

ENROLLED ORDINANCE 179-17

YEAR 2024 AMENDMENT TO THE  
COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY  
(1A – TOBOLT, TOWN OF MERTON)

WHEREAS, on February 24, 2009, the Waukesha County Board of Supervisors in Enrolled Ordinance No 163-81, approved a Comprehensive Development Plan for Waukesha County; and

WHEREAS, said Comprehensive Development Plan for Waukesha County provides for annual update and amendment procedures; and

WHEREAS, on February 28, 2024, the Waukesha County Park and Planning Commission held a Public Hearing to receive testimony on proposed changes to the Comprehensive Development Plan for Waukesha County; and

WHEREAS, the staff has identified in a “Staff Report and Recommendation” dated May 16, 2024, a summary of the town public hearing comments and a Staff Recommendation for the proposed change to the Comprehensive Development Plan for Waukesha County; and

WHEREAS, the “Staff Report and Recommendation” has been reviewed by the Waukesha County Park and Planning Commission on May 16, 2024, and a recommendation was reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors as required in the Comprehensive Development Plan for Waukesha County.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the following amendment is hereby **approved** to the Year 2035 Comprehensive Development Plan for Waukesha County.

1. In the Town of Merton, the following request is being made:
  - A. **Liz Tobolt**, 2750A Golf Road, Delafield, WI 53018, requests property owned by Kettle Moraine United Presbyterian Church, N66 W32690 County Road K, Hartland, WI 53029, located in part of the NW ¼ and SW ¼ of Section 20, T8N, R18E, Town of Merton (Tax Key No. MRTT 0366.978), be amended from the Governmental and Institutional category to the Suburban II Density Residential category (3.0 to 4.9 acres per dwelling unit), no changes are proposed to the areas within the PEC, to allow a 4 acre parcel to be divided off for residential use.

BE IT FURTHER ORDAINED that a more detailed description and map of the aforementioned amendment is on file in the office of the Waukesha County Department of Parks and Land Use.

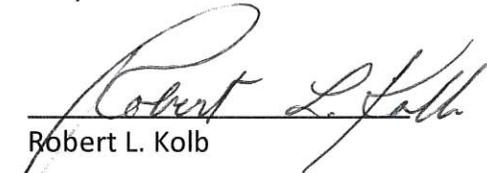
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Merton.

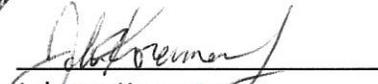
YEAR 2024 AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR  
WAUKESHA COUNTY (1A – TOBOLT, TOWN OF MERTON)

Presented by:  
Land Use, Parks, and Environment Committee

  
Christine M. Howard, Chair

  
Wayne Euclide

  
Robert L. Kolb

  
Johnny Koremenos

  
Brian Meier

  
Richard Morris

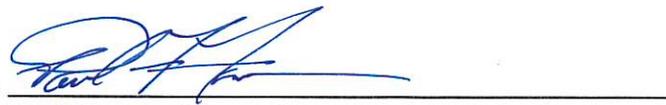
  
Steve Styza

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

Date: 6/28/24,   
Margaret Wartman, County Clerk

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

Approved: X  
Vetoed: \_\_\_\_\_

Date: 7/5/2024,   
Paul Farrow, County Executive

**COMMISSION ACTION**

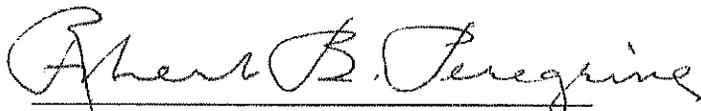
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2024 Amendment to the Comprehensive Development Plan for Waukesha County, (1A - Tobolt) hereby recommends approval.

