

ENROLLED ORDINANCE 174-011

YEAR 2019 AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR
WAUKESHA COUNTY (3A – WAUKESHA COUNTY PARK AND PLANNING
COMMISSION/LEVERENCE, SECTION 36, T8N, R18E, 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 21, 2019, 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 March 21, 2019, a summary of the 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 March 21, 2019, 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 **conditionally approved** to the Year 2035 Comprehensive Development Plan for Waukesha County.

3. In the Town of Merton, the following request is being made:
 - A. *The Waukesha County Park and Planning Commission*, 515 West Moreland Blvd., Waukesha, WI 53188, requests property owned by Patricia Leverage, N48 W28320 Lynndale Road, located in part of the SE ¼ of Section 36, T8N, R18E, Town of Merton (Tax Key No. MRTT 0432.998.004), be amended from the Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit) to the Mixed Use category.

The request is approved subject to the following conditions:


1. Allowable mixed uses are limited to residential, office and retail uses.
2. The maximum area of land disturbance on the property shall be no greater than 15% of the lot area.

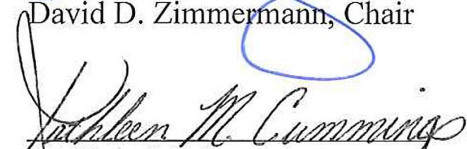
BE IT FURTHER ORDAINED that a more detailed description and map of the aforementioned amendment is on file in the office of the Waukesha County Department of Parks and Land Use.

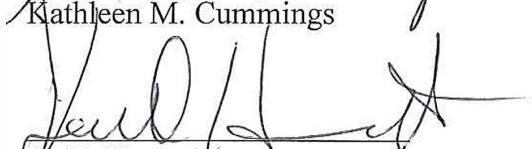
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Merton.

YEAR 2019 AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR
WAUKESHA COUNTY (3A – WAUKESHA COUNTY PARK AND PLANNING
COMMISSION/LEVERENCE, SECTION 36, T8N, R18E, TOWN OF MERTON)

Presented by:
Land Use, Parks, and Environment Committee

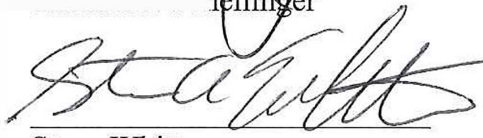

David D. Zimmermann, Chair

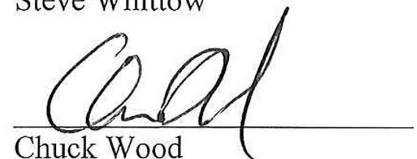

Kathleen M. Cummings


Keith Hammitt

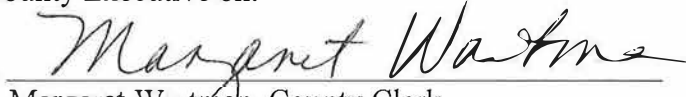

William A. Mitchell


Schullinger


Steve Whittow


Chuck Wood

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

Date: April 26 2019, 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

Date: 4/29/19, 
Paul Farrow, County Executive

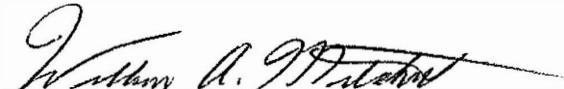
COMMISSION ACTION

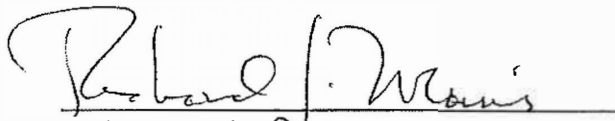
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2019 Amendment to the Comprehensive Development Plan for Waukesha County, (3A – Waukesha County Park and Planning Commission/Leverence, Section 36, T8N, R18E, Town of Merton) hereby recommends conditional approval.

PARK AND PLANNING COMMISSION

March 21, 2019


Robert Peregrine, Chairman


William Mitchell, Vice Chairman


Richard Morris


James Siepmann

Absent
William Maslowski


Thomas Michalski

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION FOR A YEAR 2019 AMENDMENT TO THE
COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY
(3A – WAUKESHA COUNTY PARK AND PLANNING COMMISSION),
TOWN OF MERTON

DATE: March 21, 2019

PUBLIC HEARING DATE:
Thursday, February 21, 2019, 1:00 p.m.

REQUEST:
3 (A) Year 2019 amendment to the Comprehensive Development Plan.

The Waukesha County Park and Planning Commission, 515 West Moreland Blvd., Waukesha, WI 53188, requests property owned by Patricia Leverence, N48 W28320 Lynndale Road, located in part of the SE ¼ of Section 36, T8N, R18E, Town of Merton (Tax Key No. MRTT 0432.998.004), be amended from the Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit) to the Mixed Use category.

EXISTING LAND USE CATEGORY
Low Density Residential (20,000 sq. ft. to 1.4 acres of area per dwelling unit).

PROPOSED LAND USE CATEGORY
Mixed Use.

PUBLIC REACTION
None.

