

I am here before to ask you not to approve the application by SV Tampa Land (aka Pinery/Seville) additional 715 units and the litany of deviations which include:

- 1) 5' side setbacks on residential lots (deviation from 10')
- 2) 45' wide residential lots (deviation from 60')
- 3) 15' rear setbacks (deviation from 20')
- 4) Minimum Floor Area Ratio (from 35% to 60%)
- 5) 20' Front setbacks in Mixed Use Villas & Townhomes (deviation from 25')
- 6) Number of apartment units per building from 12 to 24

As you probably know, this development goes back to the late 1980's and early 1990's and was originally approved when Hernando County was a much different place. The original master plan contained a golf course, a commercial center, a business park and a fire station **all of which will now be gone if this Master Plan is approved**. Additionally, the developer is asking for significant deviations which dramatically increase the number of units and density.

When the SV Tampa Land group acquired this property, they knew exactly the entitlements they were purchasing and exactly what could or could not be done and the economic use under those established entitlements. They did not purchase any vested rights to higher units or density nor any increased economic use.

Any denial of increased units or increased density, or denial of deviations is not considered inequitable under Florida law. Any **DENIAL WOULD NOT RESULT IN A BERT HARRIS ACT** violation. Florida courts have upheld that vested rights arise only where a landowner has relied on **existing approvals** to such an extent that denial would be inequitable. Vesting does not entitle an applicant to expand or intensify development beyond what was approved. *Hollywood Beach Hotel v City of Hollywood*.

Similarly, in **Franklin County v. Leisure Properties, Ltd.**, 430 So.2d 475 (Fla. 1st DCA 1983), the court held that vested rights are limited to the scope of the original approval and **do not extend to materially different development proposals**. The change from a mixed use Residential Community to an exclusive residential community is materially different given the loss of the golf course, commercial areas, business park and fire station.

Florida courts have repeatedly held that **local governments have discretion to deny requests for the maximum allowable density under the plan, as long as they approve some development that is consistent with the Comp Plan**. This has been upheld in the Florida Supreme Court in *Brevard County v Snyder* (1993).

The previous mixed use Master Plan approval is not a basis for approval of this new larger, more dense residential development which is not compatible with the local area and lacks concurrency for public facilities.

Please DENY this request.

Respectfully

Bob Morgan