

Mayor Arnold
Introduced by

Planning
Prepared by

Plan Commission, Ag and Rural Affairs Committee
Referred to

April 12, 2016
Date

ORDINANCE 2016-O-13

ZONING ORDINANCE AMENDMENT APPROVING REZONING REQUEST, RZ-2108-16, BY WILFRED KINNEY, AGENT FOR WILFRED C KINNEY TRUST, TO REZONE PORTIONS OF LAND ASSOCIATED WITH LOT 2 CSM 13063 FROM A-X (EXCLUSIVE AGRICULTURE) TO THE R-L (RESIDENTIAL - LOW DENSITY) DISTRICT AND REZONE A PORTION OF LOT 1 CSM 11181 FROM THE R-L (RESIDENTIAL - LOW DENSITY) TO THE A-X (EXCLUSIVE AGRICULTURE) DISTRICT, PROPERTY ALONG WHALEN ROAD

The Common Council of the City of Fitchburg, Dane County, Wisconsin ordains as follows:

WHEREAS, pursuant to Fitchburg Ordinance No. 87-0-06, Section 3, Zoning District Maps were adopted within the corporate limits of the City of Fitchburg until expressly altered by the City Council, and

WHEREAS, the Plan Commission of the City has recommended approval of the rezoning request, RZ-2108-16, submitted by Wilfred Kinney, agent for Wilfred C Kinney Trust, with conditions, following a public hearing held on April 19, 2016,

WHEREAS, Wisconsin Statutes 91.48 requires finding by the political body as to the request meeting criteria for rezoning out of Exclusive Agriculture zoning,

NOW THEREFORE the Common Council of the City of Fitchburg, Dane County, Wisconsin does ordain that:

- (1) The Zoning district maps of the City of Fitchburg shall be amended to include in the R-R (Rural Residential) District, a portion of Lot 2 CSM 13603, more fully described as:

A parcel of land located in Lot 2 of Dane County Certified Survey Map Number 13603, recorded in Volume 89 of Certified Survey Maps on page 110, as located in the SW ¼-NE ¼ of Section 22, Town 6 North, Range 9 East, City of Fitchburg, Dane County, Wisconsin, more particularly described as follows:

Commencing at the North ¼ corner of Section 22; thence S 00°35'21" W, 2644.63 feet along the West line of Lot 2 of Dane County Certified Survey Map Number 13603; thence N 88°20'18" E, 198.00 feet along the South line of said Lot 2; thence N 00°35'21" E, 330.00 feet along the West line of Lot 1 of Dane County Certified Survey Map Number 13603 to the Northwest corner of said Lot 1 and the point of beginning; thence N 88°20'18" E, 198.00 feet along the North line of said Lot 1 to the Northeast corner of said Lot 1; thence N 00°35'21" E, 66.00 feet; thence S 88°20'18" W, 198.00 feet; thence S 00°35'21" W, 66.00 feet to the point of beginning, containing 0.30 acres.

AND

Commencing at the North $\frac{1}{4}$ corner of Section 22; thence S $00^{\circ}35'21''$ W, 2644.63 feet along the West line of Dane County Certified Survey Map number 13603; thence N $88^{\circ}20'18''$ E, 396.00 feet along the South line of Dane County Certified Survey Map Number 13603; thence N $00^{\circ}35'21''$ E, 330.00 feet along the West line of Lot 1 of Dane County Certified Survey Map Number 11181 to the Northwest corner of said Lot 1 and the point of beginning; thence N $88^{\circ}20'18''$ E, 186.51 feet along the North line of said Lot 1; thence N $23^{\circ}29'00''$ W, 118.49 feet; thence S $88^{\circ}20'18''$ W, 138.14 feet; thence S $00^{\circ}35'21''$ W, 110.08 feet to the point of beginning, containing .41 acres.

AND

Commencing at the North $\frac{1}{4}$ corner of Section 22; thence S $00^{\circ}35'21''$ W, 2644.63 feet along the West line of Dane County Certified Survey Map Number 13603; thence N $88^{\circ}20'18''$ E, 594.00 feet along the South line of Dane County Certified Survey Map Number 13603 to the point of beginning; thence N $00^{\circ}35'21''$ E, 303.84 feet; thence S $23^{\circ}29'00''$ E, 327.04 feet; thence S $88^{\circ}20'18''$ W, 133.50 feet to the point of beginning, containing .46 acres.

- (2) The Zoning district maps of the City of Fitchburg shall be amended to include in the A-X (Exclusive Agriculture) District, a portion of Lot 1 CSM 11181, more fully described as:

A parcel of land located in Lot 1 of Dane County Certified Survey Map Number 11181, recorded in Volume 67 of Certified Survey Maps on page 211, as located in the SW $\frac{1}{4}$ -NE $\frac{1}{4}$ of Section 22, Town 6 North, Range 9 East, City of Fitchburg, Dane County, Wisconsin, more particularly described as follows:

Commencing at the North $\frac{1}{4}$ corner of Section 22; thence S $00^{\circ}35'21''$ W, 2644.63 feet along the West line of Dane County Certified Survey Map Number 13603; thence N $88^{\circ}20'18''$ E, 594.00 feet along the South line of Dane County Certified Survey Map Number 13603; thence N $00^{\circ}35'21''$ E, 303.84 feet along the East line of Lot 1 of Dane County Certified Survey Map Number 11181 to the point of beginning; thence N $00^{\circ}35'21''$ E, 26.16 feet; thence S $88^{\circ}20'18''$ W, 11.49 feet; thence S $23^{\circ}29'00''$ E, 28.16 feet to the point of beginning, containing .003 acres.

- (3) Approval is granted with the following conditions:
- a. No other permit or approval is waived or deemed satisfied except for the approval provided herein.
 - b. There are no remaining RRDC claims on the property as they were used through the two existing residential lots associated with 5390 and 5400 Whalen Road.
 - c. Council approval of CS-2110-16.
- (4) The Common Council finds this request to be consistent with the following criteria to rezone land out of A-X (Exclusive Agriculture), as identified in section 22-481(c)(1) of the Fitchburg Zoning Ordinance:
- a. The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.
 - b. The rezoning is consistent with any applicable comprehensive plan.
 - c. The rezoning is substantially consistent with the county's certified farmland preservation plan.

- d. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

Adopted this _____ day of _____, 20____.

Patti Anderson, City Clerk

Stephen L. Arnold, Mayor

Published: