

17th Annual Land Use Planning Conference
March 21-22, 2013 • AT&T Conference Center • Austin, TX

Thursday Morning, Mar. 21, 2013

Presiding Officer:

Deborah F. McAbee, City of Houston Legal Department - Houston, TX

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| 8:00 am | <p>Registration Opens</p> <p>Includes continental breakfast.</p> |
| 8:50 am | <p>Welcoming Remarks</p> |
| 9:00 am 0.75 hr | <p>Case Law Update</p> <p>Update of recent state and federal land use cases on preemption, vested rights, "spot zoning," takings, ripeness/exhaustion, sexually oriented businesses, etc., with commentary and an attempt to identify which cases follow—or buck—trends in the law.</p> <p>James L. Dougherty Jr., Attorney at Law - Houston, TX</p> |
| 9:45 am 0.50 hr | <p>Takings Jurisprudence and Municipal Planning and Zoning Practices: The Practical Impact of <i>Sheffield</i> and <i>Stafford</i></p> <p>Nine years have passed since the Texas Supreme Court issued its ground-breaking takings decisions on regulatory takings (<i>Sheffield v. City of Glenn Heights</i>) and development exactions (<i>Town of Flower Mound v. Stafford Estates</i>). While considered by many at the time of their release as cases that would forever change the legal landscape regarding how Texas cities could engage in legitimate planning and zoning practices, the actual impact of these cases, in both the courts and day-to-day city practices, warrants closer consideration. An analysis of <i>Sheffield</i> and <i>Stafford</i>, how the courts have interpreted and applied them over the last nine years and, most importantly, how these cases impact planning and zoning practices today is presented.</p> <p>Robert F. Brown, Brown & Hofmeister, L.L.P. - Richardson, TX</p> |
| 10:15 am | <p>Break</p> |
| 10:30 am 0.75 hr | <p>Grandfathering and Dealing with Nonconformities</p> <p>Municipal implementation of Texas Local Government Code Chapter 245 and ordinances addressing nonconforming uses and nonconforming structures is covered.</p> <p>Moderator: Alan J. Bojorquez, Attorney at Law - Austin, TX Panelists: Arthur J. Anderson, Winstead PC - Dallas, TX Panelists: Terry D. Morgan, Attorney at Law - Dallas, TX</p> |

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| <p>11:15 am 0.67 hr</p> | <p>Case Studies in Downtown Revitalization: Before and After</p> <p>Many cities—both large and small—have recently undertaken revitalization projects. Hear the stories and learn the tools used to harness the market while promoting a strong public vision.</p> <p>Robert M. Eury, Central Houston, Inc. - Houston, TX Carl "Scooter" Gierisch, City of Roanoke - Roanoke, TX Rob Parsons, Gateway Planning Group, Inc. - Dallas, TX</p> |
| <p>11:55 am</p> | <p>Pick Up Lunch</p> <p>Included in conference registration.</p> |

Thursday Afternoon, Mar. 21, 2013

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

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| | <p>Luncheon Presentation</p> |
| <p>12:10 pm 0.75 hr</p> | <p>Demographic Characteristics and Trends in Texas: Implications for Land Use</p> <p>Information on demographic, social and economic characteristics and trends in Texas with a focus on major urban areas is discussed in light of implications for shifts related to land value and use.</p> <p>Lloyd Potter, Office of the State Demographer - Austin, TX</p> |
| <p>12:55 pm</p> | <p>Break</p> |
| <p>1:10 pm 0.50 hr</p> | <p>Utilities/Infrastructure</p> <p>A discussion of who can provide services under current law and what those services entail.</p> <p><i>This session has moved to 3:25 PM.</i></p> <p>Mark H. Zeppa, Law Offices of Mark H. Zeppa, PC - Austin, TX</p> |
| <p>1:40 pm 1.00 hr 0.50 hr ethics</p> | <p>Meeting Process, Procedures and Presentation</p> <p>Legal, practical and ethical issues associated with public meetings.</p> <p>Jeffrey Steven Howard, McLean & Howard, L.L.P. - Austin, TX Charles E. Zech, Denton, Navarro, Rocha & Bernal, P.C. - San Antonio, TX</p> |
| <p>2:40 pm</p> | <p>Break</p> |
| <p>2:55 pm 0.50 hr</p> | <p>County Land Use</p> <p>Discussion of the current state of county land use law in Texas, including the statutes and authorities that counties have at their disposal and how to implement those authorities in order to regulate land use more effectively.</p> <p>James P. Allison, Allison Bass & Associates - Austin, TX</p> |

3:25 pm
0.50 hr

Land Use Aspects of Natural Gas Drilling

While many cities in Texas have adopted comprehensive natural gas drilling ordinances, one of the key issues cities must address at the outset is whether gas drilling should be treated as a traditional zoning matter or simply as a business regulation that impacts land uses. This topic addresses the unique issues associated with various municipal regulatory frameworks.

This session has moved to 1:10 PM.

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

3:55 pm
0.75 hr

New Developments in Fair Housing Law and Tools for Confronting "Not In My Back Yard"

Experts in affordable housing discuss neighborhood opposition to locational and permitting approvals and offer legal as well as practical solutions. The discussion includes new legal developments nationally and in Texas that are impacting the siting of affordable and moderately-priced housing in higher income communities and how these developments are shifting the way some governmental entities approach land use planning. Case studies of best practices for confronting NIMBY in a variety of contexts are included.

