

**VILLAGE OF ROCHESTER  
PLAN COMMISSION**

300 W. Spring Street, P.O. Box 65, Rochester, WI 53167-0065  
(262) 534-2431 FAX (262) 534-4084

**PUBLIC HEARING & COMMITTEE MEETING AGENDA  
Wednesday, September 3, 2014 - 7:00 p.m.  
Rochester Village Hall, 300 W. Spring St., Rochester, WI**

**Roll Call:** Mike Weinkauf (Chairperson), Paul Beere, Maureen Eckert, Patricia Gerber,  
Chris Johnson, Tom Rowntree, Mark Tamblyn

**Correction or approval:** August 4, 2014 minutes.

**Public Hearings:** *(Be advised it is necessary to register in advance of the public hearing in order for your comments to be heard. Registration forms are available at the meeting and must be turned in to the Plan Commission Secretary prior to the start of the hearing. Pre-registered Citizens will be called by name by the Plan Commission Chairperson and are subject to a three minute time period, per person, with time extensions granted at the Plan Commission's discretion.)*

1. None.

**Action Items:**

1. **Request for Initial Input: Proposal to remove Lots 5 & 6 from the platted subdivision known as Rookery landing East and combine said lots with Parcel Id. # 176031901009050, 28505 Washington Avenue.  
Parcel Id. #s176031912016050-12160060  
Owner: Jay Hoppe; Agent: Attorney Peter Ludwig**
2. **Application for Certified Survey Map to create a 5.02 acre of land, exclusive of road right-way, on the west side of Heritage Road , approximately 550 feet south of Seidel Drive Part of Parcel Id. # 176031909002000  
Owners: Michael & Judith Weinkauf; Applicant: Jacob Weinkauf**
3. **Adjourn.**

**Betty J. Novy, MMC CMTW WCPC  
Plan Commission Secretary**

**Posted: August 27, 2014**

***It is possible that members and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.***

***Please note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, or to request this service, please contact the Village Hall at 262-534-2431***

***Next regular meeting: Monday, October 6, 2014***

Mike Weinkauff called the meeting to order at 7:00 p.m. with the following members present: Paul Beere; Patricia Gerber; Chris Johnson; Tom Rowntree and Mark Tamblyn. Maureen Eckert was absent.

Betty Novy, Clerk Treasurer; and Jonathan Schattner, Zoning Administrator, were also present.

**Correction or Approval of July 7, 2014 minutes**

Gerber moved, 2<sup>nd</sup> by Johnson to approve the minutes from the July 7, 2014 Plan Commission meeting as printed. Motion carried.

**Public Hearings:** None.

**Agenda Items:**

**Conceptual Development Plan to re-plat the south one-half of Lot 2; and all of Lots 3 & 4, Rookery Landing East to a four (4) lot Certified Survey Map located on the south side of Washington Avenue and east of Hoyer Haven**  
**Applicant/ Owners: James and Diane Hoppe**  
**Parcel Id. # 176031912016020 and all of 1760319120106030 & 176031912016040**

Schattner presented an aerial view of the proposed land division and explained the modifications to the proposal that was initially considered at the June 2, 2014 meeting. The total lots created by the proposed division have been reduced to four. This allows the land division to be presented as a certified survey map rather than a subdivision plat. Soil tests have been submitted to Racine County and meet the minimum requirements. The proposed land division falls within the density requirements specified by the land use plan.

James Hoppe addressed the Commission. Hoppe explained the proposed division addresses concerns expressed at the June meeting regarding the tile lines running through Lot 2 and provides more high ground on each lot to build on. The legal covenants for the subdivision will be amended to include the four lot certified survey map. He is still working with WE Energies on whether any changes to the utility easements are necessary.

Plan Commissioners questioned whether the covenants could be changed without the consent of other property owners in the subdivision. Hoppe indicated the covenants were written in such a way that the developer can amend them at any time up until all the lots are sold to separate owners. Schattner indicated further research will be required to determine what legal requirements need to be met to change the amendments. Hoppe stated that he had provided written notice to all individuals who purchased lots from him that it was his intention to further divide these lots.