**PARK AND PLANNING COMMISSION**

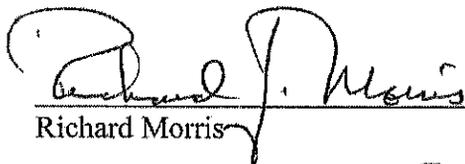
**May 16, 2024**



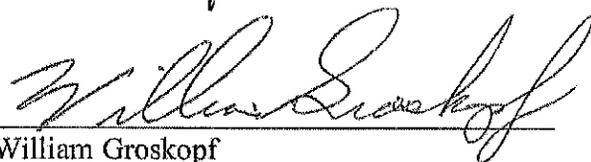
James Siepmann, Chairperson



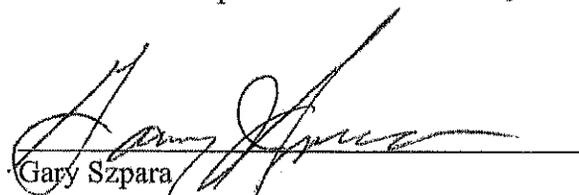
Robert Peregrine



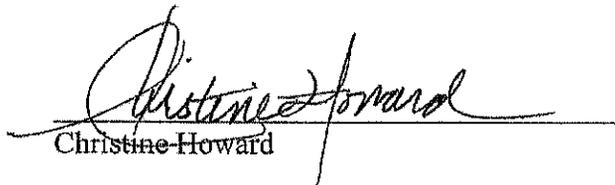
Richard Morris



William Groskopf



Gary Szpara



Christine Howard

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION FOR A YEAR 2024 AMENDMENT TO THE**  
**COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY**  
**1(A) TOBOLT, TOWN OF MERTON**

**DATE:** May 16, 2024

**PUBLIC HEARING DATE:**  
Wednesday, February 28, 2024, 1:00 p.m.

**REQUEST:**  
1(A) In the Town of Merton, the following request is being made:

*Liz Tobolt*, 2750A Golf Road, Delafield, WI 53018, requests property owned by Kettle Moraine United Presbyterian Church, N66 W32690 County Road K, Hartland, WI 53029, located in part of the NW ¼ and SW ¼ of Section 20, T8N, R18E, Town of Merton (Tax Key No. MRTT 0366.978), be amended from the Governmental and Institutional category to the Suburban II Density Residential category (3.0 to 4.9 acres per dwelling unit), no changes are proposed to the areas within the PEC, to allow a 4 acre parcel to be divided off for residential use.

**EXISTING LAND USE CATEGORY:**  
Governmental and Institutional and Primary Environmental Corridor (PEC) category.

**PROPOSED LAND USE CATEGORY**  
Suburban II Density Residential category, no changes are proposed to the areas within the PEC

**PUBLIC REACTION:**  
One neighbor expressed that he did not especially like the flag lot configuration and was surprised that the church did not approach him to see if he was interested in purchasing the land. Another neighbor indicated that he would also be willing to buy a portion of the property. The Park & Planning Commission recommended that the two neighbors speak with the listing agent outside of the meeting about their interest in purchasing land.

**TOWN ACTION:**  
On February 7, 2023, the Town of Merton Plan Commission recommended approval of the request to amend the Town of Merton Land Use Plan for the subject property from the Governmental and Institutional category to the Suburban II Density Residential category.

On April 8, 2023, the Town of Merton Board approved the request to amend the Governmental and Institutional designation to the Suburban II Density Residential category.

**STAFF ANALYSIS:**  
The subject 16.6 acre property has frontage on both CTH K and West Shore Dr. The property is fairly unorthodox in configuration with a narrow strip of land extending to West Shore Drive and a jog in the property boundary between the frontage near CTH K and the church site. The property houses the Kettle Moraine United Presbyterian Church. The access to the church is located on Highway K and the church is located in the central wooded portion of the site.

The lands to the north and west are in the SDRII category, lands to the south and east are in the Primary Environmental Corridor category and lands to the west are in the Governmental & Institutional and Rural Density and Other Agricultural Land categories.

The church would like to be able to divide the property (see Exhibit A) to be able to generate funds for its operations. The north part of the property is proposed to be split off with the existing narrow portion of the property providing a future driveway location extending to a building site in the east part of proposed Lot 2. Lot 2 would be four acres in area. The church, garage, and the existing home would remain on the 12.6 acres that would comprise Lot 1. Those improvements would continue to obtain access from CTH K.

The property is zoned A-1 Agricultural District which allows for a minimum lot size of three acres. Therefore, if this request is approved, the land could be divided with the approval of the concept Certified Survey Map that has been transmitted.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The proposed category matches the nearby private property designations and will create an opportunity for the church to capitalize on the unused part of its holdings.

Respectfully submitted,



Jason Fruth

Planning Manager

Attachments: Exhibit A (CSM)  
Map

# EXHIBIT A

## CERTIFIED SURVEY MAP NO. \_\_\_\_\_

BEING A SUBDIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 10455, LOCATED IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 AND THE NORTHWEST 1/4 AND NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 8 NORTH, RANGE 18 EAST, TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN

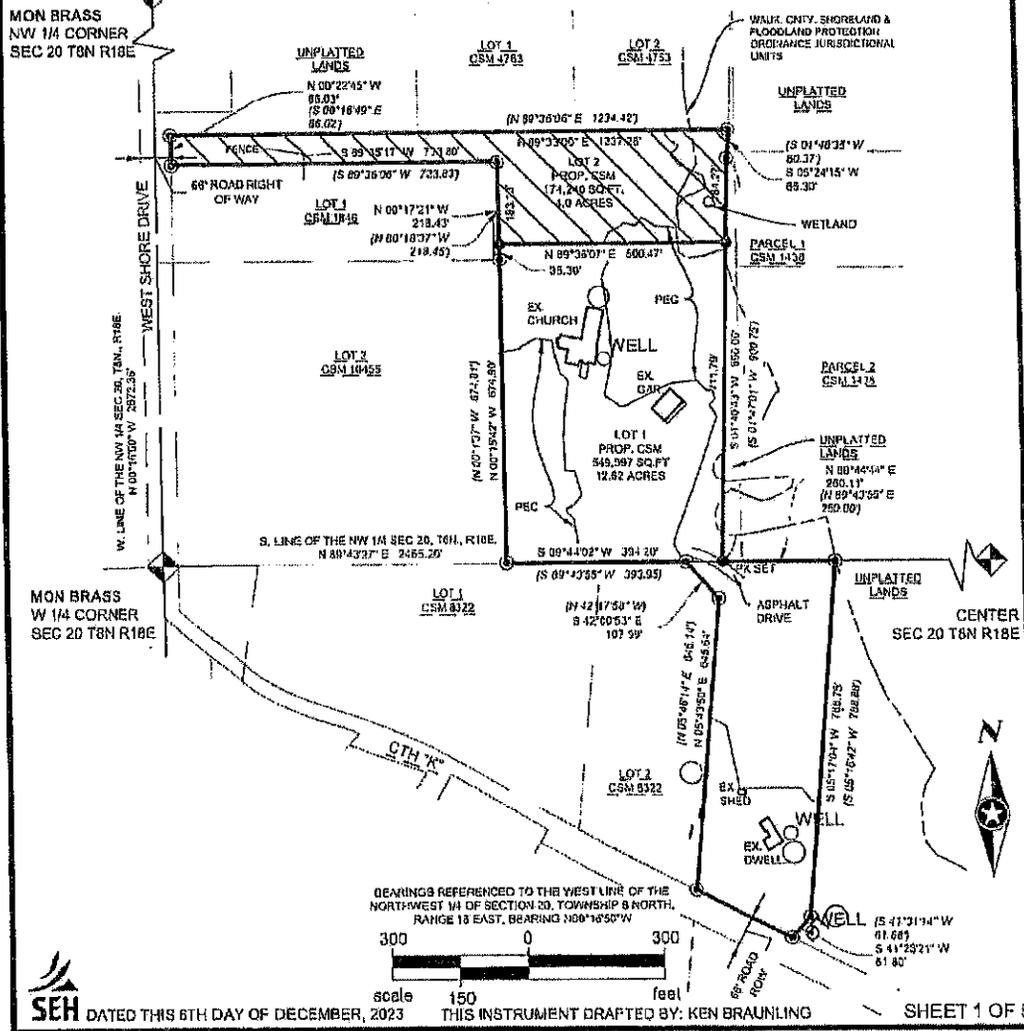
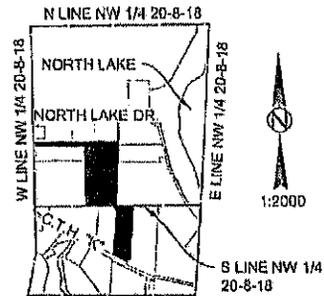
**SURVEY FOR:**  
KETTLE MORAINÉ UNITED  
PRESBYTERIAN CHURCH  
ATTN: JOHN MCBROOM  
N66W32690 COUNTY ROAD K  
HARTLAND, WI 53029

