

Town of Merton
Plan Commission Meeting
Minutes of October 16th, 2024

- Meeting Called to Order by Chairman Klink at 5:30 p.m.
- Pledge of Allegiance led by Chairman Klink
- Minutes of October 2nd, 2024, Plan Commission Meeting. A motion to approve the minutes as presented was made by Commissioners Siepmann/Morris. Motion carried.

Present: Chairman Klink, Commissioners Griffin, Jensen, Morris, Siepmann, Queoff, and Good, Attorney Van Kleunen, Planner Haroldson, and Deputy Clerk Claas
Also Present: Preet Tiwana, Brian Whipple, and Rick Pollak

Old Business: None

New Business:

Request for an Exception to the Height Regulations as an Exception per 17.21 (2)(e) – Subject to the Approval of the Plan Commission – Requested by Elegant Builders LLC on Behalf of Jim and Patti Shaw – Tax Key MRTT0376-062 – Planner Haroldson stated the height is just under 22', the side offsets are 80' and 125' and the rear is 223', so they meet all the requirements for increased offsets. The zoning is R-1 Residential, and the total square footage of the building is 1,176 sq. ft.

A motion to approve subject to the issuance of a building permit was made by Commissioners Morris/Siepmann. Motion carried.

Plan of Operation and Site Plan - to Continue Operating the North Lake Gas and Convenience Store – Transferring Ownership – Zoned B-2, Business – Requested by Preet Tiwana – Tax Key MRTT0349-008 – Planner Haroldson said Tiwana is buying the gas station from the current owners and she will be operating it in the same manner with gasoline and a convenience store. Tiwana stated she added the extended hours to be open until midnight just in case the opportunity arises, but they plan to close around 9:00. The only outside storage would be for the ice, the wood, and propane. No additional signage is requested at this time. All the garbage, waste, and trash will be in the enclosed dumpster. Tiwana is aware that the Plan of Operation needs to be submitted and approved by Waukesha County. Planner Haroldson stated that maybe she would be required to have an updated occupancy inspection by the Building Inspector and the Fire Chief. Tiwana said an updated inspection by the Fire Chief was recently done. Planner Haroldson also requested an updated parking plan.

A motion to approve the Plan of Operation for the gas station on the corner of Highway Vv and Highway 83 subject to the inspection by the Building Inspector and approval by Waukesha County Parks & Planning and an updated parking plan was made by Commissioners Jensen/Siepmann. Motion carried.

Updated Draft for Area Regulations §17.22 of the Zoning Code for Discussion on Section 17.22(4) Accessory Buildings and Structures – Planner Haroldson stated this was at a previous meeting and the Plan Commission had a lot input from container owners, and those comments were taken into consideration. There were some additional comments from the Plan Commission, so changes were made.

Commissioner Good asked if the Town had to limit it to one 40' container if it's behind the building and painted the same color as the primary building. Commissioner Siepmann added as long as it doesn't exceed the total impervious surface of the property. Planner Haroldson stated they are trying to limit how many multiple accessory buildings they can put on a commercial lot. Planner Haroldson said Waukesha County allows no cargo containers.

Commissioner Siepmann questioned the residential side of things. He doesn't think 60 days is enough and he thinks owners should be able to put one up while they have a building permit and have it tied to the building permit so if they take occupancy, they have a certain number of days to vacate it. Siepmann said a cargo container can be rented for storage just like PODs. If it's tied to a building permit, at least the Building Inspector has some teeth to say the container has to be removed. Planner Haroldson stated the Building Inspector didn't want to be involved unless there was an extension. In her research, Planner Haroldson said she found there are no permanent containers allowed anywhere that she's been able to find yet. She found 180 days, 90 days, 45 days, but when that's done, it must go. Commissioner Siepmann brought up that it says cargo container type structures are not allowed in residential districts, but then allows PODS or temporary containers. Siepmann suggested that he would say PODS or shipping container style storage units as long as it's tied to a building permit. If they don't have a building permit, they shouldn't have a storage unit.

Commissioner Jensen said sometimes when people are moving, they get a POD which wouldn't be tied to a building permit. She suggested having a different category for moving. Commissioner Morris brought up that some companies use construction trailers too when building. Planner Haroldson said she thinks that the Town has something that allows that. Commissioner Siepmann stated there should be three categories: moving, home construction, industrial.

Attorney Van Kleunen suggested shipping containers should be defined and make sure the concepts are right. Attorney Van Kleunen questioned that if this is done in residential, should it require that it only be on a driveway. Planner Haroldson said it must be on a driveway. Attorney Van Kleunen also asked for the ones that are a more permanent structure if there should be a concrete pad underneath. Planner Haroldson responded that if it were permanent, it would make sense to have a concrete pad. Griffin stated most everything in the Town is on gravel. Attorney Van Kleunen questioned if the Plan Commission would like any kind of screening for the various structures. Planner Haroldson said they should be a certain amount of feet off the property line too. She also said some of the industrial park owners had to build their buildings pretty far back or sideways on the lot, so she doesn't know if a shipping container could actually be behind the principal structure on some parcels.

Griffin questioned how is this going to be enforced for the shipping containers that are there right now. Who's going to monitor this and how is it going to be enforced? Planner Haroldson responded that those were not approved with their plans of operation. Chairman Klink said if it wasn't part of the Plan of Operation, then it's a zoning violation, then the Building Inspector would need to make an inspection, and tell them if they need to keep it, they need to come back to the Plan Commission and add it to their Plan of Operation.

Commissioner Siepmann questioned if the Town should consult with the property owners and see what works best for them. Planner Haroldson thinks they should have an informational session with some of those owners and ask them their thoughts and what they would like to see. Eventually there would have to be a public hearing.

Commissioner Jensen asked if there have been complaints about these containers. Planner Haroldson responded that there was because the containers are in stormwater easements.

Chairman Klink said the Planner should set up a meeting with these owners and the Building Inspector and see what their take on it is.

Planner Report Marilyn Haroldson – stated they are moving seriously forward with the vacation of Reddelien Road. All the signatures are on the Certified Survey Map except for extraterritorial. She is working on a couple of violations.

County Board Supervisor Report Richard Morris – reported out about the proposed .5 sales tax.

DPW Director Report Paul Griffin – thanked Attorney Van Kleunen for his assistance on the Reddelien Road vacate.

A motion to adjourn was made by Commissioners Griffin/Jensen. Motion carried. The meeting was adjourned at 6:08 p.m.

Respectfully submitted,
Holly R Claas, Deputy Clerk