

Bond Case Briefs

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McKee Family I, LLC v. City of Fitchburg

Supreme Court of Wisconsin - April 12, 2017 - N.W.2d - 2017 WL 1337663 - 2017 WI 34

Property owner and purchaser of two lots on property brought action seeking declaratory judgment that city's rezoning of lots from planned development district (PDD) to residential-medium (R-M), which limited purchaser to developing 28 dwelling units for proposed apartment complex compared to 132 dwelling units, was unlawful.

The Circuit Court granted summary judgment for city and denied summary judgment for owner and purchaser. Owner appealed. The Court of Appeals affirmed. Owner petitioned for review, which was granted.

The Supreme Court of Wisconsin held that:

- Property owner's rights to do not vest until developer has submitted application for building permit conforming to zoning requirements in effect at time of application, and
- Planned development district zoning classification does not create contractual expectations upon which developers may rely.