

ENROLLED ORDINANCE 169-3

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF MERTON ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 19, T8N, R18E, TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN, FROM THE R-1 RESIDENTIAL DISTRICT TO THE B-2 LOCAL BUSINESS DISTRICT (ZT-1779)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Merton Town Board on March 10, 2014, and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.61, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the District Zoning Map for the Town of Merton Zoning Code, adopted by the Town of Merton on October 23, 2007, is hereby amended to rezone from the R-1 Residential District to the B-2 Local Business District, certain lands located in part of the NE ¼ of Section 19, T8N, R18E, Town of Merton, Waukesha County, Wisconsin, and more specifically described in the “Staff Report and Recommendation” and map on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference ZT-1779, is hereby approved.

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

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

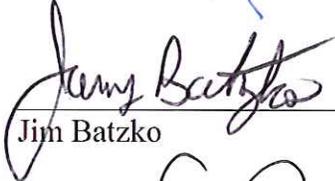
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF MERTON ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 19, T8N, R18E, TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN, FROM THE R-1 RESIDENTIAL DISTRICT TO THE B-2 LOCAL BUSINESS DISTRICT (ZT-1779)

Presented by:
Land Use, Parks, and Environment Committee



Walter L. Kolb, Chair



Jim Batzko



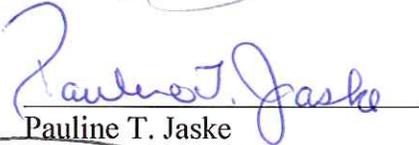
Jennifer A. Grant



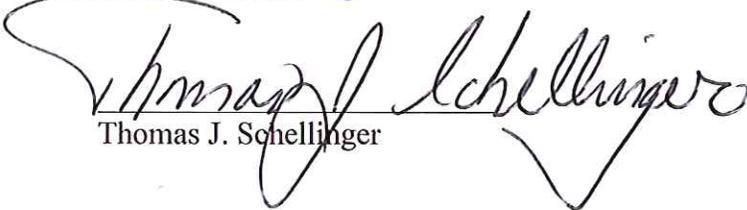
Keith Hammitt



Eric Highum



Pauline T. Jaske



Thomas J. Schellinger

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

Date: 5/27/14, 
Kathleen Novack, County Clerk

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

Approved: _____
Vetoed: _____
Date: 6-2-14, 
Daniel P. Vrakas, County Executive

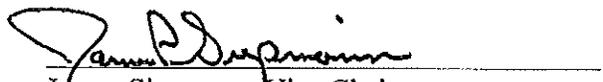
COMMISSION ACTION

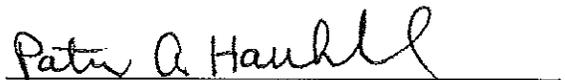
The Waukesha County Park and Planning Commission, after giving consideration to the subject matter of the Ordinance to amend the Town of Merton Zoning Code, hereby recommends approval of ZT-1779 (Town of Merton Board/Timothy Fleming) in accordance with the attached "Staff Report and Recommendation".

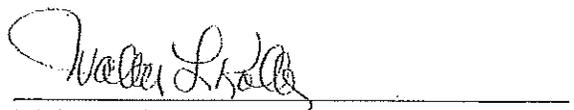
PARK AND PLANNING COMMISSION

April 17, 2014


Robert Peregrine, Chairperson


James Siepmann, Vice Chairperson


Patricia Haukohl


Walter Kolb


Gary Goodchild


William Mitchell

ABSENT
Fritz Ruf

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

DATE: April 17, 2014
FILE NO.: ZT-1779
TAX KEY NO.: MRTT 0361.995 and MRTT 0361.996

PETITIONER: Town of Merton Board
W314 N7624 S.T.H. 83
North Lake, WI 53064-0128

OWNERS: Timothy M. Fleming
W334 N6956 Stone Bank Road
Oconomowoc, WI 53066

Timothy M. Fleming and
Susan L. Simons
W334 N6966 Stone Bank Road
Oconomowoc, WI 53066

LOCATION:
Part of the NE ¼ of Section 19, T8N, R18E, Town of Merton. More specifically, the properties are located at W334 N6966 Stone Bank Road and W334 N6956 Stone Bank Road.

PRESENT ZONING CLASSIFICATION:
R-1 Residential District.

PRESENT LAND USE:
Commercial and residential.

PROPOSED ZONING:
B-2 Local Business District.

PROPOSED LAND USE:
Commercial and residential.

PUBLIC HEARING DATE:
March 5, 2014.

PUBLIC REACTION:
None.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:
On March 5, 2014, the Town Plan Commission recommended approval of the request. On March 10, 2014, the Town Board approved the rezoning request.

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN AND THE TOWN OF MERTON LAND USE PLAN:

The properties were the subject of a 2014 Town and County Plan amendment, which amended the plan designation to the Commercial and Office Park category. The proposal to rezone the properties to a business district would be compatible with the plans.

OTHER CONSIDERATIONS:

The Town is requesting that the two developed subject properties (0.5 acres and 0.4 acres, respectively) be rezoned to the B-2 Local Business District under the Town of Merton Zoning Code. There is no County Shoreland jurisdiction on the lands. The properties were recently placed in the Commercial and Office Park plan category. The proposed B-2 designation would match the zoning of similar parcels immediately to the south and west. The subject lands are located immediately south of a church and opposite a commercial use on Stone Bank Road. There are residential uses to the south and east along Reynolds Drive. The properties are located in a commercial and mixed use setting along Stone Bank Road and C.T.H. "K". The small downtown/hamlet area is known as Stone Bank.

The southerly parcel that is subject of the request contains a residence and a fire and police supply company, known as Fleming's Fire One, which operates out of a large outbuilding on the site. The company sells items such as fire extinguishers and police caution tape. The northerly parcel contains a residence. The Town Planner indicates that she believes that a small portion of the commercial building encroaches on the northerly parcel and that is part of the reason that the north property was included in the request. The Town's B-2 District permits both small business uses and residential use, so the two existing residences would remain permitted uses with the proposed B-2 designation. The subject properties better match the parcel size and open space requirements of the B-2 district than the existing R-1 District designation. The B-2 District is also more permissive relative to floor area ratio, therefore, the existing buildings will become more conforming relative to these types of dimensional zoning parameters. There are no natural resources on the site.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be approved. The rezoning of the property is consistent with land use plan recommendations and will allow for both business and residential use of the property to continue into the future, which is consistent with the mix of uses within the neighborhood.

