

Bond Case Briefs

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ZONING & PLANNING - VIRGINIA

Rowland v. Town Council of Warrenton

Supreme Court of Virginia - May 28, 2020 - S.E.2d - 2020 WL 2763785

Town residents brought action challenging town council's approval of developers' rezoning request.

The Circuit Court entered order of final judgment in favor of town and developers, and residents appealed.

The Supreme Court held that:

- Town council had the authority to accept developers' proffer that departed from the requirements of town's zoning ordinance for a specific property as part of a conditional rezoning process;
- Residents' expressed concerns were insufficient to overcome the presumption of legislative correctness on a fairly debatable issue, whether acceptance of developer's proffer was a permissible use of conditional zoning, as required to challenge the reasonableness of the decision to grant the zoning application;
- Town council was not precluded from considering changes to developers' zoning application made after the application was considered and rejected by the planning commission, without first referring it back to the commission; and
- Residents' expressed concerns were insufficient to overcome the presumption of legislative correctness on a fairly debatable issue, whether the developers met requirement of town ordinance that their master plan showed their intended use of the industrial planned unit development (I-PUD) "as an integrated, cohesive entity," as required to challenge the reasonableness of the decision to grant the zoning application.