

CASE # DRCA-25-09-214

Commission District # 5

1. REQUEST

This request is an appeal of the January 28, 2026, decision of the Development Review Committee (DRC), to uphold the Planning Division’s decision letter in consultation with the County Attorney’s Office and deny the request for the Vested Rights Certificate (TCVRC-25-05-017).

2. PROJECT ANALYSIS

- A. Location: North of East Colonial Drive / East of Baxter Road
- B. Parcel ID: 26-22-32-1312-01-000, 26-22-32-1312-01-061,
26-22-32-0000-00-013, 23-22-32-0000-00-005 (portion of),
23-22-32-0000-00-004 (portion of),
and 23-22-32-0000-00-001 (portion of)
- C. Total Acres: 73.54 total gross acres

3. OVERVIEW

Development Review Committee (DRC) Appeal Case # DRCA-25-09-214, generally located north of East Colonial Drive and east of Baxter Road, in District 5, is an appeal to the Board of County Commissioners (BCC).

Approval and Regulatory History of Subject Property

On March 26, 1974, the BCC approved the Shadow Pines PD Land Use Plan. As part of that action, the Subject Property was rezoned from R-T (Mobile Home Park District) to PD (Planned Development District) and approved for 450 mobile home units and 1.83 acres of commercial uses. The approval materials reflected a preliminary development concept supported by eight (8) exhibits. However, the current County record does not identify a subsequent approved development plan for all or a substantial part of the project by July 1, 1992.

On February 11, 1988, the Development Review Committee (DRC) approved a change determination request to install a temporary ticket booth within the Shadow Pines PD in connection with borrow pit operations.

On March 2, 1989, the DRC considered a separate change determination request to establish a temporary pugmill plant in the commercial area of the Shadow Pines PD. The Zoning Director opined that the request was “inconsistent with the uses originally permitted” and the request was not approved. These actions related to temporary borrow-pit-associated activities and do not reflect approval or development of the mobile home park and associated commercial uses authorized in 1974.

On July 15, 1991, the Orange County Comprehensive Plan became effective pursuant to Ordinance No. 1991-16 and the Local Government Comprehensive Planning and Land Development Regulation Act. Under that plan, the Subject Property, as part of the Shadow Pines PD, was assigned a 'Rural' Future Land Use designation, which it retains today.

On September 19, 1991, Orange County's Consistency Vested Rights Ordinance became effective pursuant to Ordinance No. 1991-18. The ordinance established a procedure for determining whether a property owner possessed vested rights to continue development notwithstanding inconsistency with the Comprehensive Plan. As relevant here, the ordinance provided a pathway for certain planned developments to obtain consistency vesting if, among other things, a complete application for approval of a development plan for all or a substantial part of the project had been received by no later than July 1, 1992, and that application had been approved.

The historical record described above does not show that the Shadow Pines PD obtained approval of such a development plan by that deadline, nor does it show that the 1974-approved mobile home park and ancillary commercial development was constructed. Thus, when the Comprehensive Plan and vested-rights ordinance took effect in 1991, the record did not reflect an ongoing, approved, and advancing development project of the type contemplated by the ordinance.

From March through August 2009, the County received transportation concurrency and consistency vested rights applications for Shadow Pines based on common law vesting, also known as equitable estoppel. Those applications were reviewed by the County Attorney's Office, received recommendations for denial, and were denied. See **Exhibit G**. These prior applications are relevant because they show that, as early as 2009, the property owner recognized that additional vested-rights approval was necessary in order to pursue development notwithstanding Comprehensive Plan inconsistency.

Current Application History

On May 9, 2025, the Applicant submitted Transportation Concurrency and Consistency Vested Rights Application No. TCVR-25-05-017 (the "Application"), for the Shadow Pines PD. The Application sought a vested rights certificate based on the Applicant's contention that the project qualified for consistency vesting under Section 30-363(d)(4), Orange County Code. The Applicant's original justification materials are attached as **Exhibit B**.

The application was reviewed by the Orange County Planning Division and the County Attorney's Office. On July 14, 2025, the Planning Division determined the Subject Property was inconsistent with the Comprehensive Plan. On July 29, 2025 the County Attorney's Office issued a memorandum recommending denial of the Application. On August 4, 2025, the Planning Division issued a denial letter incorporating the recommendation. See **Exhibit C**.

On August 29, 2025, the Applicant appealed the August 4, 2025 denial pursuant to Section 30-387, Orange County Code. See **Exhibit D**.

The appeal was first heard by the DRC on October 22, 2025. At the hearing, the Applicant submitted additional materials in support of vesting. In order to allow those materials to be formally incorporated into the record, the DRC postponed the appeal and allowed the Applicant to submit supplemental justification materials.

On November 17, 2025, the Applicant submitted a Supplemental Justification Statement in support of the Application. In that supplemental filing, the Applicant restated its position that the Shadow Pines PD qualified for vesting under Section 30-363(d)(4) and also asserted an alternative basis for vesting under principles of equitable estoppel. The supplemental materials are attached as **Exhibit E**.

The DRC reconsidered the appeal on January 28, 2026, after review of the supplemented record, including the Applicant's supplemental justification and legal analyses presented by staff and the County Attorney's Office. Following that hearing, the DRC voted to uphold staff's denial of Application No. TCVRC-25-05-017. On January 30, 2026, the Applicant appealed the DRC's January 28, 2026 decision to the BCC. See **Exhibit F**. The matter now before the BCC is the Applicant's appeal of the DRC action upholding the denial of the requested vested rights certificate.

Basis for Upholding Denial of the Requested Consistency Vested Rights Certificate

The issue before the BCC is whether the Applicant has demonstrated entitlement to a vested rights certificate notwithstanding the inconsistency of the proposed development with the Comprehensive Plan. Under Orange County Code Chapter 30, Divisions 2 and 4 of Article XI, a vested rights certificate may be issued only where the Applicant satisfies the standards set forth in Section 30-363 and the related application, review, and appeal procedures in Sections 30-385 through 30-387.

For the reasons set forth below, the record supports the Planning Division's denial, the DRC's January 28, 2026 decision upholding that denial, and the BCC's affirmance of that action.

- (1) The Applicant has not established entitlement to consistency vesting for a planned development under Section 30-363(d)(4).

Section 30-363(d)(4), Orange County Code provides that a Planned Development ("PD") is entitled to a consistency vested rights certificate only where:

- a. The land use plan has been approved; and
- b. A complete application for approval of a development plan for all or a substantial part of the project has been received by no later than July 1, 1992; and
- c. The application for approval is granted.

The record supports a finding that the first element was satisfied when the Shadow Pines PD Land Use Plan was approved on March 26, 1974.

However, the record does not establish the second or third required elements. Specifically, the record does not show that, by July 1, 1992, the County had received a complete application for approval of a development plan for all or a substantial part of the project, nor does it show that such an application was approved. The absence of that qualifying development plan application and approval is dispositive under Section 30-363(d)(4).

The Applicant argues that the 1974 approval should be treated as both the approved land use plan and the approved development plan for purposes of Section 30-363(d)(4). The better reading of the ordinance is otherwise. Section 30-363(d)(4) distinguishes between approval of a “land use plan” and receipt and approval of a later “development plan” application by a specified deadline. Giving the 1974 approval simultaneous effect as both would collapse that distinction and render subsection (d)(4)(b) superfluous. On this record, the 1974 PD approval satisfies subsection (d)(4)(a), but not subsections (d)(4)(b) and (c). See **Exhibit C**.

The surrounding history reinforces that conclusion. Although the property later saw temporary borrow-pit-related activity, including a 1988 ticket-booth change determination, the report reflects no later approval or implementation of the originally approved 450-unit mobile home park and associated commercial development, and no qualifying development plan approval by the July 1, 1992 deadline.

(2) The Applicant has not established entitlement to consistency vesting under an equitable-estoppel or common-law theory.

The Applicant alternatively argues that Shadow Pines is vested under common law equitable estoppel.

Orange County Code recognizes an “other development” pathway in Section 30-363(d)(12), but only where there is proof that:

- a. a development order was issued or the County otherwise took official action specifically with respect to development of the property;
- b. extensive obligations or expenses were incurred, or there was otherwise a substantial change in position;
- c. those obligations, expenses, or changes in position were undertaken in good-faith reliance on the County’s actions; and
- d. it would be unfair to deny completion of the project because of its inconsistency with the Comprehensive Plan.

The record does not sufficiently establish those elements here, and most notably does not establish good-faith reliance. Section 30-362 defines “good faith” and expressly provides that good faith does not encompass ignorance of law, mistake of law, circumvention of legal requirements, or delay resulting from neglect or lack of diligence.

The Applicant relies primarily on statements attributed to County staff between 2019 and 2025. Even assuming those statements were made as characterized by the Applicant, they do not overcome the contrary requirements of the County's vested-rights ordinance. A property owner cannot establish good-faith reliance on statements that conflict with the governing code standards for vesting, particularly where the issue is a legal question that could be determined by review of the Code and counsel. Under Section 30-362, reliance founded on a mistake of law is not "good faith" for purposes of the vested-rights ordinance. See Supplemental Justification Statement at **Exhibit E**.

The broader regulatory history also weighs against the Applicant's position. The original PD approval occurred in 1974. The report reflects that no development occurred with respect to the mobile home park and ancillary commercial uses originally approved, that the County adopted its Comprehensive Plan and vested-rights ordinance in 1991, and that prior consistency and concurrency vested-rights applications for Shadow Pines based on equitable-estoppel principles were denied in 2009. Against that background, the record does not support a finding that recent staff statements created a new, good-faith, equity-based right to proceed notwithstanding Comprehensive Plan inconsistency.

(3) The Applicant's additional arguments do not provide a basis to reverse the denial.

The Applicant also references transportation concurrency, potential Bert J. Harris or takings claims, and negligent misrepresentation. Those arguments do not warrant reversal of the denial of the requested consistency vested rights certificate in this proceeding.

As to transportation concurrency, Chapter 30 provides separate standards for concurrency vested rights in Section 30-372. The current application materials, as summarized in the report, do not demonstrate entitlement under any of the development categories set forth in that section. Accordingly, the record does not support vesting from transportation concurrency requirements.

As to negligent misrepresentation and references to potential Bert J. Harris or takings claims, those contentions do not establish entitlement to a vested rights certificate under Section 30-363. The issue before the Board is whether the Applicant has met the standards of the County's vested-rights ordinance. On this record, the Applicant has not done so. To the extent the Applicant wishes to pursue other legal theories, those theories do not alter the Board's analysis under Chapter 30 and are not a basis to overturn staff's denial in this appeal.

In summary, the record supports this action because the Applicant has not demonstrated entitlement to a consistency vested rights certificate under Section 30-363(d)(4), Orange County Code, for a planned development, in that the record does not establish receipt and approval by July 1, 1992 of a complete application for approval of a development plan for all or a substantial part of the project. The record also does not establish an alternative basis for vesting under Section 30-363(d)(12)

based on equitable estoppel or common-law vesting principles. Accordingly, the DRC correctly upheld staff's denial, and the Board should do the same.

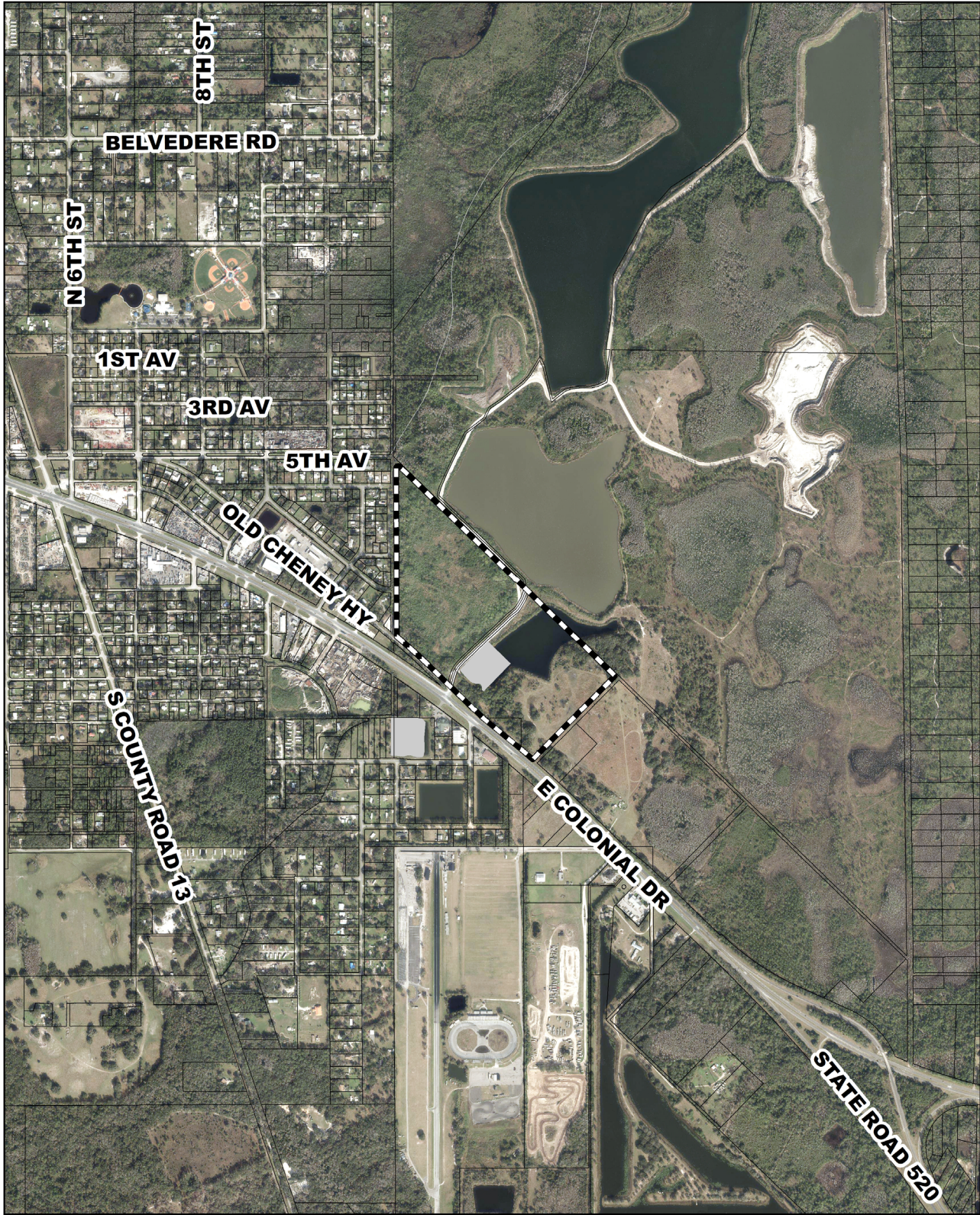
4. REQUESTED ACTION:

Deny the appeal and affirm the DRC's January 28, 2026 decision upholding denial of Transportation Concurrency and Consistency Vested Rights Application No. TCVRC-25-05-017.

5. EXHIBITS:

- A. DRC Minutes
- B. Applicant Original Justification Statement + Supporting Documentation
- C. Legal memo / Planning Denial letter
- D. Applicant appeal of Planning Denial Letter
- E. Applicant Supplemental Justification Statement
- F. Applicant appeal of DRC Action
- G. 2009 Concurrency / Consistency VR Memos + Denial Letters

Aerial

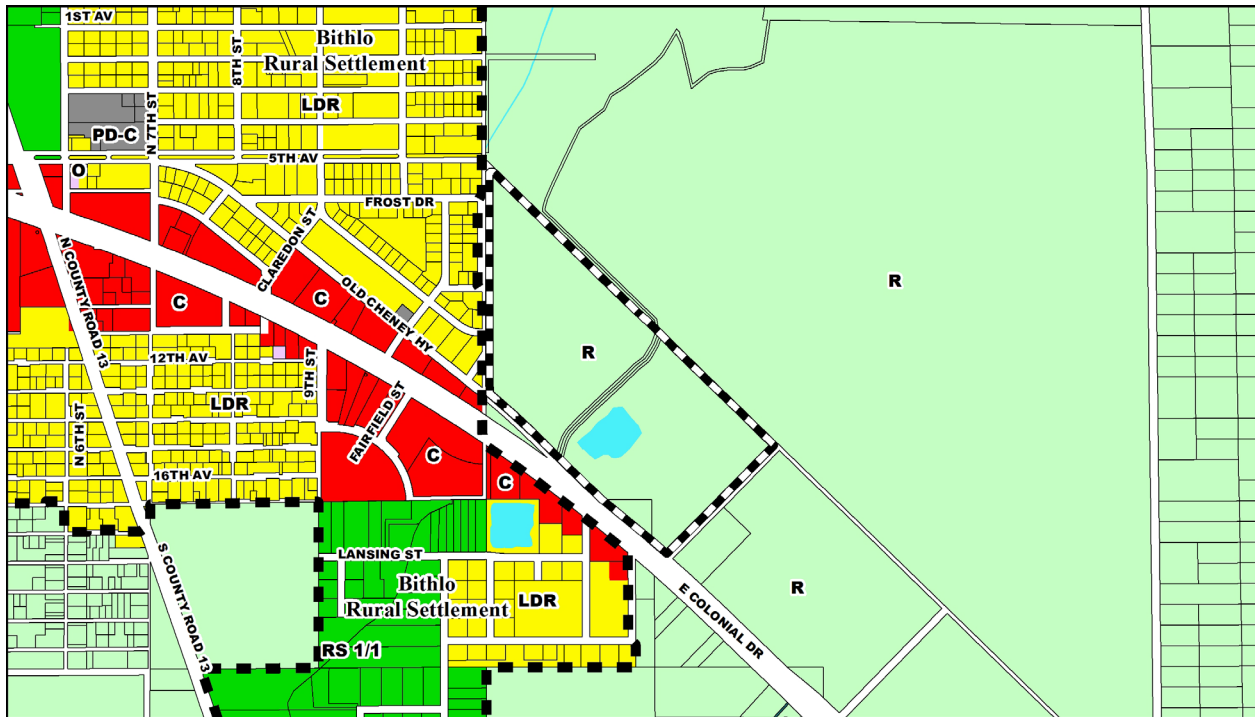


 Subject Property

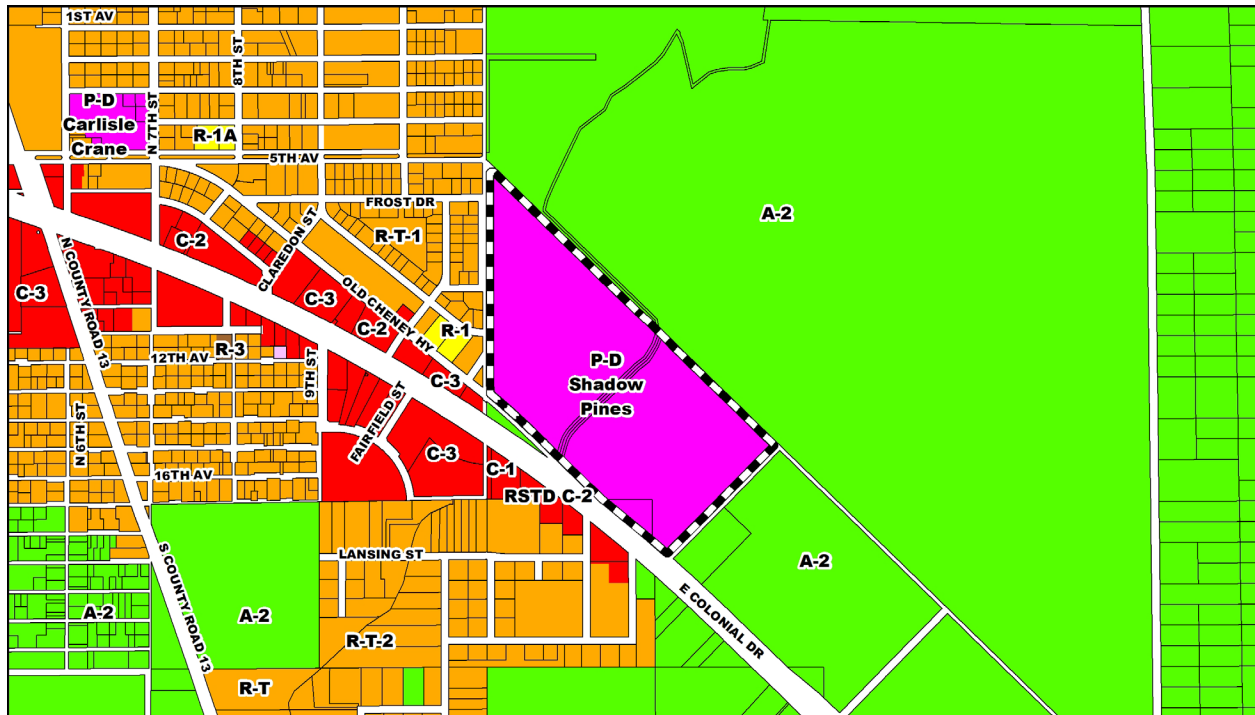


0 750 1,500
Feet

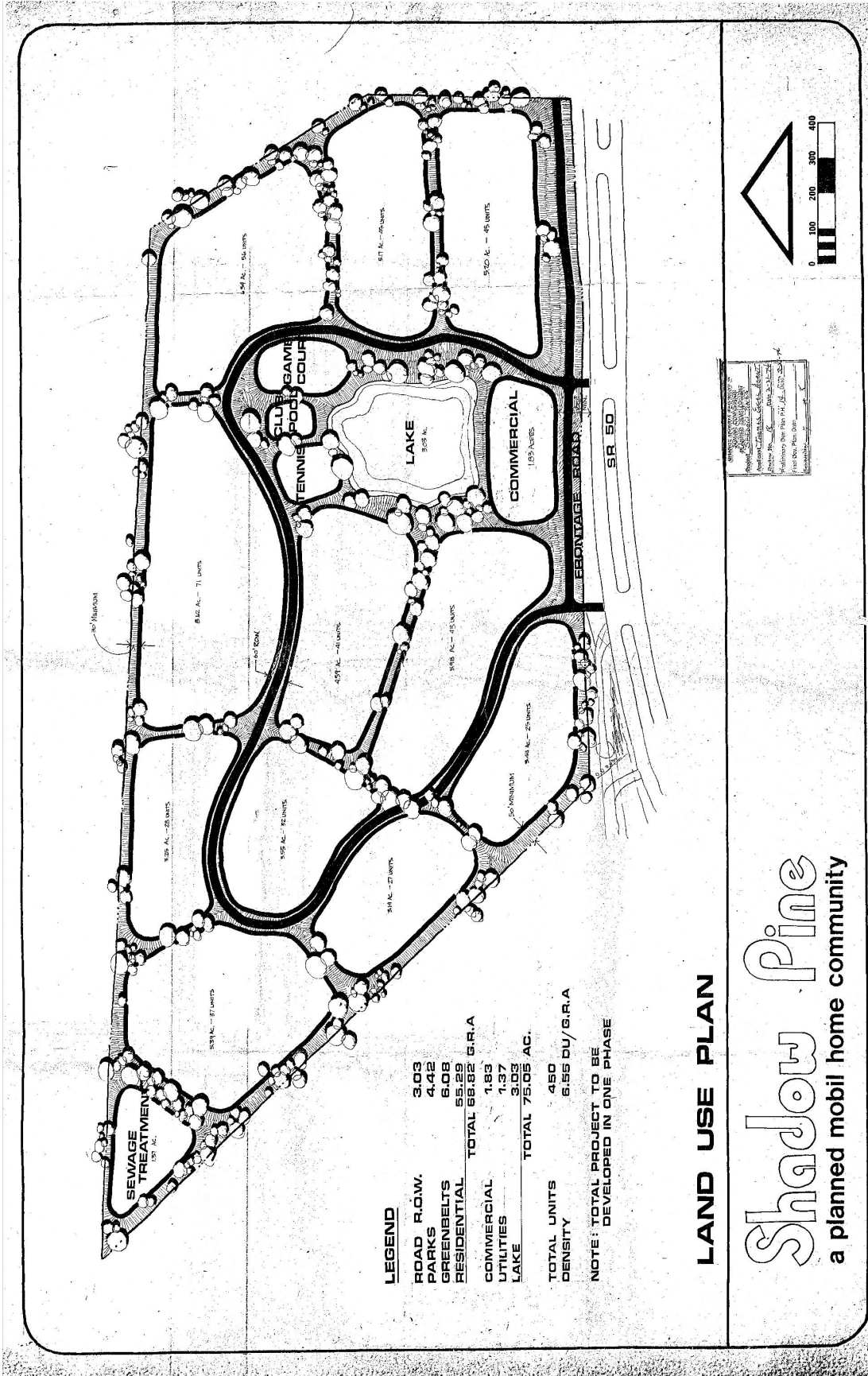
Future Land Use Map



Zoning Map



PD Land Use Plan



LAND USE PLAN

Shadow Pine
 a planned mobil home community

Exhibit A

**APPROVED MEETING MINUTES
JANUARY 28, 2026**

**3. DRCA-25-09-214- DISTRICT 5
SHADOW PINES PD VESTED RIGHTS APPEAL**

Present for discussion was Rebecca Wilson. Nicolas Thalmueller summarized the previous October 22, 2025 DRC Meeting discussion of this item and the TRG Summary Report to the DRC.

This item was postponed at the October 22, 2025 DRC meeting to allow the applicant to submit a new or updated vested rights application incorporating the information presented at the October 22nd meeting for staff's further review and consideration. This request is to appeal the denial of TCVRC-25-05-017.

Discussion ensued regarding the applicant's Supplemental Justification Statement for the Vested Rights Certificate. The applicant summarized statements and correspondence from County staff regarding the entitlements of the Shadow Pines Planned Development (PD). The County Attorney's Office provided their assessment of the Supplemental Justification Statement and concluded that the legal requirements for obtaining a vested rights certificate had not been satisfied.

Following procedural discussion and consideration of the legal analyses and conclusions, the Committee reached consensus to uphold the denial of the vested rights application.

MOTION by Alberto Vargas, seconded by Susan Ussach, to UPHOLD the Planning Division's decision letter in consultation with the County Attorney's Office and DENY the request for the Vested Rights Certificate (TCVRC-25-05-017).

MOTION CARRIED.

Exhibit B

Justification Statement for Vested Rights Certificate
Tax Parcel ID Nos. 26-22-32-1312-01-000; 26-22-32-1312-01-061;
23-22-32-0000-00-005; 23-22-32-0000-00-004; 23-22-32-0000-00-001
COLONIAL FARMS LLC; EASTPARK RANCH LLC;
19161 LLC; HONEY BEE HOLDINGS LLC
Orange County, Florida

The subject property is approximately 73.54 acres and is located generally to the east of Baxter Rd and north of E Colonial Dr, bearing parcel ID numbers 26-22-32-1312-01-000; 26-22-32-1312-01-061; 23-22-32-0000-00-005; 23-22-32-0000-00-004; 23-22-32-0000-00-001 (the "Property" or the "Parcels"). The Parcels are each owned separately by Colonial Farms, LLC, Eastpark Ranch, LLC, 19161, LLC, and Honey Bee Holdings, LLC, as applicable (the "Owners"). Parcels 26-22-32-1312-01-000 and 26-22-32-1312-01-061 are located entirely within the Shadow Pines Planned Development (the "Shadow Pines PD" or the "PD"), and portions of Parcels 23-22-32-0000-00-005, 23-22-32-0000-00-004, and 23-22-32-0000-00-001 are located within the Shadow Pines PD.

Factual Background

The Shadow Pines PD was initially approved by the Board of County Commissioners ("BCC") on March 26, 1974, with a Preliminary Development Plan consisting of 450 residential mobile home units and a 1.83-acre commercial area. This development program for the Shadow Pines PD remains unchanged. The pertinent entitlement history for the Shadow Pines PD is as follows:

- On March 26, 1974, the BCC approved the Shadow Pines PD Land Use Plan and Preliminary Development Plan.
- On February 11, 1988, the Development Review Committee ("DRC") approved a change determination request to install a temporary ticket booth within the Shadow Pines PD.
- On March 2, 1989, in response to a change determination request to set up a temporary pugmill plant within the commercial tract of the Shadow Pines PD, the DRC determined that this request would constitute a substantial change to the approved land use plan, stating "the commercial land use for this project was approved for light, retail commercial land use. The proposed pugmill operation, however, is an intense/heavy commercial use, and is, therefore, inconsistent with the uses originally permitted." No such substantial change was granted.

The above determinations by the DRC reaffirm the County's approval of the Shadow Pines PD.

Legal Basis for Vested Rights

As a result of the Property being a part of the Shadow Pines PD since 1974 and demarcated with 450 mobile home units and a 1.83-acre commercial area, the Owners are entitled to a vested rights certificate exempting the Property from application of the County's Comprehensive Plan, including all concurrency requirements, under the provisions set forth in Sec. 30-363(d)(4) of the

Orange County Code, Sec. 30-363(d)(4) provides that planned developments that meet specified criteria as of June 5, 1991, are entitled to a vested rights certificate. Qualifying planned developments include any planned development for which:

- a. The land use plan has been approved; and
- b. A complete application for approval of a development plan for all or a substantial part of the project has been received or is received by the county no later than July 1, 1992; and
- c. The application for approval is granted.

The Shadow Pines PD satisfied the above criteria as of adoption of June 5, 1991, and is thus exempt from the Comprehensive Plan and concurrency requirements. The Shadow Pines PD Land Use Plan was originally approved on March 26, 1974. This approval included a specific Preliminary Development Plan which demarcated the Property with 450 mobile home units and a 1.83-acre commercial area. The PD was approved subject to stipulations, including stipulation #1 which provided that development be in accordance with Shadow Pines Preliminary Development Plan consisting of eight (8) exhibits:

1. P-D Narrative and Explanation
2. Location Map
3. Land Use and Zoning
4. Topography
5. Soils
6. Tree Cover
7. Land Use Plan
8. Typical Cluster Layout

The PD approval included additional stipulations related to access rights, stub streets, sewage, water, and stormwater management, and submittal of revised exhibits incorporating the BCC's conditions. The PD approval was more than a standard "bubble plan" in that it provided for development in one phase, topography, soils, and the typical cluster layout. Additionally, the County reaffirmed the PD through its approval of a temporary ticket booth in 1988 and its determination related to a temporary pugmill plant on the commercial tract in 1989.

Conclusion

Under Orange County Code, Sec. 30-363(d)(4), the Owners are entitled to a vested rights certificate. Orange County approved the Shadow Pines PD Land Use Plan and Preliminary Development Plan in 1974. Further, the DRC approved a request to install a temporary ticket booth within the PD in 1988 and determined that a temporary pugmill plant would require a substantial change in 1989. No substantial change was approved related to the temporary pugmill plant. In 1991, Orange County adopted their Comprehensive Plan. Therefore, the Shadow Pines PD satisfies the requirements of Sec. 30-363(d)(4) and as such the Property is entitled to a vested rights certificate exempting the Property from application of the County's Comprehensive Plan, including all concurrency requirements.

PRELIMINARY DEVELOPMENT PLAN
(ORIGINAL CHANGE OF ZONING TO P-D)

APPLICANT: THOMAS D. ENGEL, AGENT

PROJECT: SHADOW PINES

ACREAGE: 75 PRE-APP. CONF. STAFF: 1-31-74

REVIEW NO: 18 DATE: 2-21-74 DECISION: APPROVED FOR P.H.

PUBLIC HEARING NO: 14 DATE: 3-21-74 DECISION: Approved subj. to staff recomm.

CHANGE OF ZONING LIST
CO. COMMISSION DATE: 3-26-74 DECISION: Approved per P+Z

CO. COMMISSION P. H. DATE: DECISION:

APPEAL: DATE: DECISION:

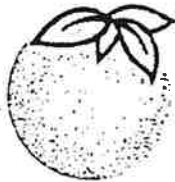
APPEAL TO
CIRCUIT COURT: SUIT NO. DATE: DECISION:

VS

APPEAL TO
APPELLATE COURT DATE: DECISION:

DENSITY AND TYPE	ACREAGE	TU/AC	UNITS
MOBILE HOMES (including RI Park) <small>Greenbelt</small>	68.82	6	450
Commercial AREA	1.83		
UTILITIES-LAKE	4.40		

Orange



County

Zoning Department
Sharon Smith, Director
201 South Rosalind Avenue, 1st Floor
Reply To: Post Office Box 2687
Orlando, Florida 32802-2687

March 2, 1989

Stephen T. Beasley
DeWITT EXCAVATING, INC.
P. O. Box 337
Winter Garden, FL 32787

Subject: Change Determination: Shadow Pine P-D

Dear Mr. Beasley:

On March 1, 1989 the Staff of the Development Review Committee (DRC) reviewed your request to set up a temporary pugmill plant within the designated commercial tract of Shadow Pine P-D.

Please be advised staff's determination is that this constitutes a substantial change to the project's approved Land Use Plan; in effect, this would require an amendment to the plan via a public hearing by the Planning and Zoning Commission.

The commercial land use for this project was approved for light, retail commercial land use. The proposed pugmill operation, however, is an intense/heavy commercial use, and is, therefore, inconsistent with the uses originally permitted.

Please feel free to contact our office should you have any questions in this regard.

Sincerely,

Sharon Smith,
Zoning Director

SS/GT/jyw

cc: Tom Hastings, Public Works
Dan Allen, Public Utilities
Ed Williams, Planning Department
George Cole, Engineering
Bobbi McCain, DRC Coordinator

DeWITT EXCAVATING, INC. Contractor

P.O. Box 337 Winter Garden, FL 32787

305 - 656 - 1799

RECEIVED

FEB 24 1989

ORANGE COUNTY
ZONING DEPT.

February 23, 1989

Mrs. Sharon Smith
Zoning Director
Orange County Zoning Department
201 South Roaslind Avenue
Orlando, Fl. 32802

RE: Non-Substantial Change Determination
Shadow Pine PUD

Dear Mrs. Smith:

DeWitt Excavating, Inc. hereby request a "Non-Substantial Change Determination" to the Shadow Pine PUD. A temporary pugmill plant will be set up in the commercial area of said PUD.

At present, DeWitt Excavating, Inc. operates a borrow pit adjacent to the Shadow Pine PUD. I refer you to the following:

1. Land use Plan-Shadow Pine PUD
2. Orange County Permit- # 87-E5-515
3. Orange County Permit- # 88-E5-529
4. Orange County Permit- # 88-E5-533
5. St. Johns Water Management District Permit #40-095-0162
6. St. Johns Water Management District Permit #40-095-159
7. East Colonial Lake # 2 Permit Map

DeWitt Excavating, Inc. has paved the driveway connection from SR 50 into the property via FDOT Permit # 75-VC-87-142 and has completed the entrance improvements to Old Cheney Highway. Also, the area has been fenced and warning signs posted.

Staff
Doc 3/1/89
Substantial change to P-D. wld require an amendment to P-D. S.

DeWITT EXCAVATING, INC. Contractor

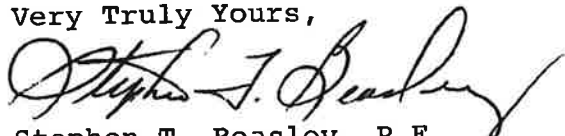
P.O. Box 337 Winter Garden, FL 32787

305 - 656 - 1799

Mrs. Sharon Smith
February 23, 1989
Page Two

Please do not hesitate to contact me if you have any questions or comments. Thank you for your assistance with this determination.

Very Truly Yours,



Stephen T. Beasley, P.E.

DeWITT EXCAVATING, INC. Contractor

P.O. Box 337 Winter Garden, FL 32787

24 FEB 89 2:49

ZONING DEPT.



Mrs. Sharon Smith
Zoning Director
Orange County Zoning Department
201 South Roaslind Avenue
Orlando, Fl. 32802

REC-115

ORANGE COUNTY
EXCAVATION - FILL PERMIT APPLICATION
(SUBMIT TYPEWRITTEN OR PRINTED IN TRIPLICATE)

FEB 26 1989

17-25 (1/85)

ORANGE COUNTY
ZONING DEPT.

CHECK APPROPRIATE BLOCK

Excavation
Fill

OFFICE USE ONLY TRANSFER
Permit No. 87-E5-515
Permit No. _____

Transfer
Fee \$ 65.00
Permit Fee \$ 650.00

District No. 5
Receipt No. 23465

SECTION I GENERAL INFORMATION

Applicants Name DeWitt Excavating, Inc. Phone No. 305-656-1799
Address P.O. Box 337, Winter Garden, FL 32787
Firm designated to do work: DeWitt Excavating, Inc. Phone No. 305-656-1799
Address P.O. Box 337, Winter Garden, FL 32787
Reason for excavation/fill To excavate dirt for fill material

(Excavation/fill) Amount of material 282,000 c.y. + _____ cu. yds. - (Fill) Acreage N/A Acres

Legal description of excavation/fill property West 1/4 corner of Section 26, Township 26 South, Range 32 East Orange County run North on West line of said Section 26, 886.55 feet thence S. 43° 52' 18" E. 739.13 feet thence N. 46° 07' 42" E 1565.10 feet for a point of beginning, run thence N. 09° 20' 58" W 800 feet thence N. 80° 39' 02" E 600.00 feet thence S. 09° 20' 58" E 800.00 feet thence S. 80° 39' 02" W 600.00 feet to the point beginning. Containing 11.01 acres more.

Section 26, Township 26 South, Range 32 East
Owner of record of excavation/~~KMX~~ property
Name East Lakes Enterprises, Inc. Phone No. 305-783-1404
Address P.O. Box 40, Cocoa Beach, FL 32931

Legal description of property of source/disposition of fill/excavated material East/West Extension and other various approved sites

Section _____, Township _____ South, Range _____ East
Owner of record of source/disposition property
Name N/A Phone No. _____
Address _____

Haul route from excavation/source to disposition/fill site Old Cheney Highway to SR 50

Date _____ Applicants Signature Mark H. DeWitt
Mark H. DeWitt, President

SECTION II OFFICE USE ONLY

Approved on September 21, 1987 subject to general law and the following additional requirements.

- Hauling to be done from 7:00 a.m. to 7:00 p.m. Monday thru Saturday.
- Prior to beginning operation, entrance improvements at site of trucks entering Old Cheney Highway from private property must be completed.
- No trucks will be permitted to travel west on Old Cheney Highway.
- Area must be fenced and warning signs posted as required by 85-32 before work begins.
- Permittee must complete all road work outlined in State of Florida Department of Transportation connection permit #75 VC-87-142 before any excavated material is removed from site.

