

## Mizner Trail Golf Course – Update.

The *following* statement was read at the Palm Beach County Commissioners meeting; Matters By The Public, on February 5, 2013, on behalf of the home owners in Boca Del Mar in an effort to apply pressure on the County to ensure code compliance of the Mizner Trail Golf Course, and to request they change the current County codes to require closed golf courses within established communities be maintained at a the more stringent residential standard.

*My name is Brian Coleman. I am on the board of directors of the Boca Del Mar Improvement Association, which is responsible for the common areas of the community, which is comprised of; ninety independent communities, 10,000 homes and two eighteen hole golf courses. I am here to speak today on behalf of our members.*

*One of those golf courses, Mizner Trail was closed in 2005 when this board rightfully denied the current owners application to build townhouses on the fairways. Since then the owner has allowed the property to go fallow and consistently falls out of compliance as regulated in Chapter 14 of the County Property Maintenance Code.*

*The Mizner Trail golf course is not in foreclosure, or owned by a foreign entity outside the reach of County Government. It is owned by Compson Development Corporation, of Boca Raton, who has the financial means to maintain their property.*

*After eight years of filing dozens of complaints, it is obvious that code enforcement has been ineffective. In our opinion, the County has failed our community; by failing to utilize their full authority to fine, abate, lien and to treat this owner as a repeat offender.*

*As a result; we are requesting the following;*

*First, the County Administrator review code enforcements implementation of the county's policies and procedures in responding to owner's complaints.*

*Second, the property be declared a nuisance, the County abate, and the matter be sent to a special magistrate who has the authority to levy fines up to \$5,000 per offense – per day.*

*And third, that the County recognize common sense changes to the code are required to reflect today's reality, which is, that golf courses are bought by land speculators, who buy them, and close them; as they attempt to change their zoning so they can build on them.*

*Under the current code, closed golf courses are designated as “lots greater then one half acre”, permitting vegetation beyond the first 25 feet to an adjacent property owner to grow uncontrolled, to any height, which dry out during the winter, creating a potential brush fire hazard. Debris and downed palm fronds are permitted twenty-five feet from our property-lines.*

*Mizner Trail is not a stand-alone golf course next to our community. The 18 fairways were designed to meander throughout the community bordering thousands of home-owners that line either side of the fairways. Who by the way, paid a premium for those lots.*

*Its common sense that the code be updated requiring the entire width of the fairway to be maintained, not as open lot, but to the more stringent residential standards. It is in the economic interest of the County, that communities such as ours, have the opportunity to rebound from the current depressed housing market, without being hampered by the failure of the largest property owner in our community to maintain their property.*

*As the common law of nuisance states; "use your land in such a way as not to injure the land of others". Today, I have submitted eleven new code violation complaints to zoning documented with photographs, and I ask these complaints also be entered into the record.*

*Thank you.*

*Brian Coleman*

*Board of Directors - Boca Del Mar Improvement Association*

Matters By The Public which includes Commissioner Abrams response can be viewed on-line at [http://www.co.palm-beach.fl.us/countycommissioners/bcc\\_meeting\\_videos.htm](http://www.co.palm-beach.fl.us/countycommissioners/bcc_meeting_videos.htm) Brian Coleman starts speaking at 2:11 P.M. followed by Commissioner Abrams response.

Channel 20 Meetings On Demand (February 5, 2013)

Afternoon 2 PM Session