

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
TUESDAY, FEBRUARY 7, 2023, 6:30 P.M.**

Video Link: <https://www.youtube.com/watch?v=603EKTxFQU>

Prior to the start of the scheduled Plan Commission meeting there will be a public hearing in front of the Plan Commission and Town Board. The hearing is to solicit input on an ordinance to repeal and recreate Section 17.08 7. B. of the Zoning Code to allow the Code Enforcement Officer to review and approve/deny sign permits without Plan Commission review. The regularly scheduled Plan Commission meeting will begin immediately following the conclusion of the public hearings.

Public Comments: None

First order of business: Call to Order and Pledge of Allegiance

Chairman Fitzgerald called the meeting to order at 6:30 p.m. and led all in the Pledge of Allegiance.

Members present: Supervisor Kranick, Commissioner Dickenson, Commissioner Janusiak, Commissioner Mihalovich, Chairman Troy, and Plan Commission Chairman Fitzgerald.

Also present: Engineer Tim Barbeau and Administrator Dan Green.

Second order of business: Approval of the minutes of January 3, 2023.

Motion by Chairman Troy to approve the minutes from January 3, 2023. *Seconded by Commissioner Dickenson. Motion passed 6-0.*

Third order of business: Communications (for discussion and possible action): None

Fourth order of business: Unfinished Business: NONE

Fifth order of business: New Business:

- A. Tim and Anna Trotier, N20 W29592 Glen Cove Road, Re: Consideration and possible action on the approval of a Certified Survey Map to combine two lots into one lot at N20 W29592 Glen Cove Road.

Engineer Barbeau explained the location of the property on East Glen Cove Road, just east of the bike path. The CSM would combine two existing lots into one. The intent is to remove the house and build a new home on the combined parcel. He recommends approval of the CSM subject to the satisfaction of any comments by the Town, City, and Waukesha County.

Motion by Supervisor Kranick to recommend to the Town Board approval of a Certified Survey Map dated October 10, 2022, for Tim and Anna Trotier for the property located at N20W29592 Glen Cove Road, subject to the satisfaction of all outstanding review comments from the Town, City of Delafield, and Waukesha County Department of Parks and Land Use prior to the Town executing the document. Seconded by Commissioner Dickerson. Motion passed 6-0.

- B. Town of Delafield, Re: Consideration and possible action on the adoption of an ordinance to repeal and recreate Section 17.08 7. B. of the Town of Delafield Zoning Code to allow the Code Enforcement Officer to review and approve/deny sign permits without Plan Commission review.

Engineer Barbeau explained that the Plan Commission reviews all sign requests. Changes in state laws have changed how the Town can enforce signage. Many communities have changed to allow staff to approve signs that meet the code requirements. This ordinance allows Town staff to approve signs that meet our code, with variances from the code to be approved by the Plan Commission.

Motion by Chairman Troy to approve and recommend to the Town Board approval of an ordinance to repeal and recreate Section 17.08 7. B. of the Town of Delafield Zoning Code to allow the Code Enforcement Officer to review and approve/deny sign permits without Plan Commission review. Seconded by Supervisor Kranick. Motion passed 6-0.

- C. Town of Delafield, Re: Consideration and possible recommendation to the Town Board to adopt Ordinance 2023-05 which would create Chapter 11 of the Town Code related to outdoor lighting.

Engineer Barbeau explained this has been talked about for the past three years. The conclusion that staff has made is to codify this ordinance for commercial properties. Residential and agricultural complaints can be covered by State nuisance laws. We talked about enforcing residential lighting, but would take too much staff time. State laws provide plenty of ability to address residential complaints. The commercial lighting will go into Chapter 11, so it does not require County approval for changes. We have a substantial purpose and intent based on commercial. We have definitions and applicability. This also comes into play in certain conditional uses. We have a requirement that existing businesses have to come into compliance by the end of this year. One of the measurements is by lumen level, which is 2.5 lumens per square foot of hard surface. All fixtures have to be cutoff fixtures, angled down. The code will require a reduction to 25% at night. It also requires light polls not to exceed a total height of 20 feet. Parking lots may require more lights, but are lighting less area. Lights at the property line can be no greater than .2 foot-candles.

Commissioner Janusiak questions 11.03.1 c-e, based on this ordinance being retroactive. Chairman Fitzgerald explained these were put in place when the ordinance was not going to be retroactive. The commission decided to add “additions” to subsection b, and remove 11.03.1 c-e. The commission discussed adding a way to waiver some requirements, and used light polls as an example, in the case businesses cannot come into compliance. The commission discussed specifically allowing waivers for poll height and light fixtures. This could be added to the end of 11.04. The Commission made the following changes to the ordinance:

- Eliminate 11.03.1. c-e.
- Grandfather in poll heights in Section 11.04.2.C.2, but enforce 20 feet for all new construction.
- Light fixtures for existing buildings seeking a variance must be approved by the Plan Commission in Section 11.04.2.
- Update 11.03 b. to read, “All new developments, buildings, structures, and modifications for i. commercial ii. Business iii. Industrial, and iv. Institutional uses.

Motion by Chairman Troy to recommend to the Town Board approval of Ordinance 2023-05, and ordinance to create Chapter 11 of the Town Code related to outdoor lighting, subject to the following changes:

- *Eliminate 11.03.1. c-e*
- *Grandfather in poll heights in Section 11.04.2.C.2, but enforce 20 feet for all new construction.*
- *Light fixtures for existing buildings seeking a variance must be approved by the Plan Commission in Section 11.04.2.*
- *Update 11.03 b. to read, “All new developments, buildings, structures, and modifications for i. commercial ii. Business iii. Industrial, and iv. Institutional uses.*

Seconded by Commissioner Dickenson. Motion passed 6-0.

Seventh Order of Business: Announcements and Planning Items: Next meeting: March 21, 2023.

Eighth Order of Business: Adjournment

Motion by Supervisor Kranick to adjourn the February 7, 2023, Plan Commission meeting at 7:27 p.m. Seconded by Chairman Troy. Motion passed 6-0.

Respectfully submitted,

Dan Green, CMC, WCMC
Administrator-Clerk/Treasurer