

Mizner Trail Development Application Update

The developer has reduced the previous plan to build on the Mizner Trail Golf Course from 288 to 255 units (see attached site plan). Due to the B.D.M.I.A.s attorney Peter Sachs's insistence, the plan has now rightfully been sent to back to DRO and is scheduled to be heard and voted on by the P.B. Board of County Commissioners on June 26, 2014.

The B.D.M.I.A. has stated it opposes the plan because it calls for building on fairways adjacent to existing homeowners.

After 10 Years Why is This Important?

Nothing less than the credibility of the County's elected Commissioners to represent the overwhelming majority of citizens, taxpayers and voters who live here and oppose this development instead of the financial special interests of developers, and a few business entities.

Know the Facts as stated by the Court

The County will be granting unearned/unpaid development rights to land speculators who according to the 2006 15th Circuit Court Ruling by Judge Gerber on Page 27 confirmed; *"Units were allocated to specific parcels to create a plan of development of different parcels containing different densities and uses. The planned allocation resulted in some parcels having a higher density than others, and the golf courses having NO DENSITY AT ALL."*

Circuit Court Ruling Page 28: *"The un-contradicted testimony at trial clearly established that the master plan restrictions on the golf course use existed many years before Mizner's acquisition for which the County compensated the original developer by allocating the golf course's development rights to Boca Del Mar's other parcels."*

Now they are requesting the County revalue their property by changing the usage of it from recreation to development and gifting them development rights that the Court has stated they are not entitled to, providing them a windfall at the financial detriment of adjacent property owners and the community as a whole who purchased property at a premium within a master planned community with 149 acres of planned open space as an amenity.

The owner may have the Constitutional right to file development applications, but they are not constitutionally guaranteed a government bailout for their financial and investment decisions. Judge Gerber (Page 30) *"The purchaser who buys a parcel with a known and valid regulatory restriction on certain uses cannot complain that they thereafter sustained an economic loss when the restriction was enforced. If the purchaser paid more than the property is worth, the loss is the result of an error in market judgement."*

In order to approve this application the County will seemingly have to dismiss, and fail to abide to its own codes, regulations, and limitations in order to modify the Boca Del Mar master plan. Additionally, to date there is no explanation as to the complete 180 degree reversal and flip/flop of the P.B. Zoning Staff's ten years of reports which recommended for denial of the applications to build on the Mizner Trail Golf Course.

What Can You Do

A) Have your Association's board pass a motion opposing this revised plan, email the position to all Seven County Commissioners, and attend the June 26th hearing and have a board member read the motion into the minutes, bring a hard copy of the motion and request that you be permitted to submit a copy of the position statement into the record.

B) If you live adjacent to the golf course and will be directly affected by the development and have any documentation that indicates you or the original buyer paid a premium for your lot, house, townhouse or condo due to its location adjacent to the golf course; please provide us a copy of that document.

C) Attend the June 26th, 2014 Board of County Commissioners hearing at 9:30 A.M. 301 North Olive Ave. 6th Floor W.P.B. (Government Center) and for the eight or ninth time in eleven years, tell the BCC to vote to oppose the modification of the Boca Del Mar master plan to permit building on the Mizner Trail Golf Course. (Demand Accountability-AGAIN)

When will this end?

When the County's Zoning Staff, Zoning Commissioners and Board of County Commissioners stop encouraging the owners, providing them hope they are getting close to a lucrative approval. (A 7-0 Vote to Deny is how this should end on June 26th)

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