This permit expires on SEPT. 20, 1988 Approved by Lawrence J. P...
For the County Engineer

SECTION III PERMIT COMPLETED PERMIT NOT COMPLETED PERMIT EXPIRED

Comments: _____ Date: _____
Inspector _____

IMPORTANT: SEE INSTRUCTIONS AND CONDITIONS ON REVERSE OF THIS PERMIT

ORANGE COUNTY
EXCAVATION - FILL PERMIT APPLICATION
(SUBMIT TYPEWRITTEN OR PRINTED IN TRIPLICATE)

17-25 (1/86)

CHECK APPROPRIATE BLOCK Excavation <input checked="" type="checkbox"/> Fill <input type="checkbox"/>	OFFICE USE ONLY RENEWAL Permit No. <u>87-E5-515</u>	Processing Fee \$ <u>100.00</u> Permit Fee \$ <u>650.00</u>	District No. <u>5</u> Receipt No. <u>28049</u>
	Permit No. _____		

TOTAL \$750.00 PAID 10/17/88

SECTION I GENERAL INFORMATION

Applicants Name DeWitt Excavating, Inc. Phone No. 407-656-1799
 Address P.O. Box 337, Winter Garden, FL 32787
 Firm designated to do work: DeWitt Excavating, Inc. Phone No. 656-1799
 Address P.O. Box 337, Winter Garden, FL 32787

Reason for excavation/~~fill~~ to execute dirt for fill material/balance of material to be used to shape up pit and to shape slopes to Orange County Specifications. Excess material needed will be from adjacent pits on property.
 (Excavation/fill) Amount of material 70,000+ cu. yds. - (Fill) Acreage 11.01 more or less Acres

Legal description of excavation/fill property - attached - 11.01 more or less acres

Section 26, Township 22 South, Range 32 East
 Owner of record of excavation/fill property
 Name East Lakes Enterprises, Inc. Phone No. 305-783-1404
 Address P.O. Box 40, Cocoa Beach, FL 32931

Legal description of property of source/disposition of fill/excavated material to shape this pit to meet Orange County Standards

Section _____, Township _____ South, Range _____ East
 Owner of record of source/disposition property
 Name N/A Phone No. _____
 Address _____

Haul route from excavation/source to disposition/fill site No haul road required since will be shaping up slopes at pit.

Date October 19, 1988 Applicants Signature Frederic Dale DeWitt

SECTION II OFFICE USE ONLY
 Approved on October 31, 1988 subject to general law and the following additional requirements.

- Operating from 7:00 a.m. to 7:00 p.m. daily Monday thru Saturday.

This permit expires on SEPT 20, 1989 Approved by Lauren H. Dunn For the County Engineer

SECTION III PERMIT COMPLETED PERMIT NOT COMPLETED PERMIT EXPIRED

Comments: _____ Date: _____
 Inspector: _____

IMPORTANT: SEE INSTRUCTIONS AND CONDITIONS ON REVERSE OF THIS PERMIT

ORANGE COUNTY
EXCAVATION - FILL PERMIT APPLICATION
(SUBMIT TYPEWRITTEN OR PRINTED IN TRIPLICATE)

17-25 (1/86)

CHECK APPROPRIATE BLOCK Excavation <input checked="" type="checkbox"/> Fill <input type="checkbox"/>	OFFICE USE ONLY Permit No. <u>88-ES-529</u>	Processing Fee \$ <u>100.00</u> Permit Fee \$ <u>650.00</u>	District No. <u>5</u> Receipt No. <u>24421</u>
	Permit No. _____		

TOTAL \$ 750.00 PAID 4/15/88

SECTION I GENERAL INFORMATION

Applicants Name West 50 Enterprises Inc. Phone No. 783-2620
 Address 45 S. Atlantic Avenue, Coco Beach, FL. 32931
 Firm designated to do work: DeWitt Excavating, Inc. Phone No. 656-1799
 Address P. O. Box 337 Winter Garden, FL. 32787
 Reason for excavation/fill to execute dirt for fill material.

(Excavation/fill) Amount of material 500,000 cy + - cu. yds. - (Fill) Acreage 11.32 more or less Acres

Legal description of excavation/fill property From the west 1/4 corner of Section 26, Township 22 south, Range 32 East, Orange County, Florida, run north along the west line of NE 1/4 of said Section 26 a distance of 886.55 ft. thence, S 45°45'E 739.17 Ft. thence N 44°20'E 1565.10 ft. for a Point of Beginning; run hence N 09°46'47"W. 814.00 ft. thence N 82°43'37"W. 829.10 ft. thence S 45°40'E. 1321.87 ft. thence S 55°13'44"E. 573.05 ft. thence N40°21'12"E. 272.86 ft. thence N 09°46'47"W. 240.00 ft. thence S 80°13'13"W. 600.00 ft. to the Point of Beginning. Containing 11.32 acres more or less.

Section 26, Township 22 South, Range 32 East

Owner of record of excavation/fill property

Name Paul R. Daley Rt. 1, Box 349 A, Nauvoo, AL. 35578 Phone No. _____

Address _____

Legal description of property of source/disposition of fill/excavated material to various approved sites and east west extension.

Section _____, Township _____ South, Range _____ East

Owner of record of source/disposition property

Name N/A Phone No. _____

Address _____

Haul route from excavation/source to disposition/fill site entrance on S.R. 50

Date April 1, 1988 Applicants Signature Lawrence H. Dunn, V. Pres.

SECTION II OFFICE USE ONLY

Approved on April 25, 1988 subject to general law and the following additional requirements.

- Hauling to be done from 7:00 a.m. to 7:00 p.m. Monday thru Saturday.
- No trucks will be permitted to travel west on Old Cheney Highway.
- Area must be fenced and warning signs posted as required by #85-32, before work begins.

This permit expires on APRIL 24, 1989 Approved by Lawrence H. Dunn
For the County Engineer

SECTION III PERMIT COMPLETED PERMIT NOT COMPLETED PERMIT EXPIRED

Comments: _____ Date: _____

Inspector: _____

IMPORTANT: SEE INSTRUCTIONS AND CONDITIONS ON REVERSE OF THIS PERMIT

file
E 5^{ord}
pd

ORANGE COUNTY
EXCAVATION - FILL PERMIT APPLICATION
(SUBMIT TYPEWRITTEN OR PRINTED IN TRIPLICATE)

17-25 (1/86)

CHECK APPROPRIATE BLOCK

Excavation
Fill

OFFICE USE ONLY
Permit No. 88-E5-533
Permit No. _____

Processing Fee \$ 100.00
Permit Fee \$ 650.00

District No. 5
Receipt No. 26740

TOTAL \$750.00 PAID 6/6/88

SECTION I GENERAL INFORMATION

Applicants Name William Ervin Phone No. 783-3417

Address Box 40, Cocoa Beach Fl. 32931

Firm designated to do work: Dewitt Excavating, Inc. Phone No. 656-1799

Address P.O. Box 337 Winter Garden, Fl. 32787

Reason for excavation/fill to execute dirt for fill material

(Excavation/fill) Amount of material 500,000 cy + - cu. yds. - (Fill) Acreage 11.316 more or less Acres

Legal description of excavation/fill property - attached -
11.316 more or less acres

Section 26, Township 22 South, Range 32 East

Owner of record of excavation/fill property
Name William Ervin Phone No. 783-3417

Address Box 40, Cocoa Beach, Fl. 32931

Legal description of property of source/disposition of fill/excavated material to various approved sites and east west extension.

Section _____, Township _____ South, Range _____ East

Owner of record of source/disposition property
Name East West Expressway Authority Phone No. _____

Address _____

Haul route from excavation/source to disposition/fill site entrance on S.R. 50

Date _____ Applicants Signature [Signature]

SECTION II OFFICE USE ONLY

Approved on June 13, 1988 subject to general law and the following additional requirements.

- Hauling to be done from 7:00 a.m. to 7:00 p.m. Monday thru Saturday.
- No trucks will be permitted to travel west on Old Cheney Highway.
- Area must be fenced and warning signs posted as required by Orange County Ordinance #85-32, before work begins.

This permit expires on JUNE 12, 1989 Approved by Lawrence J. Dunn
For the County Engineer

SECTION III PERMIT COMPLETED PERMIT NOT COMPLETED PERMIT EXPIRED
Comments: _____ Date: _____
Inspector: _____

IMPORTANT: SEE INSTRUCTIONS AND CONDITIONS ON REVERSE OF THIS PERMIT

WATER MANAGEMENT DISTRICT

Harry Dean, Executive Director
Midred G. Horton, Assistant Executive Director
John R. Wehle, Assistant Executive Director

POST OFFICE BOX 1429 • PALATKA, FLORIDA 32079-1429
804/328-8321



□ 2133 N. Wickham Rd.
Palatka, FL 32036-9100
(813) 254-1761

□ 7775 Baymeadows Way
Suite 201
Jacksonville, FL 32256
(904) 730-8270

□ 618 E. South St.
Orlando, FL 32801
(407) 894-4431

32079-1429
32931
407-095-0157

... your general permit as authorized by the staff
... Palatka office within thirty days after the

... legal document and should be kept with your other
... documents. The attached completion report should be filed
... By so doing, you will enable us to schedule a

... the completion reports your permit also contains
... submitted as compliance to permit conditions must be

... does not relieve you from the responsibility
... concurrent jurisdiction for this work.

... you sell your property, the permit will be
... within
... so as

... your cooperation and if this office can be of
... assistance to you, please do not hesitate to contact

Thomas J. Kemp
Director
Office of Records

- Permit with Completion Report
Notice of Rights
- | | | | |
|------------------------------------|--|--|--|
| FRANK LINTON
Chairman - Volusia | KELLY R. SMITH, JR.
Vice Chairman - Palatka | SAUNDRA H. GRAY
Secretary - DeFuria | RALPH E. SIMMONS
Treasurer - Fernandina Beach |
| THOMAS L. DURRANCE
Holly Hill | JOE E. HILL
Leesburg | SAM L. SWETT
Jacksonville | ALICE J. WEINBERG
Longwood |

ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT
P.O. BOX 1429
TALLAHASSEE, FLORIDA 32309-1429

PERMIT NO. 1429-1429

DATE ISSUED: OCTOBER 20, 1994

PERMIT AUTHORIZING:

CONSTRUCTION OF A 37' WIDE DRAINAGE PIT TO BE KNOWN AS EAST
DRAINAGE LANE #1.

Section 26, Township 22 South, Range 32 East
Suwannee County

BERNARD GOODMAN
P.O. BOX 1390
GODDARD, FL 32141

This permit is issued to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, costs, expenses which may be incurred in the permit issuance, said applicant shall comply with all plans and specifications attached thereto, as by reference herein.

This permit does not convey or guarantee any property rights nor any other privileges other than those specified herein, nor release the permittee from complying with any law, regulation or requirement of any other state or federal agency. All structures constructed by permittee hereunder shall remain the property of the permittee.

This permit may be revoked, modified or transferred in accordance with the appropriate provisions of Chapter 373, Florida Statutes.

PERMIT IS CONDITIONED UPON:

1. The permittee shall comply with all conditions set forth in the permit and any conditions attached hereto, dated October 20, 1994.



ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT

Secretary of Resource Management

Secretary of Board

[Signature]
SECRETARY
JOSEF EL EDGE

[Signature]
BY: HENRY DEAN
ASSISTANT SECRETARY

PERMIT FOR ISSUANCE OF TITLE NUMBER 40003-0109

PERMIT TO CONSTRUCT

DATE OF ISSUE: 11/17/68

Construction, operation and maintenance shall be as set forth on the plans, specifications and performance criteria approved by this permit.

Authorized party, upon proper identification, shall be permitted to enter, inspect and observe the project to insure conformity with the plans and specifications shown on the permit.

Barriers must be installed at all locations where there is a possibility of transferring suspended solids into the waterbody during and to the proposed work. Barriers must remain in place at all locations until construction is completed and soils are stabilized. Barriers shall be removed immediately thereafter. The permittee shall be responsible for the removal of the barriers.

Any other regulatory agency which requires a permit or authorization to discharge pollutants into the waters of the State shall be notified. The District is not responsible for a permit authorization if a determination can be made that a permit authorization is required.

Within 130 days of the date of conveyance of the project, the surface water management system or the land on which the system is located, the permittee shall file a permit application with the District. The permit shall be in accordance with the provisions of Chapter 62, Florida Statutes, and Chapter 62C-4, Florida Administrative Code. All terms and conditions of this permit shall be binding upon the permittee.

Permit for construction shall expire five years from the date of issuance.

Storing and retention earth fill pipes must be added and installed within 30 days of the start of construction and a vegetative cover must be established within one year of the start of construction.

Vegetative cover must be established on all exposed areas within one year from the date the construction is completed.

The permittee must obtain a permit or individual permit from the District prior to restoring construction or subsequent phases of work not specifically authorized by this permit.

Restrictions are to occur during any phase of construction of the project and the surface water pumps, which are facilities used for withdrawing one million gallons of water per day or more on an average of 100,000 gallons per day or more, and any discharge is to be off-site. A complete permit application shall be required prior to any discharge.

The proposed surface water management system, which consists of a large borrow pit, must be constructed as per plans approved by the District on September 22, 1968.

The construction is not authorized outside of the boundaries of the borrow pit and shall be as illustrated on plans approved by the District on September 27, 1968.

This permit does not authorize any construction in wetlands, but does authorize the following: excavation, or

Monitoring wells must be installed to monitor
ground effect or effect that dewatering will have
on wetland numbers 1, 4, and 7 documented in the
"Special Lakes Field Reconnaissance Report",
submitted to the District on September 12, 1980. A
groundwater and surface water monitoring plan must be
submitted to the District within 14 days of permit
issuance. The groundwater and surface water monitoring
plan must include, but need not be limited to the
location of monitoring wells, the depth of monitoring
wells, and removal of monitoring wells when elevations
are established in the completed borrow pit as determined
by the District. Monitoring must be conducted monthly
and reports which contain data collected
must be submitted to the District's Department of Resource
Management, Orange Field Office.

NOTICE OF RIGHTS

1. A party whose substantial interests are determined has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District) within 14 days of receipt of notice of the District's intent to grant or deny a permit application by mailing it to the District or by presenting the written petition at the District Governing Board meeting in which action is proposed to be taken regarding the application, whichever is later.

2. A party whose substantial interests are determined has the right to request an administrative hearing by filing a written petition within 21 days of receipt of notice of final District action on a permit application, if the Governing Board took action inconsistent with the notice of intent to grant or deny the permit application, or if that substantially interested party did not receive notice of the District's intent to grant or deny the permit application.

3. A substantially interested party has the right to a formal administrative hearing pursuant to Section 120.57(1), Florida Statutes, where there is a dispute between the District and the party regarding an issue of material fact. A petition for a formal hearing must comply with the requirements set forth in Section 28-5.201, Florida Administrative Code, and Section 40C-1.11, Florida Administrative Code.

4. A substantially interested party has the right to an informal hearing pursuant to Section 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must comply with the requirements set forth in Section 40C-1.11, Florida Administrative Code.

5. Filing of a petition for an administrative hearing occurs upon delivery at the District headquarters or when the petition, properly addressed and stamped, is postmarked.

6. Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing.

7. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, and Chapters 40C-1 and 28-5, Florida Administrative Code.

8. Any substantially affected person who claims that final action of the District constitutes an unconstitutional taking of property without just compensation may seek review of the action in circuit court pursuant to Section 373.617, Florida Statutes, and the Florida Rules of Civil Procedures, by filing an action within 90 days of the rendering of the final District action.

9. Pursuant to Section 120.68, Florida Statutes, a party who is adversely affected by final District action may seek review of the action in the district court of appeal by filing a notice of appeal pursuant to Fla.R.App.P. 9.110 within 30 days of the rendering of the final District action.

10. A party to the proceeding who claims that a District order is inconsistent with the provisions and purposes of Chapter 373, Florida Statutes, may seek review of the order pursuant to Section 373.114, Florida Statutes, by the Land and Water Adjudicatory Commission (Commission) by filing a request for review with the Commission and serving a copy on the Department of Environmental Regulation and any person named in the order within 20 days of the rendering of the District order. However, if the order to be reviewed is determined by the Commission within 60 days after receipt of the request for review to be of statewide or regional significance, the Commission may accept a request for review within 30 days of the rendering of the order.

11. A District action or order is considered "rendered" after it is signed by the Chairman of the Governing Board on behalf of the District and is filed by the District Clerk.

12. Failure to observe the relevant time frames for filing a petition for judicial review as described in paragraphs #8 and #9 or for Commission review as described in paragraph #10 will result in waiver of that right to review.

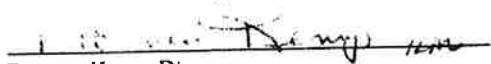
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Notice of Rights has been furnished by U.S. Mail to

IRENE COCHRAN
P. O. BOX 1396
COCOA BEACH, FL 32931

at 4:00 p.m. this 22nd day of October, 19 88

40-095-0159


Dannise Kemp, Director
Division of Records
St. Johns Water Management District
Post Office Box 1429
Palatka, FL 32078-1429
(904) 328-8321

WATER MANAGEMENT DISTRICT

Henry Dean, Executive Director
Michael G. Horton, Assistant Executive Director
John R. Webb, Assistant Executive Director

POST OFFICE BOX 1429 • PALATKA, FLORIDA 32970-1429
904/328-6321



07776 Southwood Hwy
Box 201
Melbourne, FL 32956
(804) 735-6270

07776 Southwood Hwy
Box 201
Melbourne, FL 32956
(804) 735-6270

WATER MANAGEMENT DISTRICT, INC.

1429 POST OFFICE BOX 1429
PALATKA, FL 32970

TEL: 904-328-6321

FAX: 904-328-6321

Your general permit as authorized by the staff of the St. Johns River Water Management District on October 20, 1988.

The permit is a legal document and should be kept with your other important documents. The attached completion report should be returned to the Palatka office within thirty days after the permit is completed. By so doing, you will enable us to schedule a final inspection of the permitted activity.

In addition to the completion report, your permit also contains conditions which require submission of additional information. All information submitted as compliance to permit conditions must be sent to the Palatka office address.

This permit does not relieve you from the responsibility of obtaining permits from any federal, state and/or local agencies having concurrent jurisdiction for this work.

When you sell your property, the permit will be transferred to the new owner, if we are notified by you within 30 days of the sale. Please assist us in this matter so as to obtain a valid permit for the new property owner.

For your cooperation and if this office can be of any assistance to you, please do not hesitate to contact

Donna J Kemp/AM
Donna J. Kemp, Director
Office of Records

Permits with Completion Report Notice of Rights

- | | | | |
|--|--|---------------------------------------|--|
| JOHN L. LINDEN
President - Leesburg | KELLY R. SMITH, JR.
Vice Chairman - Palatka | SAUNDRA H. GRAY
Secretary - DeSair | RALPH E. SIMMONS
Treasurer - Fernandina Beach |
| THOMAS L. DURRANCE
Tolly Hill | JOE E. HILL
Leesburg | SAM L. SWETT
Jacksonville | ALICE J. WENIGER
Largo |

CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 40-055-01-2

EAST LAKE ENTERPRISES, INC.

DATED AT TALLAHASSEE, FLORIDA

Construction, operation and maintenance shall be as set forth in plans, specifications and performance criteria approved by this permit.

Permit authorized staff, upon proper identification, shall have permission to enter, inspect and observe the project to insure conformity with the plans and specifications approved by the permit.

Physical barriers must be installed at all locations where there is a possibility of traffic entering the project area or the waterbody adjacent to the proposed work.

Physical barriers must remain in place at all locations until construction is completed and soils are established. The permittee has been designated as responsible for the removal of the barriers.

Any other regulatory agency should require revisions to the permit to the permitted project, the District is authorized to require the permittee to make a determination as to whether a permit modification is required.

Within 130 days after date of conveyance of the proposed surface water management system or the land on which the system is located, the owner in whose name the permit was issued shall notify the District of such change of ownership. Transfer of this permit shall be in accordance with the provisions of Chapter 400, Florida Statutes, Sections 400.04, 400.05, and 400.06, Florida Statutes and the Code. All terms and conditions of such permit shall be binding upon the transferee.

This permit for construction will expire five years from the date of issuance.

Within 30 days following final completion and a permanent vegetative cover must be established within one year of grading.

Permanent vegetative cover must be maintained on all exposed soil surfaces within one year from the date the construction is complete.

The permittee must obtain a general or individual permit from the District prior to beginning construction of subsequent phases of work not specifically authorized by this permit.

Discharge is to occur during any phase of construction in excess of one surface water pumpout, wells or facilities that discharge or withdraw more than one million gallons of water per day or an average of 100,000 gallons per day or more, and any discharge to an off-site, a conductance permit (400-2) will be required prior to any dewatering.

The proposed surface water management system, which includes one 32 acre borrow pit, shall be constructed. Plans submitted to the District on September 22, 1988. Construction is now authorized outside of the limits of the borrow pit and haul roads as shown on plans submitted to the District on September 22, 1988.

... does not authorize any construction or
... including but not limited to clearing,
... or filling, other than that explicitly
... by this permit.

... monitoring wells must be installed to
... drawdown effect or effect that dewatering
... adjacent wetland nos. 7 and 8 documented
... Colonial Lakes Field Reconnaissance
... to the District on September 22,
... groundwater and sulfate water monitoring plan
... to the District within 14 days of
... . The groundwater and sulfate water
... must include, but need not be limited
... of the monitoring wells, the depth of
... wells, and the method for removal of
... when water elevations have
... the completed borrow pits as determined
... staff. Monitoring must be conducted monthly
... reports which contain data collected
... the District's Department of Resource
... Lands Field Office.

NOTICE OF RIGHTS

1. A party whose substantial interests are determined has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District) within 14 days of receipt of notice of the District's intent to grant or deny a permit application by mailing it to the District or by presenting the written petition at the District Governing Board meeting in which action is proposed to be taken regarding the application, whichever is later.

2. A party whose substantial interests are determined has the right to request an administrative hearing by filing a written petition within 21 days of receipt of notice of final District action on a permit application, if the Governing Board took action inconsistent with the notice of intent to grant or deny the permit application, or if that substantially interested party did not receive notice of the District's intent to grant or deny the permit application.

3. A substantially interested party has the right to a formal administrative hearing pursuant to Section 120.57(1), Florida Statutes, where there is a dispute between the District and the party regarding an issue of material fact. A petition for a formal hearing must comply with the requirements set forth in Section 28-5.201, Florida Administrative Code, and Section 40C-1.11, Florida Administrative Code.

4. A substantially interested party has the right to an informal hearing pursuant to Section 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must comply with the requirements set forth in Section 40C-1.11, Florida Administrative Code.

5. Filing of a petition for an administrative hearing occurs upon delivery at the District headquarters or when the petition, properly addressed and stamped, is postmarked.

6. Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing.

7. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, and Chapters 40C-1 and 28-5, Florida Administrative Code.

8. Any substantially affected person who claims that final action of the District constitutes an unconstitutional taking of property without just compensation may seek review of the action in circuit court pursuant to Section 373.617, Florida Statutes, and the Florida Rules of Civil Procedures, by filing an action within 90 days of the rendering of the final District action.

9. Pursuant to Section 120.68, Florida Statutes, a party who is adversely affected by final District action may seek review of the action in the district court of appeal by filing a notice of appeal pursuant to Fla.R.App.P. 9-110 within 30 days of the rendering of the final District action.

10. A party to the proceeding who claims that a District order is inconsistent with the provisions and purposes of Chapter 373, Florida Statutes, may seek review of the order pursuant to Section 373.114, Florida Statutes, by the Land and Water Adjudicatory Commission (Commission) by filing a request for review with the Commission and serving a copy on the Department of Environmental Regulation and any person named in the order within 20 days of the rendering of the District order. However, if the order to be reviewed is determined by the Commission within 60 days after receipt of the request for review to be of statewide or regional significance, the Commission may accept a request for review within 30 days of the rendering of the order.

11. A District action or order is considered "rendered" after it is signed by the Chairman of the Governing Board on behalf of the District and is filed by the District Clerk.

12. Failure to observe the relevant time frames for filing a petition for judicial review as described in paragraphs #8 and #9 or for Commission review as described in paragraph #10 will result in waiver of that right to review.

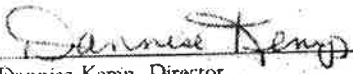
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Notice of Rights has been furnished by U.S. Mail to

EAST LAKE ENTERPRISES, INC.
P. O. BOX 40
COCOA BEACH, FL 32931

at 4:00 P.M. this 20th day of October, 19 88

40-095-0162


Dannise Kemp, Director
Division of Records
St. Johns Water Management District
Post Office Box 1429
Palatka, FL 32078-1429
(904) 328-8321

02 00080815 0347 CAR 02/24/89 02:48:50PM
 ZONING 3228
 187 PLAN DEV SUB CG 100.00
 00080815 TOTAL 100.00

Nº 3228

OFFICIAL RECEIPT

ORANGE COUNTY ZONING DEPARTMENT

Date: 2/24/89

Received of: The Witt Corporation, Inc.

FOR Owner/Applicant: Non-Substantial Change Petition
Station Pine P-D

CODE	FEE DESCRIPTION	AMOUNT
180	P&Z APPLICATION.....	\$
181	P&Z APPEAL.....	
182	BZA APPLICATION.....	
183	BZA APPEAL.....	
184	PLANNED DEVELOPMENT REZONING (INITIAL).....	
185	+ \$2.00 PER ACRE @ _____ ACRES.....	
186	PLANNED DEVELOPMENT (P-D) APPEAL.....	
187	P-D SUBSTANTIAL CHANGE.....	\$100.00 <i>check 20684</i>
188	AMENDMENT TO PLANNED DEVELOPMENT.....	
189	DEVELOPMENT PLAN.....	
190	+ \$5.00 PER ACRE @ _____ ACRES.....	
191	DRI IMPACT (P-D).....	
192	ADVERTISE - NOTICES.....	
194	PETITION TO CHANGE STREET NAME.....	
195	ZONING RESOLUTION BOOK.....	
196	POSTAGE.....	
199	GARAGE SALE PERMIT.....	
Location _____		
Dates _____		
200	COPY FEES - _____ PAGES @ 20¢/PAGE.....	
201	CERTIFICATION FEES.....	
203	SIMPLE ZONING VERIFICATION.....	
204	DETAILED ZONING VERIFICATION.....	
210	MISCELLANEOUS.....	

TOTAL \$100.00

Reviewed by: J. M. [Signature]
 Zoning Clerk

Orange



County

Zoning Department
Sharon Smith, Director
201 South Rosalind Avenue, 1st Floor
Reply To: Post Office Box 2687
Orlando, Florida 32802-2687

February 17, 1988

Mr. Thomas Liddell
DeWitt Excavating, Inc.
P. O. Box 337
Winter Garden, Florida 32787

SUBJECT: Change Determination for Shadow Pines PD

Dear Mr. Liddell:

On February 11, 1988 the Development Review Committee reviewed your request to install a temporary ticket booth within the Shadow Pines PD.

The Development Review Committee approved your request until the borrow pit permit expires, or when development occurs, whichever occurs first.

Should you have any questions, please feel free to call Rocco Relvini at 236-5525.

Cordially,

A handwritten signature in cursive script that reads 'Sharon Smith'.

Sharon Smith
Zoning Director

SS/RR/dmw

cc: Rocco Relvini, Zoning Department
Ed Williams, Planning Department
George Cole, County Engineer
Dan Allen, Public Utilities
Bobbi McCain, DRC Coordinator
PD Files ✓

DEVELOPMENT REVIEW COMMITTEE

MINUTES

FEBRUARY 11, 1988

The Development Review Committee met in a regularly scheduled meeting, which had been properly posted, on Thursday, February 11, 1988, in the first floor conference room of the Public Works Building, 2450 W. 33rd. Street. The Chairman, Tom Hastings, called the meeting to order at 8:05 a.m. with all appropriate staff present.

The DRC Minutes of 1/28/88 were reviewed and amended as necessary. MOTION by Ed Williams, second Sharon Smith, to APPROVE the 1/28/88 Minutes as amended. MOTION CARRIED.

Non Agenda Items discussed throughout the day were as follows:

1. SHADOW PINES PD - Request from developer to allow a ticket booth at Shadow Pines PD for traffic going/coming from borrow pit which is permitted.

ACTION: MOTION by Sharon Smith, second Dan Allen, to allow a temporary ticket booth at requested location until the borrow pit permit expires or development occurs, whichever is first. MOTION CARRIED.

2. NCNB @W.COLONIAL PLAZA PD - Request from applicant's representative that Condition #5 of the DRC Minutes of 8/27/87 be amended to read "issuance of the certificate of occupancy" rather than construction plan approval, as stated in letter from Post Buckley, Schuh & Jernigan.

ACTION: - MOTION by Sharon Smith, second Ed Williams, to DENY request in that Condition #5 would not prohibit closing on property. MOTION CARRIED.

3. DEER CREEK VILLAGE PSP (ORANGEWOOD PD) - Public hearing to be held on deleting condition prohibiting swimming pools and fences in backyards.

ACTION: MOTION by Sharon Smith, second Ed Williams to request that a recommendation be made to Orange County Commission to delete that condition and recommend that pools and fences be allowed, subject to Subdivision Regulations.

February 9, 1988

TO: Sharon

FR: Rocco

RE: Installation of a ticket booth in
Shadow Pines PD.

Background: Applicant (Thomas Liddell) applied for building permit to install a 9' x 17' ticket booth on a vacant PD (Shadow Pines) app'd 3/26/74. NO Dev. Plan app'l.

Shadow Pines has LUP app'l for Residential and Commercial. It is vacant. They obtained all necessary permits for a borrow pit. Now they are hauling the dirt away. The purpose of the booth is to give a computerized ticket to ~~hauler~~ haulers indicating:

- a) location of shipment
- b) receiver of shipment
- c) type of material to be hauled
- d) quantity of material to be hauled.

We had a pre-app meeting 3 weeks ago on this site. They are planning to develop it soon so the booth will be demolished eventually. However for zoning ~~pur~~ purposes it is ~~not~~ permitted as a permanent structure.

Zoning Standards: Proposal is for 9 feet high;
It meets all setbacks; its internal to site;

TURN

It has access off of S.R. 50; They have all necessary app's for borrow pit; minimal adverse impact.

OPTIONS :

- A) take it to DEC
- B) take it to OCC
- C) Decision is made in-house
- D) Deny proposal

Please Advise

A motion was made by Commissioner Pickett, seconded by Commissioner Benham, and carried, to concur with the recommendation of the Planning of Expressway Center PD and Zoning Commission and approve the 18 acre business park tract located at the Northeast corner of Chickasaw Trail and the East-West Expressway to be included in Phase I and deny the balance of the request to place the entire project in one phase in that it is not consistent with the intent of the Planned Development district; subject to the following stipulations:

1. Amendment of the existing Phasing Plan to include the 18-acre business park located on the Northwest side of the East-West Expressway and the East side of Chickasaw Trail in Phase I, subject to upgrading and improvement of Chickasaw Trail to County standards for a collector facility from the Northernmost entrance of said area to the East-West Expressway, and limitation of two access points therefrom to Chickasaw Trail, the Southernmost of which is to be aligned with the proposed road to SR 15A.
2. Submission by the applicant to the Development Review Committee of an updated Phasing Plan for this project, accompanied by proposed road improvements to be made in conjunction with each phase, which responds to the intent and purpose of the Planned Development District to be proposed for approval within 60 days.

Hearing #14 - Shadow Pines

Mr. Thomas D. Engel, owner and developer of the proposed PD, stated this plan was previously brought before the Board on a change of zoning classification request to RT, which was granted based on the fact the plans would be adjusted and a new request for a change of zoning classification to PD would be filed. He stated the only stipulation which could not be met is the relocation of the commercial area to the center of the development, which has been discussed with County Staff, and agreed upon to leave in its present location.

Board members, the County Planner and Mr. Engel discussed the number of entrances from SR 50 to the project, the barricading of the service road between SR 50 and the development at its intersection with the right-of-way at the Western boundary of the property in question.

Upon motion by Commissioner Benham, seconded by Commissioner Thomas, and carried, the Board concurred in the recommendation of the Planning and Zoning Commission and approved the request for change of zoning from R-T to P-D on 75 acres located on the Northeast side of SR 50, one mile West of SR 520, by Thomas D. Engel (Shadow Pines), subject to the following stipulations, with Commissioner Pickett voting NO;

1. Development in accordance with Shadow Pines Preliminary Development Plan consisting of the below listed schedule of submitted exhibits and subject to the following conditions:

- Exhibit 1 - PD Narrative and Explanation
- Exhibit 2 - Location Map
- Exhibit 3 - Land Use and Zoning
- Exhibit 4 - Topography
- Exhibit 5 - Soils
- Exhibit 6 - Tree Cover
- Exhibit 7 - Land Use Plan
- Exhibit 8 - Typical Cluster Layout

2. Provision of information regarding proposal to construct screen along project boundaries.
3. The Old Cheney service road may be incorporated into development as a private road and cul-de-sac at Southwest corner of development; within the adjoining County easement extending across said service road and parallel to project's Northwest boundary, the developer shall improve said easement by connecting the Eastern terminus of the service road with SR 50; said connector shall be physically separated from the service road within the development.
4. Dedication of access rights to SR 50, except at two street openings shown on Exhibit 7.
5. Submission of a letter from the agency involved verifying provision of fire protection.
6. Provision of stub streets to the North and East to provide for proper traffic circulation.
7. Provision that all sewerage, water, and stormwater management measures be in accordance with the Subdivision Regulations and be approved by appropriate agencies.
8. Subdivision Regulations
9. Submission to the Director of Planning, Zoning, and Public Works, of a uniformly revised set of exhibits incorporating all conditions attached thereto by the Board of County Commissioners prior to application for Final Development Approval.

Plan A
 Staff: 1-31-74

A motion was made by Gus Miller, seconded by Ralph Ward and unanimously carried to approve the request.

12. JOHN P. AND JOYCE TYSON, request for a Change in Zoning Classification from A-2 to R-T on the following described property:
Lots 63, 66, 95 and 96, Prosper Colony Sub., as recorded in Plat Book D, Page 103, Public Records of Orange County, Florida, Sec. 6, T 24 S, R 30 E, which is located East side of 11th Avenue, 4/10 mile South of 4th Street (Taft).
(Tract Size: 19.6 acres) District No. 4

C. L. Doren, 2923 S. Semoran Blvd., Orlando, represented applicant and Kinsey Land Co. who is developing a trailer park immediately to the East of subject property. There is a need and use for this. This will be a Phase II addition which will be constructed late in 1975 and/or 1976.

Mr. Nelson asked if the road was paved. Mr. Doren stated the road was partially paved, but access will be onto Fourth Street thru the developing park.

A motion was made by Lee Chlra, seconded by Ralph Ward and unanimously carried to approve the request.

13. LARRY D. HUGHEY, request for a Change in Zoning Classification from R-1 to R-2 on the following described property:
Lot 2, Block A, Sky Acres, as recorded in Plat Book V, Page 37, Public Records of Orange County, Florida, which is located West side of Rouse Road, 1/4 mile North of E. Hiway 50.
(Tract Size: 95.9E x 200S) District No. 5

Applicant stated he has two other lots in the area. Both of them are already zoned for duplexes. He wants to change this also for a duplex. Mr. Smart stated that the bulk of the area is already R-2.

A motion was made by Gus Miller, seconded by Clarence Heidt and unanimously carried to approve the request.

- ✓ 14. THOMAS D. ENGEL, AGENT (SHADOW PINES), request for a Change in Zoning Classification from R-T to P-D on the following described property:
Lots 1 thru 14, Block 1, Christmas Gardens No. 1 as recorded in Plat Book P, Page 54, (less that portion of Lot 8 lying E'ly from a line bisecting said lot from most Northerly corner thereof, Southerly to most Southerly corner thereof) and W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 26, T 22 S, R 32 E, lying North of St. Rd. 50, which is located NE side of E. Hiway 50, 1 mile NW'ly from St. Rd. 520.
(Tract Size: 75 acres) District No. 5

Applicant stated he agrees with all staff recommendations and can accept them all. However, he would request that if possible, recommendation #3 be either eliminated or changed to allow his commercial to be located on the exterior of the development. He stated that the area will be fenced, but with the commercial area to the interior he feels he would get the people from the drag strip and motorcycle race strip in his development and this would cause a hardship on the residents there. He stated that Department of Transportation has stated they will vacate Old Cheney Highway

to him where his development fronts on it. There is 60 feet between each cluster of trailers and they will put the suitable roads in.

Mr. Miller asked Marty Kreidt for his comments on relocating the commercial area to the exterior. Marty stated they do not want to create a series of commercial areas on SR 50. There is 1.83 acres of commercial area. The minimum commercial acreage they feel they need on SR 50 would be 2 acres. Marty stated he felt this would be inadequate to serve the traffic on SR 50. Mr. Curtis stated that he feels we would be creating a disturbance to the residents of the mobile home park by having the commercial in the interior. Mr. Miller asked if they needed any commercial out there at all. Mr. Engel stated that with the number of people in the mobile home park, they would need some type of convenience store in the area. Mr. Hewitt stated that he agreed with Mr. Engel that the commercial area needs to be in the front. Mr. Engel stated he is going to create his own fire station and that the Forestry Department has stated they would also keep watch for him; the tower is located ten miles away.

a motion was made by Gus Miller, seconded by Ed Maul, and unanimously carried to approve the request subject to staff recommendations as amended by deleting condition #3.

REVIEWS

1. Warren Musselwhite, request for a Change in Zoning Classification from A-2 to R-T on the following described property: SW $\frac{1}{4}$ of SW $\frac{1}{4}$ (Less the NW $\frac{1}{2}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ and less West 30 ft. for Rd. R/W) AND West $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 18, T 20 S, R 28 E, which is located East side Plymouth-Sorrento Road, 7/10 mile South of Kelly Park Road.
(S $\frac{1}{2}$ of SW $\frac{1}{4}$ 18-20-28 Tract size: 40.94 acres District #2)

A motion was made by B. P. Nelson, seconded by Ralph Ward and unanimously carried to deny the request in that it would permit a medium-density intrusion into a low-density agricultural area and further, there has been no change in the character or nature of the area and the requested change would be incompatible and inappropriate with other uses in the area.

