

# **Bond Case Briefs**

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## **ZONING & PLANNING - TEXAS**

### **Schroeder v. Escalera Ranch Owners' Association, Inc.**

**Supreme Court of Texas - June 3, 2022 - S.W.3d - 2022 WL 1815042 - 65 Tex. Sup. Ct. J. 1318**

Homeowners association brought action against city zoning and planning commission commissioners, in their official capacities, after commission approved proposed subdivision, seeking mandamus relief directing commissioners to rescind approval of plat.

After the District Court granted the commission's plea to the jurisdiction, the Court of Appeals reversed. Commission members petitioned for review.

The Supreme Court held that:

- Commission did not clearly abuse discretion in approving plat, and
- Supreme Court would not grant association opportunity to replead claim to allege that commissioners utilized improper considerations.

City zoning and planning commission did not clearly abuse its discretion in approving plat for proposed subdivision, and thus commission was protected by governmental immunity and writ of mandamus to compel commission members to rescind approval was not permitted in action brought by homeowners' association against commissioners, challenging approval; only restriction that city's unified development code placed on commission's discretion to determine whether preliminary plat conformed to requirements was that it needed to consider plat application, director's report, state law, and compliance with code, and commission members, after concluding that conformance to applicable standards had been demonstrated, approved plat, as required by statute.

Supreme Court would not grant homeowners association opportunity to replead claim, in action brought against city zoning and planning commission, challenging commission's approval of plat for proposed subdivision, to allege that commissioners utilized improper considerations in determining that plat conformed with applicable law; record established that commission considered director's report, which determined that all requirements of city's unified development code were met, recognized ministerial duty under state law to approve conforming plat, and addressed specific compliance concerns raised by association.