**SURVEYOR:**  
KEITH A. KINDRED, PLS S-2082  
SEH  
501 MAPLE AVE  
DELAFIELD, WI 53018  
(414) 949-8919  
KKINDRED@SEHINC.COM

### LEGEND

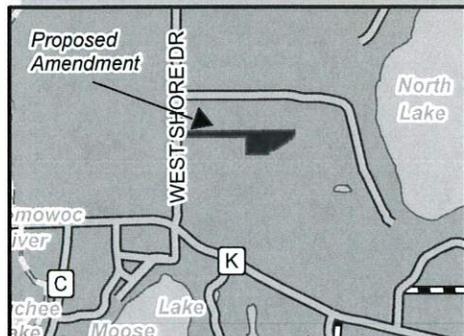
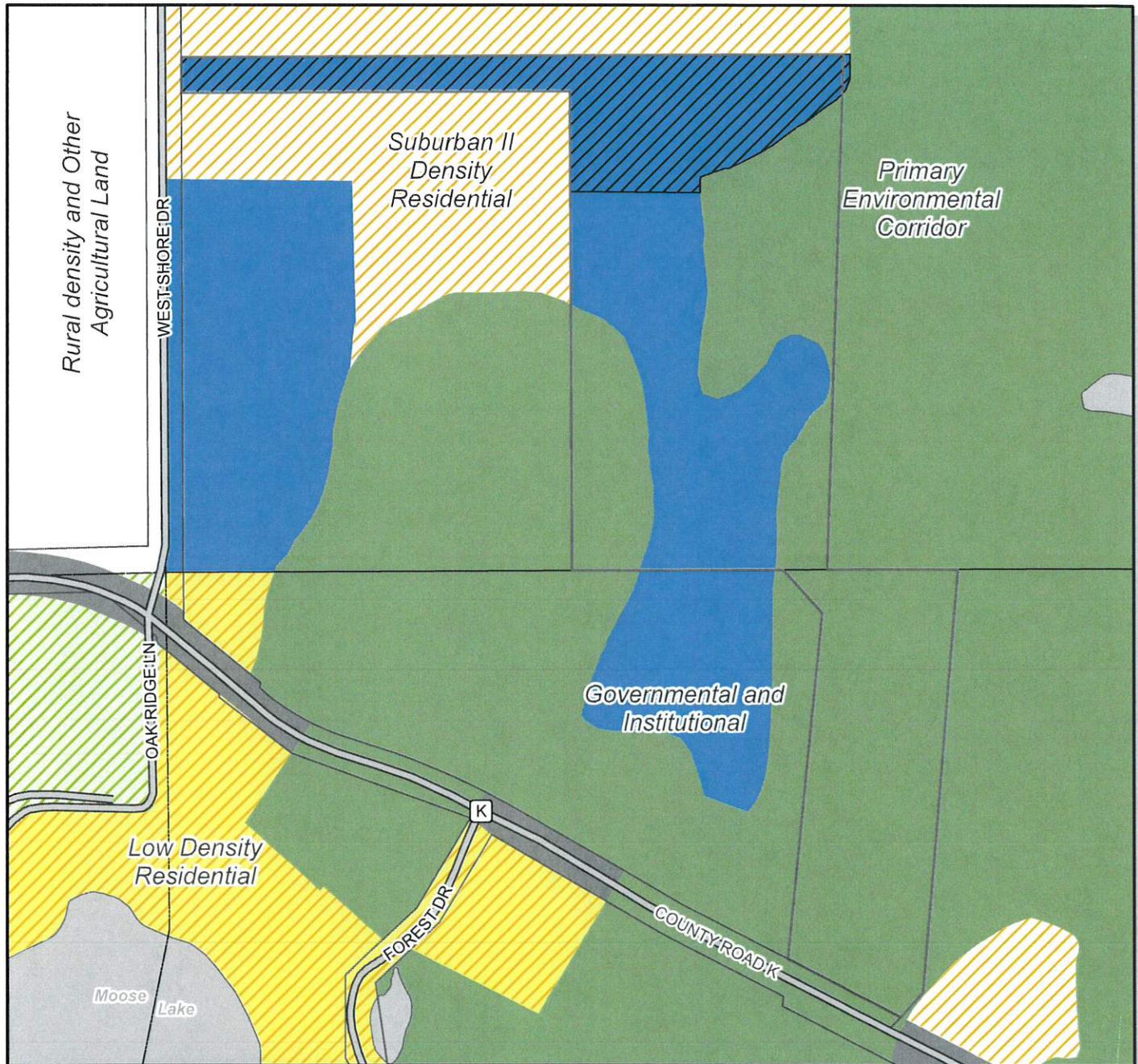
- - 1 1/8" O.D. REBAR, 18" LNTH., WT. = 1.13 LBS./LIN. FT. SET (UNLESS OTHERWISE STATED)
- ⊙ - 1" IRON PIPE FOUND (UNLESS OTHERWISE STATED)
- ⬠ - SECTION MONUMENT FOUND AS DESCRIBED
- (XXXXXX) - RECORDED AS / DEEDED AS
- - WELL -WELL
- - SEPTIC TANK

