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FROM THE COURTS

Fourth DCA rejects challenge to Boca Raton project

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The possibility of a citizens' referendum on a large downtown rental development in Boca Raton was killed Wednesday by the Fourth District Court of Appeal.

The court concluded Palm Beach Circuit Judge Lucy Chernow Brown misinterpreted the intent of a 2012 state law on exceptions to a 2011 ban enacted on referenda challenging land development orders.

The Legislature granted an excep-

tion to cities that permitted referenda on plans affecting more than five parcels. Brown took this to mean Boca Raton's charter, which allowed referenda on any ordinance, by implication included development orders.

She issued a judgment to residents opposed to Archstone at Palmetto Park, a nine-story, 378-unit apartment building with 14,000 square feet of retail.

The city and Archstone Palmetto Park LLC, the developer, appealed.

The citizens' initiative was launched after the City Council approval. The project at 345 E. Palmetto Park Road has

been delayed due to the litigation and has gone through revision.

Broward County Court Judge Louis Schiff, who sat on the appellate panel by designation, wrote the opinion.

Schiff explained how the 2012 amendment was intended to address Yankeetown and three other cities that permitted referenda on developments above a certain size.

When the legislative committee staff worked on the amendment, Schiff said they pointed to Brown's judgment, stating, "This broad interpretation is contrary to the intent of the 2011 and 2012

legislation."

Archstone attorney Gerald Richman of Richman Greer in West Palm Beach said, "Had it gone the other way, you could get referenda on every small parcel of land, which would result in chaos."

Boca Raton City Attorney Jamie Cole of Weiss Serota Helfman Pastoriza Cole & Boniske in Fort Lauderdale commended the court for its careful review.

Fourth District Judges Melanie May and Cory Ciklin concurred.

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