

**SUMTER COUNTY  
SPECIAL MASTER PROCEEDING**

<b>CASE NO.</b>	MISC2020-0006
<b>APPLICANT:</b>	The Villages Operating Company
<b>REPRESENTATIVE:</b>	Darrin Taylor of Carlton Fields Jo Thacker of Nelson Mullins
<b>REQUESTED ACTION:</b>	Amend the Memorandum of Agreement for the Sumter Landings Downtown to include Single and Multi-Family Residential as permitted uses.

**ORDER OF SPECIAL MASTER**

On September 21, 2020, Applicant The Villages Operating Company, through its representative Jo Thacker, was present at the hearing before the Special Master requesting to amend the Memorandum of Agreement for the Sumter Landings Downtown to include Single and Multi-Family Residential as permitted uses. In February of 2003, Sumter County and The Villages of Lake Sumter executed a Memorandum of Agreement defining the limits of the Sumter Landings Downtown and providing for allowable land uses and development standards. The Villages Operating Company is requesting an amendment to the Memorandum of Agreement to add single and multi-family to the list of permitted uses for four identified parcels. The application sites are currently developed for various commercial uses as part of an integrated urban core. The subject properties and all surrounding properties are zoned RPUD and have a Future Land Use designation of Mixed-Use.

As a procedural matter, because this application received substantial public comment relating to all three similar pending applications - DRI2020-0001, DRI2020-0002, and MISC 2020-0006 – the special master, County staff, and the Applicant agreed to allow all evidence and testimony submitted into the record on an item to be introduced into the record of the later application(s). Therefore, the records from the hearings on DRI2020-0001 and DRI2020-0002 are made part of this record.

At the hearing, Applicant, through representative legal counsel Jo Thacker, Esq., made an

opening statement. As part of that opening statement, Applicant submitted evidence and addressed the application. Applicant went through the four factors for amendment:

- a) Change of conditions, or absence of changed conditions.
- b) Community need, or lack of community need.
- c) Benefits to the community.
- d) The rights of private property owners.

The Applicant then asserted Applicant's grounds that Applicant is entitled to relief. Applicant cited, in part, the need for multi-family housing in Sumter County.

Staff, Mr. Karl Holley, presented the staff report, in which staff deemed the application sufficient, consistent with the Sumter County Land Development Code and Comprehensive Plan, and recommended approval. In the staff report was the reference to the 2018 Sumter County Economic Development Office study citing significant unmet demand for multi-family housing.

The staff report was entered into the record.

The public comment, in part, was directed at the finding that there is a need for multi-family housing, and a challenge to that finding. Public comment also addressed that multi-family is inconsistent with the character of the area.

Preliminarily, the Special Master notes that in a quasi-judicial hearing, once the applicant has met the criteria for obtaining the development order at issue, the burden shifts to the authority to demonstrate, "by substantial, competent evidence presented at a public hearing and made part of the record, that petitioner's application did not meet the zoning code requirements and that the requested permit was, in fact, adverse to the public interest. Objections of local residents to the conditional use permit based on fears as to increased traffic do not constitute such substantial, competent evidence." *Flowers Baking Co. v. City of Melbourne*, 537 So. 2d 1040, 1041 (Fla. 5th DCA 1989); *BML Investments v. City of Casselberry*, 476 So.2d 713 (Fla. 5th DCA 1985), *rev.*

*denied*, 486 So.2d 595 (Fla.1986). Objections of residents to proposed development is not a sound basis for denying a permit. *BML Investments v. City of Casselberry*, 476 So. 2d 713, 715 (Fla. 5th DCA 1985) citing *City of Apopka v. Orange County*, 299 So.2d 657 (Fla. 4th DCA 1974). It is well established in Florida that the County's staff report constitutes competent substantial evidence.

Based on the foregoing and all of the competent substantial evidence presented at the hearing, the Special Master finds the following:

- a. The requested amendment to the Memorandum of Agreement is consistent with the RPUD and Future Land Use designation of Mixed-Use.

Based upon the evidence presented at the hearing, the Special Master recommends APPROVAL of Application MISC2020-0006 to the Board of County Commissioners at the commission meetings currently scheduled for October 13, 2020 and October 27, 2020.

**ORDERED** this 28th day of September, 2020.



ZACHARY T. BROOME, ESQ.  
Special Master  
Florida Bar No. 91331