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retail, hotel, and multi-family). The proposal would therefore require a review as a major modification to a Planned Development in accordance with Section 13-321(c)(5) of the Sumter County Code which both (1) defines a modification to be substantial change in the project design or the type or intensity of proposed uses; and (2) "requires the same review and approval procedure as the original application." These requirements include a preliminary development plan for the proposed project, a traffic study, and buffering, screening, setbacks, days and hours of operation, and other methods of creating compatibility with surrounding uses (Section 13-321(C)(3) of the Sumter County Code. None of these items have been offered, and it is not ever clear exactly where the 286 units would be proposed. Besides violating these Code Sections, the proposal as offered makes it impossible to either assess the impacts or address them with conditions.

3. Also under the Review Criteria of Section 13-313 of the Sumter County Code, it lists four items for consideration. These are; a.) change of conditions, or the absence of changed conditions. The only change is the developer's desire to add multi-family in the development. This will lead to other changes in conditions that would be detrimental to the area; b.) Community need, or lack of community need. There may be a need for multi-family in Sumter County generally, but by placing adjacent to existing single-family would have a negative impacts on the community; c.) Benefits to the community. As outlined in the previous paragraph, the proposal provides significant detriment: i) to the existing single-family in unit 9; and d.) The rights of private property owners. The Developer's property owner's rights have already been granted with the underlying PUD. Additional requests to change the PUD if denied, would not deprive the owner's property rights. If approved, the request would infringe on the property rights of the existing single-family.

4. Under the proposed changes to the Master Plan, it identifies as Mixed Use, Village Commercial - multi-family residential would allowed along with other uses such as retail, services, office, hotel and institutional. By designating tract J as Mixed Use, the proposed would allow those other uses listed on the Master Plan. Nothing in the staff report limits the use of this tracts to just residential. Commercial development on this tract potentially would have detrimental impact on the existing single-family.

5. Under the Order of Special Master, staff clarified that what the applicant is requesting was not a rezoning. Staff's conclusion is not correct in this matter. As previously stated, the request is adding a use not previously allowed under the current approval. In any jurisdiction, the addition of a new use is considered a rezoning, or at least a substantial change to the previous approval.

6. The use of tracts J poses another problem as it relates to the plat of The Villages of Sumter Unit 9. The Declaration of Restrictions for unit 9, Section 2.10 states that "No driveways, walkways. Or access shall be located on or permitted on Rio Grande Avenue or Morse Boulevard". This restriction does not limit the access for lots only, but addresses the entire plat for unit 9. So by adding multi-family (or