Robert Henry Voelker, Munsch Hardt Kopf & Harr, P.C. - Dallas, TX
Heather K. Way, University of Texas School of Law - Austin, TX

4:40 pm
0.75 hr ethics

Ethics, Schmethics

Conflicts of interest, improper conduct and other ethical considerations. Situational ethics (are ethics fungible): "My ethics may not be yours, may not be hers, may not be his, etc."

This session has moved to 1:45 PM Friday.

Roberta Buchman Cross, City Of Galveston/City Attorney's Office - Galveston, TX

5:25 pm

Adjourn

Friday Morning, Mar. 22, 2013

Presiding Officer:

Misty M. Ventura, Shupe Ventura Lindelow & Olson, PLLC - Dallas, TX

Breakfast Breakout Sessions

Small group discussions on current issues important to you and your clients.
Included in conference registration.

Shared Equity Housing

8:00 am
0.75 hr

Shared Equity Housing

Kelly E. Weiss, Austin Habitat for Humanity - Austin, TX

Signage

8:00 am
0.75 hr

Signage

Larry W. Schenk, City of Houston Legal Department - Houston, TX

Conservation Easement (How Tax Policy Affects Land Use)

8:00 am
0.75 hr

Conservation Easement (How Tax Policy Affects Land Use)

David Braun, Braun & Gresham PLLC - Dripping Springs, TX

Preemption

8:00 am
0.75 hr

Preemption

David F. Johnson, Winstead PC - Fort Worth, TX

Anticipating Litigation

8:00 am
0.75 hr

Anticipating Litigation

Arthur J. Anderson, Winstead PC - Dallas, TX

8:45 am

Break

9:00 am
0.50 hr

Legislative Update

Overview of the current legislative landscape and review of proposed legislation impacting land use planning.

Snapper Carr, Focused Advocacy, LLC - Austin, TX

9:30 am
0.50 hr

Local Legislation/Bracket Bills

With the Texas Legislature in session, it is very timely to review the law and practice of local bills and bracketed bills. A discussion of proper drafting techniques and pitfalls to avoid.

Camm 'Trey' Carrington Lary III, Allen Boone Humphries Robinson LLP - Houston, TX

10:00 am
0.50 hr

Changes in Eminent Domain Procedures

This presentation focuses on the recent comprehensive legislation fundamentally changing and, in some practical respects, complicating the condemnation process. A general analysis of recent, landmark Texas Supreme Court opinions impacting cities and pipeline corporations is also offered.

Jameene Yvonne Banks, Denton, Navarro, Rocha & Bernal, P.C. - San Antonio, TX

10:30 am

Break

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| 10:45 am 0.50 hr | <p>Annexation Battles</p> <p>Strategies, practices and analysis of hard-fought battles between cities over disputed property.</p> <p><i>This session has moved to 12:30 PM.</i></p> <p>George Edward Hyde, Denton, Navarro, Rocha & Bernal, P.C. - Austin, TX</p> |
| 11:15 am 0.75 hr | <p>New Uses in Residential Areas</p> <p>Uses in residential areas that pose challenges to both large and small cities.</p> <p><i>This session has moved to 11:30 AM.</i></p> <p>Joseph John Gorfida Jr., Nichols, Jackson, Dillard, Hager & Smith L.L.P. - Dallas, TX Theresa O'Donnell, City of Dallas - Dallas, TX</p> |
| 12:00 pm | <p>Pick Up Lunch</p> <p>Included in conference registration.</p> |

Friday Afternoon, Mar. 22, 2013

Presiding Officer:

Ed Walts, The University of Texas System - Austin, TX

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| | <p>Luncheon Presentation</p> |
| 12:15 pm 0.75 hr | <p>Special Districts: Policy Issues</p> <p>Is it good policy or bad to have overlapping governmental entities? What are the pros and cons of having special districts in counties and corporate limits?</p> <p><i>This session has moved to 10:45 AM.</i></p> <p>Moderator: Misty M. Ventura, Shupe Ventura Lindelow & Olson, PLLC - Dallas, TX Panelists: Hugh Emerson Coleman, Denton County - Sanger, TX Panelists: Cheryl Williams, Collin County Commissioners Court - McKinney, TX</p> |
| 1:00 pm | <p>Break</p> |
| | <p>Public-Private Partnerships</p> |
| 1:15 pm 0.50 hr | <p>Financial Aspects of Public-Private Partnerships</p> <p>Hear dos and don'ts of underwriting or monetizing economic development agreements. Enforcement issues, remedies, defenses to enforcement and sovereign immunity are discussed.</p> <p>Peter Gardner Smith, Nichols, Jackson, Dillard, Hager & Smith L.L.P. - Dallas, TX</p> |

1:45 pm
0.50 hr

Ground Lease Mixed Use Urban Developments with a University

Case study of UT Austin's redevelopment of an underutilized asset through a P3.

This session has moved to 4:40 PM Thursday.

Amy Wanamaker, The University of Texas at Austin - Austin, TX

2:15 pm
1.00 hr ethics

Ethical Issues in Public-Private Partnerships

Attorneys must be sensitive to a host of ethical issues in public-private partnerships, ranging from the Disciplinary Rules of Professional Conduct to state regulations to local ethics standards. This presentation identifies relevant standards of conduct, anticipates ethics-related scenarios and provides guidance on dealing with those issues.

Ross Fischer, Denton, Navarro, Rocha & Bernal, P.C. - Austin, TX

3:15 pm

Adjourn