

**CITY OF GERMANTOWN PLANNING COMMISSION
MINUTES OF MEETING HELD JULY 27, 2022**

The City of Germantown Planning Commission met at City Hall on July 27, 2022 at 7:01 p.m.

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

ALSO PRESENT: John Kallergis (via Zoom) and JJ Kallergis, Taco Bell representatives; John Burkhardt, Burkhardt Engineering (via Zoom); Sara Wenger, from Mike Hafner's office (via Zoom); Pat Higgins, City Grant Writer/Economic Development; Tom Wenning, Heidi Grant and Keith Brane, City Planner.

CONSIDER APPROVAL OF THE MINUTES OF THE JUNE 22, 2022 PLANNING COMMISSION MEETING: On a motion by Mr. Wisser, seconded by Mr. Rettich, it was moved to approve the minutes of the June 22, 2022 meeting as written. On call of the roll: Mr. Wisser, yes; Mr. Rettich, yes; Mrs. Izor, yes; and Mrs. Berry. Motion carried.

WORK SESSION/DISCUSSION: TACO BELL PRELIMINARY PLAN REVISIONS: Chairman Izor said this evening we will be hearing about Preliminary PUD Plan revisions for 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. Burkhardt presented a revised plan to address concerns of traffic exiting Rt. 4 into the proposed Taco Bell. The new plan showed the drive through has been flipped to the other side of the building to avoid any backup of traffic from Rt.4. We hope to get your blessing on this new layout as well as the pylon sign so we can present a final at the next Planning Commission meeting.

Mrs. Izor asked Mr. Brane if there were updates from the Fire Chief or the Traffic Engineer. Mr. Brane said a day or two later we got a quick plan suggesting to flip the layout; still very preliminary and a general notion they realize they have approval but they would still like to have in and out on Rt. 4. Realizing internal queuing was a concern, they flipped the orientation of the site. We had some comments on that and in general, I would have to say nothing much changed. There was some more flexibility but still an access issue and there are bigger plans for that corridor. This is just a work session and we aren't deciding anything tonight.

Mrs. Izor asked if the Traffic Engineer was represented at the meeting. Mr. Brane said Sara Wenger is substituting for Mike Hafner and she might be available for some general questions. Mike let me know in an email "I think in terms of overall traffic operations and overall safety for the area, the limitation of access directly to/from Rt. 4 to properties which have reasonable alternate access is still the overall recommendation". We have explored all kinds of things; can we go back to the light, can we make it a right in only, can we make that temporary because of our bigger plans with a temporary deceleration lane, or a combination deceleration lane that is right in only but we don't want to take up the whole frontage with a deceleration lane. We talked about changing the speed limit which would require a study with ODOT who oversees changes in speed limits even within a city. Mrs. Izor asked who would be responsible for the study.

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Mr. Rettich said I spoke to the Mayor and a couple Council members about this in regards to some of the things just stated: lower the speed limit, right turn only sign, and they seem to be on board with this. I haven't spoken to everyone and I assume Council will have to vote on it at a later date but it is something I discussed with some of them and it is, I believe, a possibility if it would help get the development going.

Mrs. Izor said I know someone mentioned we are aware this is a corridor for further development. We have a couple of exceptions with entrances from Rt. 4 and they have proven to be safety issues. I know we need to consider the project within the context of the larger development and what the best thing for the town is.

Mr. Rettich said I really appreciate the plan being moved around to try to keep people from queuing in the street. This plan slightly concerns me in that we have a McDonald's almost exactly like this and people can't pull out because of the line in queue. Same thing happens when the delivery trucks come, everyone gets trapped in the parking lot. This is the exact same layout and I'm not sure it's easily fixed. Cars in queue will be right behind cars that are parked. If you look at McDonald's, it will take you seconds to see it and it is a mess. At lunchtime it is a nightmare.

Mrs. Izor said it is and we've seen accidents there. I understand a Rt. 4 curb cut is a preference but there is a median along Rt. 4 so the only traffic that can enter this is coming from the north. We do have to think about the larger development here and every exception yields another exception. We've seen along Rt. 4 where there is a curb cut and the curb is crumbling, looking a mess, and the traffic is slow and backed up. There is a more reasonable access point for these lots so I'm trying to understand how necessary a curb cut really is to businesses off Rt. 4.

Mrs. Izor said Mr. Brane pointed out we have ordinances that don't allow pylon signs. Some of the current ones are so close together you can't even read what's on them and by the time you see, you are past them. People in our community know where these businesses are and regardless, the buildings have signs on them as well. We are trying to reduce the clutter and as Mr. Brane mentioned a pylon sign would have to go before the Board of Zoning Appeals.

Mr. Rettich said correct me if I'm wrong but we have the right to put "right turn only" signs on that lane without ODOT approval. Mr. Brane said I can't answer that. Mr. Rettich said I'm relatively confident we can but I want someone to make sure I'm right. Mr. Brane said I will check on that. Mr. Rettich said my concern is the people who get in the right hand lane and speed up to pass a few cars in the left hand lane and then get back over. We should be able to cite people for that.

