

Enrolled 158-31
~~PROPOSED ORDINANCE 158-33~~

1
2
3 AMEND THE ZONING DISTRICT MAP OF THE TOWN OF MERTON ZONING
4 ORDINANCE AND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND
5 PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF MERTON, BY
6 CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF
7 SECTION 15, T8N, R18E, TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN,
8 FROM THE B-3 GENERAL BUSINESS DISTRICT TO THE R-3 RESIDENTIAL DISTRICT
9 (SZT-1480)
10
11

12 WHEREAS the subject matter of this Ordinance having been duly referred to and considered by
13 the Town of Merton Board and the Waukesha County Park and Planning Commission, after
14 Public Hearing, and the giving of requisite notice of said hearing and the recommendation
15 thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County
16 Board of Supervisors, Waukesha County, Wisconsin, as required by Sections 60.61 and 59.692
17 of the Wisconsin State Statutes.
18

19 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
20 ORDAIN that the Town of Merton Zoning District Map of the Town of Merton adopted on April
21 9, 1974, and the Waukesha County Shoreland and Floodland Protection Ordinance District
22 Zoning Map for the Town of Merton, Waukesha County, Wisconsin, adopted on June 23, 1970,
23 is hereby amended to conditionally rezone from the B-3 General Business District to the R-3
24 Residential District, certain lands located in part of the NW ¼ of Section 15, T8N, R18E, Town
25 of Merton, Waukesha County, Wisconsin, and more specifically described in the "Staff Report
26 and Recommendation" and map on file in the office of the Waukesha County Department of
27 Parks and Land Use and made a part of this Ordinance by reference (SZT-1480) and subject to
28 the following conditions:
29

- 30 1. Approval of a Conditional Use Permit for a condominium development of not more
31 than 12 units in six, two-unit buildings.
32
33 2. Approval of the condominium plat and all condominium documents required by
34 Chapter 703, Wis. Statutes, by the Town and Waukesha County.
35
36 3. Approval of a Stormwater Drainage and Stormwater Facility Maintenance Plan by the
37 Town of Merton and by Waukesha County pursuant to the requirements of the
38 Waukesha County Construction Site Erosion Control and Stormwater Ordinance.
39

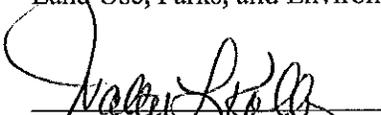
40 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
41 this Ordinance with the Town Clerk of Merton.
42

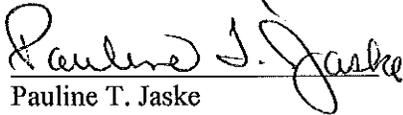
43 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
44 approval and publication.
45

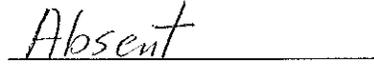
46 BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of
47 provisions of this Ordinance are hereby repealed.

AMEND THE ZONING DISTRICT MAP OF THE TOWN OF MERTON ZONING ORDINANCE AND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF MERTON, BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 15, T8N, R18E, TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN, FROM THE B-3 GENERAL BUSINESS DISTRICT TO THE R-3 RESIDENTIAL DISTRICT (SZT-1480)

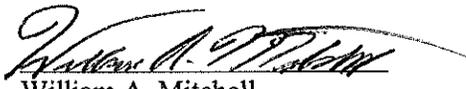
Presented by:
Land Use, Parks, and Environment Committee


Walter L. Kolb, Chair


Pauline T. Jaske


James Jeskewitz


Scott J. Klein


William A. Mitchell

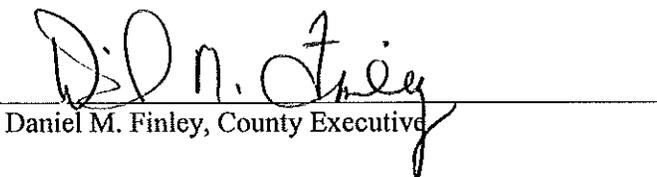

Daniel Pavelko


Vera Stroud

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: July 25, 2003, 
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved:
Vetoed:
Date: 7-29-03 
Daniel M. Finley, County Executive

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance hereby recommends approval of SZT-1480 (Kris Droegkamp) in accordance with the attached "Staff Report and Recommendation."