Gerber moved, 2<sup>nd</sup> by Beere to approve the conceptual development plan contingent on submittal of the revised covenants and restrictions and the zoning administrator (as follows):

- 1) This property is zoned A-2, General Farming & Residential District II. Under the A-2 zoning requirements each lot must have a minimum of 150' of lot width at the building setback line (75' from the road right-of-way line) and 40,000 square feet of land area, exclusive of road right of way. The proposed principal structures to be constructed on these lots shall maintain the following minimum requirements:
  - a) Street Yard – 75 feet
  - b) Side Yard – 25 feet
  - c) Rear Yard – 25 feet

It should be noted that the property owner has combined the north one-half of Lot 2 of the original plat of Rookery Landing East with Lot 1.

- 2) There is no floodplain, shoreland, wetlands, environmental corridors areas located on the above referenced property.
- 3) The 2035 Land Use Plan for the Village of Rochester illustrates that this property is located in the area illustrated as "Agricultural" (3.0 acre density). As per phone conversation with Gary Foat, Surveyor with Degen-Foat Surveying, Rookery Landing East consists of 80.165 acres. If you apply the 3.0 acre density to this development the owner/developer is allowed to have a total of 26 lots within this development. The proposed submittal indicates that there will be a total of 16 lots.
- 4) The owner has indicated that he has no intentions in creating any additional lots at this time. Soil test has been performed on these lots and illustrates the new location for the mound systems. I recommend that the property owner contact the Racine County Planning Services to determine if copies of the soil test have been submitted to Racine County for these lots and if a code complying sanitary system can be installed on this lot. The Racine Planning Services telephone number is (262) 886-8440. Copies of the soil test performed for this proposed parcel of land shall be submitted to the Village of Rochester to ensure that there is an approved location for an on-site sanitary system, prior to signing-off on the Certified Survey Map.
- 5) The owner shall comply with the conditions outlined in the Village Engineer memorandum, dated May 12, 2014. (See attached letter)
- 6) If conceptual plat approval is granted to this request, the property owner is required to submit amended covenants and restrictions as outlined Condition 1, 2 & 3 of the e-mail, prepared by our Village Attorney, on May 23, 2014. The amended restrictions and covenants shall be approved by the Village of Rochester, prior to approving the final Certified Survey Map. (See attached e-mail)
- 7) The property owner will be required to obtain final CSM approval from the Village of Rochester Planning Commission and the Rochester Village Board.

Votes were: Beere: Aye; Gerber: Aye; Rowntree: Aye; Tamblyn: Aye; Weinkauff: Aye; Motion passed. (Johnson recused himself from the vote).

Tamblyn moved, 2nd by Johnson to adjourn at 7:33 p.m. Motion carried.

Respectfully submitted:

Betty J. Novy, MMC CMTW WCPC  
Clerk-Treasurer

**WANASEK, SCHOLZE, LUDWIG, EKES & ISELIN, S.C.**

**ATTORNEYS AT LAW**

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POST OFFICE BOX 717  
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E-MAIL: pludwig@btownlaw.com

August 4, 2014

Village of Rochester  
ATTN: BETTY NOVY  
PO Box 65  
Rochester, WI 53167

John Schattner  
14200 Washington Avenue  
Sturtevant WI 53177

In re: Rookery Landing East  
Lot Nos. 5 and 6

Dear Ms. Novy and Mr. Schattner:

As you may know, I represent Jay Hoppe with respect to his request to remove certain lands from the Rookery Landing Estates East Subdivision.

My client's proposal is for removal of his parcels from the subdivision, so that he can have his horses graze that land.

We understand there will be a number of conditions. I have already spoken with James Hoppe and he is in agreement with all aspects of my client's proposal.

We are also aware there is a storm water and drainage easement and a roadway easement impacting the south end of Jay's lots. We would agree to sign necessary easements or other documents so that Jay remains bound by the same terms and conditions of those easements as set forth in the Developer's Agreement.

My client is also aware of the 300' setback from any residential structure, and that also future construction could impact where he can graze. We would agree to abide by those terms. My client would also be amenable to any reasonable proposal in regard to hours during which grazing would occur.

We understand this would require creation of a CSM to remove Lot Nos. 5 and 6 from the subdivision, and then combine those lots into one parcel.