Mr. Rettich said the right out concerns me more than the right in. I just think there are more chances of bad things happening.

Mr. JJ Kallergis said we have a study showing where potential customers are coming from and a significant number of customers are coming from further south. They would either come up or be on their way home from Dayton going back to Middletown and using this as the artery. Mrs. Izor said I'm trying to understand how turning right on Beechwood would be so different than turning right off Rt. 4.

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Mr. John Kallergis said Walgreens and CVS will pay anything to get on a corner because it's convenient to customers. If it is easier for a customer to get into our property via Rt. 4 vs. somewhere else, they will come onto our property; if not, they will go somewhere else. The difference between whether we can move ahead or not is access to Rt. 4. Access in from Rt. 4 is the whole reason we are looking to come into Germantown. I've had over 100 restaurants in four states over 27 years and the numbers just don't lie how people get into stores.

Mr. JJ Kallergis said to add to that point, the concern from Taco Bell's standpoint is this is going to be a lower volume store for us. Mrs. Izor said are you saying this might not succeed. Mr. Kallergis said the profit may not meet our expectations in terms of the debt we take on.

Mr. John Kallergis said we have been in Dayton over 25 years; we are the only franchisee that can build there because our stores would be impacted. There are geographical areas for franchisees. The costs are up 30% from what they were 1 ½ years ago. I don't believe they close these, maybe I or 2 across the country, but we have to make sure we are viable and can pay what we need to pay. Our investment will be nearly 2M so we have to make sure we think we can make it. Taco Bell has been a great success story but we have to make sure financially it's worth it.

Mr. Wisner said in driving here, I understand the fear and the race car mentality with people trying to get in the right lane just to pass. There is already a sign that says "through traffic merge left" but if there was clear signage or some way to enforce a slow down to help. I was surprised at the speed limit coming through that commercial area based on the traffic coming in and out of Butter St. and at the intersection. I think it would be a good idea to explore the speed limit, the two lanes merging into one and a right in only.

Mrs. Izor said it would be great to have you in town, we understand that; but we need to consider how that road operates. We've provided a secondary artery. I know things change over time and we are trying to be a little more intentional to make sure that is a planned space. I have another concern about all the curb cuts, litter. People come out of McDonalds and chuck their trash right onto the road. Maybe they wouldn't do that if it was a nicer looking street like Beechwood. All these things start to add up to make the area look run down and it affects people's perception of the town. So we are trying to balance this.

Mr. Rettich asked if the developers could get the City a traffic study for that area to see if it possible to put the signs there, if it's possible to lower the speed limit, and if it is really a safety concern according to ODOT if we were to do these types of items to try to make it safer, if we were to do a curb cut. The more information we have at our fingertips the better because we can make a more informed decision. I would love to see a traffic study before we talk about this again, maybe even another discussion before we vote on it.

Mr. Brane said Mr. Ryan Morris has a person on staff who is very familiar with the big picture plans we've all talked about. He was going to generate what he felt was a solution as well. Mr. Rettich said perfect; thank you.

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PLANNING GRANT: Mr. Brane said City Administration wants to bring you folks more into the fold on decisions that involve the future and this is a really big step. Pat is an absolute grant machine and she has gotten all kind of grants. She has an idea and we wanted to know what you guys thought because the board is intricately involved in the future of the community.

Mrs. Pat Higgins said I am a contracted employee of the City handling grant writing and economic development. I'm here tonight to talk about what we are up to and how we would really like to get the Planning Commission's input with regard to economic development.

Mrs. Higgins said for the last several years we have been working with the downtown business owners and property owners with regard to what they might need to improve and enhance activities in the downtown area. Over the last several years we have sponsored evenings where we have had guest speakers in, the business owners came, and we had good conversation with regard to how we could develop partnerships with Five Rivers Metro Park, and between businesses downtown. We also sponsored a Hike and Dine night with Five Rivers Metro Park.

Mrs. Higgins said during the pandemic, we worked with the business owners to obtain assistance from the Small Business Administration, State of Ohio, and Montgomery County to help business owners to make up lost revenue because of the pandemic. Also during this time we had a Community Development Block Grant (CDBG) funded for a facade improvement program where businesses and property owners could get a 60/40 grant to make improvements to the exterior of their property. Unfortunately, we started the program in 2019 and we had a few property and business owners take advantage then the pandemic hit and it was a tough program to move forward.

Mrs. Higgins said working with the City Council appointed Economic Development Committee we have been looking at what can move downtown forward. Everyone wants to have more people downtown, more shops, and more restaurants; but how are we going to do this. How are we going to deal with the number of vacant store fronts and what is going to ignite the property owners or the store front shop that is kind of doing okay but they want to go to the next level.