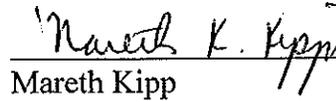
PARK AND PLANNING COMMISSION June 5, 2003



Betty Willert, Chairperson



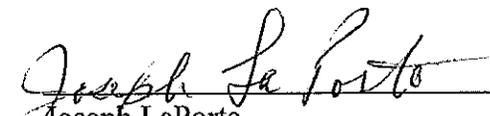
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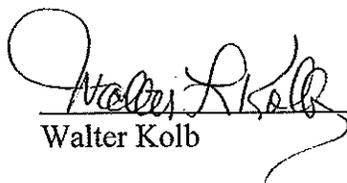
Mareth Kipp



Ellen Gennrich



Joseph LaPorte



Walter Kolb

Absent

Walter Baade

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
ZONING MAP AMENDMENT

FILE NO.: SZT-1480

TAX KEY NO.: MRTT 0346.983.005

DATE: June 5, 2003

PETITIONER AND OWNER: Kris Droegkamp
W324 N8375 Northcrest Drive
Hartland, WI 53029

LOCATION:

The property is located in the NW ¼ of Section 15, T8N, R18E, Town of Merton, and more specifically located on the north side of C.T.H. "VV" and fronting on the Oconomowoc River, east of the unincorporated community known as North Lake, containing a total of approximately 10.2 acres, with 8 acres being rezoned.

PRESENT ZONING:

B-3 General Business District.

PRESENT LAND USE:

Vacant.

PROPOSED ZONING:

R-3 Residential District, permitting single-family detached structures at minimum lot sizes of 20,000 sq. ft. or Planned Unit Developments, subject to issuance of a Conditional Use Permit.

PROPOSED LAND USE:

Six, two-family condominium structures on 10.2 acres as a Planned Unit Development.

PUBLIC HEARING DATE:

April 16, 2003.

PUBLIC REACTION:

Two adjacent neighbors were opposed to any development on the property and there was concern by a few other local residents with respect to drainage and the impact on the soccer fields to the south of C.T.H. "VV". In addition, there was a question as to whether or not Indian mounds may be impacted. Some concerns were voiced as to how stormwater would be handled on the site.

TOWN PLAN COMMISSION ACTION:

On May 7, 2003, the Town of Merton Plan Commission, recommended unanimously in favor of the rezoning.

158-0-030

TOWN BOARD ACTION:

On May 13, 2003, the Town of Merton Board, unanimously approved the rezoning request subject to three conditions as follows:

1. The grant of a Conditional Use Permit for a condominium development of not more than 12 units in six, two-unit buildings.
2. The approval of the condominium plat and all condominium documents required by Chapter 703, Wis. Statutes, by the Town and Waukesha County.
3. The approval of a stormwater drainage and stormwater facility Maintenance Plan by the Town of Merton and by Waukesha County pursuant to the requirements of the Waukesha County Construction Site Erosion Control and Stormwater Ordinance.

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN

The County Development Plan indicates this area is to be developed with low-density residential units ranging in density from 20,000 sq. ft. per dwelling unit to 1.4 acres per dwelling unit. The proposed development of this 10-acre site into 12 units complies with that Plan.

OTHER CONSIDERATIONS:

The property in question is a 10.2-acre site on the south side of the Oconomowoc River, fronting on C.T.H. "VV", east of the unincorporated area of North Lake. At the present time, the site is vacant, although it was previously occupied by a farmstead and outbuilding, which have since been removed. Part of the site abuts the Oconomowoc River and its wetland and floodplain and the developer indicated at the public hearing that he would be dedicating that area along the river to the County in concert with the County's Plan to preserve lands along the Oconomowoc River for permanent preservation and possible recreational trail development. The remainder of the site, outside of the 100-year floodplain contains relatively steep topography rising from approximately an elevation of 908 ft. above mean sea level at the river to the top of the site at the approximate location of the buildings with an elevation of approximately 960 ft. which represents an elevation difference of approximately 50 ft. The intention of the developer is to create not more than six, two-family condominium type structures served by a private road and all to be served with onsite waste disposal systems and a common well for each of the four dwelling units. The road entrance has been reviewed and conceptually approved with respect to its location by the Waukesha County Department of Public Works.

Stormwater management is the most significant issue for this property, and as noted in the Town's conditions it is one of the three conditions of the Town Board, which must be complied with. None of the buildings lie within the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance, although approximately two-thirds of the total site does lie within the County's jurisdiction. The buildings are located beyond the 300' line and are at the top of the slope, which occupies the site, and are designed so as to fit into the slope with exposed lower basement areas on all but one of the units. A cemetery lies immediately to the east, on a fairly large parcel of land and further east of that is a mixture of businesses and single-family residential units. To the west lies existing residential development and to the south is a Town soccer park associated with a recently approved subdivision. In addition, a Conditional Use Permit is required for this site to be considered and issued by the Town Plan Commission and the Waukesha County Park and Planning Commission. That activity will not occur or the permit considered until the rezoning matter is resolved. Soil tests have been performed on the site and locations have been identified for waste disposal fields for each of the dwelling units. Approximately eight acres of the site is

considered non-conservancy land, while the remainder of the site is wetland. The wetlands have been identified and staked in the field. The floodplain of the Oconomowoc River is noted on the Certified Survey Map of this property.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff this request be approved. We feel this proposed use is an efficient and well-conceived plan for this property in concert with the County's Development Plan. Further, its present zoning of B-3 General Business is inappropriate as the land uses immediately adjacent to and surrounding this site, south of the river are all of a residential nature and to place a business in this location would be inappropriate. As designed and planned, we feel the concept proposed and conditioned by the Town will result in a land use which will be totally compatible with the neighboring areas.