TOWN PLAN COMMISSION ACTION
At their December 5, 2018, meeting, the Town of Merton Plan Commission recommended approval of a parallel request to the Town's Land Use Plan.

TOWN BOARD ACTION
The Town of Merton Board approved the related Town Land Use Plan amendment at their February 11, 2019 meeting (Resolution 121018B).

STAFF ANALYSIS:
The subject property is located immediately north of the Delafield/Merton town line. The property owner holds property on both sides of the town line. The property to the south of the subject property contains the Lynndale Farms gift shops. The shops operate out of converted agricultural buildings. The subject property contains a residence and a garage that is accessed via the same driveway that serves the shops. Aside from the home and garage area, the property is heavily wooded and steep. The owner approached the Town to pursue a plan amendment to bring her Merton property into the Mixed Use category to match the existing designation of her lands in Delafield. The Town Planner explained that the change in designation might allow for a small-scale office or commercial use to operate from the residence on the property at some point in the future.

The property is located near the Highway 16/C.T.H. "KE" interchange. The acreage to be amended abuts C.T.H. "JK" on the west and is just south of the Maes Walke subdivision. There is a commercial use opposite C.T.H. "JK" to the south.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved** subject to the following conditions:

1. Allowable mixed uses are limited to residential, office and retail uses.
2. The maximum area of land disturbance on the property shall be no greater than 15% of the lot area.

The change to the Mixed Use category brings consistency to the owner's adjacent holdings and allows for a possible limited expansion of commercial or office use in the future.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachment: Town Resolution No. 121018B
Map

RESOLUTION NO. 121018 B

TOWN OF MERTON PLAN COMMISSION RESOLUTION TO AMEND
THE TOWN OF MERTON COMPREHENSIVE LAND USE PLAN-2035

WHEREAS, the Town of Merton Town Board has created a Plan Commission pursuant to §62.23(1), Wis. Stats.; and

WHEREAS, it is the function and duty of the Town Plan Commission pursuant to §62.23(2), Wis. Stats., to prepare and adopt a Master Plan as a whole or as parts thereof, and such plans are to aid the Plan Commission and Town Board in making day-to-day development decisions; and

WHEREAS, the Town of Merton Plan Commission recommended the adoption of a Master Plan, and the Town of Merton Town Board adopted a Comprehensive Land Use Plan-2035 by ordinance on May 12, 2009; and

WHEREAS, Chapter 8, the Land Use Element of the Comprehensive Land Use Plan-2035, and accompanying map, the Town of Merton Land Use Plan Map, identify the Leverage property as Low Density Residential; and

WHEREAS, an application has been made by Patricia Leverage, N48W28320 Lynndale Road, Pewaukee, Wisconsin, to amend the Town of Merton Comprehensive Land Use Plan-2035 and map to change the land use designations, from Low Density Residential to Mixed Use; and

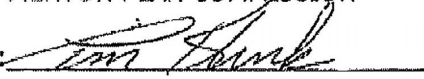
WHEREAS, the purpose of amending the Land Use Plan and map from Low Density Residential to Mixed Use for the aforementioned properties is to conform to the current use of said properties and to be consistent with the land use designation of neighboring properties.

NOW THEREFORE, BE IT HEREBY RESOLVED that the Plan Commission of the Town of Merton recommends that the Town Board of the Town of Merton adopt an ordinance amending the Comprehensive Land Use Plan-2035 by amending the land use of lands described on the attached exhibit (the Patricia Leverage property) from Residential to Mixed Use.

BE IT FURTHER RESOLVED that this resolution was adopted by a majority vote of the entire Plan Commission as required by §66.1001(4)(b), Wis. Stats., and that the vote be recorded in the official minutes of the Plan Commission.