Mrs. Higgins said to do that we have gone to the Montgomery County Land Bank, an organization developed in 2011 to address all these tax foreclosures and abandoned properties from 2010 to 2020. The land bank grew through their success; they have lots of programs, one being a planning grant local communities can take advantage of. It is a 75/25 grant combination where the land bank provides 75% of the money and the city provides 25%.

Mrs. Higgins said I gave you a handout this evening and they have done a tremendous job with the public and the private sectors to encourage investors to come in, purchase a building, and if they have to tear it down or it can be rehabilitated, the county works with them. The land bank has a lot of push to get things done in every neighborhood and every city in Montgomery County. We have talked with the county and they agree with our idea that we need to hire a planning/economic development group to come in, look at our downtown, look at where our customers come from, where we could get more customers, and what we need to do to be more successful. We have put together a request for proposal and we are looking for input from the Planning Commissioners to make sure we are all on the same playing field.

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Mrs. Higgins said I'm here tonight to let you know the plan is to approach the land bank for a grant and put out a request for proposal from professional teams that can help take us to the next level; popular in not only Germantown but throughout the Miami Valley. The next generation will still drive anywhere for a good beer or meet their friends if there is something exciting to do. Germantown is a growing community and we want people to come shop here, live here, visit here, and we want them to see all the historic qualities we have in our buildings and historic alley system. It's a gem we need to share with others.

Mrs. Higgins said if you have any thoughts, please share them with me or Keith or Kelli. I will be going to the City Council meeting on Monday night with a similar briefing and asking them for their thoughts and comments. We don't want a plan that sits on a shelf because no one wants to implement it.

Mrs. Izor said I read through this; it's very intriguing and exciting to hear the city is pursuing something like this. We understand urban planning has shifted to downtown areas. People are flocking to events and entertainment in historic districts. We have that walkable historic district that some communities are trying to fake. I like this proposal; people come here for the Metro Parks and I don't know of any other community in Montgomery County that has the same amenities we do.

Mr. Rettich asked if the land bank actually owns any land. Mrs. Higgins said yes. Mr. Rettich asked if they would end up purchasing land in the area and reselling it to businesses. Mrs. Higgins said yes, they have an extensive web page where they have acquired properties through foreclosures that are for sale. We are hoping to figure out the best mechanism to combine the energy of the land bank with private developers. I don't have all the answers yet but they have a whole variety of activities going on.

Mrs. Higgins said Five Rivers Metro Parks planners are looking at Germantown as being a hub where people can come to Germantown and have breakfast, lunch, and dinner and go to the park for hiking. A center of energy.

Mr. Rettich asked if the consultant would be paid for by the grant or the city. Mrs. Higgins said it is a 75/25. Mr. Rettich asked what the average cost is for this type of consultation. Mrs. Higgins said you could spend hundreds of thousands but we have settled on \$50,000.

Mrs. Izor said we did have a plan at one time. Mr. Brane said that plan was never approved. Mr. Rettich said we still had to pay for it.

Mr. Wenning said my opinion is we need a uniform plan that has consensus that can give us a road map to pursue economic development in the downtown Germantown area. This seems like an ideal opportunity to build that consensus and prioritize a plan that could improve the economic vitality of downtown.

Mr. Rettich said I really like working with metro parks; they are starting to do some cool stuff at some of the locations they have. One is Sycamore State Park, about 25 minutes from here, and they

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have the Storybook Trail. It's great for kids. If we had something like that here I think it would draw more people and if we are working as a whole, I think it's a great plan.

Ms. Heidi grant said I work at the bank and am also part of the Economic Development Committee. I'm excited to have a direction and have a plan as properties come available.

Mr. Brane said we're also looking at a DORA district (the newfangled outdoor drinking area) where you can purchase alcohol and walk to another place. Mrs. Izor said I have a proposal for that; I would be interested to see how that works. It could be a double edged sword and I would like to understand it better. Mr. Brane asked Mrs. Higgins if she had done research on that.

Mr. Rettich said I think some of the issues we might have is the people who have all these store fronts are older and set in their ways. They don't want to sell them and they don't want to rent them; they aren't going to do anything with them. The hardest thing is going to be talking to those people. Mrs. Higgins asked if we know their motivation. Mr. Rettich said we know who owns them but they don't have any intention of doing anything. It will be a lot of work.

Mrs. Higgins said there are a lot of tools available across the country for historical properties. Bringing in a team that has a lot of experience will help us prioritize. We did a walking tour and we came up with 25 vacant properties.

Mrs. Higgins said there was another discussion this evening about vacating the alley by the Florentine. There hasn't been any movement on that project, however we did get a letter from the Historical Society expressing for the record their concern about vacating the alley and their wish to maintain it as a landmark.

ADJOURNMENT: With no further discussion, the meeting adjourned at 8:17 p.m. All were in favor; none were opposed.

Whitney Izor
Chair, Planning Commission

Keith A. Brane
City Planner