

WINDSOR TOWNSHIP PLANNING COMMISSION
April 19, 2018

1. The meeting of the Windsor Township Planning Commission was called to order at 6:01 P.M. by Vice Chairman Wilson.

Present at the meeting were Jerry Pilachowski (arrived at 6:02), Charles Wilson, Todd Kurl, Paul Ilyes, John Klinedinst, 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 March 15, 2018 meeting were approved with a motion from Mr. Kurl seconded by Mr. Wilson. Motion carried. Two votes yes. Mr. Ilyes abstained; he was not present at the March meeting.
5. Proposed rezoning of 3096-3098 E. Prospect Road from Residential (R-1) to Neighborhood Commercial (CN)

Mr. Barley advised he was here to revisit his request from March to rezone his property on E. Prospect Road from Residential (R-1) to Neighborhood Commercial (CN). He advised that after the March meeting he was able to get in touch with the two neighbors that separate his property from the existing Neighborhood Commercial (CN) properties. He advised that both neighbors have agreed that it would be in their best interest to have their properties rezoned as well. He advised that a letter had been drafted by his attorney and all property owners involved have signed it.

Mr. Wilson questioned why the neighboring property owners were not present. Mr. Barley advised he didn't think they needed to be here. Mr. Wilson advised he would have liked to be able to talk with them regarding this matter.

Mr. Barley advised that he felt that changing his property to Neighborhood Commercial (C-N) will not change the aesthetics of his property but will only make his property more conforming. He advised the property would still be considered non-conforming due to the lot size. He advised that if necessary the property could be broken into individual parcels so there was a minimum of 1 acre per proposed commercial uses.

Mr. Wilson questioned the 1-acre limitation for commercial use. Mr. Allison advised the 1-acre limitation was designed to control the intensity of the uses within the Neighborhood Commercial (C-N) zone. There was a brief discussion regarding lot acreage requirements and the ordinance requirement for Neighborhood Commercial (C-N) zoning.

Mr. Klinedinst advised that the Commission needs to be cognizant of the impact of what they are doing. He advised they need to take into consideration the fact that rezoning these properties opens them up to any use that is permitted within the Zoning Ordinance. He advised that you need to think about the future and what potential uses could go into these locations. He further advised you need to look at all aspects of the change including the impact on traffic and whether the existing roads can sufficiently handle it.

Mr. Barley advised that he felt the visibility from his location was about the best along this stretch of roadway. Mr. Wilson agreed. Mr. Allison advised that he felt that visibility and driveway access from Christensen Road and East Prospect Road could be a challenge.

Mr. Allison explained his concerns about rezoning three properties for the benefit of just one. He felt that this wasn't really the way the Township should handle rezoning.

Mr. Barley advised that the Tyson property based on its existing footprint could only be used for a small business. He also advised he felt that the construction on the York Excavating property has already impacted Mr. Tyson's property.

Mr. Ilyes advised he agreed with Mr. Klinedinst, that we need to look at all future impacts of these properties if rezoned.

Chairman Pilachowski commented that even if rezoned the property would still be non-conforming. Mr. Allison advised rezoning would be creating another non-conformity. Mr. Allison advised the property is currently non-conforming. However, they do have approvals from the Zoning Hearing Board for all uses currently taking place on the property. Chairman Pilachowski advised he didn't think rezoning was the right thing to do.

Mr. Barley advised that he felt his property couldn't get any more commercial looking than it already is. He advised that he was under the impression after the March Planning Commission meeting that if he obtained support from the neighboring properties that the Commission would move forward with making recommendations for approval. Mr. Wilson reiterated his concern that the neighbors were not present at this evening's meeting so there could be some discussion regarding where they might see their property in the future.

Mr. Ilyes questioned the requirements for residential screening. Mr. Allison advised that yes, screening would be required in conjunction with any commercial Land Development.

