

Land Use/Entitlements

For over 40 years, Winstead's land use practice has helped clients with the full range of land use issues throughout Texas and across the country. Winstead's robust land use experience spans the entire real estate asset class from single family homes to multibillion dollar mixed-use development.

Deftly navigating the complicated entanglement of local politics, convoluted local regulations, public hearings, and bureaucracy, Winstead's land use attorneys couple a mastery of the technical subject matter with sound, practical advice based on years of experience working with elected officials, appointed officials, city staff members, and community stakeholders. We find creative solutions to complicated problems with the primary goal of adding value for our clients.

From our years of experience negotiating and drafting agreements for the various economic development incentives available under Texas and local laws, we enable our clients to leverage the positive economic impact of their developments into public/private partnerships with cities and other local governments that drive value in the complex world of today's real estate capital markets.

Our primary objective in every representation is to achieve the "win-win" scenario for clients and the political stakeholders involved in a project, and the majority of our representations accomplish this goal.

We have demonstrated time and again our ability to strategically position a case and overcome political opposition at public hearings. Additionally, Winstead's land use attorneys have a proven track record of advising clients in complex litigation against municipalities and other local governments as well.

Our specific client services include:

Zoning and Land Use

We assist developers and landowners in obtaining zoning through the preparation of zoning applications, drafting of complex and flexible zoning regulations, and representation in community negotiations and public hearings. We help clients analyze and strategically navigate the platting, subdivision, infrastructure development, and building permit process by creatively leveraging the protections of state and local laws to minimize costs and avoid impediments to development.

Economic Development and Incentives

We advise clients in the creation of Tax Increment Reinvestment Zones (TIRZ/TIF), Public Improvement Districts (PID), and other special districts under Texas law. We negotiate the reimbursement and/or upfront financing of project costs through Chapter 380 and 381 economic development grant agreements, TIF agreements, agreements with economic development corporations (EDC), property and sales tax abatements, general development agreements, right-of-way abandonments, land swaps with governmental entities, and a myriad of other types of development agreements with cities and local governments that create substantial value for projects. Relying on the vast experience of Winstead's general real estate practice, we strive to be creative in finding ways to ensure that these economic incentives are melded seamlessly into the capital stack.

Condemnation/Eminent Domain

We represent landowners whose land is condemned by governmental entities from negotiating the offer through the state-prescribed special commissioners' hearing for a determination of market value and subsequent appeals of awards in a trial de novo through the judicial system. In special circumstances, we represent condemning entities.

Land Use Litigation

Our attorneys primarily represent developers and landowners against governmental entities. The issues range from annexation procedures, regulatory takings, vested rights, wrongful denials of plats, and unauthorized exactions are addressed.

Due Diligence

We regularly advise prospective purchasers, lenders, investors, and developers on all of the above aspects of both planned and constructed projects. Beyond just our technical skills, we incorporate our knowledge of and familiarity with local politics and their effect on a project's existing or potential value.

Other Focused Areas of Local Government Experience

We have experience in the following specific areas of local government law that are intertwined with the above general categories of our practice:

- Signage rights
- Transportation and local licensing
- Site plans, development plans, and other non-discretionary municipal approvals
- Residential replats
- Alcohol permitting
- Tree preservation and mitigation
- Affordable and mixed-income housing regulations