In re: Rookery Landing East  
Lot Nos. 5 and 6  
August 4, 2014  
Page 2

In general, following my discussion with John Schattner, I ran all conditions by Jay Hoppe, and he is willing to work with the village on each point. Therefore, can we be placed on the calendar for the meeting in September, 2014. If there is any type of initial fee, please advise and we will remit payment promptly.

Lastly, if there is additional documentation that you require prior to the first meeting, please advise.

Sincerely,

WANASEK, SCHOLZE, LUDWIG, EKES & ISELIN, S.C.



Peter J. Ludwig

PJL/sz  
Enc.  
PC Jay Hoppe



Jonathan Schattner &lt;jschattner1@gmail.com&gt;

## Re: Rookery Landing East

Hasenstab Law Office &lt;hasenstablaw@tds.net&gt;

Sun, Mar 9, 2014 at 3:29 PM

To: Betty Novy &lt;bnovy@rochesterwi.us&gt;, Jonathan Schattner &lt;jschattner1@gmail.com&gt;

Hi Jon and Betty,

*Preliminarily, under Wis. Stat. s. 236.36, the statutes allow a replat without going to court if it doesn't affect land dedicated to the public. According to AG opinions listed after the statute, the procedures used for an original plat would be followed instead of going to court. (While the AG opinions are not on line, the same information is included in the Wisconsin Platting Manual.) Since it appears to be legal to do this, we have to explore the other ramifications of removing these lots from the plat:*

1. Do you have a copy of the plat itself? It says in the DA that it's an attachment, but none of the attachments are present.

2. Are there any stormwater or drainage easements (or other dedications to the public) on lots 5 and 6? I have an unsigned copy of the Association's Articles of Incorporation, which state in part that the Association serves as a means through which the lot owners maintain and preserve the drain tile and drain tile easement.

3. How will removing Lots 5 and 6 affect the grading plan for the land? Where does the stormwater flow? Were these lots graded at the time the subdivision was built? Do they contribute to the stormwater drainage so that they should contribute to maintenance and repair costs?

4. What is the land zoned? *A-2, General Farming + Residential District II*

5. Lot 5 is 4.63 acres and Lot 6 is 5 acres according to the tax records. In order to allow the grazing of horses on both lots, the lots will have to be combined. Include Parcel ID# 176031901009050 - 176031912016050 + 176031912016060 into one parcel of land.

6. Are there any houses built on lots 4, 7 or 8, or the surrounding lands? If so, the horses will have to be kept 300 feet away from the houses. If houses are not built, will there be an effect on the building pads for those lots if the horses are allowed up to the lot line? *7.20 Proximity to dwellings of others.*

7. How is this land shown on the Comprehensive Plan? Will it need to be amended? *Rural Density Residential L and Agricultural lands (5 to 30 acres per dwelling unit.)*

8. Under the terms of the Declaration of Restrictions (the Covenants), the Developer has the power to amend the Covenants (with the Village's approval) for as long as it owns at least one lot, or 15 years from the date of the first sale, whichever comes first. Under the Bylaws, there is no annual meeting until the same threshold is met.

*This should be treated as a new plat, and an agreement for the payment of costs should be obtained to pay the costs of review. This inquiry should also go to John Tierney to answer some of my questions unless we go no further until the Hoppes and Mr. Ludwig meet with Jon Schattner and the Plan Commission for their initial input. Unless we move the conceptual plan stage before the Plan Commission meeting, notice to the adjoining landowners is not required—but if a conceptual plan is to be presented, posting and notice provisions will apply.*

Thanks,  
Marcy

Atty. Marcia J. Hasenstab  
P.O. Box 187  
Waterford, WI 53185  
ph. (262)534-6611

**WANASEK, SCHOLZE, LUDWIG, EKES & ISELIN, S.C.**

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February 25, 2014

Village of Rochester  
ATTN: BETTY NOVY  
PO Box 65  
Rochester, WI 53167

In re: Rookery Landing East

Dear Ms. Novy:

Please be advised that I represent Jay Hoppe. Mr. Hoppe owns Lot Nos. 5 and 6 in Rookery Landing East.

