

**CITY OF GERMANTOWN PLANNING COMMISSION
MINUTES OF MEETING HELD AUGUST 24, 2022**

The City of Germantown Planning Commission met at City Hall on August 24, 2022 at 7:03 p.m.

MEMBERS PRESENT: The following members were present at the Call to Order: Mrs. Izor (via Zoom), Mrs. Berry, Mr. Wisner, Mr. Herner and Mr. Rettich.

ALSO PRESENT: Ryan Morris, Associates; John Kallergis and JJ Kallergis, Taco Bell representatives; Richard Oakes, Traffic Engineer; Mike Hafner, Traffic Engineer (via Zoom); John Burkhardt, Burkhardt Engineering; and Keith Brane, City Planner.

CONSIDER APPROVAL OF THE MINUTES OF THE JULY 27, 2022 PLANNING COMMISSION MEETING: On a motion by Mr. Herner, seconded by Mrs. Berry, it was moved to approve the minutes of the July 27, 2022 meeting as written. On call of the roll: Mrs. Izor, yes; Mr. Wisner, yes; Mrs. Berry, yes; Mr. Herner; and Mr. Rettich, yes. Motion carried.

WORK SESSION/DISCUSSION: TACO BELL PRELIMINARY PLAN REVISIONS: Chairman Izor asked Mr. Brane for an overview of tonight's discussion. Mr. Brane said Taco Bell has an approval in place but they feel there are certain characteristics for it to be viable and move forward. We are looking at their proposed revisions to the plan.

Mr. Jonathan Burkhardt from Burkhardt Engineering reviewed changes: shifting access from Rt. 4 further south to show a future turn lane which we would provide and dedicated right of way to do that in the future; we also show the patio on the Rt. 4 side; and exit onto Rt. 4. We would like your feedback and we hope this alleviates some of your concerns raised at the last meeting. Hopefully, we can move forward based on tonight's discussion and get your feelings on the revised plan. You should have received comments from our Traffic Engineer.

Mrs. Izor asked if everyone checked their email for the most recent documents. The board members agreed yes.

Mr. Herner said I'm assuming from the easement on the lot next door that nothing will go on that lot. Mr. Morris from Associates said the easement is for DP&L. A parking lot can go under the lines but no structures can be built. If the lot is sold the only place it can be built on is the front corner. It's a tough lot to work with and we are assuming it would be a very small office space. Mr. Herner asked if this was the last lot before Cottonwood and Mr. Morris said yes.

Mr. Brane said there are two sets of comments from Traffic Engineers; one from Mr. Oakes and one from Mr. Hafner.

Mr. Richard Oakes, Traffic Engineer at Jackson Road, Vandalia and I was asked to look at this. I felt it wasn't necessary to collect a lot of data at this location. I spoke to Mr. Hafner and there were a lot of things he and I were in agreement on. I basically flipped the plan and I would be interested to see where Mr. Hafner is on this.

Mrs. Izor said just to be clear, I understand in addition to the second lane there would also be a drop lane in addition to that. It would be the only site we have out there that does that.

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Mr. Brane said as you know there is a through lane and by nature of it dead-ending, we have a turn lane with arrows in it. If this does go through, they are going to dedicate ahead of time a place where the future turn lane could be constructed if that were the solution as the bigger plans for the area move along. The site plan is better for queuing coming off the highway and very little queuing going back out onto the highway or they can exit onto Beechwood drive if they are going the other direction. They have made some improvements to the layout and they are back to ask you folks about it. I would ask the Taco Bell folks what the latest was on the sign idea.

Mr. Morris said I believe their intention is to apply for a variance on the sign.

Mr. Izor said based on the plan I'm seeing it's still very concerning because we are making yet another exception to what is going on out there in our existing plan. It's widening the road yet again for deceleration but it's going right back out onto a very fast road. I'm not understanding the logic. My biggest concern in all of this is it's another exception to the rules we are trying to establish for that road. I would like to better understand this this plan for this PUD. I would also like to have a plan from ODOT on what their plans are for this state route. What has led us to the problems out there are the exceptions on a case by case basis. We are the Planning Commission and we should be thinking about the larger plan here. I appreciate all the professional presentation but we need to have a discussion on how we can fix this road in general. That stretch of road needs work and there are a lot of questions. There were previous decisions made that have not worked out well in terms of safety.

