

ENROLLED ORDINANCE 176-75

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP FOR THE TOWN OF MERTON BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 19, T8N, R18E, TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN, FROM THE R-3 RESIDENTIAL AND C-1 CONSERVANCY DISTRICTS (TOWN) AND THE R-3 RESIDENTIAL DISTRICT (COUNTY) TO THE B-2 LOCAL BUSINESS DISTRICT (TOWN AND COUNTY) (RZ86)

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 September 13, 2021; 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 60.62, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map for the Town of Merton, Waukesha County, Wisconsin, adopted by the Waukesha County Board of Supervisors on October 23, 2007, is hereby amended to conditionally rezone from the R-3 Residential and C-1 Conservancy Districts (Town) and the R-3 Residential District (County) to the B-2 Local Business District (Town and County), certain lands located in part of the SE ¼ of Section 19, T8N, R18E, Town of Merton, 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 RZ86, is hereby approved, subject to the following condition:

1. Landscape plantings/fencing shall be provided to screen the parking lot from adjacent residential properties. Proposed plantings and/or fencing must be depicted upon a site or landscape plan and shall be subject to review and approval of the County Zoning Administrator.

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.

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP FOR THE TOWN OF MERTON BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 19, T8N, R18E, TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN, FROM THE R-3 RESIDENTIAL AND C-1 CONSERVANCY DISTRICTS (TOWN) AND THE R-3 RESIDENTIAL DISTRICT (COUNTY) TO THE B-2 LOCAL BUSINESS DISTRICT (TOWN AND COUNTY) (RZ86)

Presented by:  
Land Use, Parks, and Environment Committee

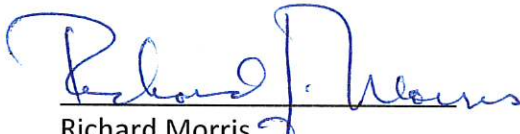
  
William A. Mitchell, Chair

**Absent**

\_\_\_\_\_  
Keith Hammitt

  
Thomas A. Michalski

  
Chris Mommaerts

  
Richard Morris


**Absent**

\_\_\_\_\_  
Thomas J. Schellinger

**Absent**

\_\_\_\_\_  
Steve Whittow

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

Date: 11/29/2021,   
Margaret Waitman, County Clerk

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

Approved: X

Vetoed: \_\_\_\_\_

Date: 11/30/2021

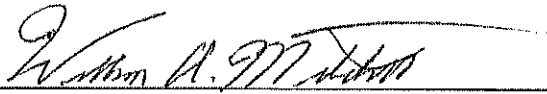
  
Paul Farrow, County Executive

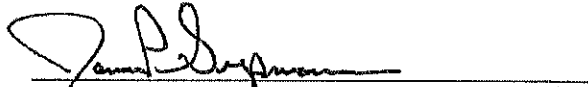
COMMISSION ACTION

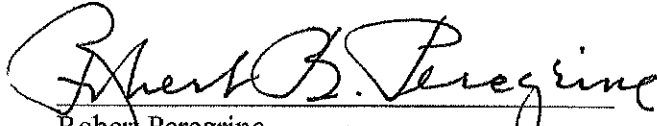
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance hereby recommends approval of **RZ86 (Thompson)** in accordance with the attached "Staff Report and Recommendation".


PARK AND PLANNING COMMISSION

October 21, 2021

  
\_\_\_\_\_  
William Mitchell, Chairperson

  
\_\_\_\_\_  
James Siepmann, Vice Chairperson

  
\_\_\_\_\_  
Robert Peregrine

  
\_\_\_\_\_  
Richard Morris

  
\_\_\_\_\_  
Thomas Michalski

Absent  
\_\_\_\_\_  
William Groskopf

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

**DATE:** October 21, 2021

**FILE NO.:** RZ86

**OWNER:** Kim Thompson  
N67 W33395 Hwy K  
Oconomowoc, WI 53066

**TAX KEY NO.:** MRTT 0364.988

**LOCATION:**

The property is located in part of the SE ¼ of Section 19, T8N, R18E, Town of Merton. More specifically, the property is located at N67 W33395 CTH K.

**EXISTING ZONING:**

R-3 Residential and C-1 Conservancy Districts (Town) and B-2 Local Business District and R-3 Residential District (County).

**PROPOSED ZONING:**

B-2 Local Business District (Town and County)

**EXISTING LAND USE:** Restaurant, tavern and residential apartments (3).

**PROPOSED LAND USE:** Create an expanded parking area for the existing restaurant and pub.

**PUBLIC HEARING DATE:** September 1, 2021

**PUBLIC REACTION:**

None.

**TOWN PLAN COMMISSION AND TOWN BOARD ACTION:**

On September 1, 2021, the Town of Merton Plan Commission unanimously recommended approval of the request. The Town Board approved the request on September 13, 2021.

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

The Comprehensive Land Use Plans for Waukesha County and the Town of Merton designate the property as Commercial and Office Park, which is defined as land devoted to retail, office, service activities, general business activities, and/or research and development and related off-street parking. The use of the property for restaurant/bar use is consistent with plan recommendations.

