

2012

LAND USE PLANNING



March 21, 2012—Fundamentals

March 22–23, 2012—Main Conference

AT&T Conference Center ▪ Austin, Texas

Free Parking and Free Wi-Fi

Earn up to 17.00 hours of MCLE Credit including 2.25 hours of Ethics Credit
Specialization Credit Approved for Administrative Law and Real Estate Law

Credit Also Available for Texas PEs and TREC (up to 9 hours of General Elective MCE)

2012

LAND USE PLANNING

March 21, 22–23, 2012 ▪ AT&T Conference Center ▪ Austin, Texas

Earn up to 17.00 hours of MCLE Credit including 2.25 hours of Ethics Credit
Specialization Credit Approved for Administrative Law and Real Estate Law

Credit Also Available for Texas PEs and TREC (up to 9.0 hours of General Elective MCE)

WEDNESDAY AFTERNOON, MAR. 21, 2012

4.00 Hours of Credit

LAND USE PLANNING FUNDAMENTALS

Add to Main Conference, or
order as a standalone course

Presiding Officer:

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

12:15 p.m. Registration Opens

Includes light refreshments.

1:00 p.m. Welcoming Remarks

1:15 p.m. .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 p.m. .50 hr

What Planners Wish Lawyers Understood

Best practice discussion of legal issues, planning and lawyers.

Charles E. Zech, Denton, Navarro, Rocha &
Bernal, P.C., San Antonio, TX
Christopher M. Stewart, Stewart Planning
Consulting, LLC, Austin, TX

2:15 p.m. .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 p.m. Break

3:00 p.m. .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
W. Andrew Messer, Messer Campbell & Brady,
Frisco, TX

3:45 p.m. .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 p.m. .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 p.m. .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 p.m. Adjourn Fundamentals

“As an attorney/real estate broker/developer/P&Z commissioner, I found this program outstanding!

Incredibly helpful.

Good diversity of topics.

I am new to planning; the content was very informative.

Good seminar!

The program was excellent.
I loved the overview.

Speakers are outstanding.

A well-thought out and well-organized program.

Excellent

Great program. Covered all the fundamentals and more.”

FUNDAMENTALS MCLE

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 4.00 hours. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

THURSDAY MORNING, MAR. 22, 2012

13.00 Hours of Credit
including 2.25 Hours of Ethics

LAND USE PLANNING MAIN CONFERENCE

Presiding Officer:

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

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks**9:00 a.m. .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 a.m. .75 hr**Annexation and ETJ**

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.

Scott N. Houston, Texas Municipal League,
Austin, TX

10:30 a.m. Break**10:45 a.m. .75 hr****Drafting Good Regulations: How to Say It**

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.

Kimberley Mickelson, Olson & Olson LLP,
Houston, TX

11:30 a.m. .50 hr**The Definitive Guide to Special Districts**

TIFs, PIDs, MMDs, MUDs, WCIDs, FWSDs and hybrid districts—how they are different and how they are being used in today's market.

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

12:00 p.m. Break to Pick Up Lunch

Included in conference registration fee.

THURSDAY AFTERNOON**Presiding Officer:**

**Kimberley Mickelson, Olson & Olson LLP,
Houston, TX**

LUNCHEON PRESENTATION**12:15 p.m. .75 hr****The Future of Texas Cities**

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.

Bennett Sandlin, Executive Director, Texas Municipal
League, Austin, TX

1:00 p.m. Break**1:15 p.m. .75 hr****Getting to Yes: The Theory and Practice of Negotiation in Real Estate Deals**

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.

David M. Adelman, AREA Real Estate, LLC,
San Antonio, TX
Douglas R. Dierking, University of Texas,
McCombs School of Business, Austin, TX

2:00 p.m. 1.00 hr**Development Agreements: Basics and Beyond**

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.

James L. Dougherty Jr., Attorney at Law, Houston, TX
Reid C. Wilson, Wilson, Cribbs & Goren, P.C.,
Houston, TX

3:00 p.m. Break**3:15 p.m. .75 hr****Doing the Deal**

A 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.

