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# Land Use Law

**Entitlements, Annexation and Zoning**

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**Land Use Regulations, Zoning,  
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**Comprehensive Planning:  
A Case Study on Mountain Brook**

**The Trial of a Zoning Case**

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**Municipal Annexations  
and Zoning Agreements**

**Exactions and Fees**

**Defining the Gray Area  
of Appropriate Lobbying**

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Dear Colleague:

Whether you are an attorney, developer, consultant, planner, real estate professional, landowner, architect, contractor or government official, your success depends on staying current on what's going on in Alabama.

At this Conference, you will hear from an outstanding group of experienced professionals who will discuss the important issues you face: regulations and compliance, comprehensive planning, zoning trials and appeals, municipal annexations and zoning agreements, incentives for development, and more.

You will take home an in-depth knowledge of the current legislation and issues in Alabama and the tools to better help your clients with upcoming land use projects.

We look forward to seeing you there.

Sincerely,



**Charles A. J. Beavers, Jr., Esq.**  
Program Co-Chair



**J. Casey Pipes, Esq.**  
Program Co-Chair

**Charles A. J. Beavers, Jr., Esq.**  
Bradley Arant Rose & White  
Birmingham

**J. Casey Pipes, Esq.**  
Helmsing, Leach, Herlong, Newman & Rouse  
Mobile

**Schedule and Instructor Bios Inside**

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**Monday, October 29**

**Tuesday, October 30**

<p>8:30 Registration and Continental Breakfast</p> <p>9:00 <b>Welcome and Introduction</b> Overview of Day One <b>Charles A. J. Beavers, Jr., Esq., Program Co-Chair</b> Bradley Arant Rose &amp; White, Birmingham <b>J. Casey Pipes, Esq., Program Co-Chair</b> Helmsing, Leach, Herlong, Newman &amp; Rouse, Mobile</p> <p>9:15 <b>Land Use Regulations, Zoning, and Local Ordinances</b> Strict Compliance Requirements and How to Challenge a Rezoning Based on Procedural Deficiencies; The Wal-Mart Case <b>Frank C. Galloway, III, Esq.</b> Galloway &amp; Summerville, Birmingham</p> <p>10:15 Morning Break</p> <p>10:30 <b>Comprehensive Planning: A Case Study</b> The Process of Revamping a Zoning Code and Adopting a Long Range Plan for the Commercial Villages in Mountain Brook <b>Virginia Caruthers Smith, Esq., President</b> Mountain Brook City Council, Mountain Brook <b>Patrick B. Davis, AIA, NCARB, Vice Chairman</b> Mountain Brook Planning Commission, Mountain Brook <b>Chris Brewster, Esq., AICP</b> Gould Evans Associates, Kansas City <b>Charles A. J. Beavers, Jr., Esq., Program Co-Chair</b></p> <p>12:15 Lunch Break</p> <p>1:30 <b>The Trial of a Zoning Case</b> Trial, Appeal and Mediation <b>Douglas P. Corretti, Esq.,</b> and <b>Mary Douglas Hawkins, Esq.</b> Corretti, Newsom &amp; Hawkins, Birmingham</p> <p>2:45 <b>Incentives for Development</b> The Gulf Opportunity Zone Act of 2005; Improvement Districts <b>Wyatt R. Haskell, Esq.</b> Haskell Slaughter, Birmingham</p> <p>3:30 Afternoon Break</p> <p>3:45 <b>Zoning Board of Adjustments Appeals</b> How to Handle an Appeal in Circuit Court <b>F. Wendell Allen, Esq.,</b> <b>C. Randall Minor, Esq.,</b> and <b>Thad G. Long, Esq.</b> Bradley Arant Rose &amp; White, Birmingham</p> <p>5:15 Q&amp;A Panel Members of the Faculty</p> <p>5:30 Evaluations and Adjourn</p>	<p>8:30 Continental Breakfast</p> <p>9:00 <b>Welcome Back</b> Overview of Day Two <b>Charles A. J. Beavers, Jr., Esq., Program Co-Chair</b> <b>J. Casey Pipes, Esq., Program Co-Chair</b></p> <p>9:15 <b>Municipal Annexations and Zoning Agreements</b> Statutory and Legislative Annexation Methods; Contract Zoning <b>J. Casey Pipes, Esq., Program Co-Chair</b></p> <p>10:15 Morning Break</p> <p style="background-color: #e0e0e0;">10:30 <b>Keynote Presentation</b> Land Use and Development of Properties <b>David L. Silverstein, Principal</b> Bayer Properties, Birmingham</p> <p>11:30 Q&amp;A Panel Members of the Faculty</p> <p>11:45 Lunch Break</p> <p>1:00 <b>Ethics</b> Conflicts of Interest; Defining the Gray Area of Appropriate Lobbying; <i>Ex Parte</i> Communication <b>J. Anthony McLain, Esq., General Counsel</b> Alabama State Bar, Montgomery</p> <p>2:00 <b>Exactions and Fees</b> The Current and Future Status <b>Jesse P. Evans, III, Esq.</b> Haskell Slaughter, Birmingham</p> <p>2:45 Afternoon Break</p> <p>3:00 <b>Condominium Law</b> Land Use Issues in Condominium Development <b>Carol H. Stewart, Esq.</b> Burr &amp; Forman, Birmingham</p> <p>3:45 <b>Nonconforming Uses and Variances</b> Navigating Through Variances in the Development Process <b>John F. DeBuys, Jr., Esq.</b> Burr &amp; Forman, Birmingham</p> <p>4:30 Q&amp;A Panel Members of the Faculty</p> <p>4:45 Evaluations and Adjourn</p>
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**Save These Dates!**