**STAFF ANALYSIS:**

The subject property is located on the south side of CTH K, at the intersection of CTH K and Reynolds Drive, just west of the Oconomowoc River. The property is bordered by CTH K to the north, Road L to the east, a vacant parcel to the south, which is primarily wetlands, and the Stonebank Community trailer park to the west. The property is approximately 2.1 acres in size, excluding the road right-of-way. The property is served by a private sewage (conventional) system and private well.

The property contains a two-story restaurant and tavern with three (3) residential apartments, parking lot, deck, patio and sand volleyball court. The private sewage system is located on the west side of the property, near the road, with portions of the leach bed beneath the paved parking lot. The property has two (2) access points to CTH K.

The property is located entirely within the County's Shoreland and Floodland zoning jurisdiction. The northern portion of the property where the existing improvements are located is zoned B-2 Local Business District and the southern portion of the property, which is currently unimproved (with the exception of approximately 4,880 sq. ft. of gravel parking), is zoned R-3 Residential District. The Town Zoning maps have not yet been modernized to remove town zoning from shoreland areas. Therefore, town zoning for the property remains R-3 Residential and C-1 Conservancy Districts. It appears as though the town C-1 designation was erroneously applied, as there are not wetlands or floodplain on the property. The zoning amendment would rezone the entire property to the B-2 Local Business District, consistent with the County's zoning on the northern portion of the property.

The petitioner is seeking to rezone the subject property to allow for the future expansion of the parking lot. The most recent Site Plan and Plan of Operation (SP132) identified a parking deficiency of five (5) spaces for the existing uses. The County facilitated a Development Review Team Meeting with the owner and Town and County Staff earlier this year to discuss proposed site improvements and staff suggested that the additional parking spaces be designated in the existing gravel area to the south of the main part of the existing parking lot. The proposed parking plan would extend the parking lot along the west lot line south to the south property line, adding approximately 21 additional parking spaces, and relocating the dumpsters to the southwest corner of the property. Some of the parking spaces adjacent to the restaurant and near the road would be eliminated for better circulation. The proposed site plan is attached as Exhibit A. The event barn shown on the plan is not part of this request and will require separate approvals from the Town and County. Parking lots are not a permitted use the R-3 Residential District, however, they are allowed in the B-2 Local Business District.

**STAFF RECOMMENDATION:**

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of the rezone request with the following condition.

1. Landscape plantings/fencing shall be provided to screen the parking lot from adjacent residential properties. Proposed plantings and/or fencing must be depicted upon a site or landscape plan and shall be subject to review and approval of the County Zoning Administrator.

The proposed zoning amendment will allow the owner to increase the site parking while also providing a buffer for the residential neighbors to the west. Therefore, the proposed zoning map amendment complies with the Town and County Comprehensive Development Plans and is within the purpose and intent of the Waukesha County Shoreland and Floodland Protection Ordinance and the Town of Merton Ordinance.

