

2012 Land Use Planning
March 21*, 22-23, 2012 • AT&T Conference Center • Austin, TX

Wednesday Afternoon, Mar. 21, 2012

Presiding Officer:

Charles E. Zech, Denton, Navarro, Rocha & Bernal, P.C. - San Antonio, TX

	PRE-CONFERENCE LAND USE PLANNING FUNDAMENTALS Please select on registration form.
12:15 pm	Registration Opens Includes light refreshments.
1:00 pm	Welcoming Remarks

Land Use Planning Fundamentals: Add to Main Conference, or Order as Standalone Course	
1:15 pm 0.50 hr	Land Use Planning 101: Basic Concepts, Key Issues and Vocabulary Are you "upzoning" or "downzoning"? Is the zoning "inclusionary" or "exclusionary"? Should you use a "vacating plat" or an "amending plat"? Learn the common vocabulary terms for zoning and platting processes. Basic concepts introduced include: the role of the zoning commission, the city council and the board of adjustments, whether decisions are discretionary or ministerial, and the applicability in the ETJ. The basis for the authority to regulate land use and subdivisions is reviewed. The various types of plats and basic zoning concepts are explained. Julie Y. Fort, McKamie Krueger, LLP - Richardson, TX
1:45 pm 0.50 hr	What Planners Wish Lawyers Understood Best practice discussion of legal issues, planning and lawyers. Christopher M. Stewart, Stewart Planning Consulting, LLC - Austin, TX Charles E. Zech, Denton, Navarro, Rocha & Bernal, P.C. - San Antonio, TX
2:15 pm 0.50 hr	Land Issues Involving Small Cities Development planning and land use regulatory issues facing small cities in Texas are discussed. Dorothy Palumbo, of Counsel to Bojorquez Law Firm, PLLC - Highland Village, TX
2:45 pm 0.00 hr ethics	Break

3:00 pm 0.75 hr	Platting Basics An overview of the fundamentals of platting under state statute and local ordinance, as well as some common land use issues that often arise during the plat application process. Arthur J. Anderson, Winstead PC - Dallas, TX William Andrew Messer, Messer Campbell & Brady - Frisco, TX
3:45 pm 0.75 hr	Zoning Fundamentals An overview of basic zoning concepts and procedures is discussed, along with a review of how zoning interacts with comprehensive planning. Robert F. Brown, Brown & Hofmeister, L.L.P. - Richardson, TX
4:30 pm 0.50 hr	Aren't You Special? CUPs, PDs, PDDs, PUDs, SEs, SUPs and Other Acronym-Mystic Zoning Tools A discussion of different site-specific zoning tools that may be used to accommodate different types of development or designated types of uses within a city. John J. Hightower, Olson Olson LLP - Houston, TX
5:00 pm 0.50 hr	Chickens, Signs and Other Hot Topics A brief overview of various regulatory trends and timely subjects, including poultry in residential areas, digital signs, mobile food vendors and wind turbines. Alan J. Bojorquez, Bojorquez Law Firm, PLLC - Austin, TX
5:30 pm	Adjourn Fundamentals

Thursday Morning, Mar. 22, 2012

Presiding Officer:

Julie Y. Fort, McKamie Krueger, LLP - Richardson, TX

	LAND USE PLANNING
8:00 am	Registration Opens Includes continental breakfast.
8:50 am	Welcoming Remarks
9:00 am 0.75 hr	Practical Advice Regarding Regulatory Takings An examination of when a local governmental regulation constitutes a substantial advancement of a legitimate government interest, and when it may rise to the level of a constitutional taking. Kevin J. Maguire, Strasburger & Price, LLP - Dallas, TX