Respectfully submitted,

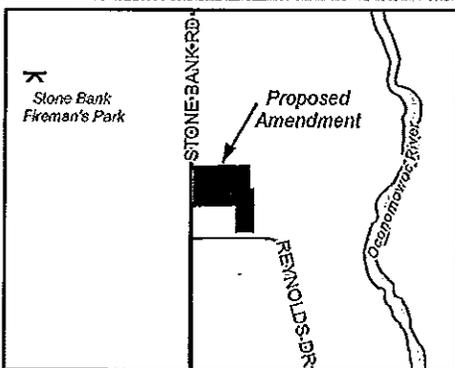
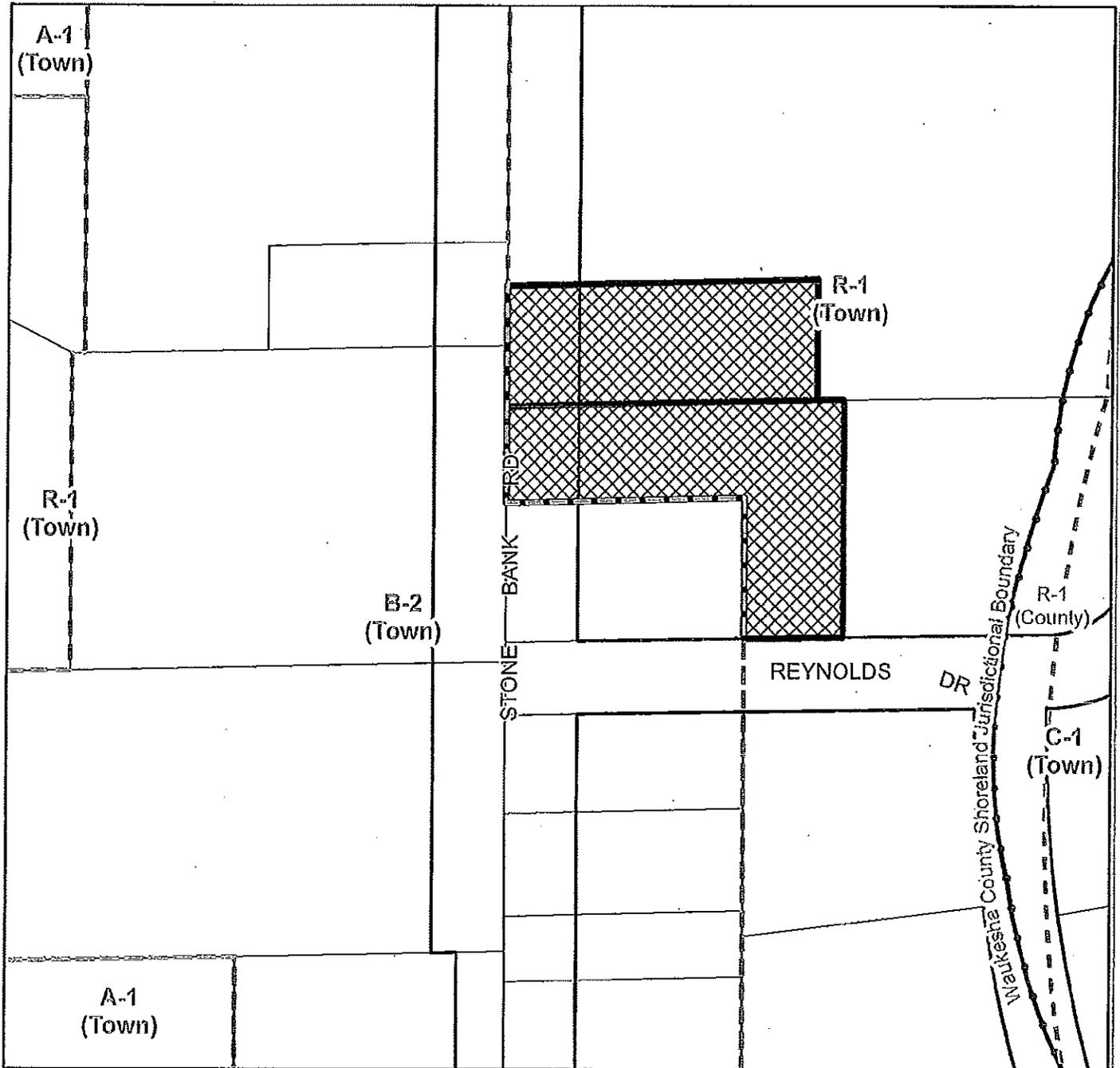
Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachments: Map, Town Ordinance

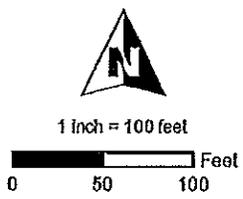
ZONING AMENDMENT

PART OF THE SW 1/4 & NE 1/4 OF SECTION 19
TOWN OF MERTON



 TOWN ZONING CHANGE FROM R-1 RESIDENTIAL DISTRICT TO B-2 LOCAL BUSINESS DISTRICT

PETITIONER.....Fleming/Simons
 FILE.....ZT-1779
 DATE OF PLAN COMM. CONSIDERATION.....04/17/14
 AREA OF CHANGE.....0.91 ACRES
 TAX KEY NUMBERS.....MRTT 0361.995 & MRTT 0361.996



Prepared by the Waukesha County Department of Parks and Land Use

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE BOUNDARIES OF THE B-2 LOCAL BUSINESS DISTRICT AS SHOWN ON THE DISTRICT MAP, TOWN OF MERTON WAUKESHA COUNTY, WISCONSIN (TIMOTHY FLEMING 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 R-1 Residential District to B-2 Local Business District:

SEE ATTACHED PROPERTY DESCRIPTION

SECTION 2. EFFECTIVE DATE. This ordinance shall take effect upon passage, posting and publication as required by law, and the final effective date being the date of Waukesha County Board approval.

DATED: March 10, 2014

TOWN OF MERTON
By: Richard Morris
Richard Morris, Chairman

ATTEST:

Susan J. Oman
Susan J. Oman, Clerk

Date Adopted: 3-10-14
Date Published: 3-20-14
Effective Date: 3-20-14

TIMOTHY FLEMING PROPERTY

A part or parcel of land in Section Number Nineteen (19) in Township Number Eight (8) North, of Range No. Eighteen (18) East, to-wit:

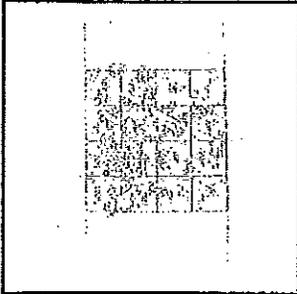
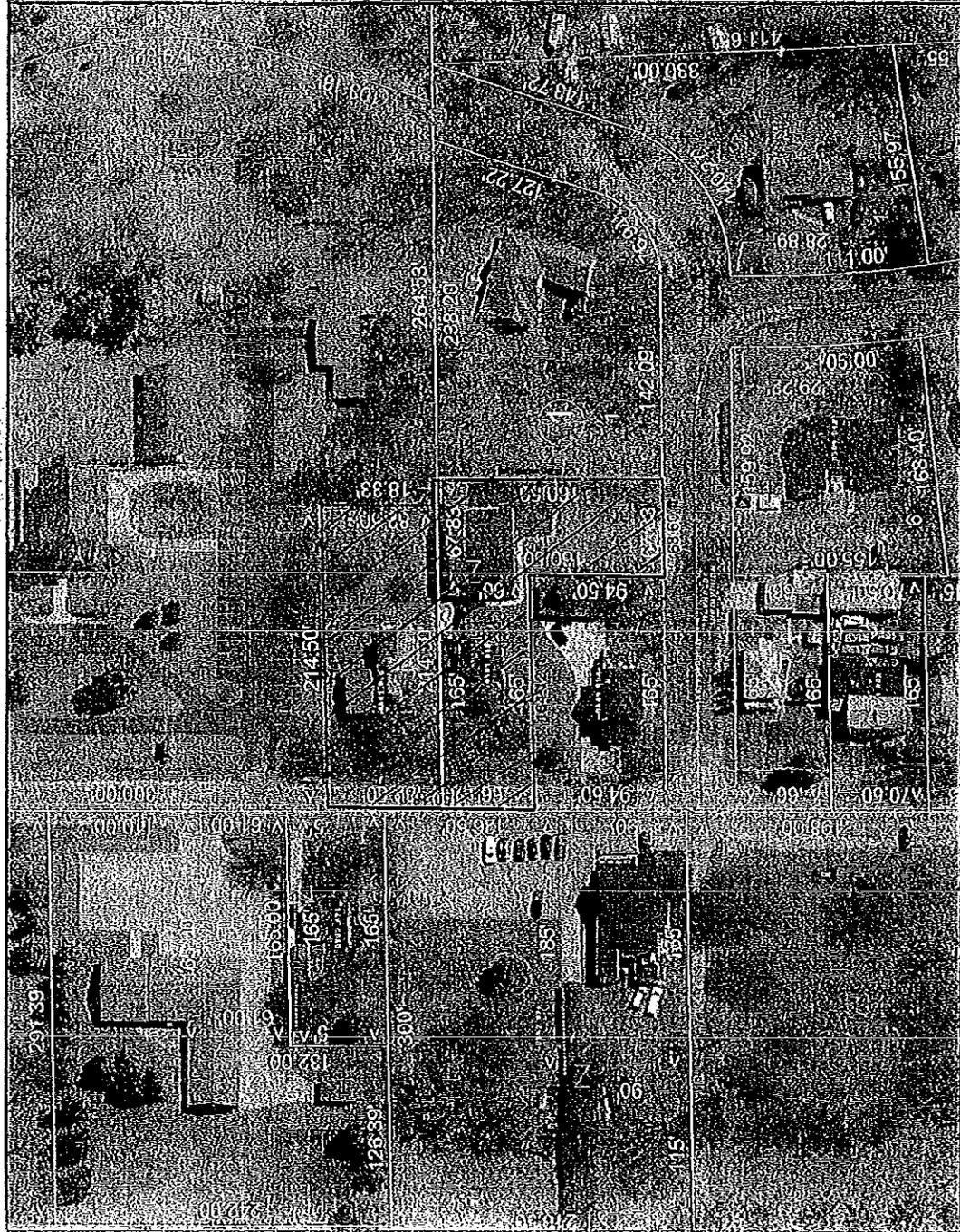
Commencing at a point distant North from the center of said section, fifteen (15) chains, fifty-six (56) links, and in the center of the highway running North and South through said section; thence East thirteen (13) rods; thence North five (5) rods; thence West thirteen (13) rods; thence South five (5) rods to the place of beginning.

