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Not in My Backyard - 8/11/2006

Not in My Backyard

A rise in NIMBYism is costing U.S. companies billions and leading to project cancellations. Consultant Patrick Slevin, who is writing a book about the trend, offers his insights.

COMMERCIAL REAL ESTATE by Janet Leiser | Senior Editor

You know that big-box store you're planning near an established neighborhood? You'd better make sure it doesn't come before the city council or county commission in an election year.

Elected officials aren't likely to ignore angry homeowners or antigrowth activists when their seat is up for grabs, says Patrick Slevin, a former politician who now runs the Tallahassee consulting firm The Slevin Group Inc.

"This NIMBY of One has really become the Goliath and the applicant has become the David," Slevin says of grassroots opposition from activists who increasingly oppose commercial construction projects such as Home Depots, Wal-Marts and other large buildings.

NIMBY, of course, is an acronym for "Not in My Backyard."

Slevin contends developers must learn to work with communities in the planning stage, instead of waiting for a public hearing that invariably spins into a Jerry Springer-like atmosphere and ends unfavorably for applicants seeking governmental approval.

Slevin spoke at the Aug. 8 luncheon meeting of the Commercial Real Estate Women of Tampa Bay at the Centre Club after Wal-Mart spokesman Eric Brewer canceled.

A decade ago, projects were nearly guaranteed governmental approval if the rules and laws were followed, Slevin says. Not any more.

He quoted Tampa attorney Ron Weaver, who says about 60% of projects now survive the public hearing process, and that figure is expected to decline as land planners continue to attempt to fly in under the radar. Homeowners and activists fight projects for various reasons, including how they expect a project to affect their quality of life, the environment or traffic congestion, he says, adding: "NIMBYism is emotional, illogical and non-linear."

He estimates that 80% of NIMBYism is based on misinformation, lack of information or community gossip.

"When a property is sold, everyone wants to know who's going to be there?" he says. "Is it going to be a Wal-Mart? Is it going to be a Target? Is it going to be a Walgreens or CVS? Is there going to be affordable housing? If so, is it going to affect the value of my property and will crime go up?" Slevin knows firsthand how an elected official can be caught in "friendly fire," he says. It happened to him as mayor of Safety Harbor in the mid-1990s. Typically, homeowners learn about a new project through a newspaper article or the grapevine and are spurred to action.

"A developer's typical response when there's rumbling in the community is: 'Let's ignore them. Let's just avoid them. That's what the hearing process is for. We're doing everything we're supposed to do. Let's just proceed forward,'" he says.

But it's wrong for developers or corporations to think they can just fly under the radar. Those days are gone, he says.

When a developer hires a public relations firm or uses a company employee as a spokesperson, it's usually after the maelstrom hits and too late in the planning process, he says.

The public hearing is "where the NIMBYists and the activists have the greatest strength," he says. "This is how they become the Goliath,

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because of the notice of the hearing process."

He contends that developers, who hide behind the public hearing process, required by the Growth Management Act of 1985, should be transparent with their plans. They should seek input from surrounding neighborhoods as they plan a project, building in goodwill and neighborhood participation, he says.

It's usually a shock to the applicant and professionals who represent them when protesters show up at a public hearing, he says, adding, "They're like deer in the headlights."

Instead, developers should approach a project's neighbors to ask for input, and they should ask the planners or city or county attorney about the community's NIMBYs, he says. Then the developer should contact each of those people to talk.

When the developers don't seek input, homeowners and activists "are effective in taking down multibillion-dollar companies like Wal-Mart" on an almost daily basis, he says.

Slevin categorizes NIMBYs in seven categories to determine the best way to deal with opposition:

- Guardians account for the majority of the NIMBYs who show up at city hall.

"They're homeowners who hear through the grapevine there's going to be affordable housing built right next door," he says. "Now they're afraid crime is going to go up and everything that goes with it. They go into action and start building a coalition against you. Their motivation is fear that their biggest investment, which is their home, is going to be devalued and their quality of life is certainly going to be threatened.

"If you get to them before they realize they're going to be a NIMBY, you'll have far more success, saving time, saving money and saving heartaches. You have to understand NIMBYs. There's no logic behind most of the arguments."

- Crusaders are usually environmentalists, preservationists or conservationists.

"They are there to represent the moral high ground," Slevin says.

"They're representing the integrity of the environment or the character of their community.

"Another motivation is it's a platform to keep their members going and to keep the money coming in. There are questions as to why the Sierra Club is fighting the Babcock Ranch when all the other environmental groups have signed off on it. You have to wonder what the motivation is."

Merchants concerned about their livelihood are also included in this category.

- Machiavellians are often someone who has run for office and lost or plans to seek election.

"They feel it's their duty to go to city hall every single meeting and be the thorn in the side of the elected body," Slevin says. "Elected officials know who they are. Reporters know who they are. Typically the applicant doesn't and they get derailed.

"Sometimes it's the commissioner that wants to be the next mayor. If the mayor supports your project, that person might go ahead and oppose it and cause serious trouble."

- Godfathers are those who stopped another project and liked seeing their name in the newspaper.

"They develop an infrastructure and they feel that everyone that wants to develop in their community has to come to them for approval," he says. "You have to kiss the ring. Elected officials pay a lot of attention to the godfathers."

- Mercenaries are those who make a living such as lawyers and others.

- Cranky Crabs are usually senior citizens who want to feel needed.

"They just want something to do," he says. "They wake up in the morning and they're thinking about you.

"Why are they doing that? The story behind the cranky crab is unfortunately they're a widow or widower, they're bitter, they're lonely, they're not socializing with their peers. And now they're in the spotlight."

To deal with them, find their peers who are favorable to the project.

- Watchdogs are news reporters who write about the "David vs. Goliath scenario that plays out every day across the country," he says.

Consultant Patrick Slevin has a few new acronyms for those who say they aren't a NIMBY — "Not in My Backyard" — but continue to fight growth.

- BANANA: Build Absolutely Nothing Anywhere Near Anything
- CAVE: Citizens Against Virtually Everything
- LULU: Locally Undesirable Land Use
- NOTE: Not Over There Either

Source: The Slevin Group

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