Moderator:

James L. Dougherty Jr., Attorney at Law, Houston, TX

Panelists:

Rob Killen, Kaufman & Killen, San Antonio, TX
Dan Markson, The NRP Group LLC, San Antonio, TX
Theresa O'Donnell, City of Dallas, Dallas, TX

4:00 p.m.**1.00 hr ethics****Confidential Communications, Data Security and Privacy in the Cloud**

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.

Peter Brooke Haskel, Dallas City Attorney, Dallas, TX

5:00 p.m. Adjourn**FRIDAY MORNING, MAR. 23, 2012****Presiding Officer:**

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

8:00 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. .50 hr**Analytic and What-If Development Planning Tools: A Guide for Lawyers, Planners and City Officials**

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 program 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.

Robert Paterson, The University of Texas at Austin
School of Architecture, Austin, TX

9:00 a.m. .50 hr**Challenges in Urban Development**

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.

Terry E. Mitchell, Momark Development LLC,
Austin, TX

9:30 a.m. .75 hr

A Critical Look at Form-Based Zoning

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.

E. Scott Polikov, Gateway Planning Group, Inc.,
Fort Worth, TX
Peter Gardner Smith, Nichols, Jackson, Dillard,
Hager & Smith L.L.P., Dallas, TX

10:15 a.m. Break

10:30 a.m. 1.00 hr

Regulation of Oil and Gas Land Uses in Texas and the Impact on Development

The panel examines the impact of oil and gas plays on development, regulatory approaches and recent amendments to oil, gas and pipeline ordinances, and provides an update on recent legislation and cases.

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
Melissa Lindelow, Shupe Ventura Lindelow & Olson, PLLC, Fort Worth, TX
Terrence S. Welch, Brown & Hofmeister, L.L.P., Richardson, TX

11:30 a.m. .75 hr including .25 hr ethics

Practical Issues and Best Practices when Working with Boards and Commissions on Land Use

Tips, pitfalls and best practices when presenting to or working with Boards and Commissions on land use planning and development matters.

E. Allen Taylor Jr., Taylor, Olson, Adkins, Sralla & Elam, L.L.P., Fort Worth, TX

12:15 p.m. Break for Buffet Lunch

Included in conference registration fee.

FRIDAY AFTERNOON

Presiding Officer:

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

LUNCHEON PRESENTATION

12:35 p.m. .75 hr

Show Me the Data: Making a Business Case for Sustainable Development

Project economics are often seen as major barriers to incorporating building design innovations in sustainable development as many developers do not fully appreciate the potential multi-year operating cost savings from capital investments. They and their lenders need real-time data to support their investment decisions.

This presentation provides an overview and highlights of the Urban Living Laboratory, a research and urban lifestyle community designed and built with a technology platform in every building so that researchers can gather real-time data related to energy efficiency, water conservation, air quality, building materials, transportation and human behavior. Learn how this kind of data can be used to present the business case for better building design, construction and operation. This program also explores the essential role of research in making the business case for sustainable development, plus several strategies for funding green projects.

Kevin R. Rogers, Realty Appreciation, LTD,
Arlington, TX

1:20 p.m. Break

1:35 p.m. .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

2:20 p.m. 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

3:20 p.m. Adjourn

Program content, topics and format were great.

Speakers were all very good and very knowledgeable.

The sessions and information are very helpful to me.

As a consulting engineer, the program content is right up my alley for staying up-to-date on planning, zoning, and development issues.

I liked the focus on economics and how to be creative in addressing development issues.

I am a P.E. and this was all relevant to me.

Good mix of topics applicable to everyone in attendance

Very informative. I am glad I came.

Great choice of topics and level of presentation—a well-run conference.

CONFERENCE MCLE

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.00 hours, of which 2.25 credit hours will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

HOW TO REGISTER

Register online:
www.utcle.org

Or mail your registration to:
The University of Texas
School of Law
Attn. CLE—LD12
P.O. Box 7759
Austin, TX 78713-7759

Or fax to:
512-475-6876

Questions? Call us at 512-475-6700

MATERIALS, AUDIO AND IN-HOUSE CLE

Printed Materials in Course Binder

Leading practitioners and academics provide the definitive set of materials.

eBinder on CD

Add an eBinder on CD to your course registration or materials purchase for only \$50. This electronic file includes searchable, indexed PDF versions of all printed materials. Allow 3-5 weeks from the conference date for fulfillment.