Jay's farm abuts Rookery Landing, and he would like to remove his two lots from the subdivision, so that he will not be subject to the various bylaws and, specifically as related to his horses. He would like them to be able to graze on the additional lots.

Jay purchased the lots from his brother, James Hoppe, who is the developer. James has no objection to the removal of the lots. At this point in time, based upon the number of homes in the subdivision, James is still in control of the subdivision.

We would like to meet with the Planning Commission at some point. I understand you meet on the first Monday of each month. Please advise whether we can be placed on the agenda as soon as possible, and if you require any additional information or documentation, or a fee.

If you have any questions or concerns, please contact me at your convenience.

Sincerely,

WANASEK, SCHOLZE, LUDWIG, EKES & ISELIN, S.C.

  
Peter J. Ludwig

PJL/sz  
PC Jay Hoppe

# Rookery Landing Estates East Proposal to combine Lots 5 & 6 with Tax Parcel 01-009-050





RACINE COUNTY CERTIFIED SURVEY MAP NO. \_\_\_\_\_  
BEING PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND PART OF THE  
NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWN 3 NORTH,  
RANGE 19 EAST, VILLAGE OF ROCHESTER, RACINE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

I, GARY B. FOAT, WISCONSIN REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED, DIVIDED AND MAPPED PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWN 3 NORTH, RANGE 19 EAST, VILLAGE OF ROCHESTER, RACINE COUNTY, WISCONSIN AND DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTH 1/4 CORNER OF SAID SECTION; THENCE S 02°03'47" E ALONG THE EAST LINE OF SAID NORTHWEST 1/4 SECTION, 2311.27 FEET TO THE POINT OF BEGINNING; CONTINUE THENCE S 02°03'47" E 329.45 FEET TO THE CENTER OF SAID SECTION; THENCE S 02°24'07" E ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 SECTION, 178.55 FEET; THENCE S 88°32'00" W, 463.00 FEET; THENCE N 02°03'47" W, 510.97 FEET; THENCE N 88°54'13" E, 462.00 FEET TO THE POINT OF BEGINNING. CONTAINING 5.40 ACRES OF LAND.

THAT I HAVE MADE SAID SURVEY, LAND DIVISION AND MAP BY THE DIRECTION OF MICHAEL P. WEINKAUF AND JUDITH L. WEINKAUF, OWNERS OF SAID LAND.

THAT SUCH MAP IS A TRUE AND CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE LAND DIVISION THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE WISCONSIN STATUTES AND THE ORDINANCES OF THE VILLAGE OF ROCHESTER IN SURVEYING, DIVIDING AND MAPPING THE SAME.

*Gary B. Foat*

June 28th, 2014

GARY B. FOAT S-1598  
WISCONSIN REGISTERED LAND SURVEYOR



RACINE COUNTY CERTIFIED SURVEY MAP NO. \_\_\_\_\_  
BEING PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND PART OF THE  
NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWN 3 NORTH,  
RANGE 19 EAST, VILLAGE OF ROCHESTER, RACINE COUNTY, WISCONSIN.

OWNER'S CERTIFICATE:

AS OWNERS, WE HEREBY CERTIFY THAT WE HAVE CAUSED THE LAND DESCRIBED ABOVE  
TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED AS REPRESENTED ON THE MAP.  
WE ALSO CERTIFY THAT THIS MAP IS REQUIRED TO BE SUBMITTED TO THE FOLLOWING  
FOR APPROVAL OR OBJECTION:

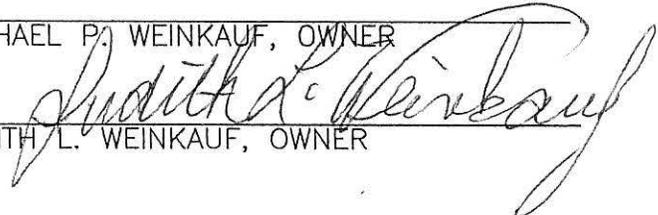
VILLAGE OF ROCHESTER

WITNESS THE HAND AND SEAL OF SAID OWNERS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

IN THE PRESENCE OF:

\_\_\_\_\_  
MICHAEL P. WEINKAUF, OWNER

\_\_\_\_\_  
JUDITH L. WEINKAUF, OWNER



STATE OF WISCONSIN }  
RACINE COUNTY } SS

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014, THE ABOVE  
NAMED MICHAEL P. WEINKAUF AND JUDITH L. WEINKAUF, TO ME KNOWN TO BE THE  
PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF WISCONSIN

\_\_\_\_\_  
COMMISSION EXPIRES

VILLAGE OF ROCHESTER APPROVAL

APPROVED BY THE VILLAGE BOARD OF ROCHESTER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

\_\_\_\_\_  
PRESIDENT, VILLAGE OF ROCHESTER

\_\_\_\_\_  
CLERK, VILLAGE OF ROCHESTER



*Gary B. Fiat*  
June 28th, 2014

## QUIT CLAIM DEED

**Michael P. Weinkauf and Judith L. Weinkauf**, husband and wife, quit-claim to **Michael P. Weinkauf and Judith L. Weinkauf**, husband and wife as survivorship marital property, the following described real estate in Racine County, State of Wisconsin:

**Parcel 1:** That part of the Northwest 1/4 of Section 9, Township 3 North, Range 19 East of the Fourth Principal Meridian, and more particularly described as follows: Commence at a cast iron monument at the West 1/4 corner of said Section 9; thence North 2 deg 01' 33" West, along the West line of said 1/4 Section, 333.14 feet to a 1 inch pipe stake at the place of beginning of parcel of land hereinafter described; thence continue North 02 deg 01' 33" West, along the West line of said 1/4 Section, 882.96 feet to a 1 inch iron pipe stake; thence North 88 deg 34' East, 305.00 feet to a 1 inch pipe stake; thence South 2 deg 01' 33" East, parallel with the West line of said 1/4 Section, 599.69 feet to a 1 inch iron stake; thence North 88 deg 34' East, 1517.74 feet to a 1 inch iron pipe stake; thence continue North 88 deg 34' East, 10.00 feet; thence South 0 deg 01' 50" East, 106.51 feet to a 1 inch iron pipe stake; thence South 0 deg 16' 20" East, 176.84 feet to a 1 inch iron pipe stake; thence South 88 deg 34' West, 1823.63 feet to the place of beginning. Subject to a drainage easement 20 feet wide the center line of which is described as follows: Commence at the West 1/4 corner of said Section 9; thence North 2 deg 01' 33" West, along the West line of said 1/4 Section, 468.37 feet to the place of beginning of said center line; thence North 88 deg 34' East, 167.09 feet; thence North 51 deg 28 deg East, 245.40 feet to the end of said center line. Said land being in the Village of Rochester, County of Racine and State of Wisconsin. Tax No. 176-03-19-09-043-000

NAME AND RETURN ADDRESS:

Brian R. Wanasek  
Wanasek, Scholze, Ludwig, Ekas & Iselin, SC  
PO Box 717  
Burlington, WI 53105-0717

176-03-19-09-043-000,  
176-03-19-08-002-000,  
176-03-19-09-001-000 and  
176-03-19-09-002-000  
Parcel Identification Number (PIN)

**Parcel 2:** The Southeast 1/4 of the Southeast 1/4 of Section 8, Township 3 North, Range 19 East. EXCEPTING THEREFROM lands described in Volume 1124 of Records, page 571. Said land being in the Village of Rochester, County of Racine and State of Wisconsin. Tax No. 176-03-19-08-002-000

**Parcel 3:** The North 1/2 of the Southwest 1/4 of Section 9, Township 3 North, Range 19 East. Said land being in the Village of Rochester, County of Racine and State of Wisconsin. Tax No. 176-03-19-09-001-000

**Parcel 4:** The South 20 acres of the Northwest 1/4 of Section 9, Township 3 North, Range 19 East. Said land being in the Village of Rochester. County of Racine and State of Wisconsin. Tax No. 176-03-19-09-002-000

**The purpose of this deed is to combine the parcels conveyed by this deed into one parcel with tax key number 176-03-19-09-001-000.**

