

Residents use legal help to have objections heard - The Coastal Star

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Ralf Brookes

By Tim Pallesen

Residents alarmed by massive new rental housing projects in Boca Raton and Delray Beach turned to a Cape Coral attorney to be heard.

Ralf Brookes has filed lawsuits to scale down the magnitude of the Archstone project on East Palmetto Park Road and Atlantic Crossing on East Atlantic Avenue.

Archstone and Atlantic Crossing are both significant because they will create the gateways from the Atlantic Ocean to two rapidly growing downtowns.

Brookes is a former city and county attorney now in private practice. He represented Monroe County in land use and development litigation for six years. He also was city attorney in St. Petersburg Beach and Bradenton Beach for seven years.

“I see myself now as a defender of Old Florida to assure that development is compatible,” Brookes said. ...

Residents who live near the new downtown projects hired Brookes because they say city governments didn’t listen to their objections.

“It’s difficult for citizens to be effective when they only get three minutes to speak at a public hearing,” Brookes said.

“Cities need to scrutinize these projects so they don’t just do what’s in the applicant’s best interests,” he said. “That’s why I give legal representation to community organizations.”

Brookes scored his first court victory locally when Boca Raton residents objected to a 2010 proposal to build a private beach club on a public beach known as Ocean Strand.

The city refused to approve an ordinance to restrict public lands for only public uses. So Brookes sued to win a lawsuit that forced the City Council to approve the ordinance on Jan. 9.

The lawsuit to block the Archstone project could have a far greater impact on Boca Raton development. Brookes sued on behalf of nearby residents to force a citywide referendum to decide whether Archstone should be built.

A circuit court judge ruled in Brookes’ favor last October, citing a previous case in which Brookes had represented the town of Yankeetown to get an exemption from a 2011 state law that prohibits voter referendums on local growth decisions.

Exemptions were allowed for Yankeetown and Boca Raton because both towns had charter language calling for referendums prior to the 2011 state law.

“People want the right in rare cases to repeal government actions if they are not in the best interests of the community,” Brookes said.

Boca Raton is appealing the October ruling, fearing it could bring growth to a halt in the city.

“Can you imagine the impact if we have referendums on every development order?” Whelchel asked.

Delray Beach has no similar provision to allow a referendum to overturn a development project. So the lawsuit that Brookes filed last month to stop Atlantic Crossing has a different strategy to achieve the same goal of allowing residents to be heard.

The Delray Beach lawsuit has given Delray Beach residents leverage to be heard by developers before they request site plan approval this year. Negotiations are under way for a design that both sides can support.

“We hope to have this resolved so the lawsuit can be settled in the near future,” Brookes said.