Respectfully submitted,

Richard L. Mace / Kab

Richard L. Mace
Planning and Zoning Manager

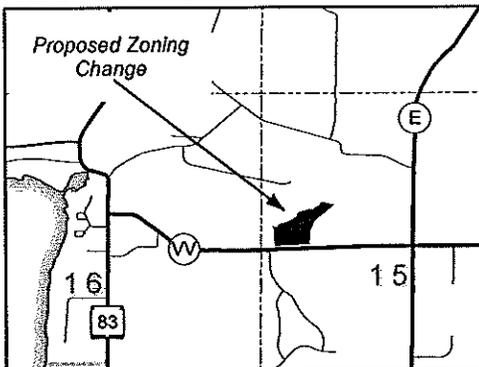
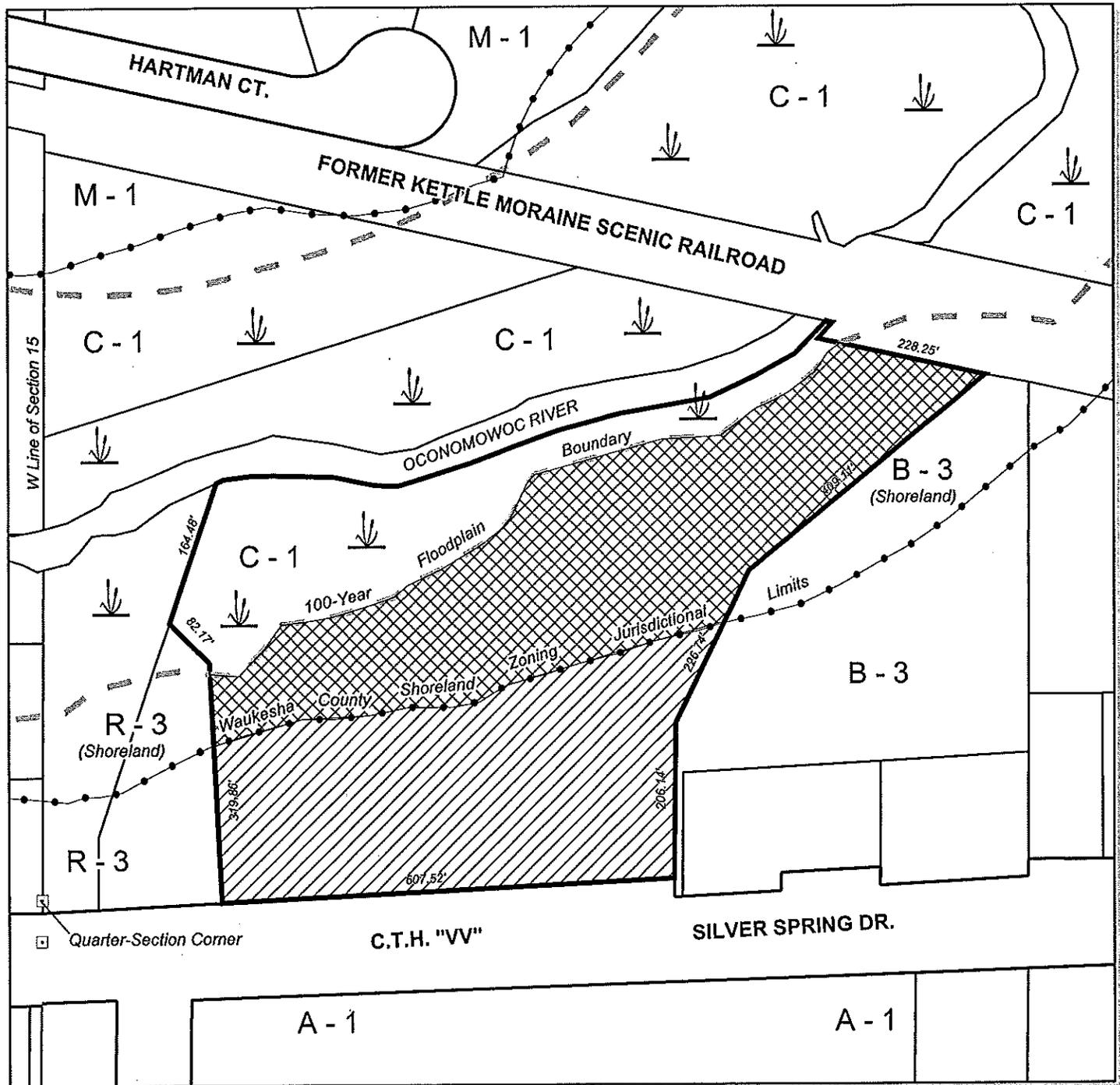
RLM:kab