2. Bobby N. Bodiford, request for a Change in Zoning Classification from A-1 to R-T on the following described property: Lots 12 and 15, Bailey Addition to Plymouth, as recorded in Plat Book B, Page 145, Public Records of Orange County, Florida, which is located East side Plymouth-Sorrento Road, 9/10 mile South of Ponkan Road.
(NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ 30-20-28 Tract size: 12.4 acres District #2)

A motion was made by B. P. Nelson, seconded by Lee Chira and unanimously carried to deny the request in that it would permit a medium-density intrusion into a low-density agricultural

14. THOMAS D. ENGEL, AGENT (SHADOW PINES), request for a Change of Zoning Classification from R-T to P-D on the following described property:
Lots 1 thru 14, Block 1, Christmas Gardens No. 1, as recorded in Plat Book P, Page 54, (less that portion of Lot 8 lying E'ly from a line bisecting said lot from most Northerly corner thereof, Southerly to most Southerly corner thereof) and W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 26, T 22 S, R 32 E, lying North of St. Rd. 50, which is located NE side of E. Hiway 50, 1 mile NW'ly from St. Rd. 520.
(NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ 26-22-32 Tract size: 75 acres District #5)

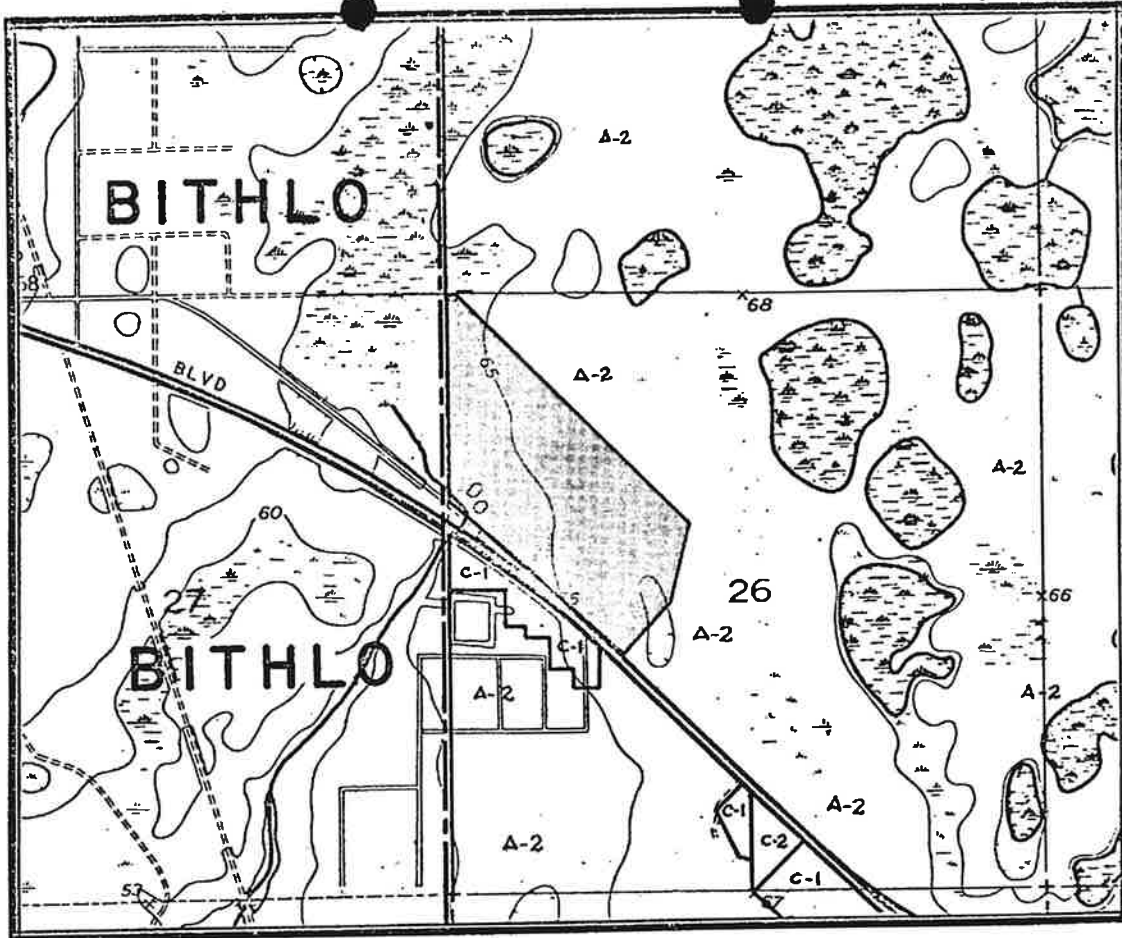
DECISION: Approved subject to staff recommendations as amended by deleting condition #3.
See attached. See page 9 & 10.

Public hearing will be held at the Orange County Courthouse Annex,
County Commissioners' Room, on the third floor, on Thursday, March 21, 1974,
beginning at 9:00 A.M. or as soon thereafter as possible. All interested
parties are herein given notice.

ORANGE COUNTY PLANNING AND ZONING COMMISSION

By: James W. Smart
Zoning Director

James W. Smart
Zoning Director
March 21, 1974



R-T to P-D (SHADOW PINES)

PUBLIC HEARING #14 (March 21, 1974)
 Section: 26-22-32
 District #5

Applicant: Thomas D. Engel
 Scale: 4" = 1 mile

FINDINGS:

1. Applicant requests a change of District from R-T to P-D on 75 acres located on the northeast side of SR 50, one mile west of SR 520.
2. The site is vacant. Mobile homes and various uses of a commercial nature are located to the west and south. Properties to the north and east are vacant.
3. County land use policy is generalized on the Development Guide for agriculture. However, R-T was granted on this property by the Board of County Commissioners in November of 1973.
4. Project Analysis:
 - a. Total Area: 75.05 acres
 - b. Commercial Area: 1.83 acres
 - c. Gross Residential Area: 68.82 acres
 - d. Number of Dwelling Units: 450
 - e. Gross Residential Density: 6.55 DU/Acre
 - f. Potential Population: 1,125
 - g. Potential School-Age Population: 248
 - h. Potential Traffic Generation: 5,080 ADT
5. Soils on-site are of the Leon, Ona, Pomello, and Rutlege classifications. All of these soils with the exception of Pomello are rated naturally severe for development due to high water and flooding ranging in frequency from "one in 5-10 years for 7-30 days" to "more than once a year for 1-6 months."

P. H. #14 SHADOW PINES (Continued)

6. Applicant has indicated plans to construct a wall along the property lines. Information should be provided as to the extent, height, and composition thereof.
7. Plans for the provision of fire protection to this site are somewhat vague. Applicant should provide a letter of verification from the agency which will provide protection.
8. The Subdivision Regulations suggest that intersection spacing on a principal arterial highway be a minimum of 1,760'. SR 50 entrances to subject property are approximately 600' apart.
9. Applicant has indicated the possibility of further development of the type proposed herein on properties to the northeast which are under his control. We suggest that stub streets into these areas be provided.

RECOMMENDATION, SUBJECT TO THE FINDINGS OF A PUBLIC HEARING:

Approval, subject to the following conditions:

1. Development in accordance with Shadow Pines Preliminary Development Plan consisting of the below listed schedule of submitted exhibits and subject to the following conditions.

Exhibit 1 - P-D Narrative and Explanation
Exhibit 2 - Location Map
Exhibit 3 - Land Use and Zoning
Exhibit 4 - Topography
Exhibit 5 - Soils
Exhibit 6 - Tree Cover
Exhibit 7 - Land Use Plan
Exhibit 8 - Typical Cluster Layout

2. Provision of information regarding proposal to construct screen along project boundaries.
3. Provision that commercial area be relocated to the interior of subject development.
4. Redesign of entrances to provide proper intersection separation of SR 50.
5. Submission of a letter from the agency involved verifying provision of fire protection.
6. Provision of stub streets to the north and east to provide for proper traffic circulation.
7. Provision that all sewerage, water, and stormwater management measures be in accordance with the Subdivision Regulations and be approved by appropriate agencies.
8. Subdivision Regulations.
9. Submission to the Director of Planning, Zoning, and Public Works, of a uniformly revised set of exhibits incorporating all conditions attached thereto by the Board of County Commissioners prior to application for Final Development Approval.

cc: Board of County Commissioners
Development Review Committee
Dan Engel, Engel Development Corporation

MEETING OF FEBRUARY 21, 1974

or nature of the area and the requested change would be incompatible and inappropriate with other uses in the area.

16.

John P. and Joyce Tyson, request for a Change in Zoning Classification from A-2 to R-T on the following described property:
Lots 63, 66, 95 and 96, Prosper Colony Sub., as recorded in Plat Book "D", Page 103, Public Records of Orange County, Fla., Sec. 6, T 24 S, R 30 E, which is located East side 11th Avenue, 4/10 mile South of 4th Street (Taft).
(W $\frac{1}{2}$ of SW $\frac{1}{4}$ Tract Size: 19.6 acres District #4)

A motion was made by Joe Curtis, seconded by Gus Miller and unanimously carried to approve the request for Public Hearing.

17.

Larry D. Hughey, request for a Change in Zoning Classification from R-1 to R-2 on the following described property:
Lot 2, Block A, Sky Acres, as recorded in Plat Book "V", Page 37, Public Records of Orange County, Fla., which is located West side of Rouse Road, 1/4 mile North of E. Hiway 50.
(NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Tract Size: 95.9E x 200S District #5)

A motion was made by Joe Curtis, seconded by Gus Miller and Unanimously carried to approve the request for Public Hearing.

18.

Thomas D. Engel, Agent (Shadow Pines), request for a Change in Zoning Classification from R-T to P-D on the following described property:
Lots 1 thru 14, Block One, Christmas Gardens No. 1, as recorded in Plat Book "P", Page 54, Public Records of Orange County Fla., (Less that portion of Lot 8 lying E'ly from a line bisecting said lot from most Northerly corner thereof, Southerly to most Southerly corner thereof) and W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 26, T 22 S, R 32 E, lying North of St. Rd. 50, which is located Northeast side of E Hiway 50, 1 (one) mile North-westerly from St. Rd. 520.
(NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Tract Size: 75 acres District #5)

Applicant stated this is the same project that was brought before the board for R-T. The Board of County Commissioners saw fit to approve this project at an appeal. He stated he cannot conform to the R-T zoning and do what he wants to do in his project. He stated he needs open space, and natural drainage. The County Commissioners suggested that he come back with a P-D.

Mr. Ward asked if he concurs with all staff recommendations. Mr. Engel stated he did. He showed a flip chart (he retained) giving location, zoning, topo, drainage, soils, and tree coverage. He stated he has approval by the sewer and water advisory board for a sewer and water plant and will either cover the ditch or move the plant. He stated that there will be clusters of 4 to 5 trailers. No trailer will back up to a local street. The County will vacate the old Hiway 50 and Deed to him on the condition that he connect it to existing S.R. 50.

He stated the following statistics: 68 gross acres; 6

Review

dwelling units per acre, for a total of 450 units. This is a one phase project. He considers moving the commercial area back into the middle of the project. He will have green belt areas between the trailer clusters. He stated that while 3,000 square feet is the minimum requirement for trailers, he has 4,572 square feet. There are one and a half to two parking spaces provided for each trailer. He stated that Orange County Regulation require each trailer to abut fifteen feet on a road and under R-T zoning, cluster parking cannot be allowed. This is an interim land use. The area is growing; there is a bank charter application for the area under consideration.

A motion was made by Joe Curtis, seconded by Gus Miller and unanimously carried to approve the request for a Public Hearing.

A motion was made by Joe Curtis, seconded by Neville Edwards and unanimously carried to approve the following plats:

- (1) Harbor East, Unit Two
- (2) Hanging Moss Estates

A motion was made by Joe Curtis, seconded by Lee Chira and unanimously carried to accept the Minutes of the January 17, 1974 Planning and Zoning Commission meeting.

There being no further business, a motion was made by Gus Miller, seconded by B. P. Nelson and unanimously carried to adjourn the meeting at 4:05 P.M.

ATTEST:

Mary Lou Masterson
Recording Secretary

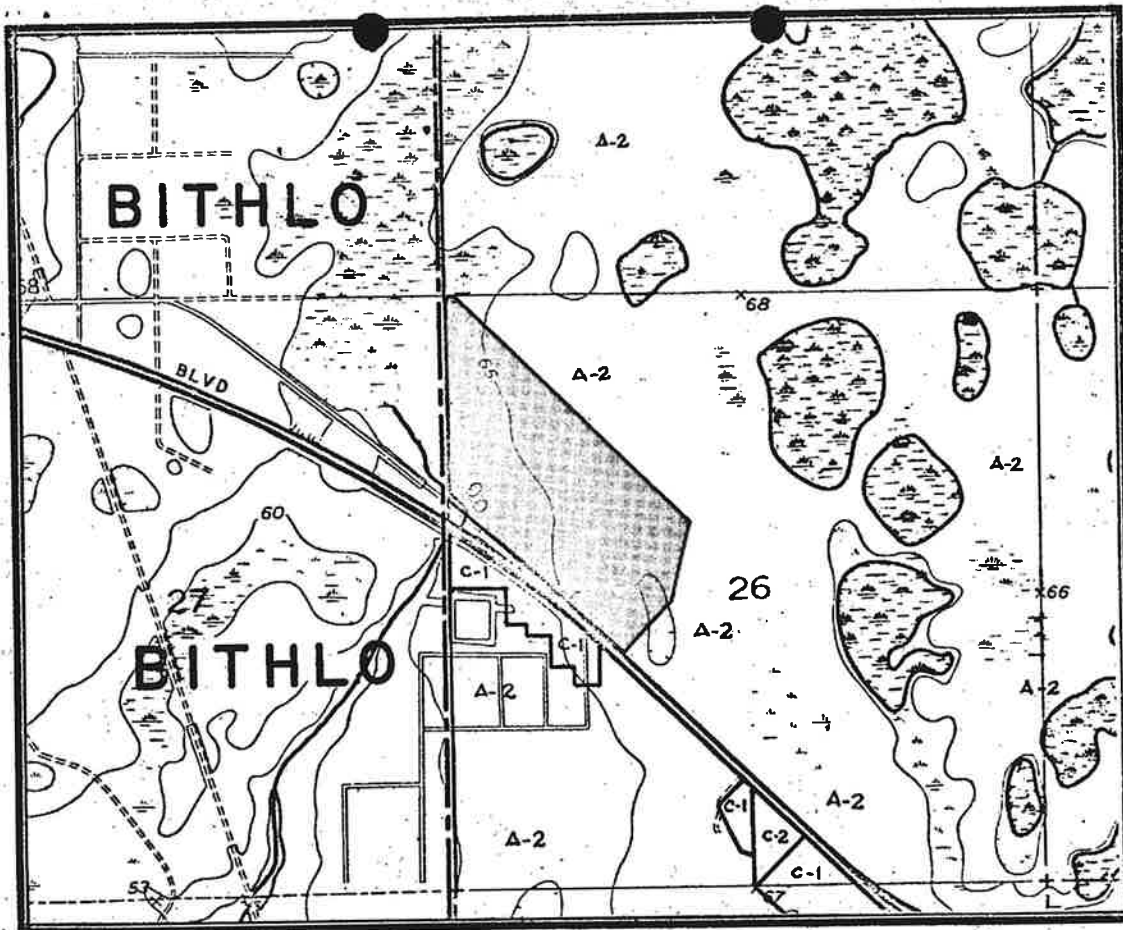
Chairman

MEETING OF FEBRUARY 21, 1974

MOTION TO APPROVE PLATS

APPROVAL OF MINUTES

MOTION TO ADJOURN



R-T to P-D (SHADOW PINES)

REVIEW AGENDA #18 (February 21, 1974)
 Section: 26-22-32
 District #5

Applicant: Thomas D. Engel
 Scale: 4" = 1 mile

FINDINGS:

1. Applicant requests a change of District from R-T to P-D on 75 acres located on the northeast side of SR 50, one mile west of SR 520.
2. The site is vacant. Mobile homes and various uses of a commercial nature are located to the west and south. Properties to the north and east are vacant.
3. County land use policy is generalized on the Development Guide for agricultural use. However, R-T was granted on this property by the Board of County Commissioners in November of 1973.
4. Project Analysis:
 - a. Total Area: 75.05 acres
 - b. Commercial Area: 1.83
 - c. Gross Residential Area: 68.82 acres
 - d. Number of Dwelling Units: 450
 - e. Gross Residential Density: 6.55 DU/Acre
 - f. Potential Population: 1,125
 - g. Potential School-Age Population: 248
 - h. Potential Traffic Generation: 5,080 ADT
5. Soils on-site are of the Leon, Ona, Pomello, and Rutlege classifications. All of these soils with the exception of Pomello are rated naturally severe for development due to high water and flooding ranging in frequency from "one in 5-10 years for 7-30 days" to "more than once a year for 1-6 months."

Rev. 2-21-74

R. A. #18 SHADOW PINES (Continued)

6. Applicant has indicated plans to construct a wall along the property lines. Information should be provided as to the extent, height, and composition thereof.
7. Plans for the provision of fire protection to this site are somewhat vague. Applicant should provide a letter of verification from the agency which will provide protection.
8. The Subdivision Regulations suggest that intersection spacing on a principal arterial highway be a minimum of 1,760'. SR 50 entrances to subject property are approximately 600' apart.
9. Applicant has indicated the possibility of further development of the type proposed herein on properties to the northeast which are under his control. We suggest that stub streets into these areas be provided.

RECOMMENDATION: Set for Public Hearing

PRELIMINARY RECOMMENDATIONS SUBJECT TO THE FINDINGS OF A PUBLIC HEARING:

1. Development in accordance with the Shadow Pines Preliminary Development Plan subject to the following conditions.
2. Provision of information regarding proposal to construct screen along project boundaries.
3. Provision that commercial area be relocated to the interior of subject development.
4. Redesign of entrances to provide proper intersection separation of SR 50.
5. Submission of a letter from the agency involved verifying provision of fire protection.
6. Provision of stub streets to the north and east to provide for proper traffic circulation.
7. Provision that all sewerage, water, and stormwater management measures be in accordance with the Subdivision Regulations and be approved by appropriate agencies.
8. Subdivision Regulations.

cc: Board of County Commissioners
Development Review Committee
Dan Engel, Engel Development Corporation

ORANGE COUNTY

ORLANDO, FLORIDA

FLORIDA

POLLUTION CONTROL BOARD
2008 EAST MICHIGAN AVENUE
ORLANDO, FLORIDA 32806
TELEPHONE (305) 849-3102

POLLUTION BOARD
DR. HOMER STALLINGS, CHAIRMAN
JOHN LAND
MATTHEW CROSS
WILLIAM LONG
BEN SIBLEY

C. W. SHEFFIELD, P. E.
POLLUTION CONTROL OFFICER
J.M. BATEMAN, P. E.
ASSISTANT POLLUTION CONTROL OFFICER

February 13, 1974

Memorandum

To: Jim Smart, Zoning Director

From: C.W. Sheffield, Pollution Control Officer

Subject: Shadow Pine - Planned Mobile Home Community

The above described Mobile Home Community has been reviewed by the Orange County Pollution Control Department with the following comments:

1. Must provide treatment to the first one inch of each rainfall prior to being discharged off property or into Orange County lake; or amount of treatment as deemed necessary whereas this drainage water will not cause degradation to Orange County surface waters.
2. Waste water treatment plant and sewerage lines facilities must be approved by Orange County Pollution Control Department and Florida Department of Pollution Control with a construction permit issued by Florida Department of Pollution Control prior to construction of lift stations, treatment plant, pond or other sewerage facilities.
3. Would suggest other means for waste disposal should be enacted, based on the fact a rather large ditch has been provided on the north and west section of this property in the existing proposal for treatment of the waste water, and its disposal could cause degradation to the surface waters of Orange County.

This project has been reviewed and approved under our Serial Number 74-9 S/D dated February 7, 1974.

C.W.S.



CWS/nr

cc: C. Goode, Public Works Admn.
B. Wood, F.D.P.C.

SHADOW PINE
A PLANNED DEVELOPMENT

Purpose of P-D Statement

This Statement is submitted in compliance with Article XXIX, Section 6 of the Orange County Zoning Resolution with respect to the Preliminary Development Plan requirements for a P-D Planned Development District.

Legal Description

Lands in Section 26, Township 22 South, Range 32 East, Orange County, Florida, more particularly described on Schedule "A" attached hereto.

General Location and Description

The subject property contains 75 acres located on the North side of S. R. 50 abutting the East boundary of the unincorporated area known as Bithlo.

Generally, the soils on the site present few building problems. The small problem areas of Rutledge mucky fine sand will be studied in greater detail through soil probings prior to any development.

Public Utilities and Services

The Developer will provide sewage and water service in accordance with State and County health codes and regulations. The development is presently approved for a package water and waste treatment plant (General Environmental, Jacksonville) and presently upgrading to 100,000 G. P. D. plant.

The Development is not presently within a County Fire District, but service will be provided by the U. S. and State Forest Service. In addition, Union Park and Bithlo Volunteer Fire Departments are in close proximity to the Development, and a lake on the property can back up existing fire prevention services.

ORANGE COUNTY PLANNING & ZONING COMMISSION PLANNED DEVELOPMENT	
Project	<u>SHADOW PINES</u>
Applicant	<u>THOMAS ENGEL, AGENT</u>
Review No. <u>18</u>	Date <u>2-21-74</u>
Preliminary Dev. Plan P.H. <u>14</u>	Date <u>3-21-74</u>
Final Dev. Plan, Date	_____
Exhibit No. <u>1</u>	of <u>8</u>

Submitted with application

Land Use Plan

SHADOW PINE is a mobile home residential community designed for the market generated by the need for low-cost housing in Central Florida.

The proposed land uses are as follows:

<u>Land Use</u>	<u>Acres</u>
1. Road ROW	3.03
2. Parks	4.42
3. Greenbelts	6.08
4. Residential	<u>55.29</u>
TOTAL	68.82 G. R. A.
Commercial	1.83 (20,000 sq. ft. building space)
Utilities	1.37
Lake	<u>3.03</u>
TOTAL	<u>75.05</u> Acres
Total Units:	450
Density:	6.55 DU/G. R. A.
Gross Residential Density:	6.55 DU/AC
Maximum Height:	35 Feet
Maximum Height of Residential Unit:	1 Story

NOTE: Total project to be developed in one phase

The County development policy indicates agricultural use of the subject property; however, because of the critical need for low-cost housing and the surrounding land uses, including Bithlo, the Board has indicated that this development is congruent with established land use in the area and could only upgrade a deteriorating situation.

SHADOW PINE
Page Three

Road Systems and Traffic Generation-The Developer will dedicate internal roads to the County if desired, and will improve all roads to Orange County regulations as indicated in the Orange County Zoning and Subdivision Regulations.

According to the County Subdivision Regulations, SHADOW PINE will generate the following amount of traffic:

<u>Land Use</u>	<u>ADT</u>
1. Mobile Homes	4680
2. Commercial (20,000 S. F. Building space)	<u>400</u> Peak
Total	5,080

Owners, Developer, Consultant

Thomas D. Engel owns and will develop SHADOW PINE through Engel Development Corp. T. W. (Pete) Storage, a land planning consultant with the King Helie Planning Group, is associated with Dan Engel and Engel Development Corp. and will serve as consultant to the Development as well as having an equity position in the Development.

LEGAL DESCRIPTION

Begin at the Northwest corner of Section 26, Township 22 South, Range 32 East, Orange County, Florida; thence $S01^{\circ}34'11''W$ along the West line of said Section a distance of 1836.88 feet to the Northernly right of way line of Cheney Highway; thence $S50^{\circ}17'15''E$ 132.91 feet to the most Southerly corner of Lot 14, Block 1 of CHRISTMAS GARDENS Development No. 1 as recorded in Plat Book "P", Page 54 of the Public Records of Orange County, Florida; thence along the South line of said Block 1, run $S50^{\circ}04'43''E$ 330.42 feet; thence $S48^{\circ}29'38''E$ 330.08 feet; thence $S47^{\circ}12'15''E$ 515.55 feet to the point of intersection of said Northernly right of way of Cheney Highway and the Northernly right of way line for State Road No. 50 being in a curve concave Southwesterly having a radius of 13,815.00 feet; thence Southeasterly along the arc of said curve and the Northernly right of way line of said State Road No. 50, through a central angle of $02^{\circ}37'28''$ a distance of 634.45 feet to the Southeasterly of Lot 9 of said Block 1; thence $N42^{\circ}47'45''E$ 578.75 feet to the most Southerly corner of Lot 8 of said Block 1; thence $N11^{\circ}16'49''E$ along a line projected through the most Northernly corner of said Lot 8 a distance of 799.25 feet; thence $N47^{\circ}12'15''W$ parallel to the Northeasterly line of said CHRISTMAS GARDENS a distance of 2778.61 feet to the North line of said Section 26; thence $N89^{\circ}37'47''W$ 39.04 feet to the point of beginning.

Containing 75,000 acres.

ORANGE COUNTY
 PLANNING AND ZONING COMMISSION
 P. O. Box 2687
 Orlando, Florida 32802

Date Jan. 16, 1974

The undersigned applicant hereby requests the Orange County Planning and Zoning Commission to consider this application for Public Hearing for a Change of Zoning. He also certifies that the request does not conflict with deed restrictions on the property. Further, that the property for which this hearing is requested has NOT been the subject of a hearing before the Planning and Zoning Commission or the Board of County Commissioners of the kind and type requested in the application within a period of nine months prior to the filing of this application

✓ THOMAS D. ENGEL, AGENT (SHADOW PINES)

OWNER'S SIGNATURE
P.O. Box 2813
 ADDRESS
Orl. Fla 32802
 CITY STATE
 PHONE

POSTER NOTICE TO:
 ADDRESS
 CITY STATE

Request is hereby made for a Change in Zoning Classification

from ~~A-2~~ R-T to P-D on the following described property:

Lots 1 thru 14, Block one, Christmas Gardens, No 1, P/S 4 (less that portion of Lot 8 lying Clp from a line bisecting said lot from most Northerly corner thereof, southerly to most Southerly corner thereof) and 1/2 of SW 1/4 of Sec. 26, T22S, R. 32E. lying North of St Rd 50
 Located at North east side of ^{St Hwy 50} St Rd 50, 1 mile Northwesterly from St Rd 50.

For the following reasons:

Tract Size: 7.5 acres

ABUTTING PROPERTY OWNERS:

- 1. Herman & Adolph Goodman, etal Fred Dietrich
P.O. Box 350 Bithlo, Fla
Hollywood, Fla 33022
- 2. Bithlo on West side James & Pauline A.B. Trustees Wiener
20 1/2 Mennie Abramowitz
1/2 of Overbeck, Ave
- 3. Corrigan & Boland Inc. 1020 Mendenhall Ave
672 N. Orange Ave. Miami 33139
Orlando, Fla.

18 ACTION OF PLANNING & ZONING COMMISSION:
2-21-74 Approved a public hearing North of St Rd 50 26-22-32
3-21-74 - APPROVED SUBJECT TO STAFF RECOMMENDATIONS DISTRICT # 5
AS AMENDED BY DELETING CONDITION #3. (8)

Receipt No. 994 Review Application No. 18 Public Hearing No. 14
 43-1(a) Date Feb 21 1974 Date Jan 16 1974

✓
Appeal
Thomas
D. Engel

Mr. Thomas D. Engel appeared before the Board at this time to request that they reconsider their action taken at the meeting of November 20th. He said that he felt that he did not make it clear to all concerned that they were requesting the RT zone and then would resubmit after that approval with a PUD, but that they need zoning in order to proceed with the project. He stated that he can get a letter of credit from the First Citizen's Bank. He said that he had been working with Mr. Kreidt. Commissioner Benham recommended that they have some statement in writing that Mr. Engel would come back with a PUD that would not be in excess of six units per acre. This was agreeable to Mr. Engel, and a motion was made by Commissioner Benham, seconded by Commissioner Thomas, and carried to reconsider the action taken on appeal by Thomas D. Engel as shown in the minutes of the November 20th meeting.

Based on promise of the developer to reapply for PD zoning, a motion was made by Commissioner Benham, seconded by Commissioner Thomas, and carried to overrule the action taken by the Planning and Zoning Commission on application of Thomas D. Engel, and applicant's request for a change in zoning to R-T was granted. Commissioner Pickett voted No.

Public
Works
Facility

The County Administrator reported that the low bid for the new Public Works Facility was in the amount of \$2,035,000.00, which was in excess of their working estimate of \$1,500,000.00. Mr. Harris stated that the Public Works Director had met with the low bidder and had eliminated some \$240,000.00, leaving a contract price of \$1,794,126.00. Mr. Harris stated that utilizing federal revenue sharing monies the contract could be awarded at that amount, however, it might require rescheduling work planned for the courthouse and annexes. A motion was made by Commissioner Martin, seconded by Commissioner Poe, to accept the recommendations of the County Administrator and approve acceptance of revised bid in the amount of \$1,794,126.00 from the Williams Development Company for the construction of the Public Works Facility. Commissioner Pickett voted Yes on the motion with the understanding that other priorities could be altered. Commissioners Benham and Thomas voted No.

Hearings Set Upon motion by Commissioner Martin, seconded by Commissioner Poe, and
Lighting carried, the Board scheduled the following dates for public hearings to
Districts consider establishment of Special Purpose Lighting Districts:

January 8, 1974

- 10:00 A. M. - Lees Estates
- 10:10 A. M. - Riverside Acres, Fourth Addition

January 15, 1974

- 10:00 A. M. - Quail Hollow at Queenswood Manor

Appeal Notice having been given that the Board of County Commissioners would sit
Planning & Zoning as a Board of Appeal at 11:20 A. M. to hear those for or against the action
 of the Planning and Zoning Commission under date of October 18, 1973, in
 (Thomas D. Engel) the matter of Thomas D. Engel, request for a change of zoning classification
 from A-2 to R-T on property located on the Northeast side of SR 50 one mile
 Northwesterly from SR 520; the hour having arrived, the Chairman called
 the hearing to order.

The Planning and Zoning Commission denied the application in that it would
 permit a medium density intrusion into an agricultural district and further,
 there has been no change in the character or nature of the area and the
 requested change would be incompatible and inappropriate with other uses
 in the area.

Chairman Pickett advised those present as follows:

1. All persons are advised that all documentary evidence and other matter submitted to and considered by the Planning and Zoning Commission will be part of the record presented to and will be received by the Board of County Commissioners as evidence in the Appeal.
2. The Board hereby receives into evidence for consideration in this Appeal all documentary evidence and other matter submitted to and considered by the Planning and Zoning Commission.
3. All exhibits received by the Planning and Zoning Commission shall be marked with identifying numbers so that they may be so referred to by the applicant and any members of the County

APPEAL on R-T

Commission who may want to refer to them. Any additional documentation or other evidence received by the County Commission shall be similarly identified.

4. Applicants and other persons appearing before the County Commission shall be afforded the opportunity to review, copy or inspect the record.

Zoning Director Jim Smart, identified the property location on the aerial map and advised that the West side of the property is in the city limits of Bithlo; with A-2 zoning to the North and East and C-1 to the South along the highway and A-2 further South.

Mr. Thomas (Dan) Engel addressed the Board stating the property location is 18 minutes from Orlando with the new East-West Expressway and the area will be up-graded by his proposed development. He stated presently there is a drag strip and a dune buggy track in the area; and Southern Bell Telephone Company has C-2 zoning on the balance of the property to the rear of this parcel. He stated the remainder of the surrounding area is all trailer homes.

Mr. Engel stated the property is flat with a four foot drop and drainage runs to the Long Branch and the Econ River with soils consisting of Rutledge Fine sand and Leon Fine sand and 95 per cent of the land being useable. He stated on site retention is planned as well as retention of the pine trees and as much other coverage that is on the property as possible. He stated the removal of trees will be limited to nothing larger than three inches in diameter. Mr. Engel said the over-all concept is one of clusters within a cluster of mobile homes and they will be working on net area rather than gross area, knowing that people are happier in areas of lower density. He stated all clusters will feed into collector streets with greenbelt areas readily adaptable to stub-outs. He said they are willing to build and maintain a frontage road in order to relieve any traffic problem from the development onto Highway 50. Mr. Engel stated further that if the Board approves the request for RT zoning, he will immediately apply for P-D classification for better development. He stated further it is not his intention to build a common trailer park and the cluster areas will be planned for an average of 4 units with 3, 4, 6, and 7 units in a cluster and lot sizes to be 1500 square feet, which is more than

the County requirements.

The Chairman closed the hearing at this time and later in the day the Board took the following action:

Upon motion by Commissioner Thomas, seconded by Commissioner Martin, and carried, the Board sustained the decision of the Planning and Zoning Commission made on the 18th day of October, 1973 on the application of Thomas D. Engel, and the applicant's request for a change in zoning is hereby denied; however, the applicant is directed to apply for a change of zoning classification on this property from A-2 to P-D. Commissioner Pickett voted NO.

Appeal
Planning &
Zoning
(Lynn R. Davis
& Fred B.
Thomas

Notice having been given that the Board of County Commissioners would sit as a Board of Appeal at 11:40 A.M. to hear those for or against the action of the Orange County Zoning Commission under date of October 18, 1973 in the matter of Lynn R. Davies and Fred B. Thomas request for a change of zoning classification from R-1A to C-3 on property located on the West side of Forsyth Road, 5/10 mile South of East Highway 50, and the hour having arrived; the Chairman called the hearing to order.

The Planning and Zoning Commission denied the request in that it would permit a heavy commercial intrusion into a single family residential district.

The Chairman advised those present of the following:

1. All persons are advised that all documentary evidence and other matter submitted to and considered by the Planning and Zoning Commission will be part of the record presented to and will be received by the Board of County Commissioners as evidence in the Appeal.
2. The Board hereby receives into evidence for consideration in this Appeal all documentary evidence and other matter submitted to and considered by the Planning and Zoning Commission.
3. All exhibits received by the Planning and Zoning Commission shall be marked with identifying numbers so that they may be so referred to by the applicant and any members of the County Commission who may want to refer to them. Any additional documentation or other evidence received by the County Commission shall be similarly identified.

17. James A. Skipper, request for a Change of Zoning Classification from A-2 to R-T-2 on the following described property: Lots 23 thru 26, Block C AND Lots 1 thru 5 and 8 thru 10, Block D, Bunker Hill, Plat Book K, page 40 which is located NE and SE Corners of Frank St. and Congress St.

(Tract Size: 4.5 Acres District No. 5)

James A. Skipper, 14519 Liberty Street, Orlando, Florida, stated that he cannot use these lots as they are, and hopes to sell them after the zoning is changed.

There was no one present in objection.

A motion was made by Ed Maul, seconded by Ralph Ward and unanimously carried to approve the request.

18. Thomas D. Engel, request for a Change of Zoning Classification from A-2 to R-T on the following described property: Lots 1 thru 14, Block One, Christman Gardens No. 1 as recorded in Plat Book P, Page 54, Public Records of Orange County, Florida, (less that portion of Lot 8 lying Easterly from a line bisecting said lot from most Northerly corner thereof, Southerly to most Southerly corner thereof) and West $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 26, Twp. 22 S, Rg. 32 E, lying North of State Rd. 50, which is located Northeast side of St. Rd. 50 1 mile Northwesterly from St. Rd. 520.

(Tract Size: 75 Acres District No. 5)

Dan Engel, P. O. Box 2813, Orlando, Florida, representing stated that he wants to put in an unusual trailer park. He stated that his record speaks for itself. He stated that he wants up to 7 density under R-T to put in "California Cluster" arrangement. He feels that there is enough road to put it in accessibility.

A site Plan (Exhibit No. 1) was presented with the application.

There was no one present in objection.

A motion was made by Ed Maul in favor of the request, but failed for lack of a second.

A motion was made by Elisabeth David, seconded by Gus Miller and carried to deny the application in that it would permit a medium density intrusion into an agricultural district and further there has been no change in the character or nature of the area and the requested change would be incompatible and inappropriate with other uses in the area.

19. John B. Wheeler (Grassmere), request for a Change of Zoning Classification from A-1 to P-D on the following property: W $\frac{3}{4}$ of Sec. 25, T. 20 S, R 27 E, (less S 125 ft. of W 430 ft. and less rd. on S) AND E $\frac{1}{2}$ of Sec. (less N 669 ft. of W 788 ft. and less rd. on S) AND SE $\frac{1}{4}$ of SW $\frac{1}{4}$ North of Hiway. (less W 330 ft.) AND S 93 ft. of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ (less 330 ft.) All in Sec. 26, T 20 S, R 27 E AND Beg. N $\frac{1}{2}$ Cor. of Sec. 35, T 20 S, R 27 E. th S 175 ft., th NE'ly to N line of Sec. at a point 230 ft. W of beg., th W 230 ft. to POB (less Hiway R/W) AND Lots 1 thru 5 (less Hiway R/W) Longview Groves, as recorded in Plat Book K, page 26, Public Records of Orange County, Florida, which is located NE'ly side of Hiway 441 beginning at Yothers Road and continue N'ly $\frac{3}{10}$ mile and fronting 1 mile on Yothers Road and SE'ly corner of Hiway 441 and Yothers Road.

(Tract Size: 826 Acres District No. 2)

11:20
11-20-73

ORANGE COUNTY
PLANNING AND ZONING COMMISSION
P. O. Box 2687
Orlando, Florida 32802

Date August 15, 1973

The undersigned applicant hereby requests the Orange County Planning and Zoning Commission to consider this application for Public Hearing for a Change of Zoning. He also certifies that the request does not conflict with deed restrictions on the property. Further, that the property for which this hearing is requested has NOT been the subject of a hearing before the Planning and Zoning Commission or the Board of County Commissioners of the kind and type requested in the application within a period of nine months prior to the filing of this application

THOMAS D. ENGEL
Thomas D. Engel
OWNER'S SIGNATURE Thomas D. Engel
Post Office Box 2813
ADDRESS
Orlando, Florida 32802
CITY STATE
424-3235---843-6150
PHONE

POSTER NOTICE TO:
Thomas D. Engel
Post Office Box 2813
ADDRESS
Orlando, Florida 32802
CITY STATE

Request is hereby made for a Change in Zoning Classification

from A-2 to R-T on the following described property:

Lots 1 thru 14, Block One, CHRISTMAS GARDENS DEVELOPMENT NO. 1
as recorded in Plat Book P, Page 54, Public Records of Orange County, Florida,
(less that portion of said Lot 8 lying Easterly from a line bisecting said lot
from most Northerly corner thereof, Southerly to the most Southerly corner
thereof,) and that portion of West 1/2 of SW 1/4 of Section 26, Township 22 South,
Range 32 East, lying North of State Road 50, which is located Northeastly
side of East Highway 50, 6/10 mile Northwestly from State Road 520.

Located at Northeast side of St Rd 50, 1 mile NW 1/4 from
East Orange County, East of and adjacent to Bithlo, 6/10 of a mile
Northwestly from State Road 520.

There is a critical need for low cost housing in Orange County,
For the following reasons: and a definite precedent has been set for mobile home housing
in East Orange Co. A park of this concept will be a
first and a guideline for other parks to follow. Tract Size: 75 acres

ABUTTING PROPERTY OWNERS:

1
Sec. 24

1. Mr. Herman Goodman
Post Office Box 350
Hollywood, Florida 33022

4. Mr. Fred Dietrich
Bithlo, Florida

2. Bithlo on West side of property

5A B. Gustav Ullmer
Minnie Abramowitz
1020 Merritt Ave
Miami, 33139

3. Carrigan & Boland, Inc.
672 North Orange Avenue
Orlando, Florida

ACTION OF PLANNING & ZONING COMMISSION:

9-20-73 Approved for Public Hearing NW/4 SW/4 26-22-32
10-18-73 - Denied in that it would permit a medium density
intrusion into an agricultural district & further there
has been no change in the character or use of the area
& the requested change would be incompatible & inappropriate
with other uses in the area DISTRICT # 5

Receipt No. 416 Review Application No. 31 Public Hearing No. 18
43-1(a) Date Sept 20, 1973 Date October 18, 1973

ORANGE COUNTY
PLANNING AND ZONING COMMISSION
Room 316 Courthouse Annex
P. O. Box 2687
Orlando, Florida 32802
October 5, 1973

Hearing No. 18

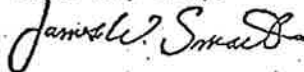
TO WHOM IT MAY CONCERN:

The Orange County Planning and Zoning Commission, in accordance with Article XXVI, Section 2, of the Zoning Resolution, herein advises you that Thomas D. Engel has applied to the Board for a Change of Zoning Classification from A-2 to R-T on the following described property:

Lots 1 thru 14, Block one, Christmas Gardens No. 1 as recorded in Plat Book P, Page 54, Public records of Orange County, Florida, (less that portion of Lot 8 lying Easterly from a line bisecting said lot from most Northerly corner thereof, Southerly to most Southerly corner thereof) and West $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 26, Twp. 22 S, Rg. 32 E, lying North of State Rd. 50, which is located Northeast side of St. Rd. 50 1 mile Northwesterly from St. Rd. 520.