Audio MP3 Speeches on CD or Audio CD Set

Listen to Land Use Planning on the go. Informative, topical and entertaining presentations recorded from UT Law's other live CLE programs are also available.

In-House CLE

CLE for two or more participants—as many as you want. Receive full MCLE credit. We'll accredit the course for you* and provide one Audio CD Set plus a Course Binder for each participant.

*Texas MCLE credit only.

REGISTRATION FOR LD12

Mail this registration form to:

The University of Texas School of Law, Attn. CLE—LD12

P.O. Box 7759, Austin, TX 78713-7759 or fax a copy to: 512-475-6876

PLEASE PRINT CLEARLY

Bar Card# _____ ☐ TX ☐ Other State: _____ ☐ N/A

Name [Mr. / Ms.] _____

Firm _____

Address _____

City _____ State _____ Zip _____

Telephone _____ Fax _____

Registrant's Email (required) _____

Assistant's Email (optional) _____

Invoices, confirmations and receipts are emailed to these addresses.

LAND USE PLANNING MAIN CONFERENCE—March 22–23

GREEN REGISTRATION—Includes Electronic Materials on USB Key (only), and Thursday and Friday Luncheon Presentations

☐ Early Registration Fee due by Wednesday, March 14, 2012\$475

☐ Registration Fee after Wednesday, March 14, 2012\$525

STANDARD REGISTRATION—Includes Printed Course Binder (only), and Thursday and Friday Luncheon Presentations

☐ Early Registration Fee due by Wednesday, March 14, 2012\$520

☐ Registration Fee after Wednesday, March 14, 2012\$570

LAND USE PLANNING FUNDAMENTALS—March 21

☐ Add to Main Conference or order as a standalone course\$80

CONFERENCE PUBLICATIONS AND MEDIA

Allow 3–5 weeks from the conference date for delivery.

☐ Course Binder WITHOUT Conference Registration\$225

Note: Conference Registration includes Course Binder.

☐ Audio MP3 Speeches on CD\$130

☐ Audio CD Set\$210

☐ eBinder on CD (PDF format)\$225/\$50

(\$225 purchased alone, \$50 with Registration or purchase of Course Binder or Audio MP3 Speeches on CD or Audio CD Set)

IN-HOUSE CLE: Bring the conference in-house and learn at your convenience.

Allow 3–5 weeks from the conference date for delivery. Approved for Texas MCLE credit.

☐ In-House CLE for 2—Includes Audio CD Set and Course Binders\$825

_____ Add participants (includes Course Binder) for \$225 each\$ _____

TOTAL ENCLOSED\$ _____

METHOD OF PAYMENT

☐ Check (make checks payable to: The University of Texas at Austin)

☐ VISA or ☐ MasterCard (sorry, no AMEX or Discover)

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Exp. Date (mm/yy)

E-mail us at

service@utcle.org

or call us at

512-475-6700

or go to

www.utcle.org

for more information

AUSTIN

March 21, 22–23, 2012

CONFERENCE LOCATION



AT&T Conference Center - Hotel at UT

The University of Texas at Austin
1900 University Avenue
Austin, TX 78705
512-404-3600

Special Room Rate: \$159
good through February 17, 2012
(subject to availability)

Parking:

Free daily self-parking at UT garages.
Separate fees apply for valet and
overnight parking.

KEY DATES

March 14, 2012, 5 p.m.

last day for early registration
add \$50 for registrations
received after this time

March 16, 2012, 5 p.m.

last day for full refund

March 19, 2012, 5 p.m.

last day for partial refund
\$50 processing fee applied

March 21, 2012, 1:15 p.m.

Fundamentals begins

March 22, 2012, 9 a.m.

Conference begins

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