Attachments: Map

N:\PLU FILES\PLANNING & ZONING\REZONES (RZ)\STAFF REPORTS\1480 (KRIS DROEGKAMP)_MRT.DOC

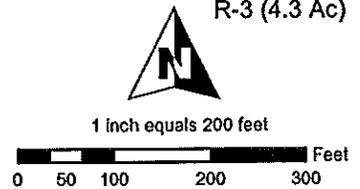
ZONING MAP AMENDMENT

PART OF THE NORTHWEST 1/4 OF SECTION 15
TOWN OF MERTON



 CONDITIONAL TOWN ZONING CHANGE FROM B-3 TO R-3 (3.7 Ac)
 COND. TOWN & SHORELAND ZONING CHANGE FROM B-3 TO R-3 (4.3 Ac)

FILE.....SZT-1480
 DATE.....6-05-03
 AREA OF CHANGE.....8.0 ACRES
 TAX KEY NUMBER.....MRTT 0346.983.005



Prepared by the Waukesha County Department of Parks and Land Use

158-0-030

ORDINANCE NO. 051303

AN ORDINANCE TO AMEND THE BOUNDARIES OF THE R-3
RESIDENTIAL DISTRICT AS SHOWN ON THE DISTRICT ZONING
MAP, TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN
(DROEGKAMP PROPERTY)

The Town Board of Supervisors of the Town of Merton, Waukesha County,
Wisconsin, do ordain as follows:

SECTION 1. The District Zoning Map of the Town of Merton, Wisconsin, dated
April 9, 1974, as revised, and notations and references thereon, is hereby amended to
transfer the following described lands from B-3 General Business District to R-3

Residential District:

The lands described as follows, except that part thereof that is zoned C-
1 Conservancy District:

Certified Survey Map No. 8500, being a division of Lot 1 of Certified
Survey Map No. 8414 of Waukesha County, being part of the Southwest
1/4 of the Northwest 1/4 and the Northwest 1/4 of the Southwest 1/4 of
Section 15, Town 8 North, Range 18 East, Town of Merton, Waukesha
County, Wisconsin. (See attached certified survey map.)

SECTION 2. This zoning map amendment is conditioned on the owner
meeting the following conditions:

A. The grant of a conditional use permit (CUP) for a condominium
development of not more than 12 units in six, two-unit buildings.

B. The approval of the condominium plat and all condominium documents
required by Chapter 703, Wis. Stats., by the Town and Waukesha County.

C. The approval of a stormwater drainage and stormwater facility maintenance plan by the Town of Merton and by Waukesha County pursuant to the requirements of the Waukesha County Construction Site Erosion Control and Stormwater Ordinance.

SECTION 3. Satisfaction of the conditions set forth in Section 2 shall be evidenced by the respective approvals by the Town and Waukesha County of the conditional use permit, condominium plat and supporting documents, and the stormwater drainage and stormwater facility maintenance plan.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect upon approval by the Waukesha County Board and upon passage, posting and publication as required by law.

DATED: May 13, 2003

TOWN OF MERTON
By: Richard Morris
Richard Morris, Chairman

ATTEST:
Susan J. Oman
Susan J. Oman, Clerk

Date Adopted: 5-13-2003
Date Published: 5-19-2003
Effective Date: 5-19-2003

WAUKESHA COUNTY BOARD OF SUPERVISORS

Ed 158-31

V

DATE-07/22/03

(ORD) NUMBER-1580030

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....AYE
- 11 K. HARENDA.....AYE
- 13 J. MORRIS.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....AYE
- 19 W. MITCHELL.....AYE
- 21 W. KOLB.....AYE
- 23 P. PRONOLD.....AYE
- 25 K. CUMMINGS.....AYE
- 27 D. PAULSON.....AYE
- 29 M. THOMAS.....AYE
- 31 V. STROUD.....AYE
- 33 D. PAVELKO.....AYE
- 35 C. SEITZ.....AYE

- 2 R. THELEN.....AYE
- 4 H. CARLSON.....AYE
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....AYE
- 12 J. GRIFFIN.....AYE
- 14 J. LA PORTE.....AYE
- 16 R. MANKE.....AYE
- 18 B. MORRIS.....AYE
- 20 M. KIPP.....AYE
- 22 G. BRUCE.....AYE
- 24 A. SILVA.....AYE
- 26 S. KLEIN.....AYE
- 28 P. JASKE.....AYE
- 30 K. NILSON.....AYE
- 32 P. GUNDRUM.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-35

TOTAL NAYS-00

CARRIED X

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-35