You are hereby notified that public hearing, required by law, will be held in the Orange County Commissioners' Meeting Room, 327 Courthouse Annex, on Thursday, October 18, 1973, beginning at 9:00 A.M. or as soon thereafter as possible. You are welcome to attend and express your opinion.

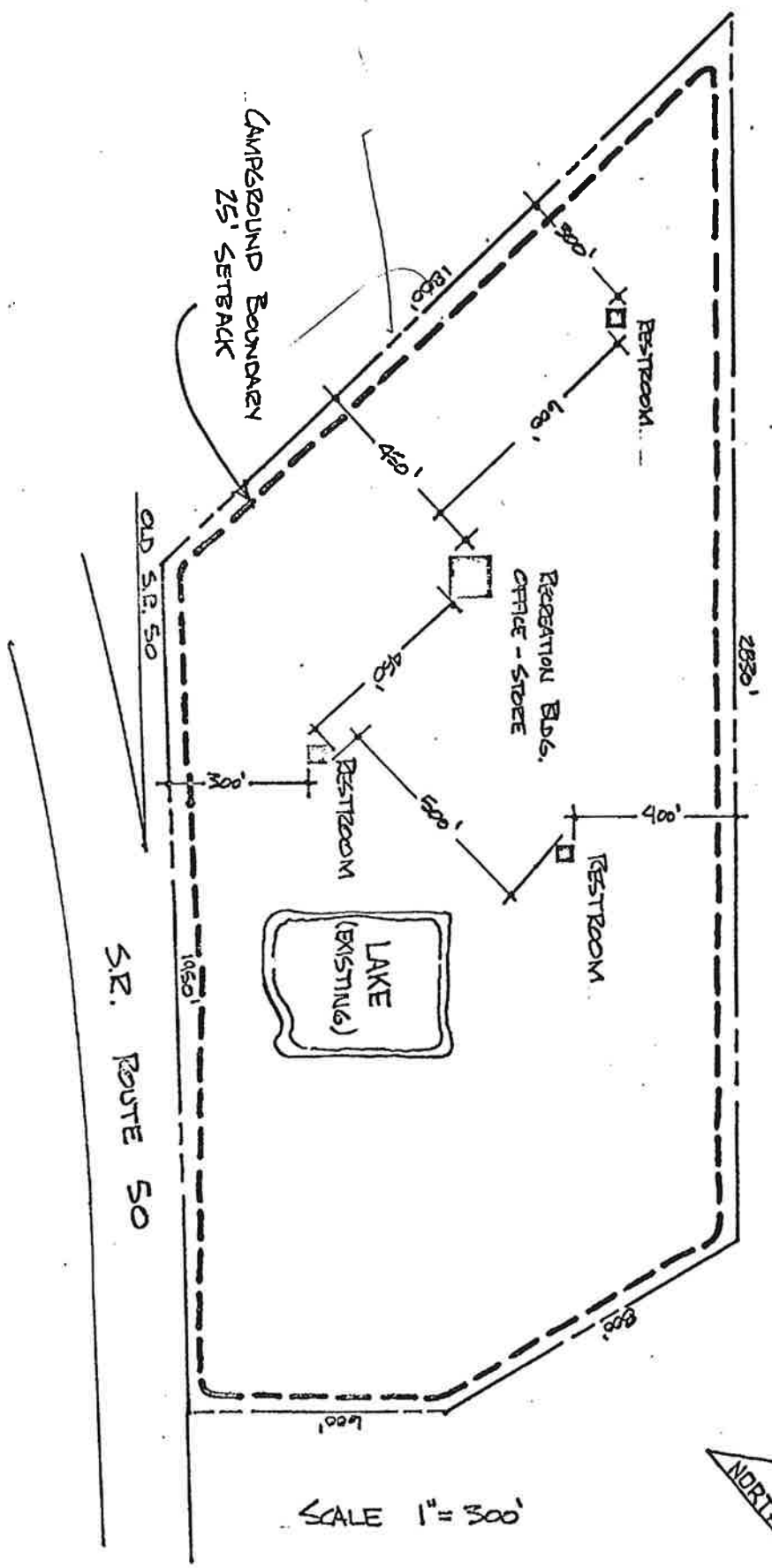
Yours very truly,



James W. Smart
Zoning Director

1. All applications for Public Hearing must be accompanied by a \$100.00 fee, EXCEPT Planned Development (P-D) Classification request fee is \$500.00 plus \$1.00 per acre.
2. Applicant's failure to place the POSTER on the property involved will automatically cancel the hearing.
3. The Hearing number and time shall be shown on the poster.

Instructions to Applicant:



SCALE 1" = 300'



75 A.

WILDERNESS INN OUTDOOR RESORTS INC.

PARCEL #1

WEST 3/4 OF SECTION 25, TOWNSHIP 20 SOUTH, RANGE 27 EAST, LESS BEGINNING AT THE SW CORNER OF SAID SECTION 25, RUN EAST 430 FEET, THENCE NORTH 125 FEET, THENCE WEST 430 FEET AND THENCE SOUTH 125 FEET TO POINT OF BEGINNING; AND ALSO THE EAST 1/2 OF SECTION 26, TOWNSHIP 20 SOUTH, RANGE 27 EAST, LESS THE NORTH 669 FEET OF THE WEST 788 FEET OF THE NW 1/4 OF THE NE 1/4 THEREOF; AND ALSO THAT PART OF THE SE 1/4 OF SW 1/4 OF SECTION 26, TOWNSHIP 20 SOUTH, RANGE 27 EAST, LYING NORTH AND EAST OF RAILROAD, LESS THE WEST 330 FEET THEREOF AND THE SOUTH 93 FEET OF THE NE 1/4 OF SW 1/4 OF SECTION 26, TOWNSHIP 20 SOUTH, RANGE 27 EAST, LESS THE WEST 330 FEET THEREOF; AND ALSO ALL THAT PART OF NE 1/4 OF NW 1/4 LYING NORTH AND EAST OF THE RIGHT-OF-WAY OF THE SEABOARD AIRLINE RAILROAD AND ALSO BEGINNING AT THE NW CORNER OF THE NW 1/4 OF THE NE 1/4 RUN SOUTH 175 FEET, THEN NORTHEASTERLY TO THE NORTH LINE OF SAID QUARTER SECTION TO A POINT 230 FEET EAST FROM THE POINT OF BEGINNING, THENCE RUN WEST 230 FEET TO POINT OF BEGINNING, ALL IN SECTION 35, TOWNSHIP 20 SOUTH, RANGE 27 EAST.

PARCEL #2:

AND, LOTS ONE, TWO, THREE, FOUR AND FIVE OF LONGVIEW GROVES SUBDIVISIONS DESCRIBED AS: THAT PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 35, T20S, R27E, LYING SOUTH AND WEST OF THE SW RIGHT-OF-WAY LINE OF THE SEABOARD AIRLINE RAILROAD LESS A TRACT OF LAND 330 FEET SQUARE IN THE SOUTHEAST CORNER. ALSO THAT PART OF THE NW 1/4 OF THE NE 1/4 OF SECTION 35, T20S, R27E, LYING NORTH AND EAST OF THE NE RIGHT-OF-WAY LINE OF THE STATE ROAD #2-DIXIE NATIONAL HIGHWAY LESS A TRACT OF LAND DESCRIBED AS FOLLOWS; BEGINNING AT THE EAST LINE OF THE NW 1/4 OF THE NE 1/4 OF SECTION 35, T20S, R27E, SAID POINT BEGINS 2 DEGREES 59 FEET EAST AND 287 FEET FROM THE NORTH EAST CORNER OF THE NW 1/4 OF THE NE 1/4 OF SECTION 35, T20S, R27E, THENCE RUN WEST 297 FEET THENCE SOUTH 2 DEGREES 59 FEET EAST 449 FEET THENCE EAST 297 FEET TO THE EAST LINE OF THE NW 1/4 OF NE 1/4 OF SECTION 35, T20S, R27E, THENCE NORTH 2 DEGREES 59 FEET WEST 449 FEET TO THE POINT OF BEGINNING AND LESS A TRACT OF LAND IN THE NW CORNER DESCRIBED AS FOLLOWS; BEGINNING AT THE N 1/4 CORNER OF SECTION 35, AND RUNNING 261 FEET EAST ALONG THE NORTH LINE OF SECTION 35, THENCE SOUTH 50 DEGREES 56 FEET, WEST 285 FEET MORE OR LESS TO AN INTERSECTION WITH THE NE LINE OF RIGHT-OF-WAY OF THE STATE ROAD #2, THENCE NORTH WESTERLY ALONG SAID RIGHT-OF-WAY TO THE WEST LINE OF THE NW 1/4 OF THE NE 1/4 OF SECTION 35, T20S, R27E, THENCE NORTH ALONG FORTY LINE TO POINT OF BEGINNING. AND ALL THAT PART OF THE SOUTH 1/2 OF THE SE 1/4 OF THE SW 1/4 OF SECTION 26, T20S, R27E, LYING WEST OF THE SEABOARD AIRLINE RAILROAD.

N O T I C E

THIS IS TO NOTIFY YOU that the Board of County Commissioners of Orange County, Florida, will sit as a BOARD OF APPEAL at 11:20 o'clock A .M., Tuesday November 20, A.D., 1973, to hear those for or against the action of the Orange County Zoning Commission under date of October 18, A. D., 1973.

Public Hearing No: 18 - Thomas D. Engel, request for a Change of Zoning Classification from A-2 to R-T on the following described property:

Lots 1 thru 14, Block one, Christmas Gardens No. 1 as recorded in Plat Book P, Page 54, Public Records of Orange County, Florida, (Less that portion of Lot 8 lying Easterly from a line bisecting said lot from most Northerly corner thereof, Southerly to most Southerly corner thereof) and West $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 26, Twp. 22 S, R 32 E, lying North of State Rd. 50, which is located Northeast side of St. Rd. 50 one mile Norhtwesterly from St. Rd. 520.

A motion was made by Elisabeth David, seconded by Gus Miller and carried, 8 to 1, to deny the application in that it would permit a medium density intrusion into an agricultural district and further there has been no change in the character or nature of the area and the requested change would be incompatible and inappropriate with other uses in the area. Ed Maull voted no.

All persons are advised that all documentary evidence and other matter submitted to and considered by the Planning and Zoning Commission will be part of the record presented to and will be received by the Board of County Commissioners as evidence in the Appeal. The hearings will be held at the time shown above or just as soon thereafter as time permits.

James W. Smart

JAMES W. SMART, ZONING DIRECTOR
Orange County, Florida

NOTICE

If you anticipate action in the Courts, it is suggested that you have a Court Reporter present for this hearing.

43-9

*mailed Fri.
10/26/73*

NOTICES SENT TO THE FOLLOWING ON APPEAL OF Thomas D. Engel

PUBLIC HEARING NO 18

REVIEW HEARING NO _____

DATE October 18, 1973

BOARD OF ADJUSTMENT _____

1. Thomas D. Engel; P.O. Box 2813; Orlando, Fla. 32802
2. Herman & Adolph Goodman, etal; P.O. Box 350; Hollywood, Fla. 33022
3. Carrigan & Boland, Inc.; 672 N. Orange Ave.; Orlando, Fla.
4. Mr. Fred Dietrich; Bithlo, Florida.
5. A B Trustees Wiener; Minnie Abramowitz; c/o Auerbach, Ass.; 1020 Meridian Ave.; Miami, Fla. 33139
6. George & Lucy C. Farless; etal; c/o F. C. Farless; 1800 Morningside Dr.; Orlando, Fla. 32806
7. Buford J. & Luise M. Winster; 6927 Old Cheney Hwy.; Orlando, Fla. 32807
8. Dorann L. Popper; 61 shore Dr., W; Miami, Fla. 33133
9. George H. & Mary Farless, Jr.; 1610 Forsythe Rd.; Orlando, Fla. 32807
10. Mateer & Harbert; P.O. Box 2854, Orlando, Fla. 32802

Thomas D Engel

ABUTTING PROPERTY OWNERS:

9. _____ 18. _____

TR-31
TR-32
Bureau L.P.
of Butler
Receives
Sub C.

10. Carrigan + Boland Inc.
172 N. Orange Ave
Orlando 32801

Lot
13:36
William
B.K.B.

12. George + Lucy C Furliss Et al.
F C Furliss
1800 Morningstar Dr
Orlando, 32806

Lot
31
B.K.B.

14. Buford J. + Lusia M. Winters
6927 Old Cherry Hwy
Orlando 32807

Lot
44
B.K.B.

16. Horace L. Popper
61 Sherill Dr W
Miami, 33133

Lot
20-27
B.K.B.

17. George H + Mary Furliss Jr.
1610 Forsyth Rd
Orlando 32807

2020
22 22 32

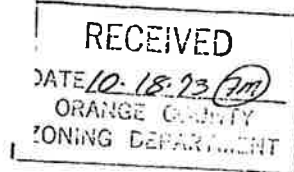
THOMAS D. ENGEL respectfully requests that hearing #18 before the Orange County Planning & Zoning Commission October 18, 1973, ~~be~~ requests the decision be appealed to the Orange County Board of County Commissioners.

Thank you,

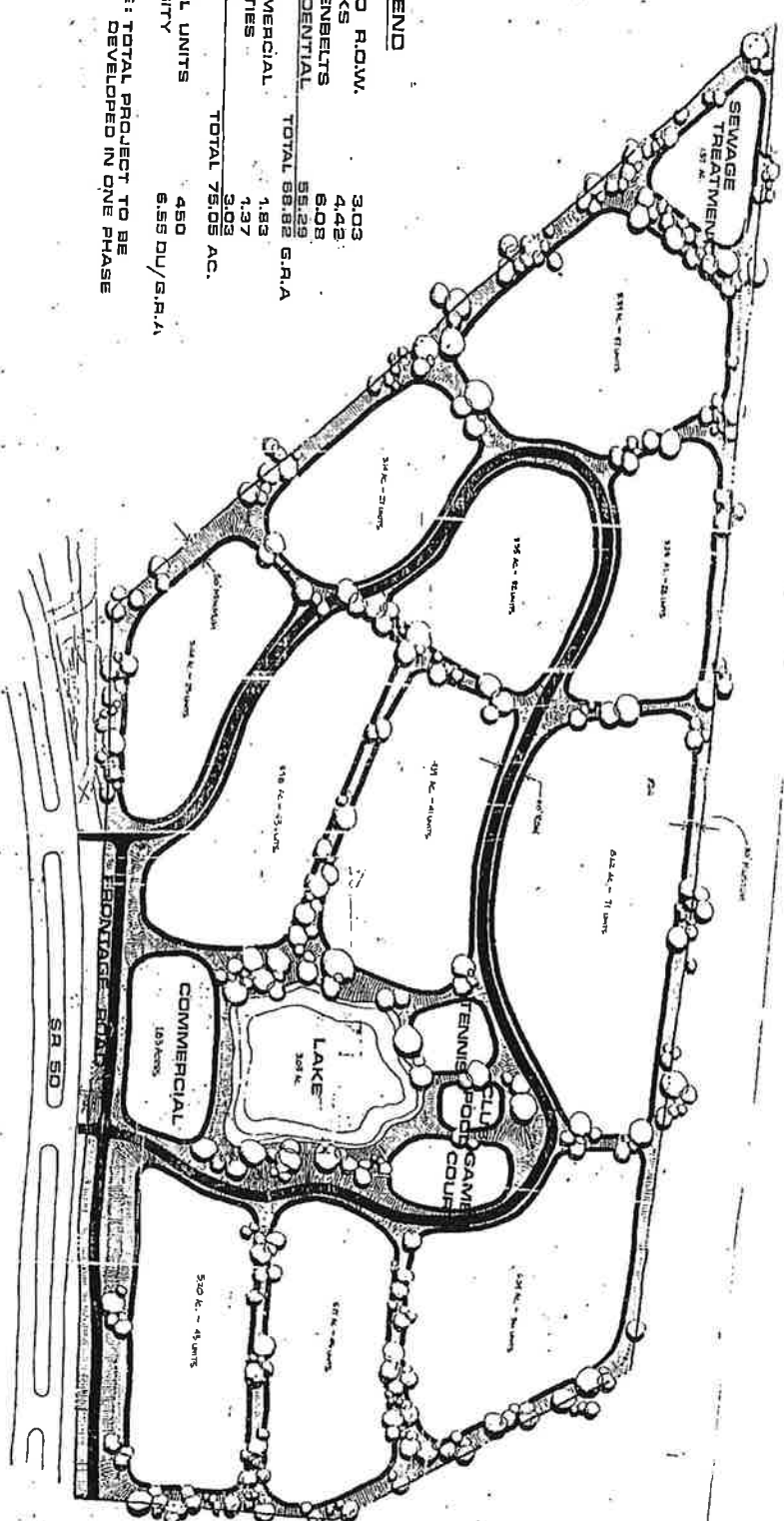
Thomas D. Engel

Public Hearing No. 18, Thomas D, Engel

A motion was made by Elisabeth David, seconded by Gus Miller and carried, 8 to 1, to deny the application in that it would permit a medium density intrusion into an agricultural district and further there has been no change in the character or nature of the area and the requested change would be incompatible and inappropriate with ~~the~~ other uses in the area. Ed Mauld voted no.



Thomas D. Engel
Public Hearing #18
Oct. 18, 1973
26-22-32
DENIED



LEGEND

ROAD R.O.W.	3.03
PARKS	4.42
GREENBELTS	6.08
RESIDENTIAL	55.29
TOTAL	88.82 G.R.A.
COMMERCIAL	1.82
UTILITIES	1.37
LAKE	3.02
TOTAL	75.05 AC.

TOTAL UNITS 450
 DENSITY 6.55 DU/G.R.A.
 NOTE: TOTAL PROJECT TO BE DEVELOPED IN ONE PHASE

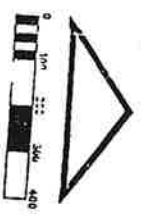
LAND USE PLAN

Shadow Pine
 a planned mobil home comm

RECEIVED

FEB 24 1989

ORANGE COUNTY
 ZONING DEPT.



Bishop & Buttrey, Inc
407-277-4477
933 Lee Road Suite 202
Orlando, FL 32810

1028
9-9/720

5/5/2025
Date

Pay to the Order of OCBCC \$ 1,710.00

One thousand seven hundred ten and 00/100 Dollars  Security Features. Control on Disc.

Comerica Bank

For East orange County J. M. C.  MP

⑆072000096⑆ 1853861902⑈ 1028


Exhibit C



COUNTY ATTORNEY'S OFFICE
JEFFREY J. NEWTON, County Attorney

201 South Rosalind Avenue ■ 3rd Floor
Reply To: Post Office Box 1393
Orlando, FL 32802-1393
407-836-7320 ■ Fax 407-836-5888
www.ocfl.net

MEMORANDUM

TO: Sheena Wright, Development Services Coordinator, PEDS
FROM: Matthew Pritchett, Assistant County Attorney 
DATE: July 29, 2025
SUBJECT: Transportation Concurrency and Consistency Vested Rights Application #25-05-017, Shadow Pines PD
ACTION: Denied

You have requested a review of the above-referenced transportation concurrency and consistency vested rights application #25-05-017 (the "Application"), as revised, submitted on behalf of Honey Bee Holdings, LLC; Eastpark Ranch, LLC; Colonial Farms, LLC; and 19161, LLC by Rebecca Wilson and Sean Klein (the "Applicant"). The subject property, consisting of Parcels 26-22-32-1312-01-000, 26-22-32-1312-01-061, and 26-22-32-0000-00-013¹, as well as portions of 23-22-32-0000-00-005, 23-22-32-0000-00-004, and 23-22-32-0000-00-001, is located within the Shadow Pines Planned Development and consists of approximately 73 to 75 acres (the "Property").

Within the Application's Justification Statement and supporting documentation, the Applicant has indicated that the Property should be vested for consistency from the Comprehensive Plan and "all concurrency requirements," based on a Planned Development ("PD") Land Use Plan approval on March 26, 1974 for 450 mobile home units and 1.83 acres of commercial area. The PD was subsequently amended on February 11, 1988 via a change determination request to install a temporary ticket booth related to borrow pit operations.

Section 30-363(d)(4) of the Code states that "a development...shall be entitled to a consistency vested rights certificate, if (1) the development otherwise complies with and is allowed to proceed under all county ordinances and regulations and (2) as of June 5, 1991, the development met one or more of the following criteria:... (4) Any planned development for which a. The land use plan has been approved; and b. A complete

¹ On June 27, 2025, the Applicant submitted a revised Application and Justification Statement to include the 1.46-acre Parcel No. 26-22-32-0000-00-013 (the "Parcel"). Applicant is not currently listed as owner of the Parcel on the Property Appraiser's website, but Applicant has stated that they are taking steps to address this discrepancy. Therefore, this memo includes reference to the Parcel in acknowledgement of the revised Application. However, due to the Parcel's current undetermined ownership status, any vesting conclusions from this memo for the Parcel could be affected if such Parcel is ultimately found to not exist under the Applicant's ownership.

Deputy County Attorney
Georgiana Holmes

Senior Assistant County Attorneys
Debra Babb-Nutcher
Whitney E. Evers

Assistant County Attorneys

Lee N. Bernbaum

Joy Carmichael

Tafiana Cordner

James Harwood

James Hetz

Andrew W. Mai

Sawsan Mohiuddin

Desmond Morrell

Matthew Pritchett

Dylan Schott

Scott Shevenell

Kristin Suarez

Heather Wallace

Shonda White

Legal Administrative Supervisor

Danny Randolph

Senior Paralegal

Melessia Lofgren

Paralegals

Rosemarie Guevara

Ronshanda Stewart

Maria Vargas

application for approval of a development plan for all or a substantial part of the project has been received by no later than July 1, 1992; and c. The application for approval is granted.”

The minutes from the March 26, 1974 Board of County Commissioners (“BCC”) meeting specify that the Shadow Pines PD Land Use Plan was approved as part of a “Preliminary Development Plan” with eight (8) exhibits consisting of a PD Narrative and Explanation, Location Map, Land Use and Zoning, Topography, Soils, Tree Cover, Land Use Plan, and a Typical Cluster Layout. In addition, the March 26th BCC meeting minutes show conditions of approval as related to access rights, stub streets, sewage, water, and stormwater management, and submittal of revised exhibits incorporating the BCC’s conditions. Therefore, the Applicant appears to have met criteria a. within Section 30-363(d)(4), as the Shadow Pines PD Land Use Plan was approved on March 26, 1974. A copy of the Land Use Plan, stamped “received February 24, 1989” is included as part of the Application’s supporting documentation.

To meet criteria b. and c. related to submittal and approval of a development plan, the Application’s Justification Statement points to the Shadow Pines PD’s March 26, 1974 approval, arguing that the PD approval was “more than a standard ‘bubble plan’ in that it provided for development in one phase, topography, soils, and the typical cluster layout.” Therefore, Applicant argues that the 1974 PD Land Use Plan and corresponding “Preliminary Development Plan,” should function both as the land use plan and the development plan to meet the criteria of consistency vesting under Orange County Code.

However, Applicant’s argument here – that the Property’s 1974 PD approval should function both as the approved land use plan and development plan – fails to support a claim for consistency vested rights for those reasons stated below.

First and foremost, the Application’s supporting documentation and the history of the County’s Planned Development (P-D) District Code illustrate that the Shadow Pines PD approval was not intended to function simultaneously as a development plan. The final condition of approval as part of the March 26, 1974 BCC approval requires submittal of a “revised set of exhibits . . . *prior to application for Final Development Approval.*”² In addition, the Land Use Plan itself contains a reference to the approved Preliminary Development Plan but is missing a reference to a corresponding Final Development Plan.³ Reviewing an earlier version of the County’s P-D District Code

² Supporting Documentation at p.26 (emphasis added).

³ *Id.* at p.55 (enhance for detail).

helps to illustrate how the terms ‘Preliminary Development Plan’ and ‘Final Development Plan’ were historically construed. Section 1 of Orange County Zoning Resolution No. 82-Z-14 was adopted on September 21, 1982 and provided updates to the County’s P-D District Code. Section 3 of this 1982 P-D District Code established approval processes for both land use plans –referenced as previously a ‘preliminary development plan’ and development plans –referenced previously as a ‘final development plan.’ The references contained within the County’s 1982 P-D District Code illustrate that ‘Preliminary Development Plan’ and ‘Final Development Plan’ were the respective precursor terms to ‘land use plan’ and ‘development plan’ as those terms are used later in Orange County Code. This legislative history, as supported by the Application’s supporting documentation, shows that the Shadow Pines PD’s 1974 approval was insufficient in itself to function as a development plan and an additional approved plan (a ‘Final Development Plan’) would have been needed to begin development within the Shadow Pines PD.

The supporting documentation further indicates that, to date, no development has been conducted on the Property in accordance with the Shadow Pines PD’s 1974 approval. A 1988 County Staff memo discussing installation of the proposed temporary ticket booth on the Property references the Property as a “vacant PD (Shadow Pines) [approved] 3/26/74. . . NO Dev. Plan app’l.”⁴ The DRC’s subsequent approval of the change determination request for the proposed ticket booth states that the approval shall expire when (1) the related borrow pit permit expires or (2) when development occurs, whichever is first.⁵ Based on the submitted documentation, it appears that the only development completed by the Applicant’s predecessors in interest on this Property was the installation of a temporary ticket booth related to permitted borrow pit operations. Therefore, Applicant’s argument that the PD’s Land Use Plan should simultaneously function as a development plan is disputed by the fact that no development has occurred on the Property in accordance with the Shadow Pines PD’s 1974 approval.

In addition to consistency vesting, the Application also requests vesting from Orange County transportation concurrency standards; specifically, the Justification Statement asserts that the Shadow Pines PD should be vested from “all concurrency requirements” of the County. Section 30-372 of the Orange County Code sets forth those developments that are entitled to a vested rights certificate for concurrency other than schools. Despite Applicant’s assertions made in the Justification Statement for vesting from any and all concurrency requirements, nothing else in the Application’s Justification Statement or supporting documentation makes an argument for why the

⁴ *Id.* at 23 (emphasis in original).

⁵ *Id.* at 22.

Sheena Wright
July 29, 2025
Page 4 of 4

Shadow Pines PD should be vested against transportation concurrency under one of the development types provided in Section 30-372, County Code.

For the foregoing reasons, I recommend denial of the Application. Should you have any questions, please do not hesitate to contact me.

cc: *(all via electronic mail)*
Jon V. Weiss, P.E., Deputy County Administrator
Tanya Wilson, Director, PEDS
Scott Skraban, Deputy Director, PEDS
Alberto Vargas, Manager, Planning Division
Olan Hill, Assistant Manager, Planning Division
Jason Sorensen, Chief Planner, Planning Division
Brian Sanders, Manager, Transportation Planning Division
Nicolas Thalmueller, Planning Administrator, Planning Division
Mirna Barq, Project Manager, Transportation Planning Division
Georgiana Holmes, Deputy County Attorney
Iris Harkonen, Development Services Supervisor, Fiscal & Oper. Services Division



August 4, 2025

Rebecca Wilson, Esq.
215 N. Eola Drive
Orlando, FL 32801

SUBJECT: Consistency Vested Rights Application
Shadow Pines PD

STATUS: **DENIED**

Dear Rebecca Wilson,

The Orange County Planning Division and County Attorney's Office has reviewed your above-referenced application for Consistency Vested Rights. The subject property, consisting of Parcels 26-22-32-1312-01-000, 26-22-32-1312-01-061, and 26-22-32-0000-00-013¹, as well as portions of 23-22-32-0000-00-005, 23-22-32-0000-00-004, and 23-22-32-0000-00-001, is located within the Shadow Pines Planned Development and consists of approximately 73 to 75 acres (the "Property").

A determination from the County Attorney's Office has been provided as follows:

Section 30-363(d)(4) of the Code states that "a development...shall be entitled to a consistency vested rights certificate, if (1) the development otherwise complies with and is allowed to proceed under all county ordinances and regulations and (2) as of June 5, 1991, the development met one or more of the following criteria:... (4) Any planned development for which a. The land use plan has been approved; and b. A complete application for approval of a development plan for all or a substantial part of the project has been received by no later than July 1, 1992; and c. The application for approval is granted."

The minutes from the March 26, 1974 Board of County Commissioners ("BCC") meeting specify that the Shadow Pines PD Land Use Plan was approved as part of a "Preliminary Development Plan" with eight (8) exhibits consisting of a PD Narrative and Explanation, Location Map, Land Use and Zoning, Topography, Soils, Tree Cover, Land Use Plan, and a Typical Cluster Layout. In addition, the March 26th BCC meeting minutes show conditions of approval as related to access rights, stub streets, sewage, water, and stormwater management, and submittal of revised exhibits incorporating the BCC's conditions. Therefore, the Applicant appears to have met criteria a. within Section 30-363(d)(4), as the Shadow Pines PD Land Use Plan was approved on March 26, 1974. A copy of the Land Use Plan, stamped "received February 24, 1989" is included as part of the Application's supporting documentation.

¹On June 27, 2025, the applicant submitted a revised Application and Justification Statement to include the 1.46-acre Parcel No. 26-22-32-0000-00-013 (the "Parcel"). Applicant is not currently listed as owner of the Parcel on the Property Appraiser's website, but Applicant has stated that they are taking steps to address this discrepancy. Therefore, this memo includes reference to the Parcel in acknowledgement of the revised Application. However, due to the Parcel's current undetermined ownership status, any vesting conclusions from this memo for the Parcel could be affected if such Parcel is ultimately found to not exist under the Applicant's ownership.

To meet criteria b. and c. related to submittal and approval of a development plan, the Application's Justification Statement points to the Shadow Pines PD's March 26, 1974 approval, arguing that the PD approval was "more than a standard 'bubble plan' in that it provided for development in one phase, topography, soils, and the typical cluster layout." Therefore, Applicant argues that the 1974 PD Land Use Plan and corresponding "Preliminary Development Plan," should function both as the land use plan and the development plan to meet the criteria of consistency vesting under Orange County Code.

However, Applicant's argument here – that the Property's 1974 PD approval should function both as the approved land use plan and development plan – fails to support a claim for consistency vested rights for those reasons stated below.

First and foremost, the Application's supporting documentation and the history of the County's Planned Development (PD) District Code illustrate that the Shadow Pines PD approval was not intended to function simultaneously as a development plan. The final condition of approval as part of the March 26, 1974 BCC approval requires submittal of a "revised set of exhibits... prior to application for Final Development Approval."² In addition, the Land Use Plan itself contains a references to the approved Preliminary Development Plan but is missing a reference to a corresponding Final Development Plan.³ Reviewing an earlier version of the County's PD District Code helps to illustrate how the terms 'Preliminary Development Plan' and 'Final Development Plan' were historically construed. Section 1 of Orange County Zoning Resolution No. 82-Z-14 was adopted on September 21, 1982 and provided updates to the County's PD District Code. Section 3 of this 1982 PD District Code established approval processes for both land use plans – referenced previously as a 'final development plan.' The references contained within the County's 1982 PD District Code illustrate that 'Preliminary Development Plan' and 'Final Development Plan' were the respective precursor terms to 'land use plan' and 'development plan' as those terms are used later in Orange County Code. This legislative history, as supported by the Application's supporting documentation, shows that the Shadow Pines PD's 1974 approval was insufficient in itself to function as a development plan and an additional approved plan (a 'Final Development Plan') would have been needed to begin development within the Shadow Pines PD.

The supporting documentation further indicates that, to date, no development has been conducted on the Property in accordance with the Shadow Pines PD's 1974 approval. A 1988 County Staff memo discussing installation of the proposed temporary ticket booth on the Property references the Property as a "vacant PD (Shadow Pines) [approved] 3/26/74... NO Dev. Plan app'l."⁴ The DRC's subsequent approval of the change determination request for the proposed ticket booth states that the approval shall expire when (1) the related borrow pit permit expires or (2) when development occurs, whichever is first.⁵ Based on the submitted documentation, it appears that the only development completed by the Applicant's predecessors in interest on this Property was the installation of a temporary ticket booth related to permitted borrow pit operations. Therefore, Applicant's argument that the PD's Land Use Plan should simultaneously function as a development plan is disputed by the fact that no development has occurred on the Property in accordance with the Shadow Pine PD's 1974 approval.

²Supporting Documentation at p.26

³Id. at p.55

⁴Id. at 23

⁵Id. at 22

In addition to consistency vesting, the Application also requests vesting from Orange County transportation concurrency standards; specifically, the Justification Statement asserts that the Shadow Pines PD should be vested from "all concurrency requirements" of the County. Section 30-372 of the Orange County Code sets forth those developments that are entitled to a vested rights certificate for concurrency other than schools. Despite Applicant's assertions made in the Justification Statement for vesting from any and all concurrency requirements, nothing else in the Application's Justification Statement or supporting documentation makes an argument for why the Shadow Pines PD should be vested against transportation concurrency under one of the development types provided in Section 30-372, County Code.

For the reasons stated above, the Subject Property does not meet the criteria for vesting for consistency. Your Application is therefore denied. Should you wish to appeal this denial, your appeal must be filed in writing and delivered to the Director of the Planning, Environmental, and Development Services Department in accordance with Section 30-387 ("Appeals"), Orange County Code.

Should you have any questions, please do not hesitate to contact me by telephone at (407) 836-5354 or via email at Alberto.Vargas@ocfl.net.

Sincerely,



Olan Hill, Assistant Planning Manger for Alberto A. Vargas, MArch, Planning Manager, Orange County Planning Division

C:

Georgiana Holmes, Deputy County Attorney, County Attorney's Office
Matthew Pritchett, Assistant County Attorney, County Attorney's Office
Nicolas Thalmueller, AICP, Planning Administrator, Planning Division
Jason Sorensen, AICP, Chief Planner, Planning Division
Iris Harkonen, Development Services Supervisor, Fiscal and Operational Services Division

Exhibit D



M. REBECCA WILSON

Shareholder

rebecca.wilson@lowndes-law.com

215 North Eola Drive, Orlando, Florida 32801-2028

T: 407-418-6250 | F: 407-843-4444

MAIN NUMBER: 407-843-4600



August 29, 2025

VIA EMAIL AND FEDERAL EXPRESS

Tanya Wilson, Director
Orange County Planning, Environmental, and Development Services
201 South Rosalind Avenue
Orlando, Florida 32801
tanya.wilson@ocfl.net

Re: Appeal of Denial of Transportation Concurrency and Consistency Vested Rights Application #25-05-017 (the "Application")

Dear Tanya Wilson:

This letter serves as an appeal of the decision rendered by Orange County (the "County") on August 4, 2025, denying the above-reference Application, which denial letter is attached hereto as **Exhibit "A"**. Additionally, the memorandum from Assistant County Attorney Matthew Pritchett associated with the Application's denial (the "Denial Memorandum") is attached hereto as **Exhibit "B"**. The authority for this appeal is provided by Section 30-387 of the Orange County Code (the "Code"), which states: "(a) [a]ny party aggrieved by the action of the director or his or her designee, may notify the director in writing that such party is appealing the decision. . . . Upon receipt by the director of a timely notice of appeal, the director shall submit the appeal to the DRC, which shall consider the appeal no later than ninety (90) days following receipt or at such later date to which the applicant may consent."

The subject property, as defined in the Denial Memorandum (the "Property"), is located within the Shadow Pines Planned Development approved on March 26, 1974 (the "Shadow Pines PD" or the "PD"). The Application's denial should be reversed and a vested rights certificate granted for the Property.

I. Orange County Code

Orange County Code Section 30-363(d)(4) provides that planned developments that meet specified criteria as of June 5, 1991, are entitled to a vested rights certificate. Qualifying planned developments include any planned development for which: (a) a land use plan has been approved; and (b) a complete application for approval of a development plan for all or a substantial part of the project has been received or is received by the county no later than July 1, 1992; and (c) the application for



approval is granted. The Shadow Pines PD meets all the above criteria because a land use plan and development plan were approved for the Property on March 26, 1974.

a. Legislative history

In the Denial Memorandum, the County acknowledged that the Shadow Pines PD has an approved land use plan, but states that an approved development plan has not been granted. In making this argument, the County consults the legislative history of the County's PD Code to show that the County intended preliminary development plans and land use plans to have identical meaning. Local ordinances are subject to the same rules of interpretation as state statutes.¹ There has been a shift in statutory interpretation away from legislative intent and towards the supremacy of text principle, under which "[t]he words of a governing text are of paramount concern, and what they convey, in their context, is what the text means."² Furthermore, "to derive the meaning of statutes, we are to look to the text itself, as understood in its context, not to any purported intent underlying the text."³

The County specifically points to the 1982 version of the County's PD Code⁴ to show that "development plan" refers to a "final development plan" and that a "land use plan" refers to a "preliminary development plan." This evolution in the PD Code occurred years after the Shadow Pines PD Preliminary Development Plan was approved in 1974 ("Approved PD"). In looking at the text itself, the PD Code at the time of approval of the Shadow Pines PD involved approval of two types of development plans: a preliminary development plan and a final development plan. Each qualifies as a development plan under Sec. 30-363(d)(4).

b. Development Plan

The Shadow Pines PD is more than just a land use plan. Condition #1 of the PD Approval states that development must be in accordance with the "Shadow Pines Preliminary Development Plan" consisting of the following:

- Exhibit 1 - P-D Narrative and Explanation
- Exhibit 2 - Location Map
- Exhibit 3 - Land Use and Zoning
- Exhibit 4 - Topography
- Exhibit 5 - Soils
- Exhibit 6 - Tree Cover

¹ *Kellerman v. Board of Trustees of City of Hollywood Firefighters' Pension System*, 336 So.3d 39, 41 (Fla. 4th DCA 2022).

² *Walker v. Bankers Life and Casualty Co.*, 398 So.3d 569, 573 (Fla. 2nd DCA 2024) (quoting *Ham v. Portfolio Recovery Assocs.*, 308 So. 3d 942, 946 (Fla. 2020)).

³ *Id.* (quoting *State v. Crose*, 378 So. 3d 1217, 1232 (Fla. 2d DCA 2024)).

⁴ Section 3 of Orange County Zoning Resolution No. 82-Z-14 requires approval of a "land use plan (previously 'preliminary development plan')" and a "development plan (previously 'final development plan')."

- Exhibit 7 - Land Use Plan
- Exhibit 8 - Typical Cluster Layout

The fact that the preliminary development plan included several conditions and eight exhibits, Exhibit 7 of which being the land use plan, indicates that the approved preliminary development plan amounted to more than a "land use plan." Additionally, the County argues that the fact that no development has occurred in accordance with the Shadow Pines PD's 1974 approval disputes an argument that a development plan was approved. There is no requirement in the Code that development have occurred in order to qualify for a vested rights certificate, nor does it provide that the "development plan" approval must be a "final development plan."