9:45 am 0.75 hr	<p>Annexation and ETJ</p> <p>A little of the old, a little of the new, and a little bit of a review. This presentation touches on why cities annex property, and the procedures that a city must follow to do so. Recent cases and attorney general opinions of interest are covered.</p> <p>Scott N. Houston, Texas Municipal League - Austin, TX</p>
10:30 am	Break
10:45 am 0.75 hr	<p>Drafting Good Regulations: How to Say It</p> <p>Do your regulations say what you want them to say? A discussion of the overlapping roles of lawyers and non-lawyers in drafting, implementing and interpreting land use regulations, and what that means in enforcement actions and court cases. This presentation uses examples of good and bad drafting from real cases to highlight the issues and examine whether lawyers or non-lawyers should be the drafters.</p> <p>Kimberley Mickelson, Olson Olson LLP - Houston, TX</p>
11:30 am 0.50 hr	<p>The Definitive Guide to Special Districts</p> <p>TIFs, PIDs, MMDs, MUDs, WCIDs, FWSDs and hybrid districts—how they are different and how they are being used in today's market.</p> <p>Misty M. Ventura, Shupe Ventura Lindelow & Olson, PLLC - Dallas, TX</p>
12:00 pm	<p>Break to Pick Up Lunch</p> <p>Included in conference registration fee.</p>

Thursday Afternoon, Mar. 22, 2012

Presiding Officer:

Kimberley Mickelson, Olson Olson LLP - Houston, TX

	Luncheon Presentation
12:15 pm 0.75 hr	<p>The Future of Texas Cities</p> <p>Unlike cities in most states, Texas cities get little help from the State. And that's a good thing, if we can keep it that way.</p> <p>Ned Bennett Sandlin, Texas Municipal League - Austin, TX</p>
1:00 pm	Break
1:15 pm 0.75 hr	<p>Getting to Yes: The Theory and Practice of Negotiation in Real Estate Deals</p> <p>A developer's application of various negotiating strategies in real estate transactions is discussed. Examples include landlord/tenant leases, financing and purchase/sale transactions. The most common mistake made is to simply engage in the process of haggling.</p> <p>David M. Adelman, AREA Real Estate, LLC - San Antonio, TX Douglas R. Dierking, University of Texas McCombs School of Business - Austin, TX</p>

2:00 pm 1.00 hr	<p>Development Agreements: Basics and Beyond</p> <p>A comprehensive study of development agreements between private parties—typically developers—and municipalities, including tough questions about validity and enforceability, recent cases and legislation, platting and zoning provisions, public infrastructure costs, etc., with forms, a checklist and bibliography.</p> <p>James L. Dougherty Jr., Attorney at Law - Houston, TX Reid C. Wilson, Wilson, Cribbs & Goren, P.C. - Houston, TX</p>
3:00 pm	Break
3:15 pm 0.75 hr	<p>Doing the Deal</p> <p>5A real-world discussion of negotiating, enforcing and amending development agreements, including economic and "business" analyses, political and public policy considerations, difficult deal points—and ideas for resolving them, tactics that usually don't work, and more.</p> <p>Moderator: James L. Dougherty Jr., Attorney at Law - Houston, TX Panelists: Rob Killen, Kaufman & Killen - San Antonio, TX Panelists: Dan Markson, The NRP Group LLC - San Antonio, TX Panelists: Theresa O'Donnell, City of Dallas - Dallas, TX</p>
4:00 pm 1.00 hr ethics	<p>Confidential Communications, Data Security and Privacy in the Cloud</p> <p>Many organizations are considering moving communication, data storage and processing to the cloud. This session explores the ethical and legal issues relating to data privacy, confidentiality, and security of data and communications. The session also explores how typical vendor contracts deal with these issues and the willingness of vendors to provide indemnification for security breaches for data in the cloud. Related issues such as legal holds, pretrial discovery and open records issues are also covered in a non-technical presentation from the lawyer's perspective.</p> <p>Peter Brooke Haskel, Dallas City Attorney - Dallas, TX</p>
5:00 pm	Adjourn

Friday Morning, Mar. 23, 2012

Presiding Officer:

Terrence S. Welch, Brown & Hofmeister, L.L.P. - Richardson, TX

8:00 am	<p>Conference Opens</p> <p>Includes continental breakfast.</p>
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8:30 am 0.50 hr	<p>Analytic and What-If Development Planning Tools — A Guide for Lawyers, Planners, and City Officials</p> <p>Between 2012 and 2035, Central Texas will become home to more than a million additional residents. How we plan and design our communities in the coming years will largely determine if Central Texas retains its high quality of life. This presentation discusses the new Sustainability Analytic Tool being collaboratively developed with Central Texas communities as well as the demonstration planning projects where the new tool will be beta tested and refined.</p> <p>Robert Paterson, The University of Texas at Austin School of Architecture - Austin, TX</p>
9:00 am 0.50 hr	<p>Challenges in Urban Development</p> <p>While urban development is generating new and exciting projects, many developers, planners and attorneys find themselves facing new challenges not encountered in suburban development. New regulatory challenges create situations that can affect the livability, financing and marketing of your projects. Likewise, new forms of development create new financial challenges. Lastly, urban projects act differently than suburban projects: marketing is different, demographics are often different and your marketing schemes are often dictated by regulatory and financing challenges. Look for great opportunity, but avoid the land mines.</p> <p>Terry E. Mitchell, Momark Development LLC - Austin, TX</p>
9:30 am 0.75 hr	<p>A Critical Look at Form-Based Zoning</p> <p>After the excitement subsides and the dust settles from the adoption of form-based zoning, a variety of issues face the community. Listen to a critical assessment of the benefits and problems that may result from form-based zoning, including: stakeholder education and comprehension of form-based zoning; the creation of non-conforming uses and structures; vested rights claims under Chapter 245; the certainty or uncertainty of development; false or unrealistic expectations; the loss of political support, vision and patience; the revitalization of community; and the stimulus of other growth and redevelopment.</p> <p>E. Scott Polikov, Gateway Planning Group, Inc. - Fort Worth, TX Peter Gardner Smith, Nichols, Jackson, Dillard, Hager & Smith L.L.P. - Dallas, TX</p>
10:15 am	<p>Break</p>
10:30 am 1.00 hr	<p>Regulation of Oil and Gas Land Uses in Texas and the Impact on Development</p> <p>The panel examines the impact of oil and gas plays on development, regulatory approaches, recent amendments to oil, gas and pipeline ordinances, and an update on recent legislation and cases.</p> <p>Moderator: Dorothy Palumbo, of Counsel to Bojorquez Law Firm, PLLC - Highland Village, TX Panelists: Lowell F. Denton, Denton, Navarro, Rocha & Bernal, P.C. - San Antonio, TX Panelists: Melissa Deann Lindelow, Shupe Ventura Lindelow & Olson, PLLC - Fort Worth, TX Panelists: Terrence S. Welch, Brown & Hofmeister, L.L.P. - Richardson, TX</p>
11:30 am 0.75 hr 0.25 hr ethics	<p>Practical Issues and Best Practices when Working with Boards and Commissions on Land Use</p> <p>Tips, pitfalls and best practices when presenting to or working with Boards and Commissions on land use planning and development matters.</p> <p>E. Allen Taylor Jr., Taylor, Olson, Adkins, Sralla & Elam, L.L.P. - Fort Worth, TX</p>

12:15 pm	Break for Buffet Lunch Included in conference registration fee.
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Friday Afternoon, Mar. 23, 2012

Presiding Officer:

Hon. Penelope Graves Redington, Texas Association of Regional Councils - Austin, TX

	Luncheon Presentation
12:30 pm 0.75 hr	Ask the Experts Panelists: William S. Dahlstrom, Jackson Walker, L.L.P. - Dallas, TX Panelists: James L. Dougherty Jr., Attorney at Law - Houston, TX Panelists: E. Allen Taylor Jr., Taylor, Olson, Adkins, Sralla & Elam, L.L.P. - Fort Worth, TX Panelists: Reid C. Wilson, Wilson, Cribbs & Goren, P.C. - Houston, TX
1:15 pm	Break
1:30 pm 0.75 hr	Water Supply: Dealing with Drought and Limited Supplies Droughts and institutional regulations coupled with population/customer growth places greater demands on limited water supplies. This session examines the interrelationships of these parameters and possible water resource management alternatives. Donald Rauschuber, DGRA, Inc. - Georgetown, TX Randall Bryan Wilburn, Randall Wilburn Law - Austin, TX
2:15 pm 1.00 hr ethics	Ethics Jeopardy Ethical issues presented in a popular game show format. Claude E. Ducloux, Hill, Ducloux, Carnes & de la Garza - Austin, TX
3:15 pm	Adjourn