

Town of Merton
Plan Commission Meeting
Minutes of August 21st, 2024

- Meeting Called to Order by Chairman Klink at 5:32 p.m.
- Pledge of Allegiance led by Chairman Klink
- Minutes of the August 7th, 2024, Plan Commission Meeting. A motion to approve the minutes as printed was made by Commissioners Morris/Siepmann. Motion carried.

Present: Chairman Klink, Commissioners Griffin, Jensen, Morris, Siepmann, and Good, Attorney Van Kleunen, and Deputy Clerk Claas

Absent: Commissioner Queoff and Planner Haroldson

Also Present: Andrew Miner and Donna Hann

Old Business: None

New Business:

Request of Karl Holt on Behalf of MGD Holdings – To Approve a Condominium Plat Converting an Existing Building to Condominium Units and an Updated Plan of Operation to Allow Manufacturing and Cold Storage in Individual Units – W300N7706 Christine Lane – Tax Key MRTT0345-003 – Chairman Klink stated there are some concerns as far as if it is built to handle what Holt wants to do as far as firewalls. Attorney Van Kleunen said that he discussed this briefly with the Planner, and there were some concerns regarding the cold storage operation and what units it would be occurring in. The thought is the Town would be okay if the units identified for cold storage that are actually being used by Karl Holt. After the Plan of Operation is approved, any other additional use that occurs on this property would have to get approval, and when a request for an occupancy permit comes in, that would be the point when the Town can identify what's really going on in a particular unit. He believes the Town is okay with proceeding in a manner that he would be allowed to continue doing what's he doing right now. His understanding, after speaking with the Planner, is that Holt would not need to fireproof any walls currently if he just continues with his existing operation, and he can have his condo plat recorded, but it would still be him in specified units, and that would be okay. If he is going to put up walls, it would suggest that he would have other owners at that point in time and that's when the fireproofing walls would need to occur. Any new occupants of the property would need to come to the Town for approval for any kind of building permit or occupancy permit and any other permit that would be necessary to engage in whatever proposed use they're planning.

Chairman Klink said the Town had an incident where someone had changed their use, and they didn't have a firewall, and a fire actually went over the wall, and it affected the other units. That's a concern. The Town doesn't know what's coming in and what they're going to do. Cold storage is not a problem, but what if they come in and want to do manufacturing. Commissioner Griffin stated on the application he is asking for cold storage and manufacturing. Attorney Van Kleunen replied that would be an option that he would give as a permitted use at any point in time based on the existing zoning. Whoever the owner is would need to come in and get an occupancy permit. Chairman Klink asked if the Town could make Holt put firewalls in the four units remaining so it doesn't make a difference what comes in, then they could do cold storage or manufacturing. Commissioner Siepmann said it's an expensive difference. Attorney Van Kleunen said in speaking with the Planner he was trying to find a balance. Holt doesn't

have any locked in 100% future occupants, and could have someone occupying several adjacent units, and he is fearful that the Town had him put up a firewall that would come down.

Commissioner Morris questioned what the advantage is over condo versus renting and said there would have to be some kind of HOA agreement. Commissioner Jensen asked if there could be a condition that if one of the units is purchased, the Town would be informed about it as he sells them. Attorney Van Kleunen stated if the Town has him put a notation on the plat, there's a better chance of a future buyer having notice.

Commissioner Jensen noticed that there is only one ADA bathroom that they can all share and suggested they could put in their own bathroom if they wanted to. Attorney Van Kleunen stated that depending on the use, the Building Inspector may require it.

Attorney Van Kleunen said the Town could get the condo board to provide a report to the Town as to the users every year as to who's all operating. Holt would be the condo board until he sells them. Attorney Van Kleunen said he understands the concerns, but if the Town has any inclination that there's more going on than what's going on right now, the Building Inspector can do an inspection for compliance. Either the property owner consents to an inspection, or the Town goes and gets a special inspection warrant.

Attorney Van Kleunen said if the Town were to take action, his conditions would be that there needs to be an updated plan of operation as discussed, and a note would need to put be on the condo plat that every new purchaser needs to provide the Town contact information as a unit owner.

A motion for approval of the condominium plat converting the existing buildings to condominium units and an updated plan of operation subject to a note on the plat stating that any new owner or occupant must submit their plan of operation to the Town and be subject to an inspection and Town Staff and County conditions prior to occupancy was made by Commissioners Siepmann/Jensen. Motion carried.

Certified Survey Map – To Combine 3 Parcels of Record with Separate Tax Keys on Forest Drive (Lots 9, 10, and 11 in Moose Hills Subdivision) – Requested by Andrew Miner – Tax Keys MRTT0367-009, MRTT0367-010, and MRTT0367-011 – A motion to approve and send to the Town Board for their approval after receiving the final certified survey map with the recommended changes from the Town of Merton and Waukesha County Parks & Land Use was made by Commissioners Griffin/Jensen. Motion carried.

Planner Report Marilyn Haroldson – No report.

County Board Supervisor Report Richard Morris – stated Park & Plan Commission had a big controversy with Home City Ice in the Town of Oconomowoc because they got a big contract with Kwik Trip and went from 4 trucks a day to 20 or more with trucks and semis. They received conditional approval. They had four public hearings with the Town.

DPW Director Report Paul Griffin – had an update with the Lorenz property on River Road. It got split, and the Town ended up getting an easement for the Town so the DPW can back their plow truck into their driveway. The Town never had an easement before. They were just allowed to do it.

A motion to adjourn was made by Commissioners Morris/Good. Motion carried. The meeting was adjourned at 5:55 p.m.

Respectfully submitted,
Holly R Claas, Deputy Clerk