

Associations Concerned with Proposed Development

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South Florida is growing. Just look at the skyline in any reasonable-sized municipality, and you're bound to see cranes, new condos, strip malls, and housing developments. While development can be beneficial and add tax revenue, the concerns of the existing community must be taken into consideration so that "smart growth" is the overriding principle and your voices are heard. So what are your options if you hear through the grapevine about a proposed development that may impact your

quality of life?

First of all, don't despair. The Government and Association teams at Becker are experienced and adept at working together to represent the Boards of Condos and HOA's in response to filed applications that are directly adjacent to or nearby your community. We have achieved many successes, and the tenor of our representation depends upon many factors, including first and foremost the ultimate goals of our clients, the willingness of the developer applicant to negotiate, the political climate of the City, and the legal entitlement process which is required for the application. Through various projects, we have obtained: major design modifications that mitigate the impact on existing communities, high six-figure settlement agreements, reduction in density, reduction in height, change of use and construction management agreements to address loading zones and hours, right of way closures and maintenance of traffic, dust and debris, impacts of drilling, types of cranes, and many more.

If you are a Board member of an Association or Condo, you most likely did not anticipate having to deal with the pressure of a contentious new development going up. Before the residents of your community start bombarding you with emails and pointing fingers, it is extremely important to engage the appropriate experts to conduct due diligence. Due Diligence will generally include: A review of the filed site plan, survey, staff comments, Municipal Land Development Code as well as the Comprehensive Plan, previous applications on the property,

and any relevant Master Plans. We usually recommend moving ahead with one to two experts from the get-go, as Florida law on quasi-judicial hearings requires “competent and substantial evidence.” We would schedule meetings with the Board, as well as with residents to listen to concerns, and ultimately move on to meetings with the applicant, City Attorney, Planners, and City Commissioners as necessary.

Be proactive early on, because the chances of success diminish the longer you wait. We look forward to working with you and achieving your goals. Please feel free to call Jeremy Shir at 954-364-6028, or email Jshir@Beckerlawyers.com. To learn more about Jeremy Shir and his practice click [here](#).