Mr. Brane said Mr. Oakes is probably in the best place to discuss the ODOT plan. To fix the road, we will need to hear from our Council person. It is my understanding he got indications from Council that lowering the speed limit and the right turn lane might be appropriate.

Mr. Oakes said I've worked with ODOT for a long time; I don't know what their long, long range plan for Rt. 4 is outside the corporate area of Germantown but there would be a lot of coordination with the city for whatever they want to do inside your city. Five lanes will handle the traffic out there for a long time. When I designed the signal at 725 east and Rt. 4, at that point in time it barely made it warranted. I was working with Taco Bell to be proactive for anything going on with Rt. 4 so everything would be set up for the deceleration lane to be installed. The drop lane is for the future so we don't have to destroy the site for its intended use. It is all set up for should the five lanes continue in the future. We anticipated the future problem and we are incrementally moving forward so the Taco Bell can come in and be a benefit to the income and betterment of the city. I think it will be a very popular site and I think we are trying to let the site go in now in a safe manner. I understand what you are saying about the driveway cuts on the east side. It would have been very beneficial if we could have put a right turn drop lane there from the get go but that was way too far ahead of the time. If ODOT ever decides to put in the five lanes this will be all set up for it.

Mr. Hafner said we looked at Mr. Oakes report and it gave us the justification for the right in/right out at the location and we are building this for a future five lane extension with a reserved capacity for the future.

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Mr. Izor said I am really surprised to hear there would be any concern for the amount for the amount of traffic on that road when it is put in for this expressed purpose. I understand what you are saying; it doesn't make a lot of sense. Can you explain what this lane is and why you would need to widen this road already? Mr. Hafner said we would recommend the drop lane go in immediately. Mrs. Izor said a drop lane off a right turn lane.

Mrs. Izor asked what advantages there are in this version compared to the other versions. Mr. Hafner said the advantages are related to the distribution of traffic throughout the network and we can safely service the right in/right out directly from Rt. 4 as opposed to putting them on Butter or Beechwood. It is our opinion we can balance the traffic without overloading the side streets. Mrs. Izor said if there was a concern of overloading these side streets, why were they designed the way they are to begin with. I feel like what you all preventing is contradicting what was previously planned and recently built.

Mr. Rettich said my understanding of what they are doing with this drop lane is to address some of the concerns we spoke about at the last meeting. It has nothing to do with what was built originally. Mrs. Izor said shouldn't we be concerned with the plan that is in place. Our plan and essentially our guidelines for this are no curb cuts off Rt. 4 and build a secondary road to service these parcels. Mr. Rettich said we can't base our decisions off what was done 20 years ago; we have to move forward and try to make things better for the future.

Mr. Rettich said I appreciate Taco Bell trying to address our concerns. You are obviously trying to do something a little different so our concerns would be alleviated. I'm still concerned where they will be queuing up in the parking lot. I know you show cars going to the far lane but people are going to do what they want. Is there anything that will stop them from pulling in closer to the store and blocking the cars that are parked? We have that problem at McDonald's. I also see a sidewalk; will that be similar to a bike trail? Mr. Hafner said it's an extension of the existing. Also, there is room for 18 cars coming off Rt. 4 to be queued. Mr. Rettich said I'm not talking about Rt. 4, I'm talking about the parking lot. I don't think you really solved this. If you pull into McDonald's for the drive through, you are blocking all the people who are parked. There is nothing to stop people from queuing up in front of the entrance. Mr. Oakes said people have to go around.

Mr. Morris said the August 22 version connects the island in the upper left corner of the diagram, connecting the island where the menu board is to the island that is the farthest north east corner and is proposed to be closed to force cars around to the right.