Mr. Barley asked what he could do to bring value to the Township. Chairman Pilachowski advised he thinks it's a great idea but you have to look at what type of business could potentially go into any of these locations and determine if it's a good fit. Mr. Barley questioned whether these concerns were addressed when the current York Excavating location was rezoned. Mr. Allison advised the York Excavating property was one big parcel that belonged to the Banquet Hall that had been split off and purchased by York Excavating.

Mr. Wilson asked what Mr. Barley's plans are if the Planning Commission would grant his request to rezone. Mr. Barley advised that his business is growing substantially. He felt use of the barn would give him more space and could be better used as a professional office. Mr. Barley advised he purchased the property with the idea that it could be used for "light" commercial uses. Mr. Allison asked Mr. Barley why he doesn't just go back to the Zoning Hearing Board to obtain approval to convert the barn back to commercial use. Mr. Barley advised his attorney suggested this route based on her interpretation of conversations she had with Mr. Allison. Mr. Barley advised that he felt that making the

change to the zoning of the property today would give him the opportunity to better use his property in the future. Mr. Allison advised that whether the property is rezoned or not, necessary approvals to convert the barn would still need to be obtained. Mr. Barley felt that rezoning the property would make it more consistent within a Neighborhood Commercial zone. Mr. Allison advised that changing the zoning doesn't make the property more consistent it merely makes it more compliant in some ways and non-compliant in other ways. Mr. Barley advised he disagreed and felt rezoning would make the property more conforming. There was a brief discussion regarding aesthetics.

Mr. Barley questioned how the Township benefited from the rezoning of the current York Excavating property. Mr. Wilson suggested tabling the request and having Mr. Barley review the comments and concerns of the Planning Commission and readdress at a future meeting. Mr. Wilson felt that he did not receive enough new information during this meeting that would make him feel comfortable making a recommendation for approval. Mr. Barley asked the Planning Commission to clarify their perspective on this rezoning. Chairman Pilachowski pointed out that at the March meeting Mr. Barley was only asking to rezone his own property. There were discussions at that time regarding the regulations and that approvals from neighboring properties would be beneficial however there was no guarantee that the rezoning would be approved. Mr. Allison advised that at the March meeting there were more discussions about non-conformities and spot zoning. The regulations discussed at that meeting were based on the request of Mr. Barley to rezone only his property.

Mr. Allison advised that he didn't recommend rezoning Mr. Barley's property or the neighboring properties. Mr. Barley advised that he felt that based on the March meeting he thought this meeting would just be a formality if he obtained support from the neighboring properties. Mr. Allison advised he had spoken with Mr. Barley's attorney and had expressed his concerns as well as the Township's concerns with her. Chairman Pilachowski commented that he would like to see this location be able to grow but the Planning Commission has to take into consideration the benefit to the Township and the neighboring properties.

Mr. Barley questioned how the York Excavating location was able to get rezoned. Chairman Pilachowski advised that the property was rezoned when the Township did a general rezoning of the Township. There was a brief discussion regarding the rezoning of the York Excavating location.

Mr. Barley asked if a change to the zoning had to be a benefit to the Township. He asked if there was a scenario that could make his request work. He advised he felt that East Prospect Road is a great area for future commercial expansion and that it was his opinion that business brings value to a community. Mr. Barley asked what the right route was for him to do what he wants to do. Mr. Allison advised he could continue to pursue the request to rezone, submit a request to the Zoning Hearing Board to change the barn back to commercial use, or the Planning Commission could make a recommendation now. Mr. Wilson recommended Mr. Barley wait until the Township does its next general rezoning at which time Mr. Barley's situation could be looked at again and possibly rezoned at that time.

On the motion of Mr. Wilson seconded by Mr. Ilyes, the request to rezone the property at 3096-3098 East Prospect was denied with the recommendation it be revisited when the Township performs the next Rezoning Amendments. Motion carried. Four votes yes.

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. Kurl, plans 6A, 6B, 6C, 6D, 6E & 6F were tabled. Motion carried. Four votes yes.

7. Planning Commission Comments – There were no comments.

8. The meeting of the Windsor Township Planning Commission adjourned at 7:16 P.M.

Respectfully submitted,

Kipp D. Allison
Zoning Officer