**Land Use Law SuperConference**  
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**Land Use Law**  
October 18-19, Chicago

**Eminent Domain**  
October 18-19, Minneapolis

# meet your **instructors**

**Program Co-Chairs**

**Charles A. J. Beavers, Jr.**, focuses on the acquisition, sale and development of real properties, including rezonings and other land use matters. He is a member of the American Law Institute and the American College of Mortgage Attorneys. He is listed in *Best Lawyers in America* (1993 to present) and *Chambers USA, America's Leading Lawyers for Business* (leading individual).

**J. Casey Pipes** has extensive experience in the fields of municipal and governmental law and land use permitting. He serves as the acting City Attorney for the City of Foley, Alabama, and also represents Foley's Planning Commission, Zoning Board of Adjustments and Appeals, and Industrial Development Board. He has experience in the field of eminent domain, and he represents both the landowner and condemning agency.

**Keynote Speaker**

**David L. Silverstein** was a partner at the law firm of Berkowitz, Lefkovits, Isom, and Kushner, joining the firm in 1981 and serving as outside counsel to Bayer for seven years. His practice is concentrated in the acquisition, financing, leasing management, and development of commercial real estate projects. He frequently acted as local counsel to out-of-state lenders in connection with the financing of commercial real estate projects.

**F. Wendell Allen** is a partner in his firm's Litigation, Real Estate, and Construction Practice Groups. His practice includes real estate zoning disputes, products liability defense, personal injury, tax appeals and commercial litigation.

**Chris Brewster** is a planner and an attorney with seven years' experience in multi-disciplinary architecture, planning, and urban design. He consults with local governments throughout the United States on planning and urban design issues.

**John F. DeBuys, Jr.**, focuses on land use and development, zoning, environmental litigation, mineral development, business torts and general real estate litigation. He has extensive experience in the litigation of property rights and land use.

**Douglas P. Corretti** concentrates on mortgage law, zoning and real estate. He previously lectured on real estate law at the University of Alabama and taught contracts at the Birmingham School of Law.

**Patrick B. Davis, Jr.**, has over 30 years of experience in the planning, design and construction of health care facilities. He is actively involved in the AIA. His projects have been published in *Time Magazine*, *Architectural Record*, and *Modern Healthcare*.

**Jesse P. Evans, III**, is a real estate litigation attorney. His practice includes all phases of development, construction, disputes, condemnation, land use and zoning, and ownership. He is an author of *Alabama Property Rights and Remedies*.

**Frank C. Galloway, III**, has been practicing law for 17 years. He focuses his practice on the representation of real estate developers and neighborhood groups in land use matters, including rezonings, subdivision approvals and annexations.

**Wyatt R. Haskell** has represented local governments, bond underwriters, industrial development boards, city and county school boards, cooperative districts, utility boards and other public finance clients.

**Mary Douglas Hawkins** has been practicing law for over 20 years and specializes in real estate, zoning and mortgage law.

**Thad G. Long** focuses on high-stakes litigation and transactional work in general business litigation, antitrust, competitive torts and intellectual property. He has been elected a Fellow of the Alabama Law Foundation, and is a member of the American Law Institute.

**J. Anthony McLain** has been in his current position since 1988. He previously worked as an Assistant Attorney General for the State of Alabama for two years. Upon leaving the Attorney General's Office, he entered private practice as a partner in the law firm of McLain & Hampton.

**C. Randall Minor** practices real estate law. After graduating from Yale Law School, he clerked for the Honorable U.W. Clemon of the United States District Court for the Northern District of Alabama.

**Virginia Caruthers Smith** has served on the City Council since October 2000 and was named President in October 2006. She is the Council liaison to the Parks Board and the Tree Commission.

**Carol H. Stewart** focuses on condominium law and complex business torts litigation. She authored the Condominium Law chapter in *Legal Aspects of Real Estate* and, in 1994, completed the Alabama section in *Real Estate Transaction Series: Condominium Law and Practice*.

**For sponsorship information, please contact CLE INTERNATIONAL Program Attorney Michelle M. Messner, michelle@cle.com.**

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# Land Use Law

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**Keynote Presentation  
Land Use and Development of Properties**



**David L. Silverstein, Principal**  
Bayer Properties, Birmingham



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