

ALERTS of PBC, Inc. Legally Challenges Adoption of Minto West Expansion

ALERTS of PBC, Inc. has filed two legal actions on behalf of ALERTS, and residents Patricia D. Curry, Robert Schutzer and Karen Schutzer, in response to the October 29th, 2014, vote by Palm Beach County Commissioners to adopt the expansion of Minto West, located in the heart of the Acreage/Loxahatchee.

In September of 2013, Minto, a Canadian based homebuilder, paid \$51 million for a 3,788 acre parcel formerly owned by Callery-Judge Grove. This property, situated in the heart of the Acreage/Loxahatchee in rural central-western Palm Beach County, was purchased with existing entitlements to build 2996 homes and 235,000 square feet of commercial/light industrial. However, after their purchase, Minto sought extensive land use and zoning revisions to permit the construction of 4546 residential units and 2.2 million square feet of commercial/industrial plus a 3,000 student college and a 150 room hotel. This increase in intensity and density represents a 52% increase in residential and in excess of an 800% increase in nonresidential uses from their original purchased entitlement. After a year of deliberations and meetings, and despite opposition from over 5000 residents, other outlying communities and governmental agencies, the Palm Beach County Board of Commissioners (BCC) voted 5-2 to adopt Minto's expansion on October 29, 2014.(1)

Citing errors in the decision-making process, inconsistencies with State law and with the award winning 1989 Palm Beach County Comprehensive Land Use Plan, incompatibility with the surrounding area, and promotion of urban sprawl, as well as many other issues, ALERTS attorney, Ralf Brookes, filed a Petition for Formal Administrative Hearing with the State of Florida Division of Administrative Hearings (DOAH Case No.: 14-005657GM). This action was filed on behalf of ALERTS of PBC, Inc. and residents Patricia D. Curry, Robert Schutzer and Karen Schutzer, on November 26, 2014, against Palm Beach County.

A separate action against Palm Beach County was filed in the Circuit Court of the 15th Judicial Circuit in and for Palm Beach County Florida on behalf of 1000 Friends of Florida, ALERTS of PBC, Inc., and residents Patricia Curry, Robert Schutzer and Karen Schutzer on December 3, 2014. The Complaint for Declaratory and Injunctive Relief challenges the County's decision to adopt the expansion of Minto West, citing inconsistencies with the Palm Beach County Comprehensive Plan and State law and violations of Plaintiffs' Due Process rights, and seeks, among other things to invalidate the Development Order and enjoin the County from issuing further development orders or permits (Palm Beach County Circuit Civil 502014CA014424XXXXMB).

Curry, who is President of ALERTS, spoke on behalf of the Petitioners stating, "The Board of County Commissioners disregarded the overwhelming public opposition to this project in favor of a special interest. It is unfortunate, but necessary, that we take all steps necessary to protect our lifestyle and quality of life that residents in our rural communities chose and cherish."

ALERTS of PBC, Inc., is a nonprofit corporation dedicated to preserving the health, safety, welfare and quality of life of the Acreage, Loxahatchee, and Loxahatchee Groves residents and protecting these communities from excessive, intrusive development now and into the future. Concerned residents are encouraged to visit the ALERTS website for updates and information on how to become involved and donate.

(1) Palm Beach Post, December 4, 2014, http://www.mypalmbeachpost.com/news/news/local-govt-politics/two-legal-challenges-threaten-to-delay-minto-west/njLrL/?icmp=pbp_internallink_invitationbox_apr2013_pbpstbtomypbp_launch#fcd9a458.2636755.735574



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