

**WINDSOR TOWNSHIP PLANNING COMMISSION**  
**March 15, 2018**

1. The meeting of the Windsor Township Planning Commission was called to order at 6:03 P.M. by Chairman Pilachowski.

Present at the meeting were Jerry Pilachowski, Charles Wilson, Todd Kurl, Christopher Kraft, P.E. (C.S. Davidson, Inc.), Kipp Allison, Teresa Miller, Timothy Barley

2. The Pledge of Allegiance was recited.
3. Public Comment – There were no public comments.
4. The minutes of the February 15, 2018 meeting were approved with a motion from Mr. Wilson seconded by Mr. Kurl. Motion carried. Two votes yes. Chairman Pilachowski abstained; he was not present during the February 15, 2018 meeting.
5. Proposed rezoning of 3096-3098 E. Prospect Road from Residential (R-1) to Neighborhood Commercial (CN)

Mr. Barley explained that he is currently using the site as the office location for his financial firm. He advised that it was his opinion that since there were many other commercial businesses near this location, changing the zoning would be economically beneficial and would help to bring value to the Township.

Mr. Allison explained the current zoning for this property and neighboring properties. Chairman Pilachowski questioned if this was the location that was previously used by York Excavating. Mr. Barley advised yes, he advised that prior to his firm moving into this location all three buildings on this site were used for offices. He advised that at this time his office and two residential buildings being used. Mr. Allison explained that over the years there have been many different uses at this location.

Mr. Allison advised this property is located three properties away from other Neighborhood Commercial zoned properties. He advised there is a lot with a detention basin and two residential properties that would also need to be rezoned.

Mr. Barley advised there are three buildings at this location. He advised the old farmhouse is being used as residential; the garage is what he is using as his office and the barn he does not feel is suitable for a residential use but would work for an office setting.

There was a brief discussion about the location and layout of this property and the neighboring properties. Mr. Barley advised that he didn't think there would be any business that could potentially use this location that would change the aesthetics of the property.

Mr. Barley asked why neighboring properties would need to be rezoned. Chairman Pilachowski advised that if only Mr. Barley's property were rezoned it would be considered "spot zoning" which you can't do. Mr. Kraft advised he believes there is case law that doesn't allow taking one property and changing the zoning, there has to be a continuous flow of the zoning in any particular area. Mr. Allison explained that when you

determine the zoning of a parcel you try to look at everything around it to determine if it makes sense to zone all the properties the same way.

Mr. Barley questioned what the impact would be to the neighboring properties if they were rezoned to Neighborhood Commercial. Chairman Pilachowski advised there would not be any impact on them. Mr. Allison advised that each property owner would have to be notified that a request had been made to rezone Mr. Barley's property and that their property would be rezoned as well. He advised they would have the opportunity to argue for or against the rezoning but ultimately the Township can review the situation and make the determination if rezoning is appropriate.

Chairman Pilachowski asked Mr. Barley what his intentions for the property are. Mr. Barley advised the farmhouse would be kept residential and the barn would probably be used for offices. He advised that he has even considered moving his office into the barn and possibly offering the remaining office space to other potential businesses.

Mr. Barley asked if he could obtain support from the two neighbors would that be enough to revisit the request to rezone the property. Mr. Kurl advised he would feel a little more inclined to approve the request if there was a buy-in from both neighbors.

Mr. Barley questioned why there were so many steps to get this done. Mr. Allison advised that legally every property owner that needs to be rezoned would need to receive a letter as well as all adjoining property owners letting them know a request was made. In addition, the property would need to be posted to show a rezoning request was made. He advised that finally a public meeting would need to be held. Mr. Allison advised that he agreed with Mr. Kurl that if there were buy-in from both neighbors it was more likely a recommendation to rezone could be made to the Board of Supervisors.

Mr. Barley asked if the new York Excavating site was rezoned. Mr. Allison advised yes it was rezoned with the last Windsor Township Zoning Ordinance update. Mr. Barley questioned how that rezoning was not considered "spot zoning" since it was one big parcel. Mr. Allison advised that the existing banquet hall and the commercial properties on the other side of East Prospect Road were all changed from Commercial to Neighborhood Commercial with the last update. Mr. Barley asked if he should have been advised when that change took place. Mr. Allison advised no, it is typically just adjoining properties.

There was a brief discussion regarding the non-conformity of the property and potential uses.

Mr. Barley advised he would most likely try talking to the neighboring properties to see if they are amicable to changing the zoning.

6. Plans tabled:

A. KENSINGTON – Preliminary Phase 2 & 3 Subdivision Plan #2005332-069 by  
RGS Assoc., 229 lots along Ness Road. (5/1/10)

- B. MEADOW CREEK TOWNHOMES – Preliminary Subdivision & Land Development Plan #378.14 by Site Design Concept, Inc., along Cape Horn Road, Ruppert Road and Kendale Road. (10/1/07)
- C. BROOKFIELD CROSSING – Preliminary Subdivision Plan #2003-16A by Johnston & Assoc., Inc., 71 lots along Smith Road. (2/1/07)
- D. HOWARD/SNOOK PROPERTIES WEST – Preliminary Subdivision Plan #120817 by James R. Holley & Assoc., Inc., 292 lots along East Prospect Road, Stonewood Road & Freysville Road (12/1/12)
- E. HOWARD/SNOOK PROPERTIES EAST – Preliminary Subdivision Plan #120817 by James R. Holley & Assoc., Inc., 61 lots along Freysville Road (12/1/12)
- F. BROOKFIELD CROSSING (Resubmission) – Preliminary Subdivision and Land Development Plan #2006-16A by Johnston & Assoc., Inc., 98 lots along Smith Road (11/7/17)

On the motion of Chairman Pilachowski seconded by Mr. Wilson, plans 6A, 6B, 6C, 6D, 6E & 6F were tabled. Motion carried. Three votes yes.

9. Planning Commission Comments – There were no comments.

10. The meeting of the Windsor Township Planning Commission adjourned at 6:43 P.M.

Respectfully submitted,



Kipp D. Allison  
Zoning Officer