II. Common Law Vesting

Additionally, the Property is vested under common law. Under Florida law, the doctrine of equitable estoppel may be invoked "when a property owner (1) relying in good faith (2) upon some act or omission of the government (3) has made such a substantial change in position or incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights that the owner has acquired." *Citrus County v. Halls River Development, Inc.*, 8 So. 3d 413, 421-422 (Fla. 5th DCA 2009). "Stripped of the legal jargon which lawyers and judges have obfuscated it with, the theory of estoppel amounts to nothing more than an application of the rules of fair play. One party will not be permitted to invite another onto a welcome mat and then be permitted to snatch the mat away to the detriment of the party induced or permitted to stand thereon. A citizen is entitled to rely on the assurances and commitments of a zoning authority and if he does, the zoning authority is bound by its representations, whether they be in the form of words or deeds. . . ." *Town of Largo v. Imperial Homes Corp.*, 309 So. 2d 571, 573 (Fla. 2d DCA 1975). The mere fact that a building permit has not been obtained or physical changes to the land have occurred does not bar application of the doctrine of equitable estoppel. *Id.*

All three elements of equitable estoppel are met here. The property owner has acted to its detriment in good faith reliance on the 1974 PD approval by the Board of County Commissioners. Specifically, in reliance on the PD approval, the property owner has expended substantial sums in purchase price, planning and legal fees with respect to its acquisition of the land. The County's failure to allow the development of the Property in accordance with the PD would unjustly destroy the entitlements that were obtained through the Shadow Pines PD approval and relied upon for the property owner's investment. The fact that no development has occurred on the Property is not sufficient to bar the application of the doctrine of equitable estoppel. Refusal by the County to allow development pursuant to the PD is effectively snatching away the "welcome mat" that is the Shadow Pines PD approval.

III. Bert Harris Act

If the County refuses to acknowledge our client's vested rights on the Property, we will be forced to file a Bert Harris claim. Under The Bert Harris Act, codified in Section 70.001, *Florida Statutes*, "[w]hen

a specific action of a governmental entity has inordinately burdened an existing use of real property or a vested right to a specific use of real property, the property owner of that real property is entitled to relief, which may include compensation for the actual loss to the fair market value of the real property caused by the action of government."⁵

a. Inordinately burdened

The statute defines "inordinately burdened" to mean "that an action of one or more governmental entities has directly restricted or limited the use of real property such that the property owner is permanently unable to attain the reasonable, investment-backed expectation for the existing use of the real property or a vested right to a specific use of the real property with respect to the real property as a whole, or that the property owner is left with existing or vested uses that are unreasonable such that the property owner bears permanently a disproportionate share of a burden imposed for the good of the public, which in fairness should be borne by the public at large."⁶ The County's position that the Shadow Pines PD is not vested and must comply with the Comprehensive Plan, but that the Comprehensive Plan prohibits the development as approved in the PD, constitutes an inordinate burden on the Property owner's reasonable, investment-backed expectations. The County's refusal to allow development of the Property pursuant to the Shadow Pines PD directly restricts the use of the Property in a manner for which it was approved and for which the Property owner has reasonable, investment-backed expectations.

b. Existing use or vested right

The Bert Harris Act requires either an existing use or a vested right to a specific use. The Shadow Pines PD Property has both. The statute defines "existing use" to include "reasonably foreseeable, nonspeculative land uses which are suitable for the subject real property and compatible with adjacent land uses and which have created an existing fair market value in the property greater than the fair market value of the actual, present use or activity on the real property."⁷ Due to the County's approval of the Shadow Pines PD, development of the approved uses in the PD, including 450 mobile homes, is reasonably foreseeable and suitable for the site. It is also compatible with adjacent land uses in the Rural Service Area. Additionally, as discussed above, development of the Property pursuant to the PD approval is vested as an approval prior to the enactment of the Comprehensive Plan and under the principles of equitable estoppel.

Therefore, should the County continue to deny the approved Shadow Pines PD, the elements of a Bert Harris Act claim are satisfied, requiring the County to compensate the owner of the Property for the Property's value.

⁵ Fla. Stat. § 70.001(2).

⁶ Fla. Stat. § 70.001(3)(e)1.

⁷ Fla. Stat. § 70.001(3)(b)2.

IV. Request

Property owners in Orange County deserve to be treated fairly. The Property was rezoned to Planned Development with specific entitlements for mobile homes, commercial and sewage treatment to support these uses. The County cannot, for reasons set forth above, ignore these rights. The County cannot claim that the PD, which existed prior to the County's Comprehensive Plan, is void. The land cannot be zoned PD, but such PD approval be treated as an empty vessel.

The Application's denial should be reversed and a vested rights certificate granted for the Property. The Shadow Pines PD is entitled to a vested rights certificate because its 1974 approval included more than just a "land use plan" and in fact amounted to a "development plan." The County's Denial Memorandum resorts to consulting subsequently enacted legislative history instead of the text of the PD Code in existence at the time of the Shadow Pines PD approval. Further, the Property is vested under the common law principle of equitable estoppel.

If the County's denial of a vested rights certificate for the Property is upheld, the action amounts to a Bert Harris Act violation under Section 70.001, *Florida Statutes*, as well as a Constitutional Taking of property.

Very truly yours,



M. Rebecca Wilson
Shareholder

Cc:

Matthew Pritchett, Assistant County Attorney
Olan Hill, Assistant Planning Manager
Sheena Wright, Development Services Coordinator

EXHIBIT "A"



August 4, 2025

Rebecca Wilson, Esq.
215 N. Eola Drive
Orlando, FL 32801

SUBJECT: Consistency Vested Rights Application
Shadow Pines PD

STATUS: **DENIED**

Dear Rebecca Wilson,

The Orange County Planning Division and County Attorney's Office has reviewed your above-referenced application for Consistency Vested Rights. The subject property, consisting of Parcels 26-22-32-1312-01-000, 26-22-32-1312-01-061, and 26-22-32-0000-00-013¹, as well as portions of 23-22-32-0000-00-005, 23-22-32-0000-00-004, and 23-22-32-0000-00-001, is located within the Shadow Pines Planned Development and consists of approximately 73 to 75 acres (the "Property").

A determination from the County Attorney's Office has been provided as follows:

Section 30-363(d)(4) of the Code states that "a development...shall be entitled to a consistency vested rights certificate, if (1) the development otherwise complies with and is allowed to proceed under all county ordinances and regulations and (2) as of June 5, 1991, the development met one or more of the following criteria:... (4) Any planned development for which a. The land use plan has been approved; and b. A complete application for approval of a development plan for all or a substantial part of the project has been received by no later than July 1, 1992; and c. The application for approval is granted."

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To meet criteria b. and c. related to submittal and approval of a development plan, the Application's Justification Statement points to the Shadow Pines PD's March 26, 1974 approval, arguing that the PD approval was "more than a standard 'bubble plan' in that it provided for development in one phase, topography, soils, and the typical cluster layout." Therefore, Applicant argues that the 1974 PD Land Use Plan and corresponding "Preliminary Development Plan," should function both as the land use plan and the development plan to meet the criteria of consistency vesting under Orange County Code.

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The supporting documentation further indicates that, to date, no development has been conducted on the Property in accordance with the Shadow Pines PD's 1974 approval. A 1988 County Staff memo discussing installation of the proposed temporary ticket booth on the Property references the Property as a "vacant PD (Shadow Pines) [approved] 3/26/74... NO Dev. Plan app'l."⁴ The DRC's subsequent approval of the change determination request for the proposed ticket booth states that the approval shall expire when (1) the related borrow pit permit expires or (2) when development occurs, whichever is first.⁵ Based on the submitted documentation, it appears that the only development completed by the Applicant's predecessors in interest on this Property was the installation of a temporary ticket booth related to permitted borrow pit operations. Therefore, Applicant's argument that the PD's Land Use Plan should simultaneously function as a development plan is disputed by the fact that no development has occurred on the Property in accordance with the Shadow Pine PD's 1974 approval.

²Supporting Documentation at p.26

³Id. at p.55

⁴Id. at 23

⁵Id. at 22

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For the reasons stated above, the Subject Property does not meet the criteria for vesting for consistency. Your Application is therefore denied. Should you wish to appeal this denial, your appeal must be filed in writing and delivered to the Director of the Planning, Environmental, and Development Services Department in accordance with Section 30-387 ("Appeals"), Orange County Code.

Should you have any questions, please do not hesitate to contact me by telephone at (407) 836-5354 or via email at Alberto.Vargas@ocfl.net.

Sincerely,



Olan Hill, Assistant Planning Manger for Alberto A. Vargas, MArch, Planning Manager, Orange County Planning Division

C:

Georgiana Holmes, Deputy County Attorney, County Attorney's Office
Matthew Pritchett, Assistant County Attorney, County Attorney's Office
Nicolas Thalmueller, AICP, Planning Administrator, Planning Division
Jason Sorensen, AICP, Chief Planner, Planning Division
Iris Harkonen, Development Services Supervisor, Fiscal and Operational Services Division

EXHIBIT "B"




COUNTY ATTORNEY'S OFFICE
JEFFREY J. NEWTON, County Attorney

201 South Rosalind Avenue ■ 3rd Floor
Reply To: Post Office Box 1393
Orlando, FL 32802-1393
407-836-7320 ■ Fax 407-836-5888
www.ocfl.net

MEMORANDUM

TO: Sheena Wright, Development Services Coordinator, PEDS

FROM: Matthew Pritchett, Assistant County Attorney 

DATE: July 29, 2025

SUBJECT: Transportation Concurrency and Consistency Vested Rights Application #25-05-017, Shadow Pines PD

ACTION: Denied

Deputy County Attorney
Georgiana Holmes

Senior Assistant County Attorneys
Debra Babb-Nutcher
Whitney E. Evers

Assistant County Attorneys

Lee N. Bernbaum
Joy Carmichael
Tatiana Cordner
James Harwood
James Hetz
Andrew W. Mai
Sawsan Mohiuddin
Desmond Morrell
Matthew Pritchett
Dylan Schott
Scott Shevenell
Kristin Suarez
Heather Wallace
Shonda White

Legal Administrative Supervisor

Danny Randolph

Senior Paralegal
Melessia Lofgren

Paralegals
Rosemarie Guevara
Ronshanda Stewart
Maria Vargas

You have requested a review of the above-referenced transportation concurrency and consistency vested rights application #25-05-017 (the "Application"), as revised, submitted on behalf of Honey Bee Holdings, LLC; Eastpark Ranch, LLC; Colonial Farms, LLC; and 19161, LLC by Rebecca Wilson and Sean Klein (the "Applicant"). The subject property, consisting of Parcels 26-22-32-1312-01-000, 26-22-32-1312-01-061, and 26-22-32-0000-00-013¹, as well as portions of 23-22-32-0000-00-005, 23-22-32-0000-00-004, and 23-22-32-0000-00-001, is located within the Shadow Pines Planned Development and consists of approximately 73 to 75 acres (the "Property").

Within the Application's Justification Statement and supporting documentation, the Applicant has indicated that the Property should be vested for consistency from the Comprehensive Plan and "all concurrency requirements," based on a Planned Development ("PD") Land Use Plan approval on March 26, 1974 for 450 mobile home units and 1.83 acres of commercial area. The PD was subsequently amended on February 11, 1988 via a change determination request to install a temporary ticket booth related to borrow pit operations.

Section 30-363(d)(4) of the Code states that "a development...shall be entitled to a consistency vested rights certificate, if (1) the development otherwise complies with and is allowed to proceed under all county ordinances and regulations and (2) as of June 5, 1991, the development met one or more of the following criteria:... (4) Any planned development for which a. The land use plan has been approved; and b. A complete

¹ On June 27, 2025, the Applicant submitted a revised Application and Justification Statement to include the 1.46-acre Parcel No. 26-22-32-0000-00-013 (the "Parcel"). Applicant is not currently listed as owner of the Parcel on the Property Appraiser's website, but Applicant has stated that they are taking steps to address this discrepancy. Therefore, this memo includes reference to the Parcel in acknowledgement of the revised Application. However, due to the Parcel's current undetermined ownership status, any vesting conclusions from this memo for the Parcel could be affected if such Parcel is ultimately found to not exist under the Applicant's ownership.

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application for approval of a development plan for all or a substantial part of the project has been received by no later than July 1, 1992; and c. The application for approval is granted.”

The minutes from the March 26, 1974 Board of County Commissioners (“BCC”) meeting specify that the Shadow Pines PD Land Use Plan was approved as part of a “Preliminary Development Plan” with eight (8) exhibits consisting of a PD Narrative and Explanation, Location Map, Land Use and Zoning, Topography, Soils, Tree Cover, Land Use Plan, and a Typical Cluster Layout. In addition, the March 26th BCC meeting minutes show conditions of approval as related to access rights, stub streets, sewage, water, and stormwater management, and submittal of revised exhibits incorporating the BCC’s conditions. Therefore, the Applicant appears to have met criteria a. within Section 30-363(d)(4), as the Shadow Pines PD Land Use Plan was approved on March 26, 1974. A copy of the Land Use Plan, stamped “received February 24, 1989” is included as part of the Application’s supporting documentation.

To meet criteria b. and c. related to submittal and approval of a development plan, the Application’s Justification Statement points to the Shadow Pines PD’s March 26, 1974 approval, arguing that the PD approval was “more than a standard ‘bubble plan’ in that it provided for development in one phase, topography, soils, and the typical cluster layout.” Therefore, Applicant argues that the 1974 PD Land Use Plan and corresponding “Preliminary Development Plan,” should function both as the land use plan and the development plan to meet the criteria of consistency vesting under Orange County Code.

However, Applicant’s argument here – that the Property’s 1974 PD approval should function both as the approved land use plan and development plan – fails to support a claim for consistency vested rights for those reasons stated below.

First and foremost, the Application’s supporting documentation and the history of the County’s Planned Development (P-D) District Code illustrate that the Shadow Pines PD approval was not intended to function simultaneously as a development plan. The final condition of approval as part of the March 26, 1974 BCC approval requires submittal of a “revised set of exhibits . . . prior to application for Final Development Approval.”² In addition, the Land Use Plan itself contains a reference to the approved Preliminary Development Plan but is missing a reference to a corresponding Final Development Plan.³ Reviewing an earlier version of the County’s P-D District Code

² Supporting Documentation at p.26 (emphasis added).

³ *Id.* at p.55 (enhance for detail).

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helps to illustrate how the terms ‘Preliminary Development Plan’ and ‘Final Development Plan’ were historically construed. Section 1 of Orange County Zoning Resolution No. 82-Z-14 was adopted on September 21, 1982 and provided updates to the County’s P-D District Code. Section 3 of this 1982 P-D District Code established approval processes for both land use plans –referenced as previously a ‘preliminary development plan’ and development plans –referenced previously as a ‘final development plan.’ The references contained within the County’s 1982 P-D District Code illustrate that ‘Preliminary Development Plan’ and ‘Final Development Plan’ were the respective precursor terms to ‘land use plan’ and ‘development plan’ as those terms are used later in Orange County Code. This legislative history, as supported by the Application’s supporting documentation, shows that the Shadow Pines PD’s 1974 approval was insufficient in itself to function as a development plan and an additional approved plan (a ‘Final Development Plan’) would have been needed to begin development within the Shadow Pines PD.

The supporting documentation further indicates that, to date, no development has been conducted on the Property in accordance with the Shadow Pines PD’s 1974 approval. A 1988 County Staff memo discussing installation of the proposed temporary ticket booth on the Property references the Property as a “vacant PD (Shadow Pines) [approved] 3/26/74. . . NO Dev. Plan app’l.”⁴ The DRC’s subsequent approval of the change determination request for the proposed ticket booth states that the approval shall expire when (1) the related borrow pit permit expires or (2) when development occurs, whichever is first.⁵ Based on the submitted documentation, it appears that the only development completed by the Applicant’s predecessors in interest on this Property was the installation of a temporary ticket booth related to permitted borrow pit operations. Therefore, Applicant’s argument that the PD’s Land Use Plan should simultaneously function as a development plan is disputed by the fact that no development has occurred on the Property in accordance with the Shadow Pines PD’s 1974 approval.

In addition to consistency vesting, the Application also requests vesting from Orange County transportation concurrency standards; specifically, the Justification Statement asserts that the Shadow Pines PD should be vested from “all concurrency requirements” of the County. Section 30-372 of the Orange County Code sets forth those developments that are entitled to a vested rights certificate for concurrency other than schools. Despite Applicant’s assertions made in the Justification Statement for vesting from any and all concurrency requirements, nothing else in the Application’s Justification Statement or supporting documentation makes an argument for why the

⁴ *Id.* at 23 (emphasis in original).

⁵ *Id.* at 22.

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Shadow Pines PD should be vested against transportation concurrency under one of the development types provided in Section 30-372, County Code.

For the foregoing reasons, I recommend denial of the Application. Should you have any questions, please do not hesitate to contact me.

cc: *(all via electronic mail)*
Jon V. Weiss, P.E., Deputy County Administrator
Tanya Wilson, Director, PEDS
Scott Skraban, Deputy Director, PEDS
Alberto Vargas, Manager, Planning Division
Olan Hill, Assistant Manager, Planning Division
Jason Sorensen, Chief Planner, Planning Division
Brian Sanders, Manager, Transportation Planning Division
Nicolas Thalmueller, Planning Administrator, Planning Division
Mirna Barq, Project Manager, Transportation Planning Division
Georgiana Holmes, Deputy County Attorney
Iris Harkonen, Development Services Supervisor, Fiscal & Oper. Services Division

Exhibit E

Supplemental Justification Statement for Vested Rights Certificate
Tax Parcel ID Nos. 26-22-32-1312-01-000; 26-22-32-1312-01-061;
23-22-32-0000-00-005; 23-22-32-0000-00-004; 23-22-32-0000-00-001, 26-22-32-0000-00-013
COLONIAL FARMS LLC; EASTPARK RANCH LLC;
19161 LLC; HONEY BEE HOLDINGS LLC
Orange County, Florida

The subject property is approximately 73.54 acres and is located generally to the east of Baxter Rd and north of E Colonial Dr, bearing parcel ID numbers 26-22-32-1312-01-000; 26-22-32-1312-01-061; 23-22-32-0000-00-005; 23-22-32-0000-00-004; 23-22-32-0000-00-001; 26-22-32-0000-00-013 (the “Property” or the “Parcels”). The Parcels are each owned separately by Colonial Farms, LLC, Eastpark Ranch, LLC, 19161, LLC, and Honey Bee Holdings, LLC, as applicable (the “Owners”). Parcels 26-22-32-1312-01-000 and 26-22-32-1312-01-061 are located entirely within the Shadow Pines Planned Development (the “Shadow Pines PD” or the “PD”), and portions of Parcels 23-22-32-0000-00-005, 23-22-32-0000-00-004, and 23-22-32-0000-00-001 are located within the Shadow Pines PD.

Introduction

This submission supplements the prior application and seeks a vested rights certificate (VRC) on two independent grounds. First, the plain text of Orange County Code § 30-363(d)(4) is satisfied because the 1974 approvals meet each requirement for vesting. Second, Policy FLU8.5.3 of the Orange County Comprehensive Plan protects vested rights attained under Florida common law, including equitable estoppel and a legitimate claim of entitlement. Under equitable estoppel, the County’s sustained, affirmative representations over decades, beginning with approval of the Shadow Pines PD land use plan (LUP) and preliminary development plan (PDP) and the rezoning of the Property, and continuing through express acknowledgments in 2019 and 2023–2025, induced good-faith reliance and substantial expenditures by successive owners of the Property. These same facts also establish a legitimate claim of entitlement protected under state law. Either ground independently supports issuance of the VRC.

In the alternative, if the County declines to recognize vested rights, the County is liable for negligent misrepresentation based on the County’s affirmative factual representations and the Owners’ foreseeable reliance.

Factual Background

The Shadow Pines PD was initially approved by the Board of County Commissioners (“BCC”) on March 26, 1974, with a PDP and a LUP consisting of 450 residential mobile home units and a 1.83-acre commercial area. Condition #1 of the PD approval required development “in accordance with the Shadow Pines Preliminary Development Plan,” consisting of eight exhibits, including Exhibit 7 (Land Use Plan), plus narrative, location, topography, soils, tree cover, and a typical cluster layout. This development program for the Shadow Pines PD remains unchanged. The pertinent entitlement history for the Shadow Pines PD is as follows:

- On March 26, 1974, the BCC approved the Shadow Pines PD LUP and PDP. *See* Exhibit “A”.

- On February 11, 1988, the Development Review Committee (“DRC”) approved a change determination request to install a temporary ticket booth within the Shadow Pines PD. *See* Exhibit “B”.
- On March 2, 1989, in response to a change determination request to set up a temporary pugmill plant within the commercial tract of the Shadow Pines PD, the DRC determined that this request would constitute a substantial change to the approved land use plan, stating “the commercial land use for this project was approved for light, retail commercial land use. The proposed pugmill operation, however, is an intense/heavy commercial use, and is, therefore, inconsistent with the uses originally permitted.” No such substantial change was granted. [Emphasis added] *See* Exhibit “C”.
- On May 11, 2000, Orange County staff noted that the Shadow Pines portion included “only 1.83 acres of commercial uses to serve the MH park”, reflecting staff’s understanding that Shadow Pines PD was valid and had approved development. On October 4, 2000, staff again recognized that the Shadow Pines PD had a valid entitlement to be developed. The then-owners of the Property had submitted a new LUP for all parcels, not just the property implicated in the Shadow Pines PD, and staff stated that this proposal would amend the Shadow Pines PD and eliminate its prior approval, thereby confirming that the property had an existing development entitlement that could be eliminated. On August 6, 2001, the then-owners withdrew the application. [Emphasis added] *See* Exhibit “D”.
- On August 25, 2009, the previous owners attempted to develop the Property as a drive-in theater. The County denied the Property a VRC. The VRC application was not considered under common law, but under Orange County Code Sec. 30-363(d)(12). This section does not consider land purchase costs, unlike Florida’s common law as described herein. Nevertheless, the owner at that time did not agree, because substantial expenditures had been incurred and replied in a letter to preserve the right to appeal.
- In July 2019, a BZA staff report describing a neighboring special exception acknowledged the front portion as zoned PD within Shadow Pines and confirmed a service road allowed by the PD documents. The document stated “the front portion of the property is zoned P-D and is located in the Shadow Pines P-D. This P-D allows mobile homes and commercial uses. The service road for the subject property that bisects this P-D is allowed per the P-D documents on file.” *See* Exhibit “E”.
- In 2021, the Owners were acquired at a price that expressly reflected their right to develop the Property as previously approved. That acquisition was made in good faith reliance on official approvals and documents confirming the Property was entitled to 450 mobile homes and commercial uses.
- On February 14, 2023, the Planning Administrator confirmed in writing to a property appraiser, Eminent Valuations, that “[a] PD rezoning doesn’t expire, and it predated the comprehensive plan so technically it’s still valid. Meaning someone could develop a mobile home park on the site without rezoning.” A week later, on February 22, 2023, the appraiser asked whether “Shadow PD” could be amended to a lower density, the County replied “The old PD approval predates the Comprehensive Plan and Future Land Use Map,

so it can stay as is. But any change would require compliance with the Future Land Use”. [Emphasis added] *See* Exhibit “F”.

- In July of 2023, based on the assurance made by the County that the Property could be developed as approved the Owners hired NAI Realvest, a consulting real estate firm to help them develop the property. In May of 2024 they then hired Stringfellow, a planning firm to plan for the development of the Property. They also engaged an attorney and Solidarity Partners LLC. Changing their position and making substantial expenditures on good faith reliance. They have spent over \$100,000 dollars on the process of developing the Property. *See* Exhibit “G”.
- On January 25, 2024, the County submitted an appraisal to the Owners, offering to buy the Property at the appraised value. The appraisal confirms that the Shadow Pines PD is valid, and it can be developed as approved. It bases its valuation on the County’s staff explicit statements, that “[t]he approved PD predates the Orange County Land Development Code and remains in effect” and that “the county would not support any other use.” *See* Exhibit “H”.
- On May 1, 2025, Wes Hodge, a senior aide to Commissioner Semrad forwarded an email including research done on the Property by Nicholas Thalmuler (Planning Manager at Orange County) to a reporter from Growthspotter. The reporter had written an article that incorrectly claimed that Shadow Pines PD had approval to be developed as a 500-home community. Nicholas Thalmuler corrected the article stating that in fact “[a] couple of the parcels were rezoned PD back in 74 for a mobile home park that was never constructed. While PDs don’t ever expire, the Rural FLUM and location of the Property mean they could move forward with development of that mobile home park but would not be eligible to change their entitlements to anything else.” [Emphasis added] *See* Exhibit “I”.
- On May 20, 2025, a prospective buyer emailed the Zoning Division asking about the right to develop Shadow Pines PD. On May 23rd, Adriana Morales, Planner 1 in the Orange County Zoning Division, after confirming with her supervisor, replied that “they were permitted to build a mobile home community within the Shadow Pines PD” and that the “PD will continue to exist in perpetuity” and “so long as you remain a PD, you should be able to develop a mobile home community.” *See* Exhibit “J”.
- After the statements made by Adriana Morales, the Owners engaged in negotiations to sell the Property to Empower Communities. They have since reached an agreement and signed an LOI for nearly eleven million dollars.
- On June 3, 2025, Orange County approved Vision 2025 and a new Orange Code. The new Orange Code shows the Property as zoned PD. The new Orange Code is meant to be a new zoning map and had to be approved by the BCC of Orange County. Therefore, the BCC has, through such approval of the zoning map acknowledged that the Shadow Pines PD is still valid. [Emphasis added] *See* Exhibit “K”.
- Section 40-16 (a) of the Orange Code enacted in June, outlines the purpose of PD zoning designations, the text states “[i]t is the intent of Orange Code and Orange County to protect

those development rights that are vested; namely, the rights of some property owners to develop their land, despite that development’s inconsistency with Orange Code” and further that “Orange Code is intended to provide flexibility in planning and development standards to a degree that exceeds the benefits provided by Planned Developments (PDs).” Section 40-16 (d) then provides that “A PD which was approved on or before June 3,2025 (“Approved PD”), is exempt from Orange Code and may continue to develop in accordance with the standards and processes in Chapter 39: Planned Developments, its respective LUP/RP approvals...”

- In August 2025, the County denied the VRC application claiming that Shadow Pines PD is only a land use plan and not a development plan. We appealed to the DRC. On October 22, 2025, at the appeal hearing, the DRC requested we amend our application with the facts presented at the hearing.
- Today on the County’s current comprehensive plan, still in effect, Map 8 “Committed Land Use Inventory” has the Property highlighted as “Committed Land.” In a document provided by the County it is clarified that “Committed” for the purposes of Map 8 means “an ArcMap shapefile of Orange County Planned Developments (PDs) that have approved development remaining to be built.” [Emphasis added] See Exhibit “L”.

Since 1974, beginning with Thomas Engel, the original owner who submitted the LUP and the PDP that the County approved, and continuing through the current Owners, the long-standing aspiration has been to develop Shadow Pines PD as approved. However, this vision could not be progressed due to a lack of the necessary funding and supporting conditions. Recently, that has changed, and the Owners have entered into an LOI with a reputable and well-financed real estate development firm which intends to develop the Shadow Pines PD. Even though the development of the property has not been executed to date, the owners of the Property have invested significant sums in reasonable, good-faith reliance on the County’s actions and statements in pursuit of that long-standing aspiration. Those expenditures include the current Owners’ purchase price, hiring a planning firm, a consulting firm, legal fees, as well as the costs to design the LUP and PDP, secure their approval, and obtaining the PD rezoning. All such expenditures must be considered in determining vested rights because, as demonstrated herein, vested rights run with the land, and, most importantly, these investments were made in good-faith reliance on the County’s official actions and explicit assurances.

Legal Basis for Vested Rights

A. Plain-Text Vesting Under Section 30-363(d)(4)

As a result of the Property being a part of the Shadow Pines PD since 1974 and demarcated with 450 mobile home units and a 1.83-acre commercial area, the Owners are entitled to a VRC exempting the Property from application of the County’s Comprehensive Plan, including all concurrency requirements, under the provisions set forth in Sec. 30-363(d)(4) of the Orange County Code. Sec. 30-363(d)(4) provides that planned developments that meet specified criteria as of June 5, 1991, are entitled to a VRC. Qualifying planned developments include any planned development for which:

- a. The land use plan has been approved; and
- b. A complete application for approval of a development plan for all or a substantial part of the project has been received or is received by the county no later than July 1, 1992; and
- c. The application for approval is granted.

Shadow Pines PD satisfied the above criteria as of adoption of June 5, 1991, and is thus exempt from the Comprehensive Plan and concurrency requirements. The Shadow Pines PD Land Use Plan was originally approved on March 26, 1974. This approval included a specific Preliminary Development Plan which demarcated the Property with 450 mobile home units and a 1.83-acre commercial area. The PD was approved subject to stipulations, including stipulation #1 which provided that development be in accordance with Shadow Pines Preliminary Development Plan consisting of eight (8) exhibits:

1. P-D Narrative and Explanation
2. Location Map
3. Land Use and Zoning
4. Topography
5. Soils
6. Tree Cover
7. Land Use Plan
8. Typical Cluster Layout

The County's August denial of our VRC application hinges on a 1982 ordinance footnote that claims to relabel a "preliminary development plan" as a "land use plan." But neither the 1974 Code nor today's Code defines a "preliminary development plan" as anything less than a "development plan." That is what matters. We should read the actual text of the Code, not rely on footnotes in legislative history that can be taken out of context. Florida law is clear: the plain text controls. On the text, a preliminary development plan is a development plan, and the vesting criteria are met. Additionally, there is no requirement in the Code that development have occurred in order to qualify for a VRC, nor does it provide that the "development plan" approval must be a "final development plan."

The PD approval included additional stipulations related to access rights, stub streets, sewage, water, and stormwater management, and submittal of revised exhibits incorporating the BCC's conditions. The PD approval was more than a standard "bubble plan" in that it provided for development in one phase, topography, soils, and the typical cluster layout. The PD approval was a "development order" that is entitled to vested rights. Lastly, the County reaffirmed the PD through its approval of a temporary ticket booth in 1988, and its determination related to a temporary pugmill plant on the commercial tract in 1989. Therefore, Shadow Pines PD meets the requirements of a development plan, and its approval confirms that all three prongs of Sec. 30-363(d)(4) are met.

B. Common-Law Vested Rights via Equitable Estoppel

Equitable estoppel protects property owners from governmental unfairness when they reasonably rely on official representations. Declaring the Shadow Pines PD invalid now would result in precisely that kind of unfairness. The Property was approved for development in 1974, and for decades the County has repeatedly confirmed that the PD remains valid. The Owners could only assess their development rights by reviewing the County's records and the staff's statements about the Property; relying on those sources, they purchased the Property and made substantial expenditures. Florida's equitable-estoppel doctrine exists to protect owners in exactly these circumstances, so that citizens may trust and rely on their local government's settled representations.

The current Orange County Comprehensive Plan protects vested rights. Comprehensive Plan Policy FLU8.5.3 provides that properties determined to have vested rights pursuant to applicable case law "shall be presumed to have vested development rights." *Orange Cnty., Fla., 2010-2030 Comprehensive Plan, Future Land Use Element, Policy FLU 8.5.3* (as amended July 1, 2022).

Equitable estoppel confers vested rights and is enforceable against a local government when three elements are met: (i) the government makes a clear representation or engages in affirmative conduct; (ii) a property owner reasonably and in good faith relies on it; and (iii) the property owner undertakes substantial obligations or expenditures such that it would be inequitable to permit the government to repudiate its conduct. *See Town of Largo v. Imperial Homes Corp.*, 309 So.2d 571, 572 (Fla. 2d DCA 1975), *See also Hollywood Beach Hotel Co. v. City of Hollywood*, 329 So.2d 10, 15-16 (Fla. 1976).

- i. Throughout the last 50 years, the Orange County government has consistently approved and confirmed that Shadow Pines PD can be developed, inviting reliance.

Courts have recognized that zoning a property with a specific designation can be sufficient to establish that a property owner holds certain rights. *See Imperial Homes Corp.*, 309 So.2d at 573. *See also City of Gainesville v. Bishop*, 174 So.2d 100, 104 (Fla. 1st DCA 1965) (holding that a property's rights had vested after acquiring a development order based on existing zoning, even after the zoning designation was subsequently changed). Therefore, property owners acquire vested rights when they rely on the government's interpretation of how a property can be developed. *Id.*

Florida law holds that when a government explicitly states that a property may be developed, a property owner may rely on that assurance in good faith. *See Texas Co. v. Town of Miami Springs*, 44 So.2d 808, 808 (Fla. 1950). In *Texas Co.*, the Florida Supreme Court held that the local government's explicit assurances that the owner's development plans were permitted constituted a clear representation on which the owner could rely in good faith, and the government was estopped from changing the law after the fact to deny the development. *Id.* at 808-09.

Here, multiple governmental acts and statements have invited and sustained good-faith reliance by the Owners. Over a 50-year span, the County repeatedly approved and reaffirmed the Shadow Pines PD's entitlements. In 1974, the County approved a PD for a 450-unit mobile home

community with an ancillary commercial tract, expressly binding development to the PDP exhibits. In 1989, the DRC's denial of a pugmill request reaffirmed that the PD's commercial area is limited to light commercial uses, consistent with the mobile home community and inconsistent with heavy commercial uses, like a pugmill plant. In 2000, Orange County staff issued two communications in connection with a new LUP, each confirming that the Shadow Pines PD remained valid. In 2019, a BZA staff report acknowledged the Shadow Pines PD and the development approved by the PD documents. In 2023 and 2025, Planning and Zoning officials issued written confirmations that PD rezonings do not expire; that the Shadow Pines PD predates and "can stay as is" under the Comprehensive Plan; that one "could develop a mobile home park ... without rezoning"; that the PD is specific to a mobile home community. Internal County communications to media and the general public echoed these points. Map 8, "Committed Land," from the County's Comprehensive Plan has Shadow Pines in their list approved PDs with development remaining to be built. This sustained, official, and specific conduct invited reliance on the approved PD use.

Each of these governmental actions and statements are explicit. The only reasonable interpretation is that the Property retains the right to be developed as approved in 1974. Just as in *Texas Co.*, the local government's assurances that the Property can be developed warrant recognition of vested rights. Today, the Property remains zoned PD and appears as "Committed" in Orange County's current Comprehensive Plan, protecting the owners' reliance on those governmental actions, mirroring *Bishop*, where development rights vested based on approvals issued under the zoning then in effect, despite a subsequent change. Orange County continues to reaffirm the validity of the Shadow Pines PD; as recently as in June, the BCC voted to recognize Shadow Pines PD as a vested PD on the new zoning map under the updated Orange County Code.

ii. The Owners and any Prior owners Relied in Good Faith

Florida courts have held that citizens have a right to trust in their local government's statements and actions. *Imperial Homes*, 309 So.2d at 573. When property owners reasonably and in good faith rely on their local government's assurances and change their position accordingly, equity requires protecting their investment; denying that protection would be unjust. *Id.*

Stripped of the legal jargon which lawyers and judges have obfuscated it with, the theory of estoppel amounts to nothing more than an application of the rules of fair play. One party will not be permitted to invite another onto a welcome mat and then be permitted to snatch the mat away to the detriment of the party induced or permitted to stand thereon. A citizen is entitled to rely on the assurances and commitments of a zoning authority and if he does, the zoning authority is bound by its representations, whether they be in the form of words or deeds. . . .

Imperial Homes, 309 So.2d at 573 citing the trial judge.

Florida law treats planned developments as a unique type of zoning designation. *Palm Beach Polo, Inc. v. Village of Wellington*, 918 So.2d 988, 990 (Fla. 4th DCA 2006). "Development order" is defined by Florida Statute and "includes the rezoning of a specific parcel." Fla. Stat. §70.51(2)(a). Because planned developments require a rezoning of specific parcels they are development orders. *Id.* A PD was created to "permit flexibility in design and use of property."

Palm Beach Polo, 918 So.2d at 990. In *Palm Beach Polo*, the court held that terms contained in a PD document govern how that property may be used in the future. *See Id.*

This application does not seek to use equitable estoppel to authorize development contrary to law. Shadow Pines PD was approved to be developed for 450 mobile homes in 1974, and the County has repeatedly confirmed that the approval is “perpetual” and “still in effect” because it predates the Comprehensive Plan. The requested VRC aligns with decades of governmental actions confirming that Shadow Pines PD may be developed as approved. The Owners are entitled to rely on their government’s consistent actions; they diligently researched the Property’s rights before purchasing, just like in *Imperial Homes*. 309 So.2d at 573. Thomas Engel likewise relied on the County’s approval and was even denied applications for other types of uses, like the pugmill plant in 1989, based on the 1974 approval. Given the governmental actions already discussed, the Owners were justified in relying on them. The only practical way to confirm a PD’s continuing validity is to ask the County’s planning department; the Owners did so and then, in good faith, made substantial expenditures in reliance.

In addition to the previously discussed Orange County staff statements, the validity of the Shadow Pines PD was ratified by the BCC when they approved the new Orange Code zoning map and kept the Property’s PD zoning designation. This is a clear signal to all prospective developers that the Property is entitled to be developed consistent with its PD approvals. As a result, the BCC has now affirmed this Property’s PD designation twice, once in 1974 and now in 2025.

Moreover, the Orange Code expressly recognizes and protects the rights of previously approved PDs. It states that its purpose is to provide flexibility for the development of approved PDs and explicitly exempts any PD approved before June 3, 2025 from its requirements, allowing such properties to be developed pursuant to their existing LUP/RP approvals. Our request today is simply to proceed under those clear, previously granted approvals and develop the PD as authorized.

iii. Denying Development Would Be Inequitable Given That Owners and Thomas Engel Invested Substantial Expenditures and Changed their Position

Florida courts require the property owner makes “substantial expenditures” in good faith reliance to the governmental acts. *See Hollywood Beach Hotel Co*, 329 So.2d at 15-16. However, “substantial expenditures” have been held to be the purchase price paid for the property in addition to other supplemental expenses. *See Imperial Homes*, 309 So.2d at 573. Florida case law recognizes that the purchase price is an important component of the expenses considered when determining whether a property owner has made sufficient expenditures in good faith reliance to qualify for vested rights under equitable estoppel. *See Id.* *See also* Bishop, 174 So.2d at 105 (holding the property owner established a claim for equitable estoppel because they “purchased the said property, changed their position materially, and incurred substantial expense” in good faith in reliance).

While the “mere” purchase of land is not, by itself, sufficient to establish vested rights, Florida courts have held that a land purchase combined with additional expenses will suffice, even if those additional expenses are nominal. *See Imperial Homes*, 309 So.2d at 573-74. In *Imperial Homes*, the Court considered \$379,000 in expenditures constituted “substantial expenditures,”

even though more than 80% of that amount was the purchase price. *Id. See also Bregar v. Britton*, 75 So.2d 753 (Fla. 1954) (holding that \$28,000 spent in good faith reliance satisfied the reliance requirement of equitable estoppel).

