

development regulations." Section 13-321 (C) (standards and procedures for Major Modification of a PUD) and Section 13-313 (standards and procedures for review of an LDC or zoning amendment) are the applicable Code sections and are reviewed in detail on the attached Land Use report from Smogor Consulting Services, LLC and discussed below.

(a) **Section 13-321 (C) (5) c of the Sumter County Code** requires that a previously approved PUD development plan, such as the one at issue here, be modified by the following procedure: "a major modification, defined as a substantial change in project design or the **type or intensity of proposed uses** shall require the same review and approval procedures as the original application." Here, the developer is attempting to: (1) add multi-family as a permitted use to this PUD (a category that is not otherwise allowed in the land use table of the DRI plan); and (2) redesignating Tract J in from "Village Center" (recreation, restaurant, clubhouse) to "Mixed Use"(which would allow retail, commercial, the new multi-family, etc.) Accordingly, this is a situation where the procedure for a major modification is clearly called for. Per section 13-321 of the Code, the subject development request should include a preliminary development plan along with a traffic analysis and performance standards including buffering, screening, setbacks, and other methods of creating compatibility with surrounding uses. None of these items are being rendered by the developer. It is not even clear where the proposed 286 multi-family units would be located within the Tri-Villages DRI site (though the recent change to the DRI application appears to have limited the possible locations) .

(b) In addition, section **13-313 of the Code** specifically requires four review criteria for reviewing LDC and zoning map amendments, referred to in the staff report, which are as follows: (1) change of conditions or absence of change conditions. Here there are no changed conditions except the developer's request to re-develop the property; (2) community need or lack of need. The Villages community has relied upon the recorded Covenants and Restrictions that require the Developer to maintain the "recreational facilities" (which have been located on no other tract on the Unit 9 plat except for Tract J) , and has no need for unrelated redevelopment. The Code criteria for a PUD specifically contemplates "an integrated parcel". **Tract J is designated as a "Village Center" because it is considered to be the integrated center of the The Villages of Sumter, Unit 9. The proposal completely thwarts that intent. There is also considerable concern about the precedent that this approval could set with respect to the other Village Centers that are part of the Tri-Villages DRI.**; (c) Benefits to the community. The Proposal does not benefit the Villages Community in any way, and for the reasons just explained, is highly detrimental to them; (d) The rights of private property owners. The private property rights of the adjacent neighbors have been infringed upon given that they were entitled to rely on the Code requirements, existing land use plan in the DRI which designates Tract J as Village Center and corresponding recorded Covenants, and have a reasonable expectation of an "integrated use" of the Village Center for the originally contemplated clubhouse, restaurant, and recreational facilities, and not for an independent unrelated use intended to profit the developer..

(3) **Also, because PUD requirements of the Code are not being adhered to, it is impossible to figure out what the development proposal is, assess the impact, or impose conditions to address those impacts.** Florida statute 380.01(7) (b) makes specific reference to imposing conditions when a DRI amendment is being altered, noting: "...any new conditions in the amendment to the development order issued by the local government may address only those impacts directly created by the proposed change." A fair read of this language is that the