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**This document is not a conveyance pursuant to Section 77.21(1), Wisconsin Statutes and therefore no fee and return pursuant to Section 77.22, Wisconsin Statutes is required.**

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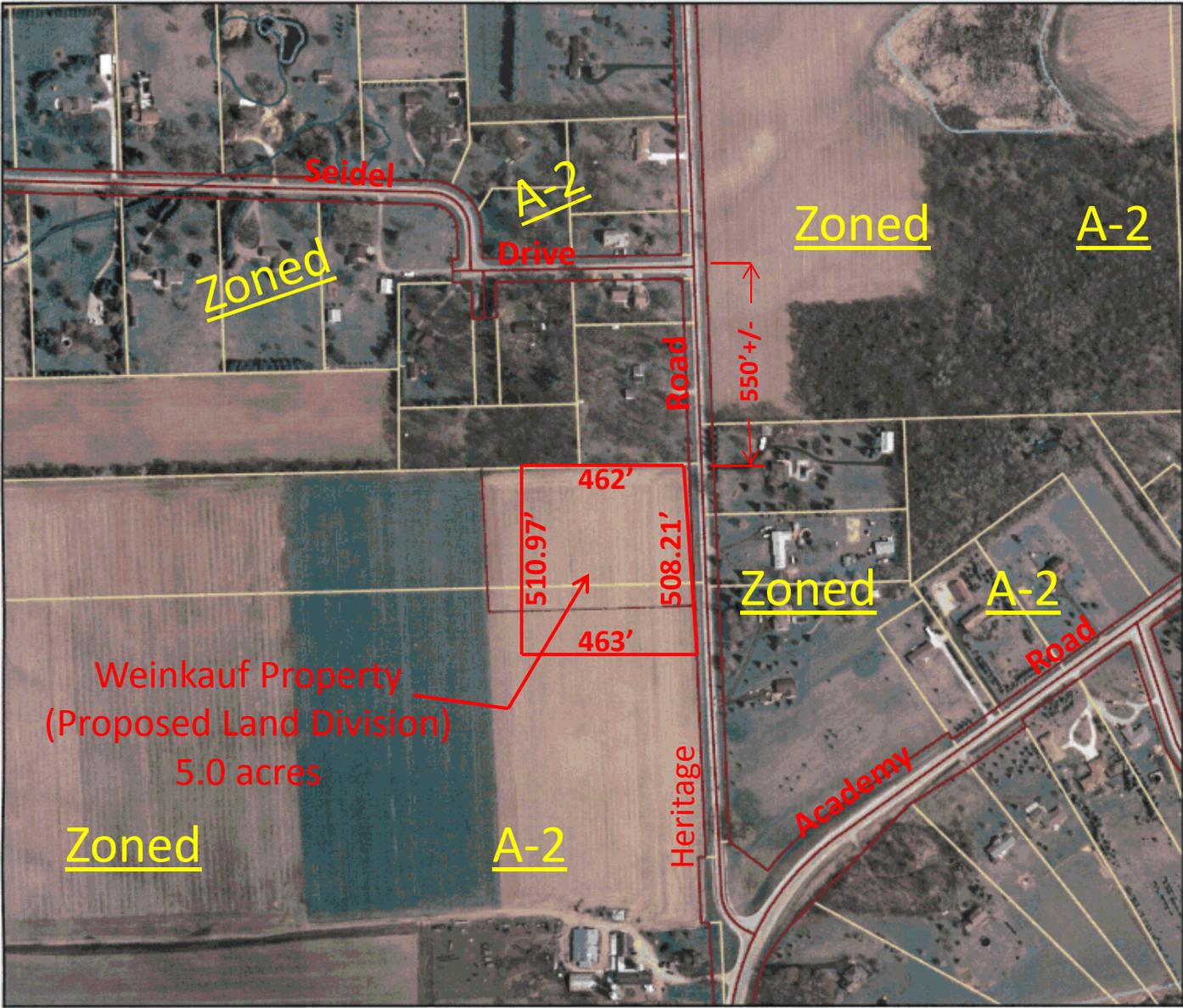
**Racine County  
CORAGIS  
Project**



1 inch = 400 feet

Section 9 , T3N, R19E  
V. of Rochester

Printed 5/14/2014



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