

**TOWN OF CLAYTON PLAN COMMISSION
RESOLUTION NO. 2026-009**

**A RESOLUTION TO THE TOWN OF CLAYTON BOARD OF SUPERVISORS
RECOMMENDING DENIAL OF THE REZONING APPLICATION OF LANDMARK
REAL ESTATE & DEVELOPMENT, INC.**

WHEREAS, Landmark Real Estate & Development, Inc., by its agent, Vierbicher (collectively, "**Landmark**"), submitted an application (the "**Application**") to the Town of Clayton (the "**Town**") requesting a zoning map amendment for approximately 141.48 acres of real property located in the Town of Clayton, Winnebago County, Wisconsin, identified as Tax Parcel Nos. 0060353, 0060354, 0060355, 0060352, 006035201, and 00603520101 (collectively, the "**Property**"); and

WHEREAS, Tax Parcel Nos. 006035201 and 00603520101 (collectively, the "**Subject Parcels**") are owned of record by Jennifer Olson, Jacqueline Maynard, and other remainder owners, and are not owned by VanderHeiden Family Partnership, the party identified as the property owner on the Application; and

WHEREAS, Section 9.07-02 (Initiation) of the Town of Clayton Zoning Code of Ordinances, Chapter 9 of the general code of the Town (the "**Zoning Code**"), provides that an application to amend the zoning map may be submitted only by (1) a property owner in the area to be affected by the proposed amendment, (2) the Plan Commission, or (3) a member of the Town Board of Supervisors; and

WHEREAS, Section 9.06-03 (Authority to file an application) of the Zoning Code provides that, unless otherwise specified in the Zoning Code, the owner of the property or a person holding power of attorney for the property owner shall sign the application submitted for review; and

WHEREAS, the Application was signed solely by Brad Rymer of Vierbicher, identified therein as agent for Keith Garot of Landmark Real Estate & Development, Inc.; and

WHEREAS, the Application was not signed by, nor submitted with any power of attorney or other written authorization from, the owners of record of the Subject Parcels; and

WHEREAS, Landmark is not an owner of record of the Subject Parcels, nor has Landmark demonstrated that it holds a power of attorney or other written authorization from the owners of record of the Subject Parcels; and

WHEREAS, the Application, as submitted, seeks rezoning of the Property as a single, unified request; and

WHEREAS, Landmark currently lacks the requisite authority to initiate an application for rezoning of the Subject Parcels; and

WHEREAS, because the Application was not properly initiated or signed as to the Subject Parcels under the Zoning Code, the Town Plan Commission wishes to recommend that the Town Board of Supervisors (the "**Board**") deny the Application in its entirety without prejudice to the

submission of a new application or applications, properly initiated and signed by the record owners of the property to be affected, or their authorized representatives;

NOW THEREFORE BE IT RESOLVED that the Town of Clayton Plan Commission hereby recommends that the Board deny the Application in its entirety, without prejudice to the submission of a new application or applications, properly initiated and signed by the record owners of the property to be affected, or their authorized representatives.

Vote:

Yes:

6

No:

0

Absent: 1

Abstain: 0

Signed:

Dick Knapinski
Dick Knapinski, Chairman

Date:

8/12/2020

Attest:

Kelsey Faust-Kubale
Kelsey Faust-Kubale, Town Clerk

Date:

8/12/20

Plan Commission

Roll Call Vote Tally

Meeting Date: August 12, 2026

Agenda Item: Plan Commission review & consideration of Resolution 2026-009 Making a Recommendation to the Town Board of Supervisors regarding a Rezoning Application submitted by Vierbicher on behalf of VanderHeiden Family Partnership, Wayne VanderHeiden & Mary Jane Volkman et. al., and Jennifer Olson & Jacqueline Maynard et.al, requesting approval to re-zone approximately 141.48 acres from A-2 (General Agriculture District) to approximately 79.73 acres of R-2 (Suburban Residential District); approximately 25.55 acres of R-4 (Multi-Family Residential District); approximately 13.24 acres of B-2 (Community Business District); and approximately 22.96 acres of P-I (Public Institutional District).

Motion by: WN

Second by: BH

MOTION: Motion to approve Resolution 2026-009 recommending approval / denial of the rezoning.

Commissioner Vote:	Aye	Nay	Abstain
5 Chair Knapinski	<u>1</u>	<u> </u>	<u> </u>
6 Commissioner Nemecek	<u>1</u>	<u> </u>	<u> </u>
1 Commissioner Haase	<u>1</u>	<u> </u>	<u> </u>
2 Commissioner Haskell	<u>1</u>	<u> </u>	<u> </u>
3 Commissioner Ketter	<u>1</u>	<u> </u>	<u> </u>
X Commissioner Sleik	<u>EXCUSED</u>		
4 Rep. Christianson	<u>1</u>	<u> </u>	<u> </u>