### LOCATION MAP



# DEVELOPMENT PLAN AMENDMENT

PART OF SECTION 20,  
TOWN OF MERTON



 COUNTY DEVELOPMENT PLAN AMENDMENT FROM GOVERNMENTAL AND INSTITUTIONAL TO SUBURBAN II DENSITY RESIDENTIAL

PETITIONER.....Kettle Moraine United Presbyterian Church  
 DATE OF PUBLIC HEARING.....2/28/24  
 AREA OF CHANGE.....3.5 ACRES



Prepared by the Waukesha Department of Parks and Land Use



**VOTE RESULTS**

22

YES

0

NO

0

ABSTAIN

3

ABSENT

**Ordinance 179-0-017**

Ordinance 179-0-017: Year 2024 Amendment to the Comprehensive Development Plan for Waukesha County

 **Passed By Majority Vote**

D1 - Styza	ABSENT	D10 - Thieme	AYE	D19 - Enriquez	AYE
D2 - Euclide	S AYE	D11 - Howard	M AYE	D20 - Schellinger	AYE
D3 - Morris	AYE	D12 - Wolff	AYE	D21 - Gaughan	AYE
D4 - Batzko	AYE	D13 - Leisemann	AYE	D22 - Szpara	AYE
D5 - Grant	AYE	D14 - Mommaerts	AYE	D23 - Hammitt	ABSENT
D6 - Walz	AYE	D15 - Kolb	AYE	D24 - Bangs	AYE
D7 - LaFontain	AYE	D16 - Crowley	AYE	D25 - Johnson	AYE
D8 - Koremenos	ABSENT	D17 - Meier	AYE		
D9 - Heinrich	AYE	D18 - Nelson	AYE		

3rd Meeting, 179th Year of the County Board of Supervisors - June 25 2024 07:45:59 PM

June 25, 2024