All expenses incurred by the current owner, and even by prior owners of the property, are considered because Florida courts have held that vested rights run with the land. *The Florida Companies v. Orange County*, 411 So. 2d 1008, 1011 (Fla. 5th DCA 1982). In *The Florida Companies*, the Court said, “[t]he fact that one is... a successor in title... has been held to make no difference as to that person's ability to invoke the doctrine of equitable estoppel against a governmental body, so long as that person has justifiably and in good faith suffered detriment in relying upon the governmental body's official actions” *Id.*

The owners of Shadow Pines PD and the Property have invested substantial sums in purchasing and attempting to develop the Property. Thomas Engel invested funds to have the LUP and PDP prepared by engineers and architects. The development plan included the following documents: P-D Narrative and Explanation; Location Map; Land Use and Zoning; Topography; Soils; Tree Cover; Land Use Plan; and a Typical Cluster Layout. Each required expert design and detail to secure approval by the City Commissioners. Thomas Engel invested these funds and more to obtain approval of the development plan and to have the Property rezoned as PD.

Since acquiring the Property, the current Owners likewise have invested substantial funds in developing the Property in good-faith reliance on their right to do so. They purchased the Property; engaged planning and consulting firms; retained counsel and incurred legal fees; and submitted applications to the County for development. And now, after County staff, even confirming this with their supervisor, explicitly reaffirmed in 2025 that the Property may be developed as approved, the Owners incurred legal expenses in connection with the negotiation of an LOI. Those negotiations were extensive and expensive but have resulted in a LOI worth nearly eleven million dollars. All of these expenditures were made in good-faith reliance on the County’s assurances that the Owners had the right to develop the Property as previously approved. Florida courts hold that vested rights run with the land; therefore, all good-faith expenditures should be considered, from those incurred by Thomas Engel to secure PD approval and rezoning to those incurred since the Owners purchased the Property in 2021.

Inequity and the public interest are at stake. Allowing the County to repudiate PD-specific representations after owners have changed position in good faith would be grossly unjust.

C. Shadow Pines PD Holds a Legitimate Claim of Entitlement, Not a Mere Expectation

The Owners have a legitimate claim of entitlement to develop the Property as approved in 1974. Unilaterally repudiating that settled approval would contravene public policy and basic fairness. For decades, the County has repeatedly and expressly confirmed that the Shadow Pines PD is valid and may be developed. It has stated that the PD is perpetual and exempt from comprehensive-plan consistency because it predates the plan. Abandoning this decades-long interpretation, harming the Owners in the process, would be arbitrary and capricious under Florida law and subject to equitable relief.

Governmental action can create a “legitimate claim of entitlement,” not merely a unilateral expectation. *See Board of Regents of State Colleges v. Roth*, 408 U.S. 564, 577 (1972). *Roth* explains that property interests do not arise from the U.S. Constitution itself, but from “existing rules or understandings” under state law that secure certain benefits and support claims of entitlement to those benefits. *Id.* Thus, where county approvals and settled, official interpretations confer specific, presently enforceable development rights, an owner has a protected property interest. *Id.*

Florida courts also require agencies to apply zoning ordinances consistently and do not permit abrupt reversals of settled, official interpretations that deprive an owner of a recognized entitlement. *See City of Margate v. Amoco Oil Co.*, 546 So. 2d 1091, 1094 (Fla. 4th DCA 1989) (granting relief where the city acted arbitrarily and capriciously in denying development consistent with its prior interpretation and the governing law). In *Amoco Oil Co.*, the court found the owner had a protectable entitlement where the proposed development conformed to the governing law and the City’s settled interpretation, even when the City had denied approval and then altered the law to preclude that development. *Id.* at 1093–94. Courts may compel approval or otherwise remedy arbitrary and capricious governmental action that departs from the essential requirements of law. *Id.*

Here, over more than fifty years, the County has repeatedly confirmed that the Shadow Pines PD is valid and may be developed, and it has even acted on the premise that Shadow Pines PD is valid by denying different types of development to what was approved. More recently, the County acknowledged Shadow Pines as a vested PD on the new zoning map under the updated Orange County Code. If the County denies vested rights in response to public pressure rather than the governing rules, that decision is an arbitrary departure from the County’s settled interpretation. Florida law does not permit such a shift to strip the owners of their legitimate claim of entitlement attained by the County’s approvals and subsequent actions. As senior planning staff have explained, the comprehensive plan and the recently enacted Orange County Code confirm that the Property’s PD zoning remains valid, approved for development, and vested. Just like the Court held in *Amoco Oil Co.*, a determination that Shadow Pines PD is invalid or lacks vested rights would be arbitrary and capricious and subject to injunctive or comparable relief.

D. In the Alternative: Negligent Misrepresentation (If the County Finds No Vested Rights)

If the County now determines that the Shadow Pines PD is invalid and lacks vested rights, that determination would contradict the County’s repeated, written representations to current and prior owners over decades. The County has relied on the PD’s validity to deny additional development and has referenced that validity in appraisal and acquisition materials concerning the Property, including when the County itself attempted to purchase the Property. Because the relevant records and interpretations have always been within the County’s possession and control, any contrary determination today would render those prior factual assertions inaccurate or, at minimum, made without reasonable care as to their truth. In that event, the elements of negligent misrepresentation are satisfied.

Florida law waives sovereign immunity permitting liability when a governmental entity engages in conduct that, if done by a private person, would give rise to liability under comparable circumstances. Fla. Stat. § 768.28. When a municipality acts in an operational, business capacity and makes material representations on which others foreseeably rely, courts have recognized negligent misrepresentation claims. *See Champagne-Webber, Inc. v. City of Fort Lauderdale*, 519 So. 2d 696, 698 (Fla. 4th DCA 1988) (elements of negligent misrepresentation were satisfied where the City’s written statements induced reliance in a transactional context). Likewise, when a governmental entity acting in a contracting capacity furnishes reports to private parties, it owes an implied obligation not to provide misleading factual information. *Jacksonville Port Auth. v. Parkhill-Goodloe Co.*, 362 So. 2d 1009, 1012–13 (Fla. 1st DCA 1978) (affirming the government was liable where omissions rendered furnished information misleading and caused reliance and damages).

The County did more than express a policy judgment; it issued a formal written appraisal containing specific factual assertions, namely, that the Shadow Pines PD was valid and could be developed. That appraisal was not a discretionary opinion; it was a factual representation prepared and communicated in a transactional setting for the foreseeable purpose of being relied upon. If, contrary to our position, the PD is deemed invalid, then the appraisal’s assertions were inaccurate and, at minimum, made without reasonable care as to their truth, particularly because the County possessed and controlled the underlying records and approvals. The Owners justifiably relied on those representations in making significant financial and strategic decisions, and they suffered measurable economic harm as a result. These facts fit the duty recognized in *Jacksonville Port Authority*, a duty not to supply materially misleading factual information in a contractual relationship when reliance is foreseeable. Because the appraisal constitutes an operational, affirmative factual representation in a transactional context, sovereign immunity does not bar the claim, and the tort of negligent misrepresentation is properly established.

Conclusion

Orange County’s own records and actions leave no doubt that Shadow Pines PD retains vested development rights. The BCC approved Shadow Pines PD’s LUP and PDP in 1974; the DRC reaffirmed the PD framework in 1988 and 1989; staff acknowledged the PD’s validity and entitlements in 2000 and 2019; Planning and Zoning officials expressly confirmed in 2023 and 2025 that Shadow Pines PD is valid, that PD rezonings do not expire and that a mobile home community may be developed without rezoning; Map 8 identifies the Property as “Committed,” reflecting approved PD development yet to be built; and the BCC even ratified the Property as zoned PD in the new Orange Code in June of 2025. These sustained, official acknowledgments, together with decades of good-faith reliance and substantial expenditures by prior and current owners, confirm that the PD remains effective as approved, most importantly that the Property has vested rights to be developed.

The County has not taken a single isolated action on which the Owners relied in good faith; rather, it has consistently and repeatedly affirmed over the past 50 years that the Property may be developed as approved. The Owners, and every party in the chain of title since Thomas Engel, reasonably relied on these assurances in planning for development and in making significant investment decisions. Even today, the County’s own documents reinforce these expectations. Both

the new Orange Code and the current Comprehensive Plan continue to recognize the Property as an approved PD with remaining development rights.

Each of the two independent grounds advanced compels the same result. First, the PD satisfies Orange County Code section 30-363(d)(4), entitling the Property to a VRC exempting it from the Comprehensive Plan, including concurrency. Second, Orange County Comprehensive plan policy FLU8.5.3 that protects vested rights attained under common law. Two legal doctrines under Florida's common-law grant the Property vested rights. First, equitable estoppel doctrine, the County's clear and repeated representations induced reasonable, good-faith reliance and substantial expenditures; equity will not permit the County to repudiate those assurances now. Issuing the certificate does not expand entitlements or contravene the Comprehensive Plan. It simply effectuates the precise PD use approved in 1974 and consistently recognized since. Second, the Owners have shown they have a claim for legitimate claim of entitlement. In the alternative, absent a finding of vested rights, the County's conduct satisfy the elements of negligent misrepresentation.

For these reasons, the County should issue the VRC for the Shadow Pines PD and confirm that the Property may be developed in accordance with the 1974 approvals.

EXHIBIT "A"

SHADOW PINE
A PLANNED DEVELOPMENT

Purpose of P-D Statement This Statement is submitted in compliance with Article XXIX, Section 6 of the Orange County Zoning Resolution with respect to the Preliminary Development Plan requirements for a P-D Planned Development District.

Legal Description Lands in Section 26, Township 22 South, Range 32 East, Orange County, Florida, more particularly described on Schedule "A" attached hereto.

General Location and Description The subject property contains 75 acres located on the North side of S. R. 50 abutting the East boundary of the unincorporated area known as Bithlo.

Generally, the soils on the site present few building problems. The small problem areas of Rutledge mucky fine sand will be studied in greater detail through soil probings prior to any development.

Public Utilities and Services The Developer will provide sewage and water service in accordance with State and County health codes and regulations. The development is presently approved for a package water and waste treatment plant (General Environmental, Jacksonville) and presently upgrading to 100,000 G. P. D. plant.

The Development is not presently within a County Fire District, but service will be provided by the U. S. and State Forest Service. In addition, Union Park and Bithlo Volunteer Fire Departments are in close proximity to the Development, and a lake on the property can back up existing fire prevention services.

ORANGE COUNTY PLANNING & ZONING COMMISSION PLANNED DEVELOPMENT	
Project	<u>SHADOW PINES</u>
Applicant	<u>THOMAS ENGEL AGENT</u>
Review No. <u>18</u>	Date <u>2-21-74</u>
Preliminary Dev. Plan P.H. <u>14</u>	Date <u>3-21-74</u>
Final Dev. Plan, Date	
Exhibit No. <u>1</u>	of <u>8</u>

Submitted with application

SHADOW PINE
Page Two

Land Use Plan

SHADOW PINE is a mobile home residential community designed for the market generated by the need for low-cost housing in Central Florida.

The proposed land uses are as follows:

<u>Land Use</u>	<u>Acres</u>
1. Road ROW	3.03
2. Parks	4.42
3. Greenbelts	6.08
4. Residential	<u>55.29</u>
TOTAL	68.82 G. R. A.
Commercial	1.83 (20,000 sq. ft. building space)
Utilities	1.37
Lake	<u>3.03</u>
TOTAL	<u>75.05</u> Acres
Total Units:	450
Density:	6.55 DU/G. R. A.
Gross Residential Density:	6.55 DU/AC
Maximum Height:	35 Feet
Maximum Height of Residential Unit:	1 Story

NOTE: Total project to be developed in one phase

The County development policy indicates agricultural use of the subject property; however, because of the critical need for low-cost housing and the surrounding land uses, including Bithlo, the Board has indicated that this development is congruent with established land use in the area and could only upgrade a deteriorating situation.

SHADOW PINE
Page Three

Road Systems and Traffic Generation-The Developer will dedicate internal roads to the County if desired, and will improve all roads to Orange County regulations as indicated in the Orange County Zoning and Subdivision Regulations.

According to the County Subdivision Regulations, SHADOW PINE will generate the following amount of traffic:

<u>Land Use</u>	<u>ADT</u>
1. Mobile Homes	4680
2. Commercial (20,000 S. F. Building space)	<u>400 Peak</u>
Total	5,080

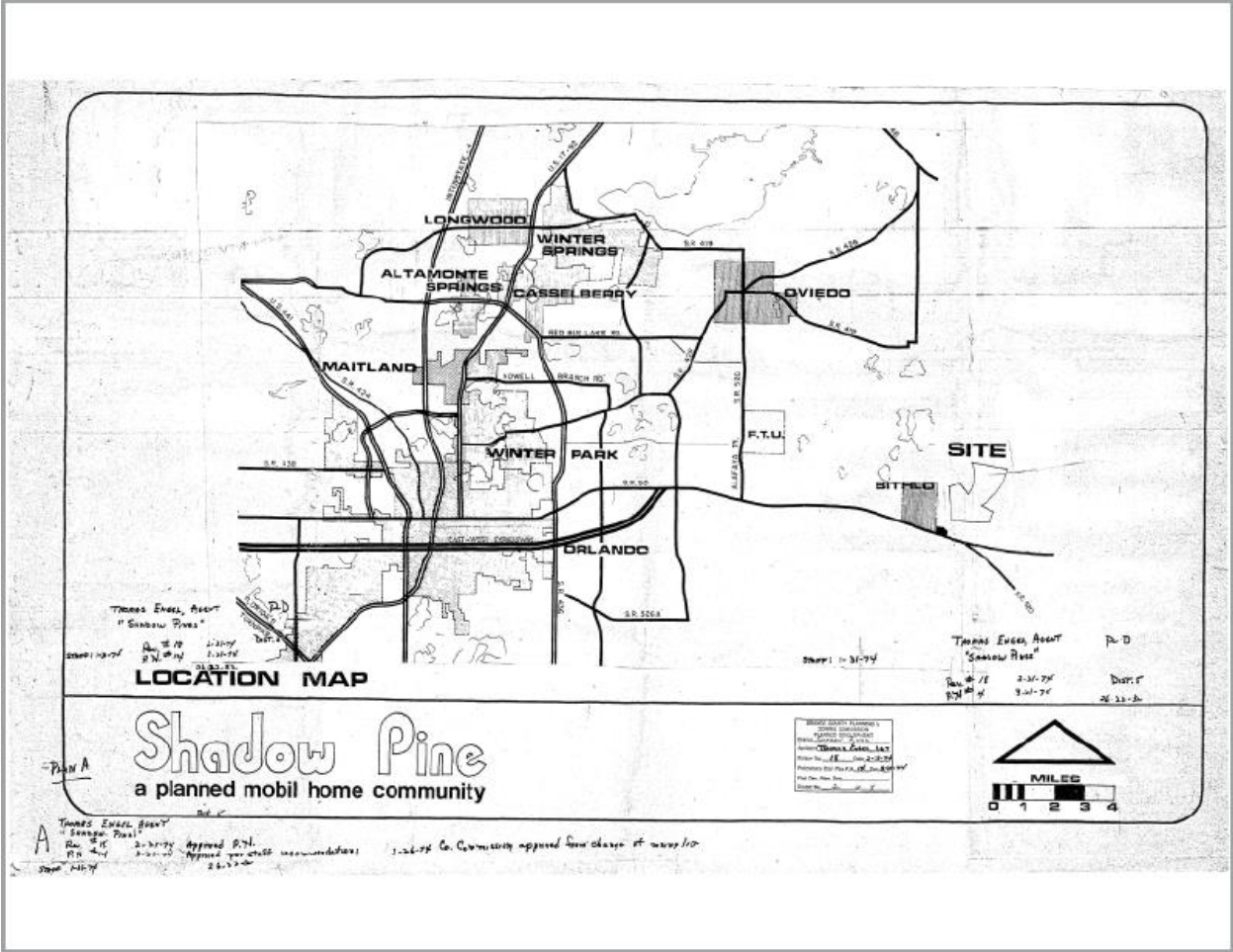
Owners, Developer, Consultant

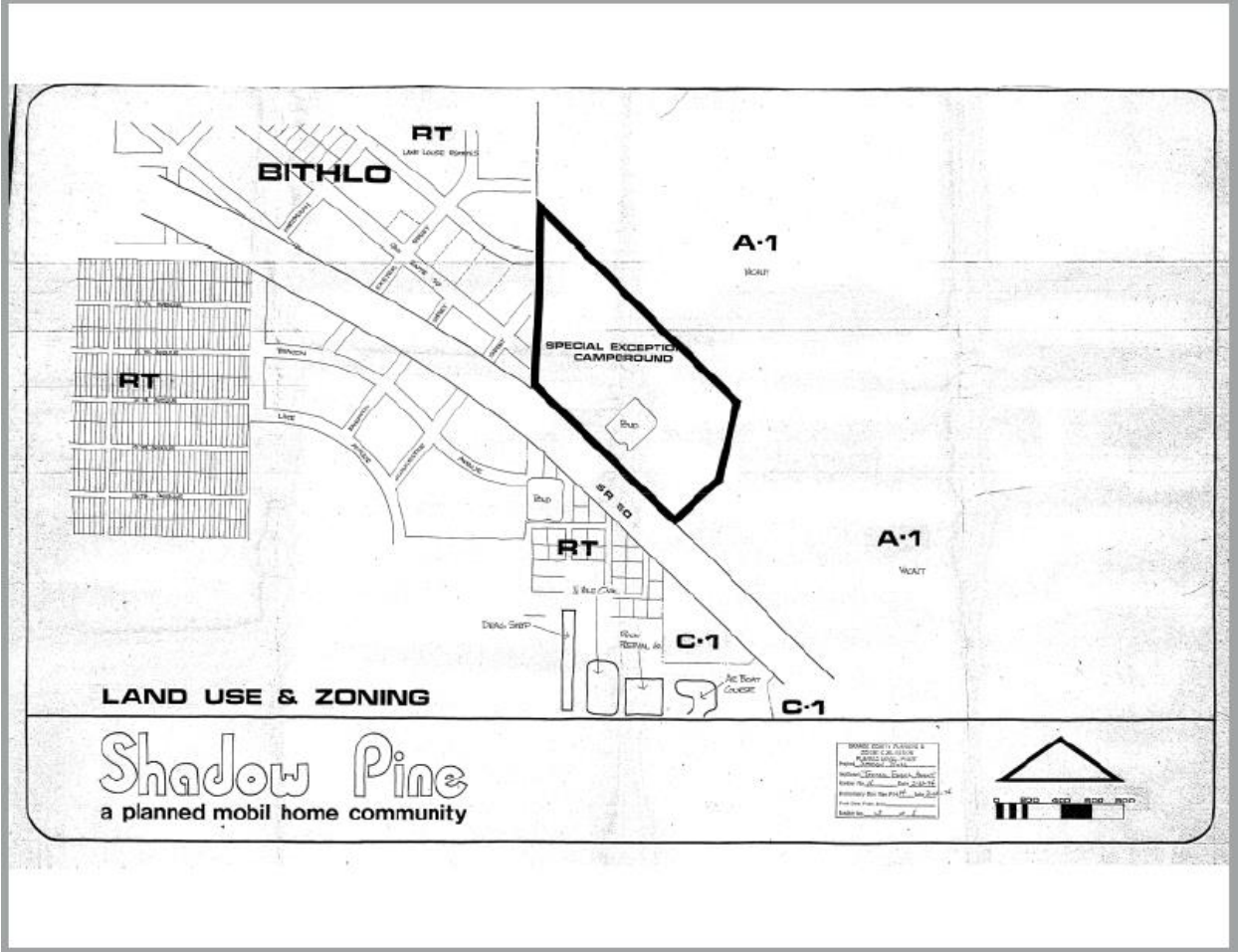
Thomas D. Engel owns and will develop SHADOW PINE through Engel Development Corp. T. W. (Pete) Storage, a land planning consultant with the King Helie Planning Group, is associated with Dan Engel and Engel Development Corp. and will serve as consultant to the Development as well as having a equity position in the Development.

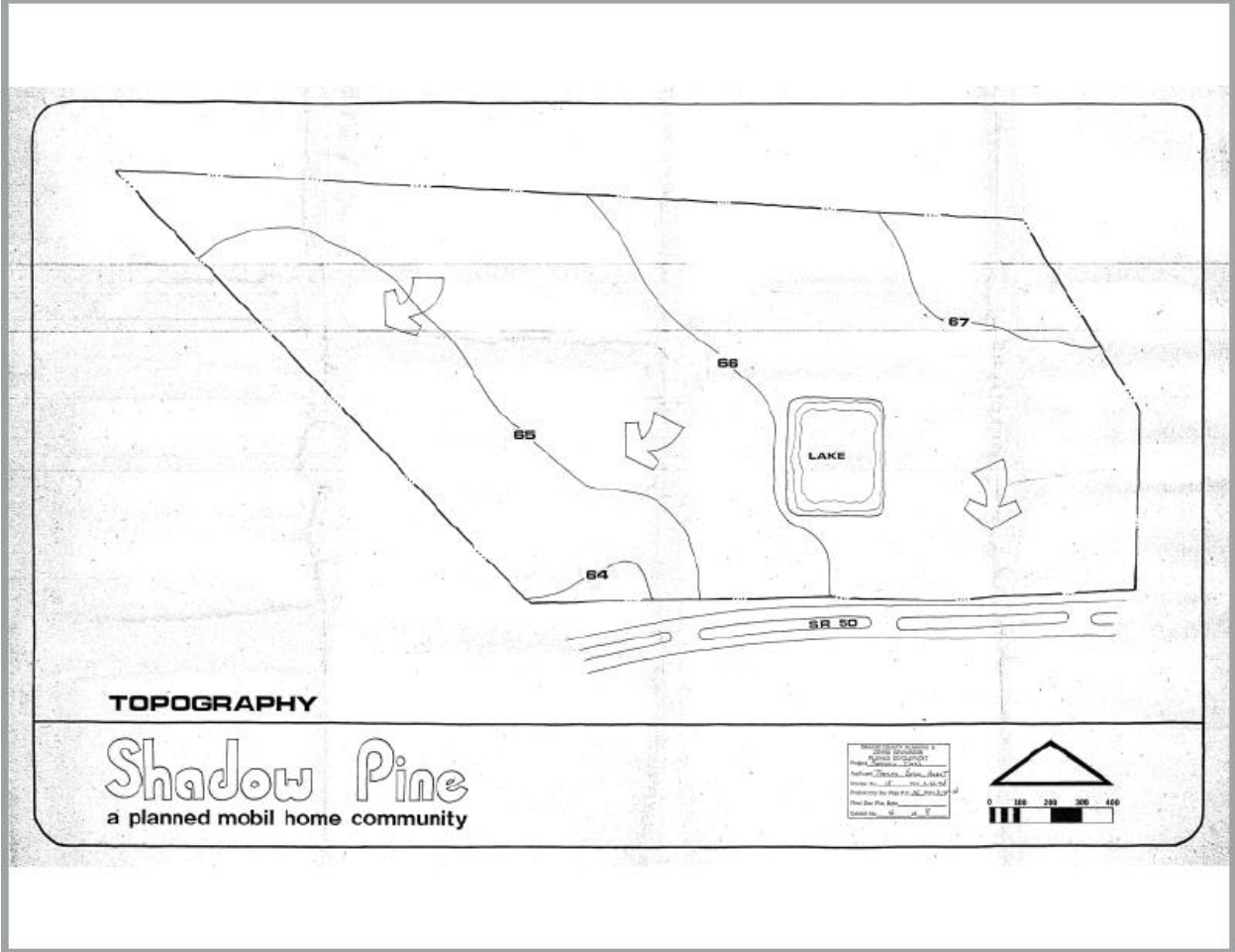
LEGAL DESCRIPTION

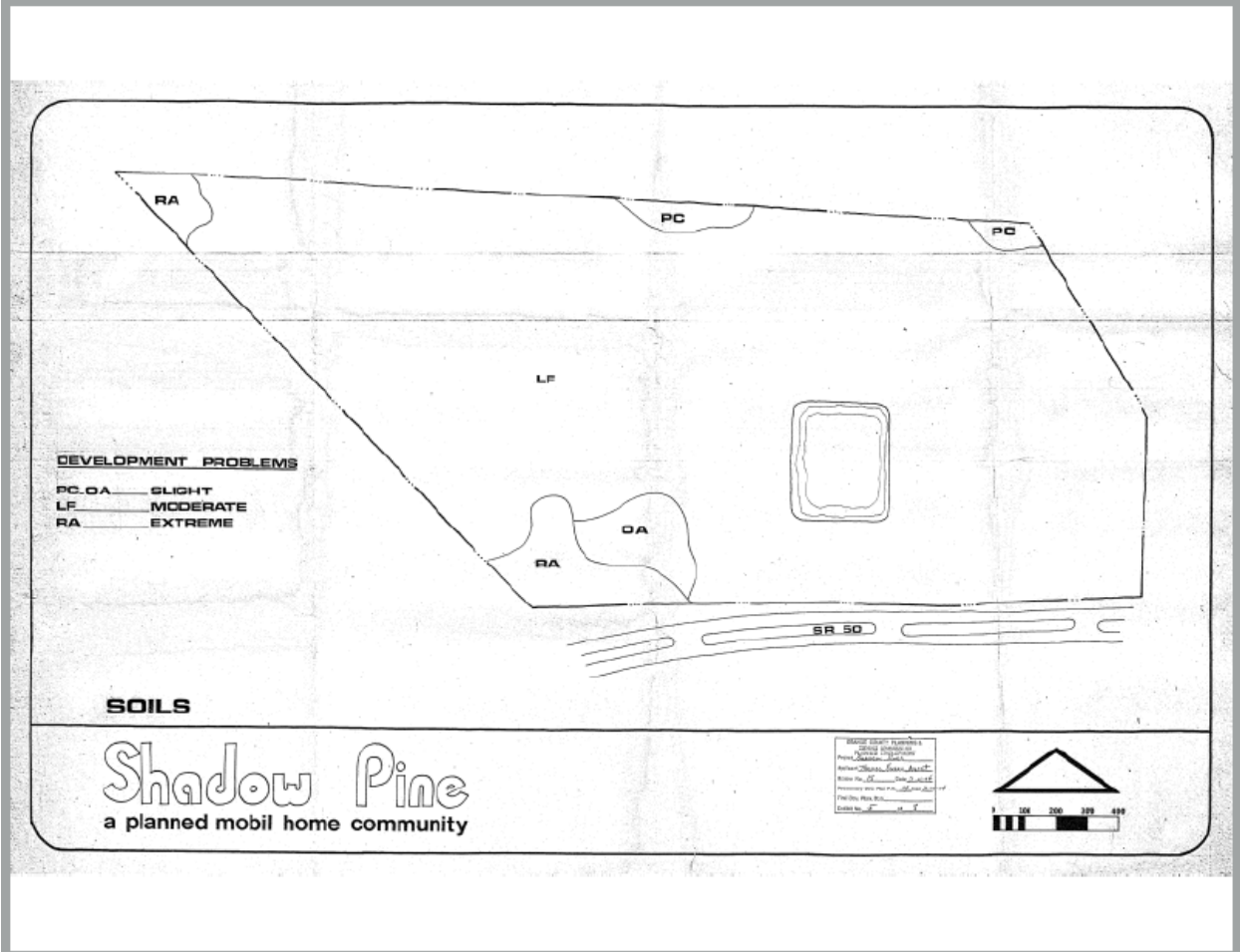
Begin at the Northwest corner of Section 26, Township 22 South, Range 32 East, Orange County, Florida; thence S01°34'11"W along the West line of said Section a distance of 1836.86 feet to the Northernly right of way line of Cheney Highway; thence S30°17'15"E 132.91 feet to the most Southernly corner of Lot 14, Block 1 of CHRISTMAS GARDENS Development No. 1 as recorded in Plat Book pp. 1, Page 54 of the Public Records of Orange County, Florida; thence along the South line of said Block 1, run S50°04'43"E 330.42 feet; thence S48°29'38"E 330.08 feet; thence S47°12'15"E 515.55 feet to the point of intersection of said Northernly right of way of Cheney Highway and the Northernly right of way line for State Road No. 50 being in a curve concave Southwesterly having a radius of 13,815.00 feet; thence Southwesterly along the arc of said curve and the Northernly right of way line of said State Road No. 50, through a central angle of 02°37'28" a distance of 634.49 feet to the Southwesterly of T. of 9 of said Block 1; thence N42°47'45"E 578.75 feet to the most Southernly corner of Lot 8 of said Block 1; thence N1°16'49"E along a line projected through the most Northernly corner of said Lot 8 a distance of 799.25 feet; thence N47°12'15"W parallel to the Northeasternly line of said CHRISTMAS GARDENS a distance of 2778.61 feet to the North line of said Section 26; thence N89°37'47"W 390.4 feet to the point of beginning.

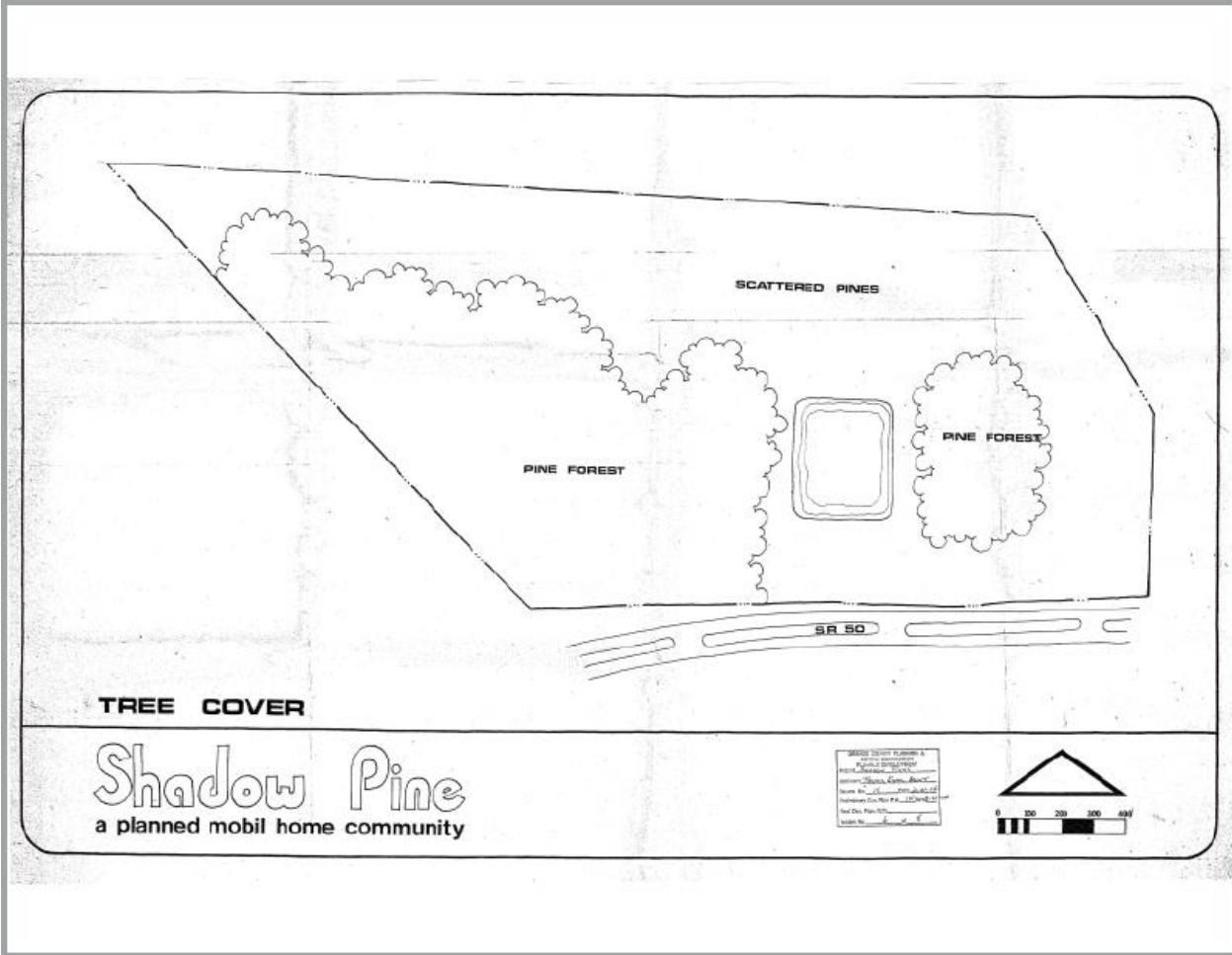
Containing 75,000 acres.

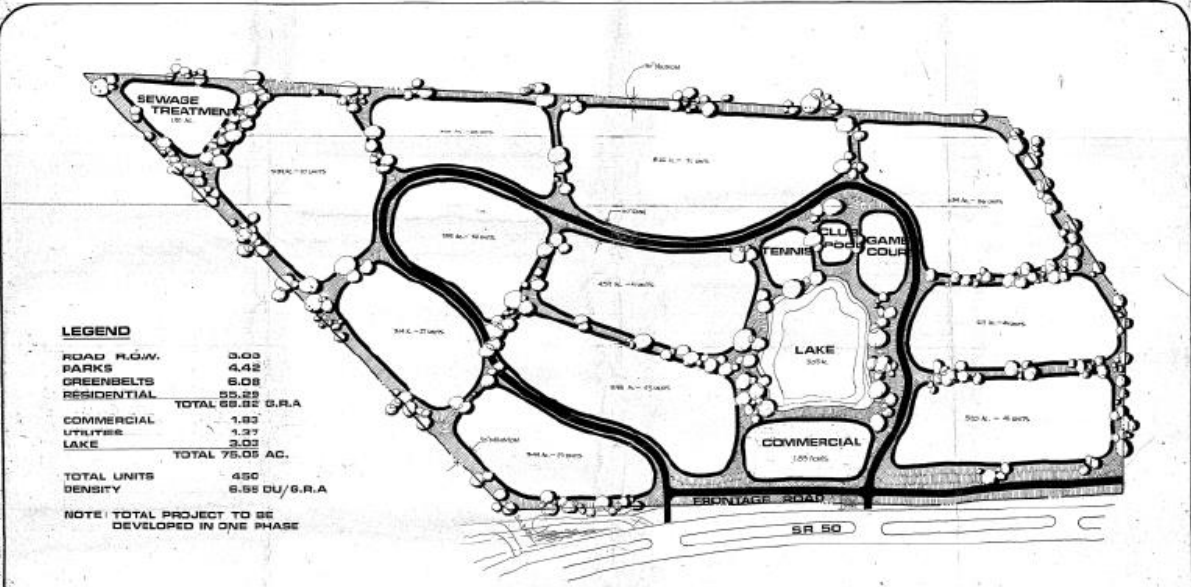












LEGEND

ROAD R.O.W.	3.03
PARKS	4.42
GREENBELTS	6.08
RESIDENTIAL	55.29
TOTAL	69.82 G.R.A.
COMMERCIAL	1.33
UTILITIES	1.27
LAKE	3.03
TOTAL	75.05 AC.
TOTAL UNITS	450
DENSITY	6.58 DU/G.R.A

NOTE: TOTAL PROJECT TO BE DEVELOPED IN ONE PHASE

LAND USE PLAN

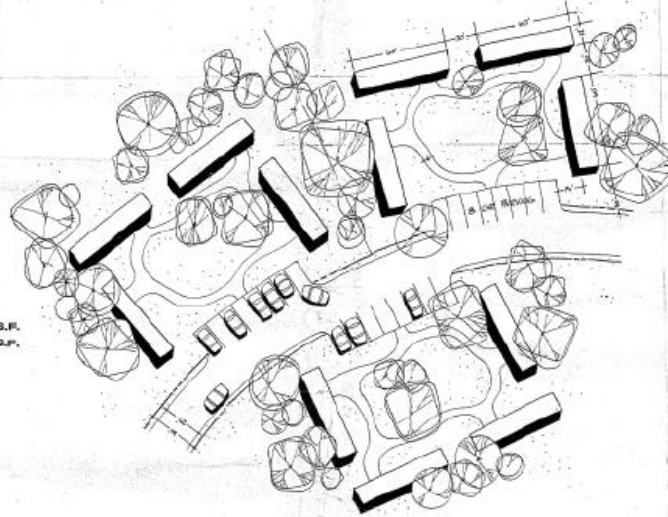
Shadow Pine
a planned mobil home community

SHADOW PINE COMMUNITY
 10000 S. 100th St.
 Omaha, NE 68134
 Phone: 402.491.1111
 Fax: 402.491.1112
 Website: www.shadowpine.com



NOTE :

TYPICAL CLUSTER 18,290 S.F.
MINIMUM LOT SIZE 4,572 S.F.



TYPICAL MOBIL HOME CLUSTER

Shadow Pine
a planned mobil home community

SHADOW PINE PLANNING &
DESIGN, INC.
10000 S. 100th St., Suite 100
Tulsa, Oklahoma 74134
Phone: (918) 438-1111
Fax: (918) 438-1112
www.shadowpine.com

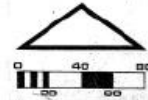


EXHIBIT "B"

Orange  County

Zoning Department
Sharon Smith, Director
201 South Rosalind Avenue, 1st Floor
Reply To: Post Office Box 2687
Orlando, Florida 32802-2687

February 17, 1988

Mr. Thomas Liddell
DeWitt Excavating, Inc.
P. O. Box 337
Winter Garden, Florida 32787

SUBJECT: Change Determination for Shadow Pines PD

Dear Mr. Liddell:

On February 11, 1988 the Development Review Committee reviewed your request to install a temporary ticket booth within the Shadow Pines PD.

The Development Review Committee approved your request until the borrow pit permit expires, or when development occurs, whichever occurs first.

Should you have any questions, please feel free to call Rocco Relvini at 236-5525.

Cordially,


Sharon Smith
Zoning Director

SS/RR/dmw

cc: Rocco Relvini, Zoning Department
Ed Williams, Planning Department
George Cole, County Engineer
Dan Allen, Public Utilities
Bobbi McCain, DRC Coordinator
PD Files ✓

EXHIBIT "C"

Orange



County

Zoning Department
Sharon Smith, Director
201 South Rosalind Avenue, 1st Floor
Reply To: Post Office Box 2687
Orlando, Florida 32802-2687

March 2, 1989

Stephen T. Beasley
DeWITT EXCAVATING, INC.
P. O. Box 337
Winter Garden, FL 32787

Subject: Change Determination: Shadow Pine P-D

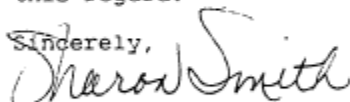
Dear Mr. Beasley:

On March 1, 1989 the Staff of the Development Review Committee (DRC) reviewed your request to set up a temporary pugmill plant within the designated commercial tract of Shadow Pine P-D.

Please be advised staff's determination is that this constitutes a substantial change to the project's approved Land Use Plan; in effect, this would require an amendment to the plan via a public hearing by the Planning and Zoning Commission.

The commercial land use for this project was approved for light, retail commercial land use. The proposed pugmill operation, however, is an intense/heavy commercial use, and is, therefore, inconsistent with the uses originally permitted.

Please feel free to contact our office should you have any questions in this regard.