Mr. Rettich said my last question is on this future turn lane. I know we can't vote on this but can Council. Mr. Oakes said ODOT has no standing on what approvals go on in the city for Rt. 4.

Mrs. Izor asked how the speed limit gets lowered on a state route. Mr. Hafner said ODOT has the speed zone process and oversees all speed limits defined by the Ohio Revised Code. It keeps municipalities from arbitrarily changing speed limits. It all is calculated and gives ODOT a number of what a speed limit can potentially be lowered to. We don't want to turn a bunch of good drivers into violators just based on a sign change. It is important to study the speeds and see what cars are doing out there.

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Typically the characteristics of the area will define how fast people feel comfortable and that usually falls in line with what the speed limit of the road should be. Mrs. Izor said I think that's what some of the confusion is. It's a higher speed limit because people might want to get out of town yet the environment is telling some people to slow down. You have some going to McDonald's and some are just trying to get through. I know I'm sounding strict but this is planning; we can look at just the lot lines for this project but we also need to look at the larger stretch of road. I feel there are multiple options and I don't want to see a Band-Aid that will add to the problem.

Mr. Oakes said the problem you are bringing up is what we have strived to do; not putting in a right turn lane into the site at this point in time but leaving room for it to function and fit in the future. We are trying to anticipate the future and get the segment built. Nobody knew what was going to happen on the west side and we barely knew what was happening on the east side. The kinds of things we are trying to head off with the right turn drop lane are if people coming south from Dayton will have to turn right at the traffic signal and then left turns which will take away from the left hand storage of the reciprocal movement going eastbound on Butternut to make a left turn at the signal to go back toward Dayton or Miamisburg. Anything we can do to reduce the number of right turns as things develop along Beechwood, we want to do. We also want the option of turning right onto Rt. 4 because we are better off if we can spread the traffic and give people more alternatives to make their moves. You don't want everyone to bunch up then have someone do something risky because they are tired of waiting. We are looking ahead to make sure what we do now will fit into what might happen in the future.

Mr. Herner asked if the drop lane could be extended onto the next lot so people would have more room to maneuver back into Rt. 4 traffic. Mr. Oakes said in his experience if someone got into a drop lane that was extended and put on the turn signal, someone turning right out of Taco Bell wouldn't know where the right turn was going to be made, into Taco Bell or onto Cottonwood. Mr. Herner said a good driver would wait to see where they are going to turn. Mr. Oakes said Mr. Hafner and I discussed this and the best solution would be to cut in another drop lane for turning right onto Cottonwood. Mr. Herner said what if the next lot decides they what access from Rt. 4. Mr. Brane said they are a corner lot and we want to get those folks off Rt. 4.

Mr. Herner asked what the next step would be. Mr. Brane said this is an informative session so the board can feel comfortable when you see it coming back. Taco Bell will likely file paperwork tomorrow for the next meeting so the board can consider a new preliminary plan with access to Rt. 4 to replace the existing plan. When the plan comes back in we will have 30 days to work things out and if we need conditions for the future, we will make those. Mr. Herner asked how long this had been going on. Mr. Brane said 3 to 5 months; a place like Taco Bell has to do their due diligence and we are trying to work this out ahead of the final.

Mrs. Izor asked if Mr. Hafner would review again the previous plan that had just the right in just to make certain this new plan is the best option. Mr. Brane said let us coordinate with Mr. Hafner; there are a couple different things in play here. We have a Planned Unit Development here that specified access and things like that. There are zoning things involved and there is an access management plan for the area. Those are two different things but they have consistent qualities. Mrs. Izor said any more

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information you can put together. I'm just trying to understand how this evolved over time and what we can do to clean up this stretch of Rt. 4.

Mr. Kallergis from Taco Bell said we have spent a lot of time, months, and a lot of money with architects, engineers, and so forth; we feel the stack queue is safe and without access to Rt. 4 we will not proceed into Germantown.

ADJOURNMENT: With no further discussion, the meeting adjourned at 7:57 p.m. All were in favor; none were opposed.

Whitney Izor
Chair, Planning Commission

Keith A. Brane
City Planner