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Dispute Resolution- URP 5122  
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Case Study Report  

Case 06: DCA-Lafayette Park Neighborhood Association and Nell Stranburg v. DCA, City of Tallahassee and Leon County (DOAH Case NO. 98-2194 GM)  

The Lafayette Park Neighborhood Land Use case is a prime example of a successful mediated dispute. Based on notes from several interviews conducted with stakeholders in this issue, all relevant and involved parties were satisfied with the final outcome. The mediation process was settled in a timely manner, which limited monetary costs, and time. The following case study report will illustrate the factors that lead to this dispute, as well as the factors that lead to a successful outcome.

This case study is written from the standpoint of a fictional Lafayette Park neighborhood representative who was actively involved with the dispute from its beginning. The anticipated audience is Tallahassee citizens who are concerned about NIMBY (Not In My Backyard) issues and the benefits and disadvantages of seeking mediation over litigation, if and when, similar situations occur in their neighborhood. The report will describe the nature of the dispute, identify all parties involved from the onset of the issue, and those who later became integral components of the dispute, as well as the dynamics of the case, issues that affected the final outcome, and conclusions and lessons learned.
Background and History of Neighborhood

Lafayette Park consists of a mix of professionals and stay-at-home parents. “Residents in the neighborhood are a microcosm of Tallahassee” (Lafayette Park Neighborhood/Community Index, www.tdo.com/homehunter). The universal view among Lafayette park residents is an overall pride in the old-fashion amenities and historic richness of the neighborhood. It is conveniently located near shopping centers such as Northwood Centre on Monroe Street, and is in close proximity to Leon High School, Kate Sullivan Elementary, and Cobb Middle School. By and large, many view the neighborhood as an attractive area that has experienced tremendous growth in property values, due to recently remodeled homes. Lafayette Park prides itself in having a rich history. It is home to Tallahassee’s oldest city park and has one of the first neighborhood associations created in the city. As such, the Lafayette Park Neighborhood Association is very active and involved in neighborhood issues.

Nature of the Dispute

A positive neighborhood character and residents’ desire to maintain that positive character probably were key factors, if not the only factors, leading to this dispute. This dispute was one concerning land use between a Lafayette Park property owner who owned a 21+ acre parcel of land on the periphery of the neighborhood, and the Lafayette Park Neighborhood Association. In 1997, the property owner requested a zoning change from Residential Preservation to Mixed Use-A, which would allow him more broad commercial uses on the parcel, and would mean lifting the neighborhood preservation in the Comprehensive Plan. Around this time, homeowners and neighborhood association members heard a rumor that the property owner intended to build an abortion clinic on his parcel.
Ironically, a request for an abortion clinic had previously been denied on two occasions. There was an uproar among neighborhood residents. As such, most neighborhood residents were opposed to the zoning request. While all along, the property owner had never specified his intentions for the parcel. In the beginning, residents expressed a great deal of concern because the property owner was not forthcoming with information.

Eventually, the zoning change request was approved, and an amendment to the comprehensive plan was granted. Unhappy neighborhood residents filed a lawsuit against the city of Tallahassee, The Department of Community Affairs (DCA), and Leon County for granting the zoning amendment.

For legal purposes, the names of several parties involved in this dispute have been withheld. Although, the initial lawsuit involved all of the afore-mentioned parties, the final mediation process did not physically involve the City, DCA, or Leon County. While they chose not to be physically and legally affiliated with the final outcome of the negotiation, they were present at all times during the process.

There were several principal parties involved in this dispute. They were as follows:

- Property owner
- Property owner’s legal representation
- Tom Moore- mediator
- Nell Stranburg- Attorney and neighborhood resident
- City of Tallahassee
- DCA
- Leon County
Dynamics of Case

As previously mentioned, the dispute started as a result of a misunderstanding about the property owner’s intended land use. The fact that residents were adamant about citing an abortion clinic in their neighborhood, and had successfully avoided two, made them object the zoning change altogether. Their ultimate goal was to limit the allowable uses for the parcel of land.

The property owner was represented by his friend, another local property owner. Nell Stranburg, neighborhood resident and Attorney, represented the neighborhood in their legal battle. She had a personal stake in this issue because she was raising children in the neighborhood, and shared similar views with the other residents about citing abortion clinics in residential neighborhoods. She was also viewed as an asset to the community because she possessed legal expertise that was needed to fight such a case.

Case History

The initial lawsuit was not against the city, county or DCA technically, but because they were all agencies through which the comprehensive plan amendment went through. They were being sued for changing the zoning to Mixed Use-A and residents disagreed with this decision. In particular, opposition to abortion clinics influenced the dispute. However, residents were aware that they had no legal grounds on which to base their lawsuit, and knew that they had less chance of winning the Division of Administrative Hearings (DOAH) case. After all, the zoning change had already been approved. Nevertheless, the Neighborhood Association went forward
with the lawsuit until the option of mediation was suggested. It is unclear who suggested this, but perhaps it was suggested as the only feasible option for residents to gain a positive outcome. All parties eventually agreed to hire a mediator and ultimately reached an agreement.

**Outcomes**

The mediation process was successful. Overall, all relevant parties were brought into the process, and were eventually able to arrive at a solution that would benefit all. This process was cost effective because actual mediation lasted for one day only and mediation costs were divided evenly amongst the parties. Altogether, they were able to save valuable time and resources that the litigation process would have demanded. Through reviewing several interview notes from this case, everyone involved appeared to be generally satisfied with the result of mediation.

An agreement of allowable uses was made, which ironically restricted the property owner from constructing an abortion clinic on his property and a written document of the agreement was drafted. Significantly, this agreement did not include DCA. They wanted no part in limiting citizens’ uses. The relationships between the parties were not particularly enhanced, but the process gave each a chance to effectively communicate with one another. This may not have happened, had the neighborhood continued to pursue the initial lawsuit. Hopefully, stronger relationships have developed between the property owner and fellow neighborhood residents.

**Conclusions**

The only challenge to this case was the initial miscommunication and misinformation between the property owner and residents, which may have lead to a less desirable outcome for all.
Several factors contributed to the outcome of this case. The neighborhood residents only concern was about an abortion clinic. Therefore, their involvement in mediation may have been their only choice for success. The property owner had no specific expectations. He just wanted freedom to use his property as he desired. Most importantly, issues were revealed through mediation that may not have been revealed through litigation. In conclusion, this case was significant because the parties’ interests were never that different to begin with. If the parties hadn’t opted for meditation, and a DOAH hearing had taken place, these important issues may never have surfaced.