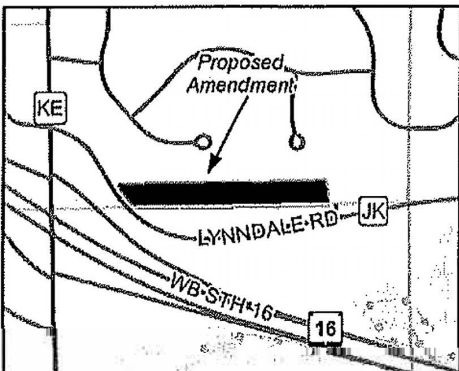
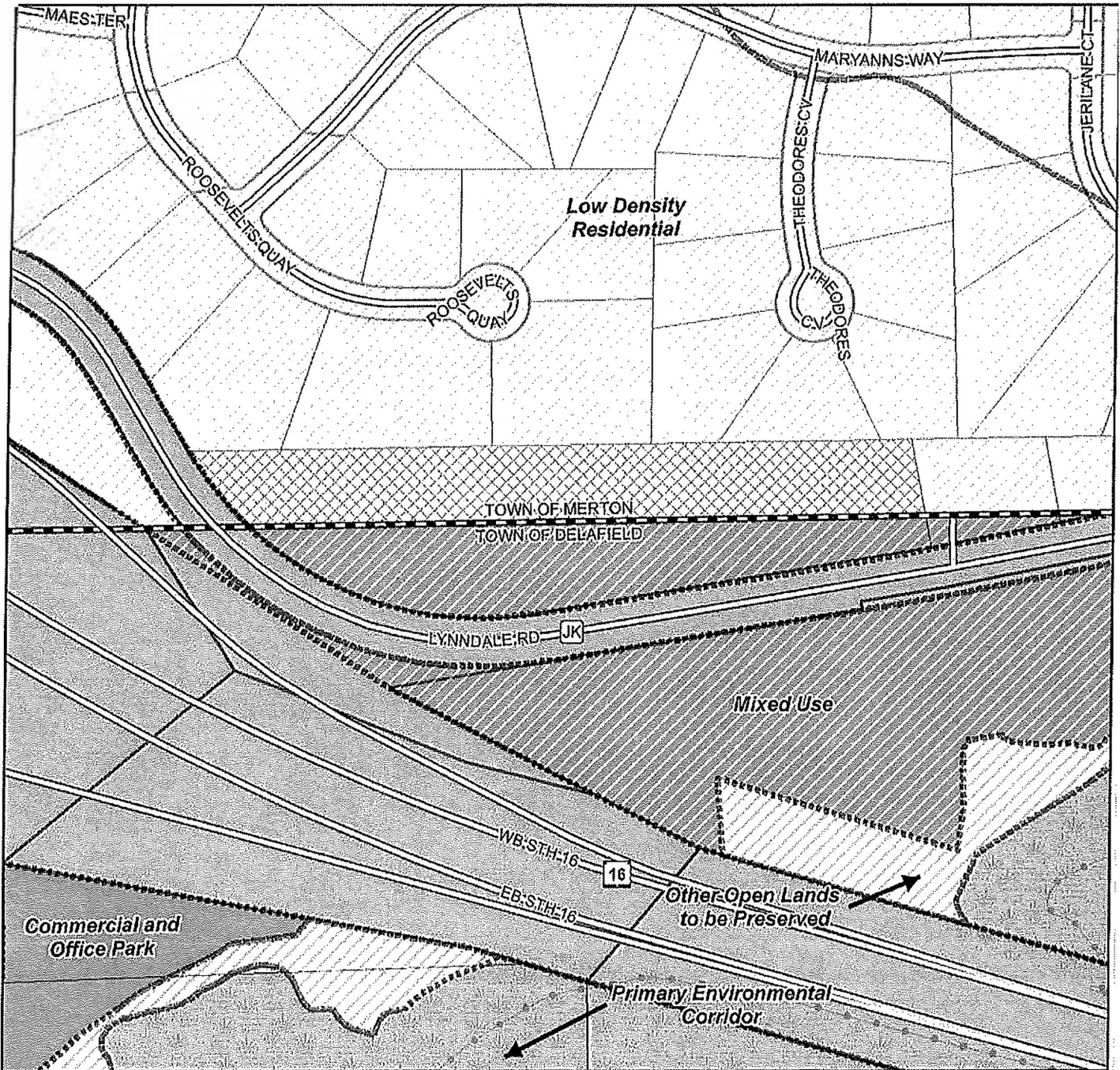
DATED: 12-10-2018

TOWN OF MERTON PLAN COMMISSION

By: 
Tim Klink, Chairman

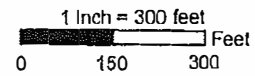
DEVELOPMENT PLAN AMENDMENT

PART OF THE SE 1/4 OF SECTION 36
TOWN OF MERTON



 COUNTY DEVELOPMENT PLAN AMENDMENT FROM LOW DENSITY RESIDENTIAL CATEGORY TO MIXED USE CATEGORY

PETITIONER.....3A Waukesha County Park and Planning Commission
 DATE OF PARK & PLANNING COMMISSION MEETING..... 03/21/19
 AREA OF CHANGE.....5.3 ACRES
 TAX KEY NUMBER.....MRTT 0432.998.004



Prepared by the Waukesha County Department of Parks and Land Use

File Number: 174-O-010



Voting Results for Ordinance 174-O-010

Year 2019 Amendment To The Comprehensive Development Plan For Waukesha County (3A - Waukesha County Park And Planning Commission's Agenda, Section 3B, 75N, R1BE, Town Of Menomonee)

Passed By Majority Vote

AYE: 22 **NAY: 3**

0 **ABSENT: 3**

D1 - Foti		AYE
D2 - Zimmermann	Motion	AYE
D3 - Morris	Second	AYE
D4 - Batzko		AYE
D5 - Dondlinger		AYE
D6 - Walz		AYE
D7 - Grant		AYE
D8 - Michalski		AYE
D9 - Heinrich		AYE
D10 - Swan		AYE
D11 - Howard		ABSENT
D12 - Wolff		ABSENT
D13 - Decker		AYE

D14 - Wood		AYE
D15 - Mitchell		AYE
D16 - Crowley		AYE
D17 - Paulson		AYE
D18 - Nelson		AYE
D19 - Cummings		AYE
D20 - Schellinger		AYE
D21 - Gaughan		AYE
D22 - Wysocki		AYE
D23 - Hammitt		AYE
D24 - Whittow		ABSENT
D25 - Johnson		AYE