

Bond Case Briefs

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Stafford County v. D.R. Horton, Inc.

Supreme Court of Virginia - April 1, 2021 - S.E.2d - 2021 WL 1220736

Real estate developers filed petitions against county challenging county planning department's determination that developers proposed development plans would need to undergo a comprehensive plan compliance review, and seeking writs of mandamus requiring county to approve their development plans, writs of prohibition preventing county from ordering a comprehensive plan review, declaration that county must approve their plans.

After developers' petitions were consolidated, the Circuit Court rendered judgment in favor of developers. County appealed.

The Supreme Court held that:

- Cluster development statute did not apply to developers' proposed cluster development plans, thus, developers were required to submit plans for approval, and
- Approval of developers' subdivision plans did not foreclose requirement for approval of their cluster development plans.

Cluster development statute, which required municipalities to extend water or sewer services to cluster developments located within an area designated for such services, did not apply to real estate developers' plans to construct a cluster development on their respective properties, and, thus, developers were required to submit their plans to county planning commission for approval, under planning commission review statute requiring commission's approval for plans intending to construct a "feature" not shown on county's comprehensive plan, where most of the land covered by the plans was outside of the area that the comprehensive plan designated for water and sewer services.

County planning commission's approval of real estate developers' plans to construct a subdivision on their respective properties did not exempt their amended plans for cluster developments from review, under statute mandating that the comprehensive plan adopted by county would control the location, character, and extent of "features" shown on the comprehensive plan; even though there were similarities between developers' respective initial and amended plans, both of their amended plans involved more lots and more parcels not included in their initial plans, county had updated its comprehensive plan after developers' initial plans were approved, and approval of developers' initial plans did not cause any change to the comprehensive plan.