That certain piece or parcel of land lying and being in the South West 1/4 of the North East 1/4 of Section 19, Township 8 North, Range 18 East, bounded and described as follows: Commencing at the Southeast corner of the land owned by the Norwegian Lutheran Congregation, thence East at right angles to the East line of said Congregation's land 67 feet 10 inches to a point; thence North at right angle 9 rods and 12 feet to a point on the North line of land owned by the Grantor, thence West at right angles along the North line of said Grantor's land 67 feet 10 inches to a point, which point is the Northeast corner of the land deeded by the Stonebank Creamery Company to Adam Miles, thence South along the East line of the land formerly owned by the Stonebank Creamery Company and the land of the Norwegian Lutheran Congregation 9 rods 12 feet to the place of beginning. Also the following described premises situated in the Town of Heron, Waukesha County, and State of Wisconsin, to-wit: That certain piece or parcel of land lying situated and being in the Southwest 1/4 of the North East 1/4 of Section 19 in the Town of Heron in the said County of Waukesha (being Town 8 North, Range 18 East) bounded and described as follows: Commencing at a point in the center of the highway on the North and South 1/4 Section line at the South West corner of the land now owned and occupied by Mrs. Sarah Mason and formerly owned by Thomas Fulmer; thence East along the South line of said land of Mrs. Sarah Mason 10 rods, thence South and parallel with said 1/4 section line 4 rods, thence West 10 rods to a point on said 1/4 section line 4 rods South from the place of beginning; thence North on said 1/4 section line 4 rods to the place of beginning.

EXHIBIT A-1
HASH-MARKED AREA DENOTES PARCEL FOR LANDUSE CHANGE

Waukesha County GIS Map

LAND INFORMATION SYSTEMS DIVISION



- Legend
- Retired Parcels
- Plats
- 1 Assessor Plat
 - 2 CSM
 - 3 Condo Plat
 - 4 Subdivision Plat

Notes:

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions hereby, or for use which ignores this warning.

0 108.94 Feet

Printed: 10/31/2013

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-05/27/14

(ORD) NUMBER-1690002

- | | |
|--------------------------|--------------------------|
| 1 R. KOLB.....AYE | 2 D. Zimmermann.....AYE |
| 3 R. MORRIS.....AYE | 4 J. BATZKO.....AYE |
| 5 J. BRANDTJEN.....AYE | 6 J. WALZ.....AYE |
| 7 J. GRANT.....AYE | 8 E. HIGHUM.....AYE |
| 9 J. HEINRICH.....AYE | 10 D. SWAN.....AYE |
| 11 C. HOWARD.....AYE | 12 P. WOLFF.....AYE |
| 13 P. DECKER.....AYE | 14 C. PETTIS.....AYE |
| 15 W. KOLB.....AYE | 16 M. CROWLEY.....AYE |
| 17 D. PAULSON.....AYE | 18 L. NELSON.....AYE |
| 19 K. CUMMINGS.....AYE | 20 T. SCHELLINGER....AYE |
| 21 W. ZABOROWSKI.....AYE | 22 P. JASKE.....AYE |
| 23 K. HAMMITT.....AYE | 24 S. WHITTOW.....AYE |
| 25 G. YERKE.....AYE | |

TOTAL AYES-25

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS  _____

TOTAL VOTES-25