Respectfully submitted,

*Jacob Heermans*

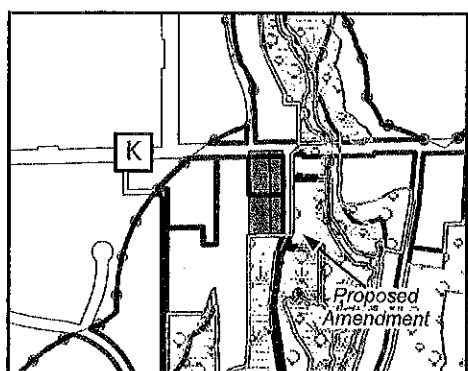
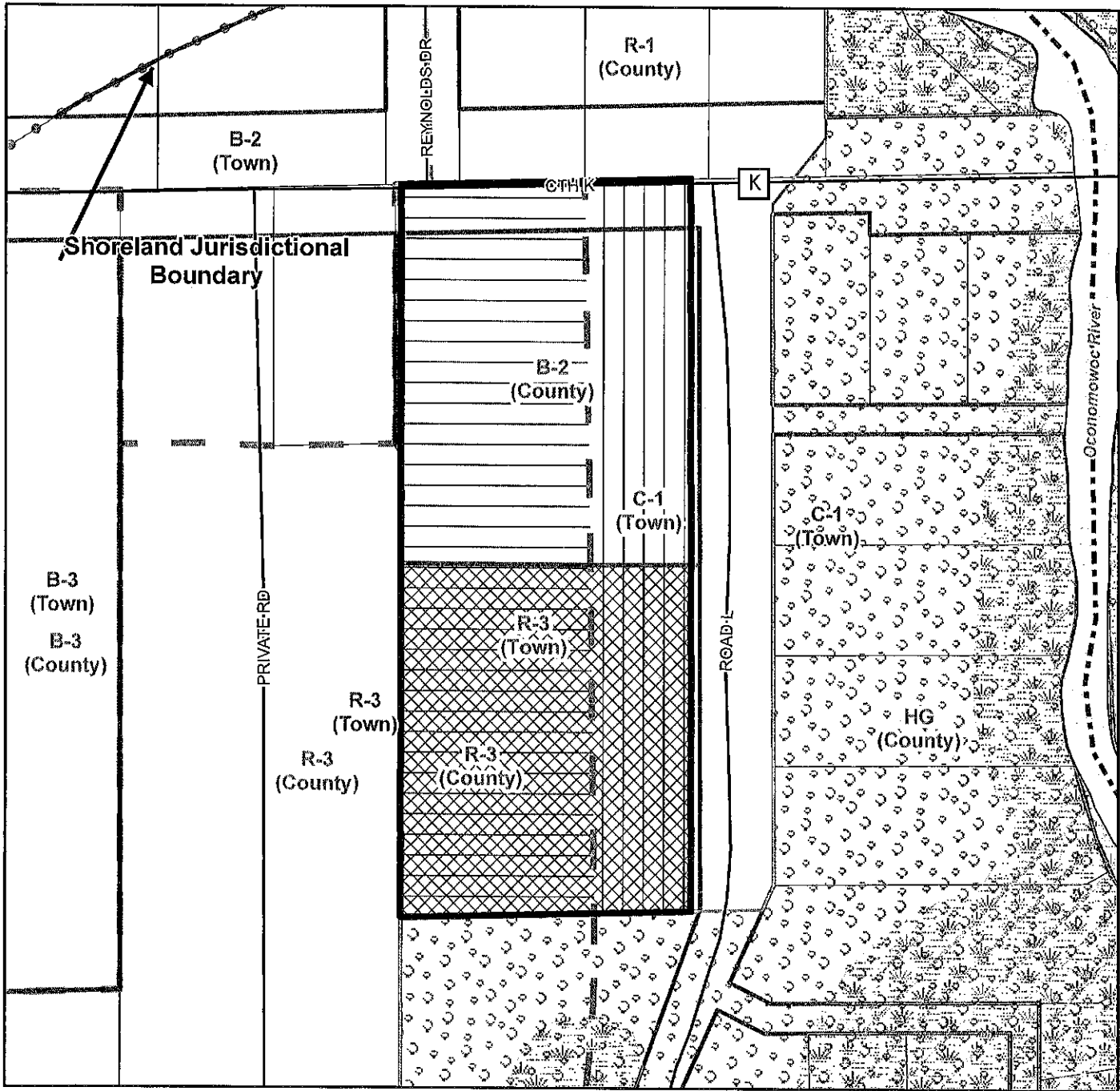
Jacob Heermans  
Senior Land Use Specialist

Attachments: Exhibit A, Concept Plan  
Map



# ZONING AMENDMENT

PT OF THE WEST 1/2 OF THE SE 1/4 SECTION 19,  
TOWN OF MERTON



	COUNTY ZONING AMENDMENT CHANGE FROM R-3 RESIDENTIAL DISTRICT TO B-2 LOCAL BUSINESS DISTRICT (1.07 AC)
	TOWN ZONING AMENDMENT CHANGE FROM R-3 RESIDENTIAL DISTRICT TO B-2 LOCAL BUSINESS DISTRICT (1.46 AC)
	TOWN ZONING AMENDMENT CHANGE FROM C-1 CONSERVANCY DISTRICT TO B-2 LOCAL BUSINESS DISTRICT (0.78 AC)
	CONSERVANCY (C-1) OVERLAY
	ENVIRONMENTAL CORRIDOR (EC) OVERLAY

FILE.....RZ86  
 DATE OF PLAN COMMISSION.....10/21/21  
 AREA OF CHANGE.....2.2 ACRES  
 TAX KEY NUMBER.....MRRT 0364.988  
 Prepared by the Waukesha County Department of Parks and Land Use



VOTING RESULTS

AYE 22 | NAY 0 | ABSTAIN | ABSENT 3

# Ordinance 176-O-079

Ordinance 176-O-079: Amend the Waukesha County...

 **Passed By Majority Vote**

D1 - Foti	AYE	D14 - Mommaerts	AYE
D2 - Zimmermann	AYE	D15 - Mitchell	ABSENT
D3 - Morris	AYE	D16 - Crowley	AYE
D4 - Batzko	AYE	D17 - Paulson	AYE
D5 - Dondlinger	AYE	D18 - Nelson	AYE
D6 - Walz	AYE	D19 - Vacant	ABSENT
D7 - LaFontain	AYE	D20 - Schellinger	AYE
D8 - Michalski	AYE	D21 - Gaughan	AYE
D9 - Heinrich	AYE	D22 - Wyssocki	AYE
D10 - Swan	AYE	D23 - Hammitt	AYE
D11 - Howard	AYE	D24 - Whitrow	ABSENT
D12 - Wolf	AYE	D25 - Johnson	AYE
D13 - Decker	AYE		

November 23 2021 - November 23 2021 07:11:19 PM





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