

**CONSIDER APPROVAL OF THE MINUTES OF THE AUGUST 24, 2022 PLANNING COMMISSION MEETING:** Mr. Herner pointed out errors on page 2 and page 3 and asked that Mr. Izor be corrected to Mrs. Izor.

On a motion by Mr. Rettich, seconded by Mrs. Berry, it was moved to approve the minutes of the August 24, 2022 meeting as corrected. On call of the roll: Mr. Rettich, yes; Mrs. Berry, yes; Mr. Wisner, yes; and Mr. Herner, yes. Motion carried.

**PUBLIC HEARING/PRELIMINARY PUD PLAN APPLICATION PP22-01 FOR TACO BELL:** Vice Chairman Wisner asked for an overview of the plan.

Mr. Brane provided a summary of the previously approved preliminary plan which did not include access directly to St. Rt. 4. An amended preliminary plan was presented with right in and right out only access to St. Rt. 4 and a dedicated area for a future turn lane with realignment of the eight foot asphalt walkway to account for future development. The reiteration is presented to address Planning Commission's concern with a reversed site plan to prevent traffic back up on St. Rt. 4. The applicant will be appearing before the BZA seeking approval of a pylon sign instead of a monument style sign and that is scheduled for October 10, 2022. Since the first meeting, work sessions took place July 22nd and August 24<sup>th</sup> where excess traffic and the long term plan for St. Rt. 4 were discussed. Additional solutions beyond the authority of the Planning Commission were discussed such as lowering the speed limit and designation of a right turn only lane to possibly mitigate traffic safety issues. Comments dated August 29<sup>th</sup> were provided from Dan Allred saying a review was done of the revision and included a letter from Mr. Richard Oakes, Traffic and Transportation Engineer. His recommendation was approval for the future right turn drop lane. Fire Chief Dan Allred indicated he no longer had any concerns as presented. Comments dated September 16<sup>th</sup> from Mike Hafner, TEC Engineering, stated a review was done of the new plan and recommendation of direct access to St. Rt. 4 should be considered.

Vice Chairman Wisner opened the public hearing at 7:15 and asked if there was anyone in the audience wishing to speak in favor of the proposed project. Seeing none, is there anyone wishing to speak in opposition to the project. Seeing none, Vice Chairman Wisner closed the public hearing at 7:15.

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Mr. Dan Mutzner, City Engineer, said if there is a big back up in the drive through lane and it blocks the entrance to Beechwood, people would have to turn right and drive around the building to get in the queue. Since the last plan, they reconfigured the painted aisle off St. Rt. 4 which allows for circular movement which to me is an improvement over the plan from a month ago. Mr. Brane asked where Mr. Mutzner would anticipate deliveries from a semi would come in. Mr. Mutzner said I did a template for a garbage truck entering the dumpster area and it worked fine but it could be tight for a delivery truck.

Mr. JJ Kalergis said the way this is being revised, we will use delivery companies instead of 18 wheel semis and the access would be off Beechwood. Mr. Rettich asked how they would get out. Mr. Kallergis said they usually come in the middle of the night and they will back up next to the northeast back door, unload, and then pull back out the same way they came in.

Mr. Brane asked if the board would be interested in hearing from Mr. Hafner about the in/out and if he would recommend any restrictions or conditions that would hold the City harmless in the future. Mr. Hafner said if the right in/right out were approved we would recommend we look at a making a dedicated right in to the site, a dedicated right in to Cottonwood, and if it allows a dedicated right into CVS; all with pavement marking material and maybe some delineators to help reinforce that. We've had success with that kind of work in other cities to help better define movement of traffic in the area. Also the right out is the one concern we might have from a nominal safety standpoint and we should look at a speed study for the area to apply ODOT standards and add some extra safety. Mr. Brane asked if Mr. Hafner agreed with Mr. Oakes that if the turn lane were to be installed now that it would be confusing to motorists. Mr. Hafner said yes, I think so. We can accommodate this with striping for now and if the fifth lane were needed in the future at least we would have the right-of-way. That would be part of a much bigger project.

Mr. Brane said if they were inclined to prevent the right in/right out, there are things we could do to make it safe. Mr. Hafner said yes; the location of the parcel allows the right in/right out for site distance and safety standards for public drives.

Mr. Herner asked Mr. Brane why City staff did not want the right in/right out on St. Rt. 4. Mr. Brane said that was an early position just simply because we were following the ODOT overall plan. Limited access is always safer. The corridor was set up to have limited access to these parcels which is why the back roads were constructed. It is my understanding an elevation problem with CVS in getting fire equipment on and off the site was an issue, therefore the in/out was appropriate even though they are a corner lot. We looked at the site and decided we don't have traffic coming in from two directions and it is our understanding that folks will not turn around and come back to a fast food restaurant when there is another just down the road. We looked at several ways to provide access and now we are down for them to continue their plan, they really needed this in/out.

Mr. Brane asked Mr. Kallergis what his feelings were on right in only. Mr. Kallergis said that would be the most important; the right out is more of a convenience for the customer. About 90% of our traffic is in the drive through; people just want a quick in and a quick out. I think the majority of our customers will be from Germantown and they will be turning right to go towards the residential areas. Mr. Brane asked if this was the kind of access customers usually expect. Mr. Kallergis said yes.

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Mr. Rettich asked if the right out was not there, would you still be able to get your 18 wheeler in and out of the parking lot for your deliveries. Mr. Kallergis said I don't know the exact movements of the 18 wheelers but I would think they would use the Beechwood access after the restaurant is closed and go out the same way. Mr. Rettich said I just want to make sure you need the right out and I would assume you would need it for your truck to get out. Mr. Kallergis said an 18 wheeler will not turn in and go through the drive through. They will back in as close to the back door as possible and pull out the same way.

Mr. Oakes, Traffic Engineer, said I'm not concerned about the delivery vehicles since they do this after hours. They will do what they need to do. From a City standpoint the circulation and safety of the roadway system as they exist are probably going to stay that way. I would definitely associate the right in and the right out. Mr. Hafner agreed and said it would be better circulation for the site.

Mr. Brane said this is the preliminary. If you folks approve, they will be back with the final next month.

On a motion made by Mr. Rettich, seconded by Mrs. Berry, it was moved to approve the preliminary plan with staff recommendation that exterior lighting shall be provided with shielding and shall be directed on site. On call of the roll: Mr. Rettich, yes; Mrs. Berry, yes; Mr. Herner, yes, and Mr. Wisner, yes. Motion carried.

**ADJOURNMENT:** With no further discussion, Mr. Rettich made a motion to adjourn. Mrs. Berry seconded the motion. All were in favor; none were opposed. The meeting adjourned at 7:39 p.m.

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Whitney Izor  
Chair, Planning Commission

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Keith A. Brane  
City Planner