Sincerely,

Sharon Smith,
Zoning Director

SS/GT/jyw

cc: Tom Hastings, Public Works
Dan Allen, Public Utilities
Ed Williams, Planning Department
George Cole, Engineering
Bobbi McCain, DRC Coordinator

EXHIBIT "D"

DATE: 11-MAY-2000

TO: Chairman, Development Review Committee

From:

Plan Number: 5008662

PLAN NAME: HONEYBEE RANCH CONSTRUCTION & DEMOLITION DEBRIS
DISPOSAL FACILITY

PROJECT ANALYSIS

A. Location: NORTH OF S.R. 50, EAST OF SR 520
S26/T22/R32
B. Total Acres: 41
C. Water Supply:
D. Sewer System:
E. Proposed Uses: C & D LANDFILL 41 ACRES

ZONING:

A-2 (1957) & PD (Shadow Pines, 1974)
The reference to future commercial is premature. The entire ranch is designated Rural on the FLUM, while the portion of Shadow pines has only 1.83 acres for commercial uses to serve the MH park. (Z)

A LUP Amendment may be required to process the PD portion of this request. (Z)

The landscape buffer shall include trees 40' on center in open areas of proposed buffer. Natural vegetation may meet this requirement if applicable. (Z)

The submittal package lists Tabitha Perry as the direct contact for BZA. This should be Rocco Relvini (836-5386). (Z)

CONDITIONS:

RECOMMENDATION:

DATE: 04-OCT-2000

TO: Chairman, Development Review Committee

From:

Plan Number: 5010302

PLAN NAME: HONEYBEE RANCH LAND USE PLAN

PROJECT ANALYSIS

A. Location: NORTH OF S.R. 50, EAST OF 520 S23/T22/R32
B. Total Acres: 1164
C. Water Supply: WELL
D. Sewer System: SEPTIC SYSTEM
E. Proposed Uses: CEMETERY 292 ACRES

ZONING:

PD (Shadow Pines-1974) & A-2; PD Proposed
What is the expected life-cycle of this landfill? (Z)

All excavating or mounding (landfill activities) shall be setback 200 feet from Sr 50, abutting residential to the west and north border. (Z)

A site berm at least 10' high, sodded and landscaped with 12' shade trees 25' on center shall be installed abutting the road and western residential perimeter. (Z)

While this project is considered a new LUP, approval of this LUP will amend the existing Shadow Pines PD, eliminating previous approvals. (Z)

CONDITIONS:

RECOMMENDATION:

EXHIBIT "E"

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 08, 2019**

Case Planner: **Dave Nearing**

Case #: **SE-19-05-039**

Commission District: **#5**

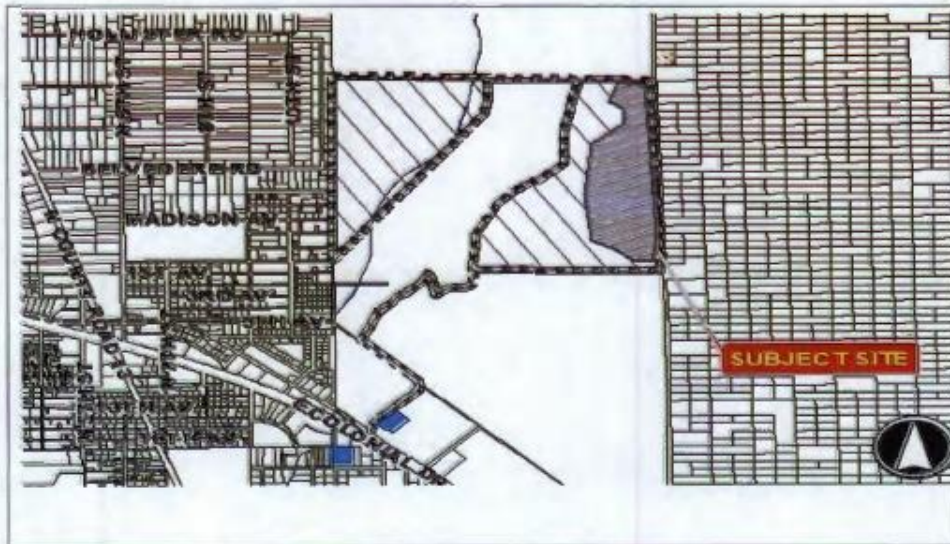
GENERAL INFORMATION

APPLICANT(s): BISHOP AND BUTTREY, INC.
OWNER(s): HONEY BEE HOLDINGS LLC
REQUEST: Special Exception in the A-2 zoning district to allow a yard trash processing facility.
PROPERTY LOCATION: E. Colonial Dr., Orlando, FL 32820, north side of E. Colonial Dr., east of N. County Road 13
PARCEL ID: 23-22-32-0000-00-004
LOT SIZE: 326 acres
NOTICE AREA: 1 mile
NUMBER OF NOTICES: 2,099

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-2/ P-D	A-2	A-2	A-2	R-T-2
Future Land Use	Rural	Rural	Rural	Rural	RS 1/1
Current Use	Borrow Pit	Vacant	Vacant	Vacant	Residential

BACKGROUND AND ANALYSIS

Description and Context

The property is located in the A-2 Farmland Rural zoning district, which allows agricultural uses, mobile homes, and single-family homes with accessory structures on larger lots. Yard trash facilities are allowed as a special exception in this zoning district.

The property is an irregular shaped property with two large areas, which are connected by strips of land. The front portion of the property is zoned P-D and is located in the Shadow Pines P-D. This P-D allows mobile homes and commercial uses. The service road for the subject property that bisects this P-D is allowed per the P-D documents on file.

There is an existing borrow pit on site and the applicant is requesting to add the yard trash processing facility use. According to the applicant, the operation will be developed in seven phases. The overall acreage of the proposed use is approximately 60 acres, and it will be located in the easternmost portion of the 326 acre property.

A yard trash processing facility is "a yard trash transfer station or a facility at which yard trash is processed into a size-reduced, usable material or is composted, but does not include a facility used for the disposal of yard trash. "

The project area is surrounded by vacant agricultural properties on all sides. The closest residence is located approximately 4,500 ft. to the west of the proposed yard trash facility.

A Construction and Debris Landfill facility was approved on the adjacent property to the south (was all one lot at the time) in 2000, however that facility was never developed.

In December 2017, a yard trash processing facility was approved on the property to the west, which was permitted to have up to 12,000 cubic yards. The operation is currently operating.

The applicant plans to use the leftover soil from this proposed operation to fill in the existing borrow pit. This process must be approved by EPD and Development Engineering and is not part of the request today.

EXHIBIT “F”

From: Thalmueller, Nicolas M <Nicolas.Thalmueller@ocfl.net>
Sent: Tuesday, February 14, 2023 10:56 AM
To: Marie <marie@eminentvaluations.com>
Cc: Kristin Soltys <kristin@eminentvaluations.com>
Subject: RE: Greenplace Appraisal

Marie,

See below for a summary of the future land use and zoning designations for these parcels. In summary, all of the parcels are designated Rural on the Future Land Use Map, are located within the Rural Service Area, and not located within a Rural Settlement. This means that none of the parcels are eligible to request a commercial land use or zoning designation. They are only permitted the rural designation and rural/agricultural zoning. The first five parcels are zoned A-2 (Farmland Rural District), and it looks like two of those parcels received special exception approval at various points for a yard trash processing facility, which is permitted by special exception in the A-2 district. It looks like parcels 26-22-32-1312-01-061 & 26-22-32-1312-01-000 were rezoned to PD in 1974 (which was many years before the future land use map or comprehensive plan existed) as the Shadow Pines PD for a 450 unit mobile home park with a 1.8 acre commercial component. Although, it doesn't look like that was ever developed. It looks like in 2000, parcel 26-22-32-1312-03-010 applied to rezone that parcel and the shadow pines PD for a new development, but that application was withdrawn and never approved.

From: Thalmueller, Nicolas M <Nicolas.Thalmueller@ocfl.net>
Sent: Tuesday, February 14, 2023 11:12 AM
To: Marie <marie@eminentvaluations.com>
Cc: Kristin Soltys <kristin@eminentvaluations.com>
Subject: RE: Greenplace Appraisal

A PD rezoning doesn't expire, and it predated the comprehensive plan so technically it's still valid. Meaning someone could develop a mobile home park on the site without rezoning. The commercial area was to support the mobile home park so someone could not come in and only do the commercial part. Only in conjunction with a mobile home park.

Nicolas Thalmueller, AICP | Planning Administrator
Orange County Planning Division
Planning, Environmental, and Development Services Department
201 S. Rosalind Avenue | Orlando, FL | 32801
407-836-5523



From: Thalmueller, Nicolas M <Nicolas.Thalmueller@ocfl.net>
Sent: Wednesday, February 22, 2023 10:52 AM
To: Marie <marie@eminentvaluations.com>; Kozak, Ted <Ted.Kozak@ocfl.net>
Cc: Kristin Soltys <kristin@eminentvaluations.com>
Subject: RE: Greenplace Appraisal

Hi Marie,

The short answer is no. The old PD approval predates the Comprehensive Plan and Future Land Use Map, so it can stay as is. But any change would require compliance with the Future Land Use. The Rural Land Use doesn't allow commercial or residential development beyond one single-family home per every 10 acres.

I've also copied Ted Kozak on this response.

Nicolas Thalmueller, AICP | Planning Administrator
Orange County Planning Division
Planning, Environmental, and Development Services Department
201 S. Rosalind Avenue | Orlando, FL | 32801
407-836-5523



EXHIBIT "G"

Transaction Report Bishop & Buttrey, Incorporated All Dates

Transaction date	nsa ctio	Num	Name	Memo/Description	Account full name	Item split account	Amount	Balance
12/31/2023	Bill	24-00111	NAI Realvest	land development consulting services 7/2023 - 12/2023 HBH	Intercompany.Due To/From ERC.Due To/From Honey Bee Holdings	Accounts Payable (A/P)	1,718.75	108,227.12
01/19/2024	Bill	438890	Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A.	attorney fees for Development of East Orange County Property	Intercompany.Due To/From ERC.Due To/From Honey Bee Holdings	Accounts Payable (A/P)	1,260.00	109,487.12
02/29/2024	Bill	444526	Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A.	attorney fees for Development of East Orange County Property	Intercompany.Due To/From ERC.Due To/From Honey Bee Holdings	Accounts Payable (A/P)	190.00	103,571.01
04/29/2024	Bill	448681	Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A.	attorney fees for Development of East Orange County Property	Intercompany.Due To/From ERC.Due To/From Honey Bee Holdings	Accounts Payable (A/P)	2,565.00	96,639.01
06/26/2024	Bill	454870	Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A.	attorney fees for Development of East Orange County Property	Intercompany.Due To/From ERC.Due To/From Honey Bee Holdings	Accounts Payable (A/P)	855.00	89,304.01
07/01/2024	Bill	HB-03	Vision Urban LLC	HBH Parcel Diagram 5/20/2024	Intercompany.Due To/From ERC.Due To/From Honey Bee Holdings	Accounts Payable (A/P)	2,640.00	81,814.51
08/20/2024	Bill	458099	Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A.	attorney fees for Property Conveyance History	Intercompany.Due To/From ERC.Due To/From Honey Bee Holdings	Accounts Payable (A/P)	285.00	71,771.67
09/20/2024	Bill	462043	Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A.	attorney fees for Property Conveyance History	Intercompany.Due To/From ERC.Due To/From Honey Bee Holdings	Accounts Payable (A/P)	712.50	62,281.17
10/24/2024	Bill	464742	Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A.	attorney fees for East Orange County Property Zoning	Intercompany.Due To/From ERC.Due To/From Honey Bee Holdings	Accounts Payable (A/P)	237.50	55,628.77
12/19/2024	Bill	1801	Solidarity Partners LLC	OC Consulting Dec 2024	Intercompany.Due To/From ERC.Due To/From Honey Bee Holdings	Accounts Payable (A/P)	6,000.00	63,051.77
12/23/2024	Bill	470358	Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A.	attorney fees for Development of East Orange County Property	Intercompany.Due To/From ERC.Due To/From Honey Bee Holdings	Accounts Payable (A/P)	380.00	64,619.27
12/23/2024	Bill	24-00128	NAI Realvest	land development consulting services 4/1/2024 - 12/20/2024 HBH	Intercompany.Due To/From ERC.Due To/From Honey Bee Holdings	Accounts Payable (A/P)	1,781.25	66,400.52
01/21/2025	Bill	1802	Solidarity Partners LLC	OC Consulting Jan 2025	Intercompany.Due To/From ERC.Due To/From Honey Bee Holdings	Accounts Payable (A/P)	6,000.00	-1,852.50
02/24/2025	Bill	1803	Solidarity Partners LLC	OC Consulting February 2025	Intercompany.Due To/From ERC.Due To/From Honey Bee Holdings	Accounts Payable (A/P)	6,000.00	6,000.00
02/24/2025	Journal Entry	358		Solidarity Partners LLC payment 2-24-2025	Intercompany.Due To/From ERC.Due To/From Honey Bee Holdings		-6,000.00	0.00
03/06/2025	Bill	HB-04	Vision Urban LLC	HBH Yield Study	Intercompany.Due To/From ERC.Due To/From Honey Bee Holdings	Accounts Payable (A/P)	650.00	650.00
04/14/2025	Bill	1804	Solidarity Partners LLC	OC Consulting April 2025	Intercompany.Due To/From ERC.Due To/From Honey Bee Holdings	Accounts Payable (A/P)	6,000.00	6,650.00
04/14/2025	Expense		Lowndes, Drosdick, Doster, Kantor & Reed, P.A.	Lowndes retainer 4/11/2025	Intercompany.Due To/From ERC.Due To/From Honey Bee Holdings	Comerica BB Clearing 1902	5,000.00	11,650.00
05/01/2025	Bill	1805	Solidarity Partners LLC	OC Consulting March 2025	Intercompany.Due To/From ERC.Due To/From Honey Bee Holdings	Accounts Payable (A/P)	6,000.00	17,650.00
05/16/2025	Expense		Orange County Board of County Commissioners	HBH East Orange Co application fee 5/5/2025	Intercompany.Due To/From ERC.Due To/From Honey Bee Holdings	Comerica BB Clearing 1902	1,710.00	19,360.00

05/16/2025	Bill	1066068	Lowndes, Drosdick, Doster, Kantor & Reed, P.A.	legal services for orange county April 2025	Intercom pany:Due To/From ERC:Due To/From Honey Bee Holdings	Accounts Payable (A/P)	3,801.50	23,161.50
05/19/2025	Bill	1806	Solidarity Partners LLC	OC Consulting May 2025	Intercom pany:Due To/From ERC:Due To/From Honey Bee Holdings	Accounts Payable (A/P)	6,000.00	29,161.50
06/02/2025	Bill	HB-05	Vision Urban LLC	HBH Yield Study	Intercom pany:Due To/From ERC:Due To/From Honey Bee Holdings	Accounts Payable (A/P)	250.00	29,411.50
06/17/2025	Bill	1068154	Lowndes, Drosdick, Doster, Kantor & Reed, P.A.	legal services for orange county May 2025	Intercom pany:Due To/From ERC:Due To/From Honey Bee Holdings	Accounts Payable (A/P)	3,034.03	32,445.53
07/14/2025	Bill	1807	Solidarity Partners LLC	OC Consulting July 2025	Intercom pany:Due To/From ERC:Due To/From Honey Bee Holdings	Accounts Payable (A/P)	6,000.00	38,445.53
07/18/2025	Bill	1070594	Lowndes, Drosdick, Doster, Kantor & Reed, P.A.	legal services for Orange County June 2025	Intercom pany:Due To/From ERC:Due To/From Honey Bee Holdings	Accounts Payable (A/P)	8,830.00	47,275.53
08/18/2025	Bill	1072557	Lowndes, Drosdick, Doster, Kantor & Reed, P.A.	legal services for Orange County July 2025	Intercom pany:Due To/From ERC:Due To/From Honey Bee Holdings	Accounts Payable (A/P)	6,457.50	53,733.03
09/17/2025	Bill	1808	Solidarity Partners LLC	OC Consulting August 2025	Intercom pany:Due To/From ERC:Due To/From Honey Bee Holdings	Accounts Payable (A/P)	6,000.00	64,569.43
09/18/2025	Bill	1074897	Lowndes, Drosdick, Doster, Kantor & Reed, P.A.	attorney fees Orange County Entitlements August 2025	Intercom pany:Due To/From ERC:Due To/From Honey Bee Holdings	Accounts Payable (A/P)	14,369.50	78,938.93
10/03/2025	Expense			Heir Search 10/2/2025	Intercom pany:Due To/From ERC:Due To/From Honey Bee Holdings	Capital One Card	3,900.00	82,838.93

EXHIBIT "H"

#3

CERTIFICATE OF VALUE

I certify to the best of my knowledge and belief, that:

County: Orange
Managing District: Orange
Parcel No.: Colonial Farms / 192

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, unbiased, professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
4. I have performed services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
5. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
6. My analyses, opinions, or conclusions were developed and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice, and the provisions of Chapter 475, Part II, Florida Statutes.
7. I have made a personal inspection of the property that is the subject of this report. I have also made a personal field inspection of the comparable sales relied upon in making this appraisal. The subject and the comparable sales relied upon in making this appraisal were as represented by the photographs contained in this appraisal.
8. No persons other than those named herein provided significant real property appraisal assistance to the person signing this certification.
9. I understand that this appraisal is to be used in connection with the acquisition of land area for the Orange County Environmental Protection Division for passive recreational activities.
10. This appraisal has been made in conformity with the appropriate State laws, regulations, policies and procedures applicable to appraisal.
11. I have not revealed the findings or results of this appraisal to anyone other than the proper officials of Orange County and I will not do so until so authorized by the County officials, or until I am required by due process of law, or until I am released from this obligation by having publicly testified as to such findings.
12. Regardless of any stated limiting condition or assumption, I acknowledge that this appraisal report and all maps, data, summaries, charts and other exhibits collected or prepared under this agreement shall become the property of the County without restriction or limitation on their use.
13. Statements supplemental to this certification required by membership or candidacy in a professional appraisal organization, are described on an addendum to this certificate and, by reference, are made a part hereof.

Based upon my independent appraisal and the exercise of my professional judgment, my opinion of the market value of the property appraised as of the 25th day of January, 2024, is: \$782,100

Market value should be allocated as follows:

LAND	\$ <u>782,100</u>	LAND AREA:	(Ac/SF) <u>37.24 Acres</u>
IMPROVEMENTS	\$ <u>0</u>	PROPERTY TYPE:	<u>Agricultural / Rural Residential</u>
NET DAMAGES &/OR COST TO CURE	\$ <u>0</u>		
TOTAL	\$ <u>782,100</u>		

February 2, 2024
DATE

Robert W. Simmons, Jr.
APPRAISER
Robert W. Simmons, Jr., Vice President
State-Certified General Real Estate Appraiser RZ1736

Parcel: 192
Project: GreenPLACE
County: Orange

HIGHEST AND BEST USE ANALYSES: (Continued)

Legally Permissible – The subject has a zoning of PD, Planned Development District. The subject has a Rural land use designation. Other parcels in the immediate area are A-2 by Orange County. The subject was initially approved as part of the Shadow Pines PD and was proposed as a mobile home park. This property is within the urban growth overlay boundary. The approved PD predates the Orange County Land Development Code and remains in effect and cannot be amended per Nicholas Thalmueller, land planner with Orange County. The original PD allowed for up to 6 units per acre; however, was never developed. The property and PD does not expire and is still valid according to Nicholas Thalmueller. A small part of the tract was approved for a commercial use in support the mobile home park so the commercial portion would have to be in support of the mobile home park that was never constructed and not any other types of commercial uses. The county would not support any other use or any low density residential zoning and land use amendment. The subject does not have utilities in the area for the approved mobile home park as part of the PD approval. According to the land planner, a rezoning to A-2, Farmland Rural and obtaining a special exception for more intensive agricultural uses allowed in the A-2 zoning and Rural future land use is probable.

Financially Feasible – The subject is in an area of other intensive agricultural or low density residential developments. The subject is financially feasible for mobile home use of the 37.24 acres as approved by the PD or rezoning to A-2, Farmland Rural for more intensive agricultural uses. The subject is in an area where vacant land is being developed with intensive agricultural/rural residential developments consistent with the zoning designations in place. The absence of utilities in the area impacts potential uses of the parcel.

Maximally Productive – The maximally productive use would be for mobile home park of the 37.24 acres as previously approved by the PD or the site is large enough and compatible for intensive agricultural uses if rezoned to A-2, Farmland Rural consistent with the Rural future land use.

HIGHEST AND BEST USE CONCLUSION:

The highest and best use of the subject property, as if vacant, is considered to be for mobile home park use (by right and prior approval); however, utilities are not readily available. An agricultural use is reasonably probable if a rezoning to A-2 and with a special exception for other uses, similar to adjacent uses.

APPROACHES TO VALUE USED AND EXCLUDED:

The only approach to value utilized for the subject's underlying land was the Direct Sales Comparison Approach (Market Approach) in estimating the value of the underlying land. The Cost Approach and Income Approach were determined to be inappropriate as buyers and sellers do not consider these approaches in their purchase and sale decisions on vacant land. We were able to locate residential acreage sales for agricultural or low density residential use similar to the subject in similar areas and under the same market influences. The unit value for the subject will be based upon agricultural or low density residential sales based upon a gross acreage value.

The Spivey Group, Inc.

17 *Real Estate Appraisers · Consultants · Realtors*

EXHIBIT "I"

Re: Fw: Honey Bees



Williams, Tyler <tywilliams@growthspotter.com>
To: Hodge, Wes

ⓘ If there are problems with how this message is displayed, click here to view it in a web browser.

[Reply](#) [Reply All](#) [Forward](#) [...](#)

Thu 5/1/2025 4:57 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Wes,

Sounds good. I am more than happy to make this clarification. I'll get to work on that now. Thank you for reaching out.

-Tyler

On Thu, May 1, 2025 at 4:37 PM Hodge, Wes <Wes.Hodge@ocfl.net> wrote:

Ty-

I have included the data from our staff.

Essentially 450 mobile homes can be built into the very front parcel as permitted over 50 years ago. So this isn't a neighborhood plan, but a 450 unit mobile home park in 30-50 acres with the remaining 1,050+- acres are restricted to 1 unit per 10 acres.

Commissioner Semrad would request for you to consider this clarification in your article.

A lot of the residents are very concerned about sprawl, because it sits outside the rural boundary, it has no water or sewer connection, and would be difficult to build out in that density.

Thank you,

Wes

Wes Hodge
Senior Aide
Office of Dr. Kelly Martinez Semrad
Orange County Commission - District 5
Office: 407-836-7325
Cell: 689-254-2118
Fax: 407-836-5879



From: Thalmueller, Nicolas M <Nicolas.Thalmueller@ocfl.net>

Sent: Thursday, May 1, 2025 11:45 AM

To: Moreau, Jennifer C <jennifer.moreau@ocfl.net>

Subject: Honey Bees

Jennifer,

I mentioned I had previously done research on a 1,100 acre set of properties along E colonial that match the description from the recent news article. Summary provided below. All of the properties are located in the County's Rural Service Area (RSA) outside of the Urban Service Area (USA) and they are not located in any Rural Settlement or Special Planning Area. A couple of the parcels were rezoned PD back in 74 for a mobile home park that was never constructed. While PDs don't ever expire, the Rural FLUM and location of the property mean they could move forward with development of that mobile home park but would not be eligible to change their entitlements to anything else. The rest of the parcels are straight Rural Land Use and Agricultural Zoning.

Short answer is that the article is incorrect to say there are entitlements for 500 homes. They would need to apply for a Comp Plan amendment and Rezoning similar to what the Grow did to be able to develop anything.

See below for a summary of the future land use and zoning designations for these parcels. In summary, all of the parcels are designated Rural on the Future Land Use Map, are located within the Rural Service Area, and not located within a Rural Settlement. This means that none of the parcels are eligible to request a commercial land use or zoning designation. They are only permitted the rural designation and rural/agricultural zoning. The first five parcels are zoned A-2 (Farmland Rural District), and it looks like two of those parcels received special exception approval at various points for a yard trash processing facility, which is permitted by special exception in the A-2 district. It looks like parcels 26-22-32-1312-01-061 & 26-22-32-1312-01-000 were rezoned to PD in 1974 (which was many years before the future land use map or comprehensive plan existed) as the Shadow Pines PD for a 450 unit mobile home park with a 1.8 acre commercial component. Although, it doesn't look like that was ever developed. It looks like in 2000, parcel 26-22-32-1312-03-010 applied to rezone that parcel and the shadow pines PD for a new development, but that application was withdrawn and never approved.

EXHIBIT "J"

RE: Confirmation of zoning // Manufactured Housing Community



Morales Pizarro, Adriana M
To: julian@empower-communities.com



Fri 5/23/2025 1:17 PM

Good afternoon,

Thank you for reaching out over the phone yesterday. After our conversation, I consulted with my supervisor, and it looks like I provided inaccurate information (I was not aware of the extent of PD entitlements and how valid they are in contrast with future land use correlation). I wanted to follow up and provide some additional information as well as some resources:

- For the time being, you are permitted to build a mobile home community within the Shadow Pines PD.** The Land Use Plan (LUP) dictates the PD entitlements (in this case mobile homes), and if you choose to strictly build a mobile home community, the PD should back you up on that. Additionally, if you continue to be a PD even after Orange Code is adopted, you will be able to maintain the mobile home community because the PD will continue to exist in perpetuity.
 - Usually, old LUPs can include future land uses that are not necessarily consistent with the current zoning designation, but **since the PD/LUP has already been approved with a Rural future land use, so long as you remain a PD, you should be able to develop the mobile home community.**
 - To add on, if you would like to move forward with a residential development that is not a mobile home community after Orange Code is adopted, the approval of new conditions/entitlements/amendments to the PD will depend on the type of change you are proposing. Opting out of the PD in the future might give some flexibility in terms of new entitlements and uses of the land, but that is still to be determined. If you have any questions about re-zonings, future land use, or Orange Code, I recommend reaching out to the Planning Division at 407-836-5600 or email planning@ocfl.net.
- For more information on uses allowed in the A-2 zoning district as of right now (for the third parcel I mentioned was not part of the PD), please refer to [Section 38-77](#) of our use table (a use shall be permitted in the A-2 district if the use is identified by the letter "P" in the use table).

For more information on Orange Code, I would recommend visiting this website: <https://www.orangecountyfl.net/PlanningDevelopment/ComprehensivePlanning/Vision2050.aspx>

Let me know if you have any questions or need further clarification. I apologize for the confusion and hope this information provides more clarity.

Best regards,

Adriana Morales Pizarro
Planner I, Zoning Division
Planning, Environmental, and Development Services Department

From: Morales Pizarro, Adriana M
Sent: Wednesday, May 21, 2025 4:50 PM
To: Julian Reynolds <julian@empower-communities.com>
Subject: RE: Confirmation of zoning // Manufactured Housing Community

Good afternoon,

Thank you for the confirmation. I am attaching the Land Use Plan for the Shadow Pines "mobile home community" PD for your reference. The PD is still valid, and anything specified within this PD is still applicable when putting together a Development Plan. In this case, though page 7 is very broad about residential entitlements, the LUP is very specific about being exclusively a mobile home community. All this information to say that you should be able to proceed forward with a Development Plan for a mobile home community within this PD.

Additionally, in terms of the scope of the PD, it seems like one of the requested parcels (Parcel # 26-22-32-1312-01-080) lies right outside of the PD, and is currently zoned as **A-2 (Agricultural District)**. Please refer to [Section 38-77](#) of our code to identify whether a mobile home community is permitted in this area (a use shall be permitted within a certain zoning district if the use is identified by the letter "P" in the use table). However, the remaining requested parcels are within the Shadow Pines PD, so those are good to go.

If you have any additional questions, do not hesitate to reach out.

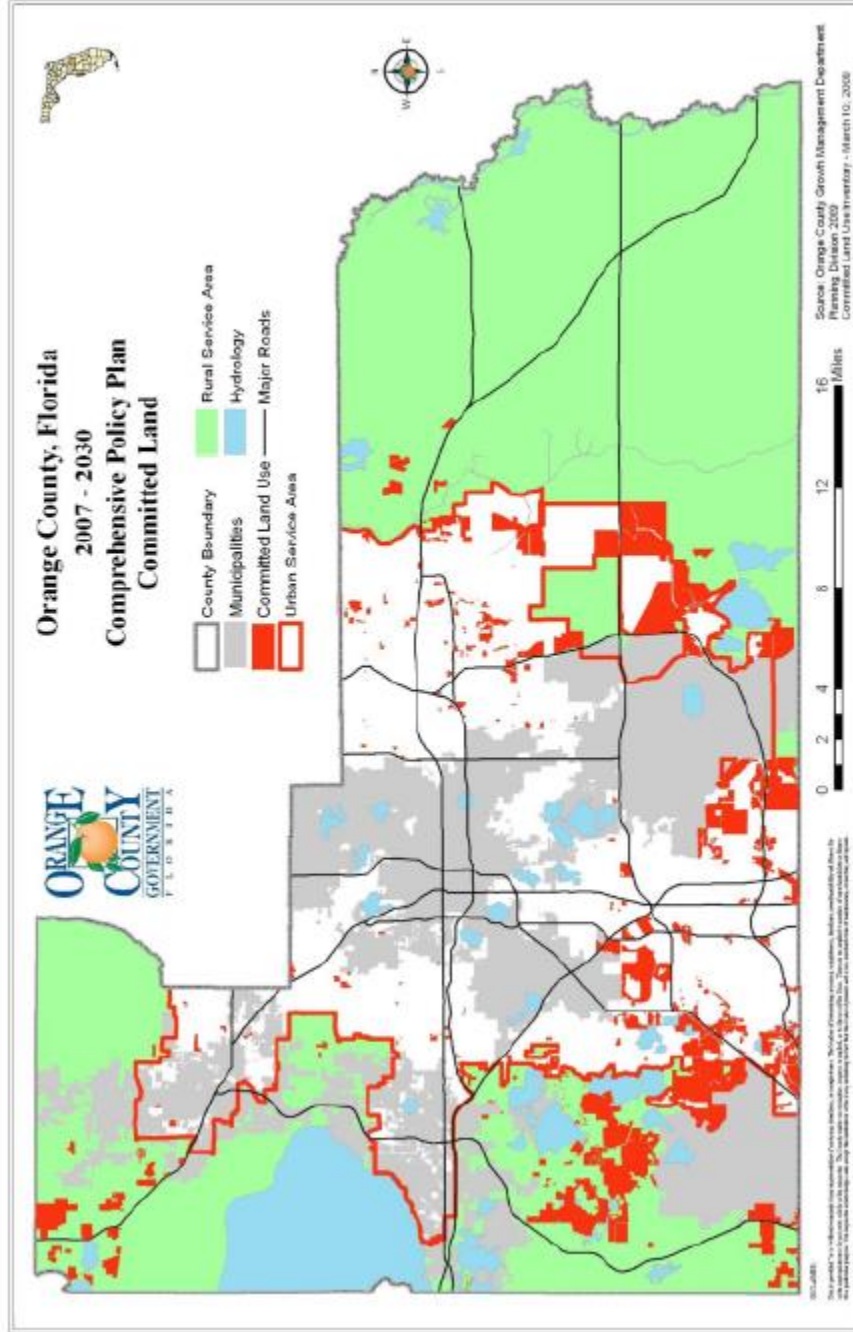
Best regards,

Adriana Morales Pizarro
Planner I, Zoning Division
Planning, Environmental, and Development Services Department

201 S. Rosalind Avenue, 1st Floor, Orlando FL 32801
Division: 407-836-3111
Tel: (407) 836-9643
Fax: 407-836-9611
Email: adriana.moralespizarro@ocfl.net

EXHIBIT "L"

Map 8 Committed Land Use Inventory



FLUM 9

Committed Land Use Inventory

The Committed Land Use inventory (CLU) is an ArcMap shapefile of Orange County Planned Developments (PDs) that have approved development remaining to be built.

The initial CLU was developed by identifying PDs with vacant land using zoning and parcel layers. PD land use plans provided the total approved development in the PD. Vacant land in the PDs and the amount of development built and remaining was determined through a number of sources, including property appraiser records, permits, and aerial photography. The vacant parcels were aggregated to create a polygon feature for each PD. The attributes of each PD include the residential units by type, nonresidential square footage by type, and hotel/motel/timeshare units.

The CLU is maintained quarterly by subtracting permitted development from the CLU by PD and by adding new PDs after Board of County Commissioner approval.

Exhibit F



M. REBECCA WILSON

Shareholder

rebecca.wilson@lowndes-law.com

215 North Eola Drive, Orlando, FL 32801-2028

T: 407-418-6250 | F: 407-843-4444

MAIN NUMBER: 407-843-4600



January 30, 2026

VIA EMAIL AND FEDERAL EXPRESS

Nicolas Thalmueller, Chairman
Development Review Committee
Orange County Planning Division
201 South Rosalind Avenue
Orlando, Florida 32801
Nicolas.thalmueller@ocfl.net

Re: Appeal of Denial of Transportation Concurrency and Consistency Vested Rights Application #25-05-017 (the "Application")

Dear Mr. Thalmueller:

In accordance with Section 30-387, Orange County Code, please find this letter as Applicant's notice of appeal of the Development Review Committee's ("DRC") action to deny the Application on January 28, 2026.

The subject property is approximately 73.54 acres and is located generally to the east of Baxter Rd and north of E Colonial Dr, bearing parcel ID numbers 26-22-32-1312-01-000; 26-22-32-1312-01-061; 23-22-32-0000-00-005; 23-22-32-0000-00-004; 23-22-32-0000-00-001; 26-22-32-0000-00-013 (the "Property"), is located within the Shadow Pines Planned Development ("Shadow Pines PD").

BACKGROUND

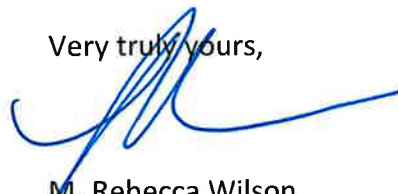
The Application was submitted on May 9, 2025, and is attached hereto as Exhibit A. On August 28, 2025, we submitted a letter requesting an appeal to the DRC (the "Appeal Letter"), which is attached hereto as Exhibit B. The matter was heard on October 22, 2025. During that hearing, we presented several written County representations, issued consistently over the decades, confirming that the Property could be developed consistent with the Shadow Pines PD. The DRC took no action and requested that the Application be supplemented with the information shared at the hearing. We submitted a Supplemental Justification Statement on November 17, 2025 (the "Supplemental Justification Statement"), which is attached hereto as Exhibit C. A new hearing was scheduled for January 28, 2026. The County provided no response to the Supplemental Justification Statement. By the January 28th hearing, 72 days after the Supplemental Justification Statement was submitted, the County still had



not responded and requested another postponement to continue reviewing the information. We did not agree to another delay and the DRC denied the Application.

For the reasons set forth in the Supplemental Justification Statement, the Application's denial should be reversed by the Orange County Board of County Commissioners and a vested rights certificate, consistent with the approved Shadow Pines PD should be granted for the Property.

Very truly yours,



M. Rebecca Wilson
Shareholder

cc: Matthew Pritchett, Esq. Assistant County Attorney

Justification Statement for Vested Rights Certificate
Tax Parcel ID Nos. 26-22-32-1312-01-000; 26-22-32-1312-01-061;
23-22-32-0000-00-005; 23-22-32-0000-00-004; 23-22-32-0000-00-001
COLONIAL FARMS LLC; EASTPARK RANCH LLC;
19161 LLC; HONEY BEE HOLDINGS LLC
Orange County, Florida

The subject property is approximately 73.54 acres and is located generally to the east of Baxter Rd and north of E Colonial Dr, bearing parcel ID numbers 26-22-32-1312-01-000; 26-22-32-1312-01-061; 23-22-32-0000-00-005; 23-22-32-0000-00-004; 23-22-32-0000-00-001 (the "Property" or the "Parcels"). The Parcels are each owned separately by Colonial Farms, LLC, Eastpark Ranch, LLC, 19161, LLC, and Honey Bee Holdings, LLC, as applicable (the "Owners"). Parcels 26-22-32-1312-01-000 and 26-22-32-1312-01-061 are located entirely within the Shadow Pines Planned Development (the "Shadow Pines PD" or the "PD"), and portions of Parcels 23-22-32-0000-00-005, 23-22-32-0000-00-004, and 23-22-32-0000-00-001 are located within the Shadow Pines PD.

Factual Background

The Shadow Pines PD was initially approved by the Board of County Commissioners ("BCC") on March 26, 1974, with a Preliminary Development Plan consisting of 450 residential mobile home units and a 1.83-acre commercial area. This development program for the Shadow Pines PD remains unchanged. The pertinent entitlement history for the Shadow Pines PD is as follows:

- On March 26, 1974, the BCC approved the Shadow Pines PD Land Use Plan and Preliminary Development Plan.
- On February 11, 1988, the Development Review Committee ("DRC") approved a change determination request to install a temporary ticket booth within the Shadow Pines PD.
- On March 2, 1989, in response to a change determination request to set up a temporary pugmill plant within the commercial tract of the Shadow Pines PD, the DRC determined that this request would constitute a substantial change to the approved land use plan, stating "the commercial land use for this project was approved for light, retail commercial land use. The proposed pugmill operation, however, is an intense/heavy commercial use, and is, therefore, inconsistent with the uses originally permitted." No such substantial change was granted.

The above determinations by the DRC reaffirm the County's approval of the Shadow Pines PD.

Legal Basis for Vested Rights

As a result of the Property being a part of the Shadow Pines PD since 1974 and demarcated with 450 mobile home units and a 1.83-acre commercial area, the Owners are entitled to a vested rights certificate exempting the Property from application of the County's Comprehensive Plan, including all concurrency requirements, under the provisions set forth in Sec. 30-363(d)(4) of the

Orange County Code. Sec. 30-363(d)(4) provides that planned developments that meet specified criteria as of June 5, 1991, are entitled to a vested rights certificate. Qualifying planned developments include any planned development for which:

- a. The land use plan has been approved; and
- b. A complete application for approval of a development plan for all or a substantial part of the project has been received or is received by the county no later than July 1, 1992; and
- c. The application for approval is granted.

The Shadow Pines PD satisfied the above criteria as of adoption of June 5, 1991, and is thus exempt from the Comprehensive Plan and concurrency requirements. The Shadow Pines PD Land Use Plan was originally approved on March 26, 1974. This approval included a specific Preliminary Development Plan which demarcated the Property with 450 mobile home units and a 1.83-acre commercial area. The PD was approved subject to stipulations, including stipulation #1 which provided that development be in accordance with Shadow Pines Preliminary Development Plan consisting of eight (8) exhibits:

1. P-D Narrative and Explanation
2. Location Map
3. Land Use and Zoning
4. Topography
5. Soils
6. Tree Cover
7. Land Use Plan
8. Typical Cluster Layout

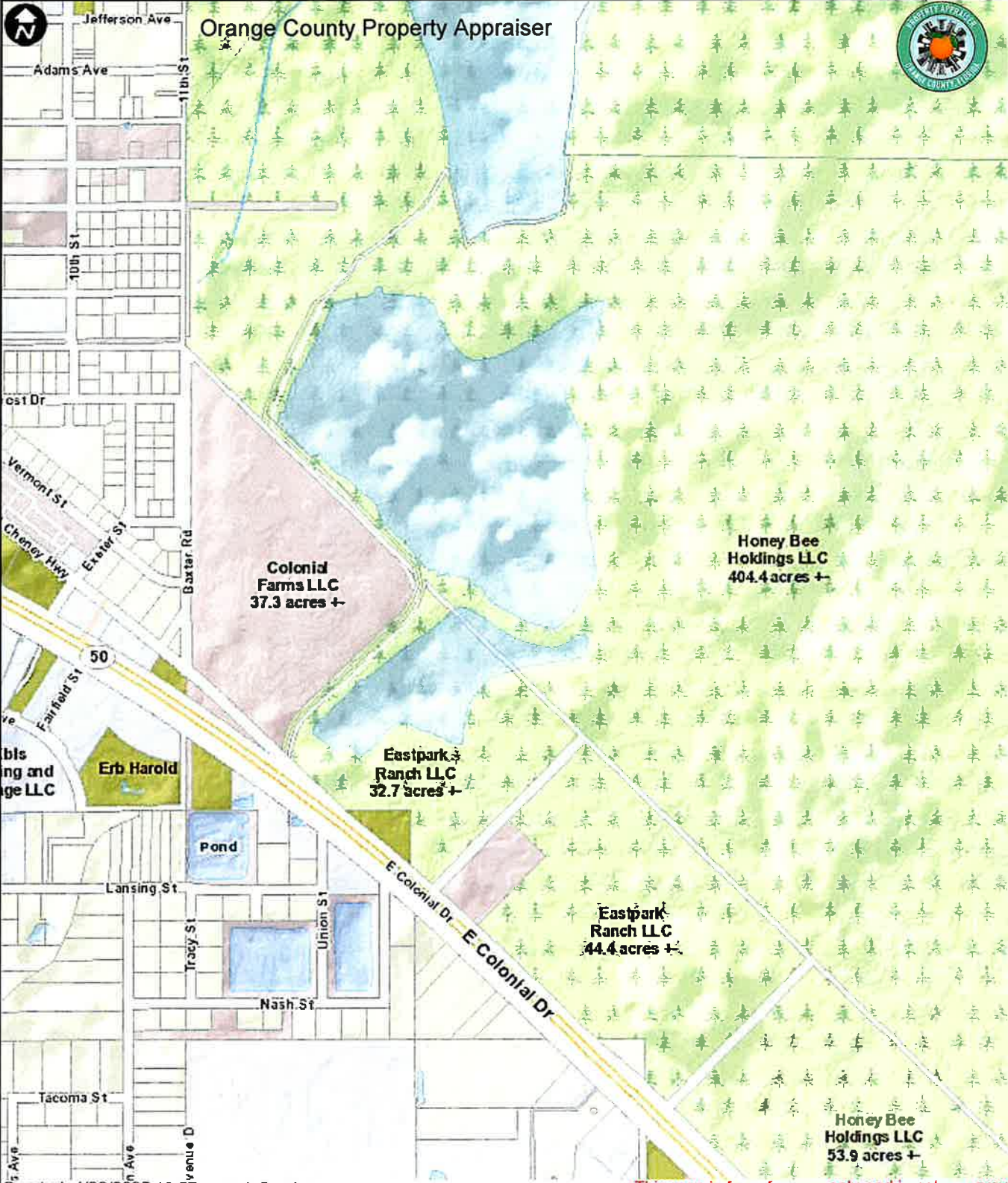
The PD approval included additional stipulations related to access rights, stub streets, sewage, water, and stormwater management, and submittal of revised exhibits incorporating the BCC's conditions. The PD approval was more than a standard "bubble plan" in that it provided for development in one phase, topography, soils, and the typical cluster layout. Additionally, the County reaffirmed the PD through its approval of a temporary ticket booth in 1988 and its determination related to a temporary pugmill plant on the commercial tract in 1989.

Conclusion

Under Orange County Code, Sec. 30-363(d)(4), the Owners are entitled to a vested rights certificate. Orange County approved the Shadow Pines PD Land Use Plan and Preliminary Development Plan in 1974. Further, the DRC approved a request to install a temporary ticket booth within the PD in 1988 and determined that a temporary pugmill plant would require a substantial change in 1989. No substantial change was approved related to the temporary pugmill plant. In 1991, Orange County adopted their Comprehensive Plan. Therefore, the Shadow Pines PD satisfies the requirements of Sec. 30-363(d)(4) and as such the Property is entitled to a vested rights certificate exempting the Property from application of the County's Comprehensive Plan, including all concurrency requirements.

OCA Web Map

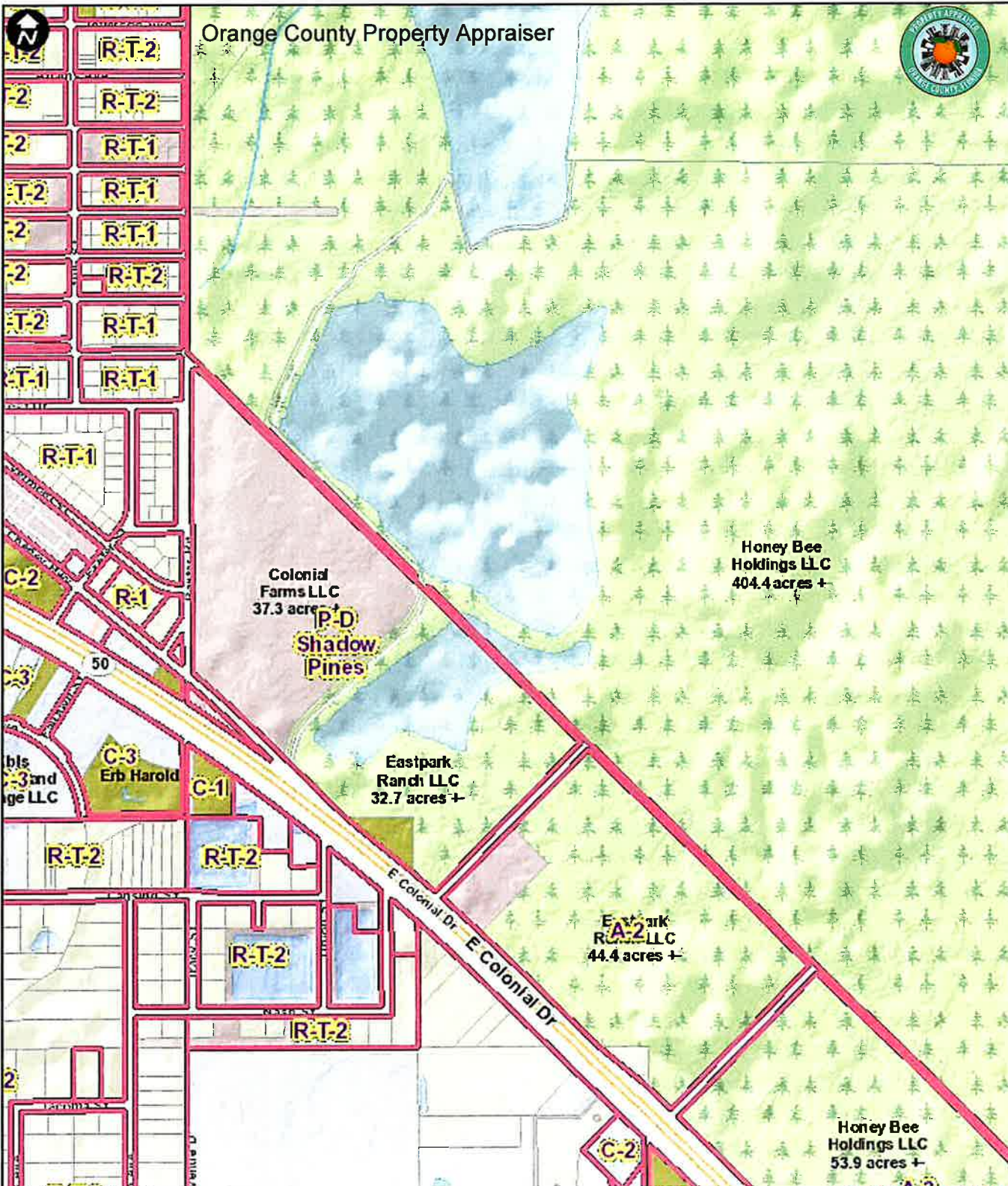
- | | | | | | | |
|-------------------------|------------------|---------------|------------------------|-----------------------------------|-----------------|------------------|
| Florida Turnpike | Major Roads | Proposed Road | Block Line | Commercial/Institutional | Hydro | Golf Course |
| Interstate 4 | Public Roads | Brick Road | Lot Line | Governmental/Institutional/Misc | Waste Land | Lakes and Rivers |
| Toll Road | Gated Roads | Rail Road | Residential | Commercial/Industrial/Vacant Land | County Boundary | Building |
| Road Under Construction | Proposed SunRail | Agriculture | Agricultural Curtilage | Parks | Hospital | |

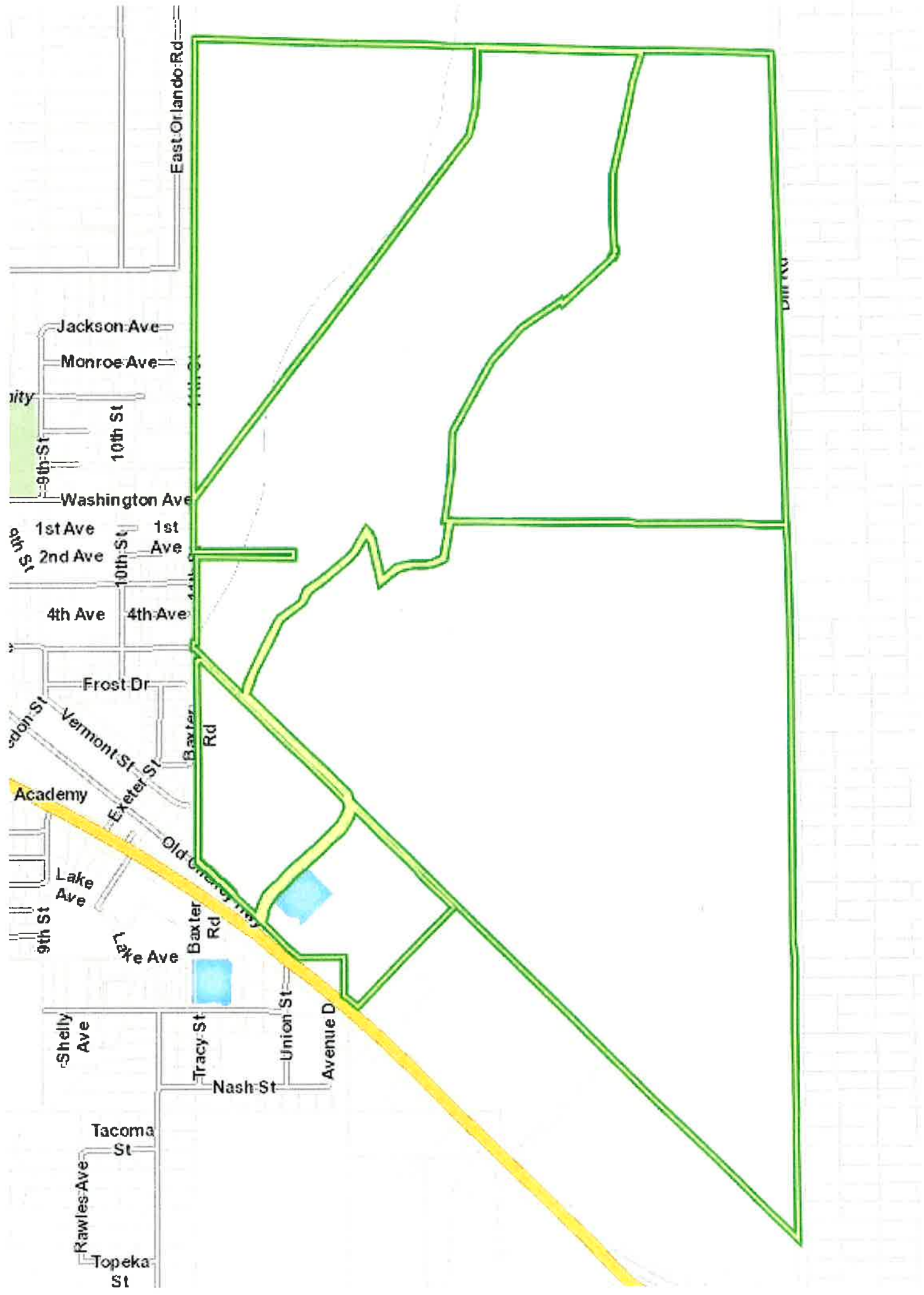


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This map is for reference only and is not a survey

OCPA Web Map	Major Roads	Proposed Road	Block Line	Commercial/Institutional	Hydro	Golf Course
Florida Turnpike	Public Roads	Brick Road	Lot Line	Governmental/Institutional/Misc	Waste Land	Lakes and Rivers
Interstate 4	Gated Roads	Rail Road	Residential	Commercial/Industrial/Vacant Land	County Boundary	Building
Toll Road	Road Under Construction	Proposed SunRail	Agriculture	Agricultural Curtilage	Parks	Hospital





PRELIMINARY DEVELOPMENT PLAN
(ORIGINAL CHANGE OF ZONING TO P-D)

APPLICANT: THOMAS D. ENGEL, AGENT

PROJECT: SHADOW PINES

ACREAGE: 75 PRE-APP. COME.

STAFF: 1-31-74

REVIEW NO: 18 DATE: 2-21-74 DECISION: APPROVED FOR P.H.

PUBLIC HEARING NO: 14 DATE: 3-21-74 DECISION: Approved subj. to staff recomm.

CHANGE OF ZONING LIST
CD. COMMISSION DATE: 3-26-74 DECISION: Approved per P+Z

CD. COMMISSION P. H. DATE: DECISION:

APPEAL: DATE: DECISION:

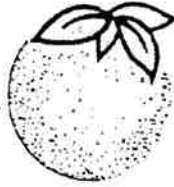
APPEAL TO
CIRCUIT COURT: SUIT NO. DATE: DECISION:

VS

APPEAL TO
APPELLATE COURT DATE: DECISION:

DENSITY AND TYPE	ACREAGE	TU/AC	UNITS
MOBILE HOMES (including Rd Park) <small>Greenbelt</small>	68.82	6	450
Commercial AREA	1.83		
UTILITIES-LAKE	4.40		

Orange



County

Zoning Department
Sharon Smith, Director
201 South Rosalind Avenue, 1st Floor
Reply To: Post Office Box 2687
Orlando, Florida 32802-2687

March 2, 1989

Stephen T. Beasley
DeWITT EXCAVATING, INC.
P. O. Box 337
Winter Garden, FL 32787

Subject: Change Determination: Shadow Pine F-D

Dear Mr. Beasley:

On March 1, 1989 the Staff of the Development Review Committee (DRC) reviewed your request to set up a temporary pugmill plant within the designated commercial tract of Shadow Pine P-D.

Please be advised staff's determination is that this constitutes a substantial change to the project's approved Land Use Plan; in effect, this would require an amendment to the plan via a public hearing by the Planning and Zoning Commission.

The commercial land use for this project was approved for light, retail commercial land use. The proposed pugmill operation, however, is an intense/heavy commercial use, and is, therefore, inconsistent with the uses originally permitted.

Please feel free to contact our office should you have any questions in this regard.

Sincerely,

A handwritten signature in cursive script that reads 'Sharon Smith'.

Sharon Smith,
Zoning Director

SS/GT/jyw

cc: Tom Hastings, Public Works
Dan Allen, Public Utilities
Ed Williams, Planning Department
George Cole, Engineering
Bobbi McCain, DRC Coordinator

DeWITT EXCAVATING, INC. Contractor

P.O. Box 337 Winter Garden, FL 32787

305 - 656 - 1799

RECEIVED

FEB 24 1989

ORANGE COUNTY,
ZONING DEPT.

February 23, 1989

Mrs. Sharon Smith
Zoning Director
Orange County Zoning Department
201 South Roaslind Avenue
Orlando, Fl. 32802

RE: Non-Substantial Change Determination
Shadow Pine PUD

Dear Mrs. Smith:

DeWitt Excavating, Inc. hereby request a "Non-Substantial Change Determination" to the Shadow Pine PUD. A temporary pugmill plant will be set up in the commercial area of said PUD.

At present, DeWitt Excavating, Inc. operates a borrow pit adjacent to the Shadow Pine PUD. I refer you to the following:

1. Land use Plan-Shadow Pine PUD
2. Orange County Permit- # 87-E5-515
3. Orange County Permit- # 88-E5-529
4. Orange County Permit- # 88-E5-533
5. St. Johns Water Management District Permit #40-095-0162
6. St. Johns Water Management District Permit #40-095-159
7. East Colonial Lake # 2 Permit Map

DeWitt Excavating, Inc. has paved the driveway connection from SR 50 into the property via FDOT Permit # 75-VC-87-142 and has completed the entrance improvements to Old Cheney Highway. Also, the area has been fenced and warning signs posted.

Staff
Doc 3/1/89
Substantial change to P-D. wld require an amendment to P-D. S.

DeWITT EXCAVATING, INC. Contractor

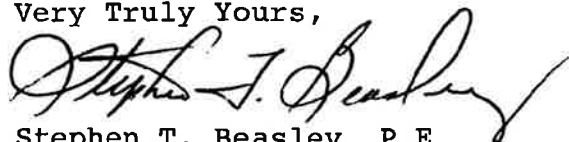
P.O. Box 337 Winter Garden, FL 32787

305 - 656 - 1799

Mrs. Sharon Smith
February 23, 1989
Page Two

Please do not hesitate to contact me if you have any questions or comments. Thank you for your assistance with this determination.

Very Truly Yours,

A handwritten signature in cursive script, appearing to read "Stephen T. Beasley".

Stephen T. Beasley, P.E.

DEWITT EXCAVATING, INC. Contractor
P.O. Box 337 Winter Garden, FL 32787

24 FEB 69 2:49

ZONING DEPT.



Mrs. Sharon Smith
Zoning Director
Orange County Zoning Department
201 South Roasland Avenue
Orlando, Fl. 32802

RECEIVED

ORANGE COUNTY
EXCAVATION - FILL PERMIT APPLICATION
(SUBMIT TYPEWRITTEN OR PRINTED IN TRIPLICATE)

FEB 24 1989

17-25 (1/88)

ORANGE COUNTY
ZONING DEPT.

CHECK APPROPRIATE BLOCK	OFFICE USE ONLY TRANSFER	Transfer Fee	District No.
Excavation <input type="checkbox"/>	Permit No. 87-E5-515	\$ 65.00	5
Fill <input type="checkbox"/>	Permit No.	\$ 650.00	Receipt No. 23465

SECTION I GENERAL INFORMATION

Applicants Name DeWitt Excavating, Inc. Phone No. 305-656-1799
 Address P.O. Box 337, Winter Garden, FL 32787
 Firm designated to do work: DeWitt Excavating, Inc. Phone No. 305-656-1799
 Address P.O. Box 337, Winter Garden, FL 32787
 Reason for excavation/fill To excavate dirt for fill material

(Excavation/fill) Amount of material 282,000 c.y. + cu. yds. - (Fill) Acreage N/A Acres

Legal description of excavation/fill property West 1/4 corner of Section 26, Township 20 South, Range 32 East Orange County run North on West line of said Section 26, 886.55 feet thence S. 43° 52' 18" E. 739.13 feet thence N. 46° 07' 42" E 1565.10 feet for a point of beginning, run thence N. 09° 20' 58" W 800 feet thence N. 80° 39' 02" E 600.00 feet thence S. 09° 20' 58" E 800.00 feet thence S. 80° 39' 02" W 600.00 feet to the point beginning. Containing 11.01 acres more.

Section 26, Township 20 South, Range 32 East

Owner of record of excavation/~~KMX~~ property

Name East Lakes Enterprises, Inc. Phone No. 305-783-1404
 Address P.O. Box 40, Cocoa Beach, FL 32931

Legal description of property of source/disposition of fill/excavated material East/West Extension and other various approved sites

Section _____, Township _____ South, Range _____ East

Owner of record of source/disposition property

Name N/A Phone No. _____
 Address _____

Haul route from excavation/source to disposition/fill site Old Cheney Highway to SR 50

Date _____ Applicants Signature _____

State G. DeWitt
Date A. DeWitt, President

SECTION II OFFICE USE ONLY

Approved on September 21, 1987 subject to general law and the following additional requirements.

- Hauling to be done from 7:00 a.m. to 7:00 p.m. Monday thru Saturday.
- Prior to beginning operation, entrance improvements at site of trucks entering Old Cheney Highway from private property must be completed.
- No trucks will be permitted to travel west on Old Cheney Highway.
- Area must be fenced and warning signs posted as required by 85-32 before work begins.
- Permittee must complete all road work outlined in State of Florida Department of Transportation connection permit #75 VC-87-142 before any excavated material is removed from site.

This permit expires on SEPT. 20, 1988

Approved by Lawrence J. P...
For the County Engineer

SECTION III PERMIT COMPLETED PERMIT NOT COMPLETED PERMIT EXPIRED

Comments: _____ Date: _____
Inspector _____

IMPORTANT: SEE INSTRUCTIONS AND CONDITIONS ON REVERSE OF THIS PERMIT

ORANGE COUNTY
EXCAVATION - FILL PERMIT APPLICATION
(SUBMIT TYPEWRITTEN OR PRINTED IN TRIPLICATE)

17-25 (1/86)

CHECK APPROPRIATE BLOCK		OFFICE USE ONLY RENEWAL	Processing Fee	District No.
Excavation	<input checked="" type="checkbox"/>	Permit No. <u>87-E5-515</u>	\$ <u>100.00</u>	<u>5</u>
Fill	<input type="checkbox"/>	Permit No. _____	\$ <u>650.00</u>	Receipt No. <u>28049</u>

TOTAL \$750.00 PAID 10/17/88

SECTION I GENERAL INFORMATION

Applicants Name DeWitt Excavating, Inc. Phone No. 407-656-1799

Address P.O. Box 337, Winter Garden, FL 32787

Firm designated to do work: DeWitt Excavating, Inc. Phone No. 656-1799

Address P.O. Box 337, Winter Garden, Fl. 32787

Reason for excavation/~~fill~~ to execute dirt for fill material/balance of material to be used to shape up pit and to shape slopes to Orange County Specifications. Excess material needed will be from adjacent pits on property.

(Excavation/fill) Amount of material 70,000+ cu. yds. - (Fill) Acreage 11.01 more or less Acres

Legal description of excavation/fill property - attached - 11.01 more or less acres

Section 26, Township 22 South, Range 32 East

Owner of record of excavation/fill property

Name East Lakes Enterprises, Inc. Phone No. 305-783-1404

Address P.O. Box 40, Cocoa Beach, FL 32931

Legal description of property of source/disposition of fill/excavated material to shape this pit to meet Orange County Standards

Section _____, Township _____ South, Range _____ East

Owner of record of source/disposition property

Name N/A Phone No. _____

Address _____

Haul route from excavation/source to disposition/fill site No haul road required since will be shaping up slopes at pit.

Date October 19, 1988 Applicants Signature Thomas Dale DeWitt

SECTION II OFFICE USE ONLY
Approved on October 31, 1988 subject to general law and the following additional requirements.

- Operating from 7:00 a.m. to 7:00 p.m. daily Monday thru Saturday.

This permit expires on SEPT 20, 1989

Approved by Laurence H. Dunn
For the County Engineer

SECTION III PERMIT COMPLETED [] PERMIT NOT COMPLETED [] PERMIT EXPIRED []

Comments: _____ Date: _____
Inspector _____

ORANGE COUNTY
EXCAVATION - FILL PERMIT APPLICATION
(SUBMIT TYPEWRITTEN OR PRINTED IN TRIPLICATE)

17-25 (1/86)

CHECK APPROPRIATE BLOCK Excavation <input checked="" type="checkbox"/> Fill <input type="checkbox"/>	OFFICE USE ONLY Permit No. <u>88-E5-529</u>	Processing Fee \$ <u>100.00</u> Permit Fee \$ <u>650.00</u>	District No. <u>5</u>
	Permit No. _____	Permit Fee _____	Receipt No. <u>24471</u>

TOTAL \$ 750.00 PAID 4/15/88

SECTION I GENERAL INFORMATION

Applicants Name West 50 Enterprises Inc. Phone No. 783-2620
Address 45 S. Atlantic Avenue, Coco Beach, FL. 32931
Firm designated to do work: DeWitt Excavating, Inc. Phone No. 656-1799
Address P. O. Box 337 Winter Garden, FL. 32787
Reason for excavation/fill to execute dirt for fill material.

(Excavation/fill) Amount of material 500,000 cy + - cu. yds. - (Fill) Acreage 11.32 more or less Acres

Legal description of excavation/fill property From the west 1/4 corner of Section 26, Township 22 south, Range 32 East, Orange County, Florida, run north along the west line of NE 1/4 of said Section 26 a distance of 886.55 ft. thence S 45°45'E 739.17 Ft. thence N 44°20'E 1565.10 ft. for a Point of Beginning: run hence N 09°46'47"W. 814.00 ft. thence N 82°43'37"W. 829.10 ft. thence S 45°40'E. 1321.87 ft. thence S 55°13'44"E. 533.05 ft. thence N40°21'12"E. 272.86 ft. thence N 09°46'47"W. 240.00 ft. thence S 80°13'13"W. 600.00 ft. to the Point of Beginning. Containing 11.32 acres more or less.

Section 26, Township 22 South, Range 32 East

Owner of record of excavation/fill property

Name Paul R. Daley Rt. 1, Box 349 A, Nauvoo, AL. 35578 Phone No. _____
Address _____

Legal description of property of source/disposition of fill/excavated material to various approved sites and east west extension.

Section _____, Township _____ South, Range _____ East

Owner of record of source/disposition property

Name N/A Phone No. _____
Address _____

Haul route from excavation/source to disposition/fill site entrance on S.R. 50

Date April 1, 1988 Applicants Signature Lawrence J. Dunn

SECTION II OFFICE USE ONLY

Approved on April 25, 1988 subject to general law and the following additional requirements.

- Hauling to be done from 7:00 a.m. to 7:00 p.m. Monday thru Saturday.
- No trucks will be permitted to travel west on Old Cheney Highway.
- Area must be fenced and warning signs posted as required by #85-32, before work begins.

This permit expires on APRIL 24, 1989 Approved by Lawrence J. Dunn
For the County Engineer

SECTION III PERMIT COMPLETED PERMIT NOT COMPLETED PERMIT EXPIRED

Comments: _____ Date: _____
Inspector: _____

IMPORTANT: SEE INSTRUCTIONS AND CONDITIONS ON REVERSE OF THIS PERMIT

file
E 5
paid

ORANGE COUNTY
EXCAVATION - FILL PERMIT APPLICATION
(SUBMIT TYPEWRITTEN OR PRINTED IN TRIPLICATE)

17-25 (1/88)

CHECK APPROPRIATE BLOCK Excavation <input type="checkbox"/> Fill <input type="checkbox"/>	OFFICE USE ONLY	Processing Fee \$ <u>100.00</u>	District No. <u>5</u>
	Permit No. <u>88-E5-533</u>	Permit Fee \$ <u>650.00</u>	Receipt No. <u>26740</u>

TOTAL \$750.00 PAID 6/6/88

SECTION I GENERAL INFORMATION

Applicants Name William Ervin Phone No. 783-3417
 Address Box 40, Cocoa Beach Fl. 32931
 Firm designated to do work: DeWitt Excavating, Inc. Phone No. 656-1799
 Address P.O. Box 337 Winter Garden, Fl. 32787
 Reason for excavation/~~fill~~ to execute dirt for fill material


(Excavation/~~fill~~) Amount of material 500,000 cy + - cu. yds. - (Fill) Acreage 11.316 more or less Acres
 Legal description of excavation/fill property - attached -
11.316 more or less acres

Section 26, Township 22 South, Range 32 East
 Owner of record of excavation/~~fill~~ property
 Name William Ervin Phone No. 783-3417
 Address Box 40, Cocoa Beach, Fl. 32931

Legal description of property of source/disposition of fill/excavated material to various approved sites
and east west extension.


Section _____, Township _____ South, Range _____ East
 Owner of record of source/disposition property
 Name East West Expressway Authority Phone No. _____
 Address _____

Haul route from excavation/source to disposition/fill site entrance on S.R. 50

Date _____ Applicants Signature 

SECTION II OFFICE USE ONLY
 Approved on June 13, 1988 subject to general law and the following additional requirements.

- Hauling to be done from 7:00 a.m. to 7:00 p.m. Monday thru Saturday.
- No trucks will be permitted to travel west on Old Cheney Highway.
- Area must be fenced and warning signs posted as required by Orange County Ordinance #85-32, before work begins.

This permit expires on JUNE 12, 1989 Approved by 
 For the County Engineer

SECTION III PERMIT COMPLETED PERMIT NOT COMPLETED PERMIT EXPIRED
 Comments: _____ Date: _____
 Inspector: _____

IMPORTANT: SEE INSTRUCTIONS AND CONDITIONS ON REVERSE OF THIS PERMIT

**WATER
MANAGEMENT
DISTRICT**

Harry Dean, Executive Director
Midred G. Horton, Assistant Executive Director
John R. Wehle, Assistant Executive Director

POST OFFICE BOX 1428 • PALATKA, FLORIDA 32978-1428
804/328-8321



2133 N. Wickham Rd.
Palatka, FL 32935-8100
(804) 254-1761

7775 Baymeadows Way
Suite 201
Jacksonville, FL 32288
(904) 730-8270

1618 E. Bayshore
Orlando, FL 32801
(407) 864-6451

Mr. [Name]
[Address]
Palatka, FL 32931
[Phone Number]

Reference is made to your general permit as authorized by the staff of the Palatka Water Management District on October 20, 1988.

This permit is a legal document and should be kept with your other legal documents. The attached completion report should be filled out and returned to the Palatka office within thirty days after the work is completed. By so doing, you will enable us to schedule a final inspection of the permitted activity.

In addition to the completion reports, your permit also contains conditions which require submission of additional information. All information submitted as compliance to permit conditions must be submitted to the Palatka office address.

This permit does not relieve you from the responsibility of obtaining permits from any federal, state and/or local agencies having concurrent jurisdiction for this work.

Even if you sell your property, the permit will be transferred to the new owner, if we are notified by you within 90 days of the sale. Please advise us in this matter so as to obtain a valid permit for the new property owner.

Your cooperation and if this office can be of any assistance to you, please do not hesitate to contact us.

Carmine J. Kemp
Carmine J. Kemp, Director
Palatka, Florida

- Permit with Completion Report
Notice of Rights
- | | | | |
|--------------------------------------|--|---------------------------------------|--|
| JOHN L. HORTON
Chairman - Palatka | KELLY R. SMITH, JR.
Vice Chairman - Palatka | SAUNDRA H. GRAY
Secretary - DeBary | RALPHE SIMMONS
Treasurer - Fernandina Beach |
| THOMAS L. DURRANCE
Holly Hill | JOE E. HILL
Lawburg | SAM L. SWETT
Jacksonville | ALICE J. WEINBERG
Longwood |

ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT
P.O. BOX 1429
PALM BAY, FLORIDA 32978-1429

10020201912

DATE ISSUED OCTOBER 29, 1980

AUTHORITY:

PERMIT OF A 37' DEEP DRAIN PIT TO BE KNOWN AS EAST
CENTRAL LAKE #1.

Section 26, Township 22 South, Range 32 East
Brevard County

HERMAN GOODMAN
P.O. BOX 1396
Cocoa Bch., FL 32924

I hereby agree to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, costs and expenses which may be incurred pursuant to issuance of said permit and the plans and specifications attached thereto, it by me hereof.

This permit does not convey or provide any property rights nor any other privileges other than those specified herein, nor release the permittee from complying with any law, regulation or requirements of any other rights of other bodies or agencies. All structures constructed by permittee hereunder shall remain the property of the permittee.

This permit may be revoked, modified or terminated by the District pursuant to the provisions of Chapter 379, Florida Statutes.

CONDITIONED UPON:

1. Compliance with attached Exhibit "A", dated October 29, 1980.



Approved: St. Johns River Water Management District

Director of Resource Management

Approved:


JEFF ELLEDGE


HENRY DEAN
ASSISTANT SECRETARY

Florida Department of Natural Resources

PERMIT TO EXCAVATE

DATE: 10/15/85

Construction, operation and maintenance shall be as set forth in the plans, specifications and performance criteria attached to this permit.

Unauthorized entry, upon proper identification, is prohibited. The permittee shall observe the construction to insure conformity with the plans and specifications of this permit.

Barriers must be installed at all locations where there is a possibility of transferring suspended solids into the waterbody. Barriers must remain in place at all locations until construction is completed and soils are stabilized through revegetation. Thereafter, the permittee shall be responsible for the removal of the barriers.

Any other regulatory agency should require revisions to the permit for the proposed project, the District is not responsible for the revision or for any determination as to whether a permit modification is required.

Within 120 days of the date of conveyance of the permit, the surface water management system or the land on which the system is located, the owner in whose name the permit was issued shall be responsible for all change orders. Transfer of this permit shall be in accordance with the provisions of Chapter 62C, Florida Statutes, and Chapter 62C-4, Administrative Code of Florida. This permit is binding upon the transferee.

Permit for construction shall expire five years from the date of issuance.

Revegetation shall be completed within 30 days of the completion of construction and a final vegetation plan shall be established within one year of completion.

Revegetation shall be established on all exposed banks within one year from the construction.

The permittee must obtain a separate individual permit from the District prior to beginning construction of subsequent phases of work not specifically authorized by this permit.

It is prohibited to occur during any phase of construction or operation of the surface water pump-out, wells or facilities the withdrawal of water in excess of an average of 10,000 gallons per day or more per year and any discharge to or from the site. A Consumptive Use Permit (CUP) will be required prior to any withdrawal.

The proposed surface water management system, which consists of a 2-acre narrow pit, must be constructed as per plans submitted to the District on September 22, 1985.

Construction is not authorized outside of the boundaries of the permit and shall conform with the conditions on plans submitted to the District on September 22, 1985.

This permit does not authorize any construction in wetlands, but not limited to dredging, excavation, or

Monitoring wells must be installed to monitor
ground effect or effect that dewatering will have
on wetland numbers 1, 4, and 7 documented in the
"Central Lakes Field Reconnaissance Report",
dated to the District on September 22, 1966. A
groundwater and surface water monitoring plan must be
submitted to the District within 14 days of permit
issuance. The groundwater and surface water monitoring
plan must include, but need not be limited to the
location of monitoring wells, the depth of monitoring
wells, removal of monitoring wells when elevations
are established in the completed borrow pit as determined
by District staff. Monitoring must be conducted monthly
and reports which contain data collected
must be submitted to the District's Department of Resources
Management, Orlando Field Office.

NOTICE OF RIGHTS

1. A party whose substantial interests are determined has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District) within 14 days of receipt of notice of the District's intent to grant or deny a permit application by mailing it to the District or by presenting the written petition at the District Governing Board meeting in which action is proposed to be taken regarding the application, whichever is later.

2. A party whose substantial interests are determined has the right to request an administrative hearing by filing a written petition within 21 days of receipt of notice of final District action on a permit application, if the Governing Board took action inconsistent with the notice of intent to grant or deny the permit application, or if that substantially interested party did not receive notice of the District's intent to grant or deny the permit application.

3. A substantially interested party has the right to a formal administrative hearing pursuant to Section 120.57(1), Florida Statutes, where there is a dispute between the District and the party regarding an issue of material fact. A petition for a formal hearing must comply with the requirements set forth in Section 28-5.201, Florida Administrative Code, and Section 40C-1.11, Florida Administrative Code.

4. A substantially interested party has the right to an informal hearing pursuant to Section 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must comply with the requirements set forth in Section 40C-1.11, Florida Administrative Code.

5. Filing of a petition for an administrative hearing occurs upon delivery at the District headquarters or when the petition, properly addressed and stamped, is postmarked.

6. Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing.

7. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, and Chapters 40C-1 and 28-5, Florida Administrative Code.

8. Any substantially affected person who claims that final action of the District constitutes an unconstitutional taking of property without just compensation may seek review of the action in circuit court pursuant to Section 373.617, Florida Statutes, and the Florida Rules of Civil Procedures, by filing an action within 90 days of the rendering of the final District action.

9. Pursuant to Section 120.68, Florida Statutes, a party who is adversely affected by final District action may seek review of the action in the district court of appeal by filing a notice of appeal pursuant to Fla.R.App.P. 9.110 within 30 days of the rendering of the final District action.

10. A party to the proceeding who claims that a District order is inconsistent with the provisions and purposes of Chapter 373, Florida Statutes, may seek review of the order pursuant to Section 373.114, Florida Statutes, by the Land and Water Adjudicatory Commission (Commission) by filing a request for review with the Commission and serving a copy on the Department of Environmental Regulation and any person named in the order within 20 days of the rendering of the District order. However, if the order to be reviewed is determined by the Commission within 60 days after receipt of the request for review to be of statewide or regional significance, the Commission may accept a request for review within 30 days of the rendering of the order.

11. A District action or order is considered "rendered" after it is signed by the Chairman of the Governing Board on behalf of the District and is filed by the District Clerk.

12. Failure to observe the relevant time frames for filing a petition for judicial review as described in paragraphs #8 and #9 or for Commission review as described in paragraph #10 will result in waiver of that right to review.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Notice of Rights has been furnished by U.S. Mail to

IRENEA COOPER
P. O. BOX 1396
COCOA BEACH, FL. 32931

at 4:00 p.m. this 20th day of October, 19 88

40-095-0159

Dannise Kemp
Dannise Kemp, Director
Division of Records
St. Johns Water Management District
Post Office Box 1429
Palatka, FL 32078-1429
(904) 328-8321

**WATER
MANAGEMENT
DISTRICT**

Harry Dean, Executive Director
Mildred G. Horton, Assistant Executive Director
John R. White, Assistant Executive Director

POST OFFICE BOX 1429 • PALATKA, FLORIDA 32931-1429
904/328-8321



0775 Buchanan Hwy
Box 201
Jacksonville, FL 32250
(904) 730-6270

0884 1st St
Dunedin, FL 34626
(813) 271-1111

...TERPRISED, INC.

...FL 32931

...904-095-0162

...your general permit as authorized by the staff
...Johns River Water Management District on October 20, 1988.
...legal document and should be kept with your other
...documents. The attached completion report should be filed
...to the Palatka office within thirty days after the
...completed. By so doing, you will enable us to schedule a
...inspection of the permitted activity.

...to the completion report, your permit also contains
...which require submittal of additional information. All
...submitted as compliance to permit conditions must be
...to the Palatka office address.

...does not relieve you from the responsibility
...permits from any federal, state and/or local agencies
...jurisdiction for this work.

...when you sell your property, the permit will be
...to the new owner, if we are notified by you within
...of the sale. Please assist us in this matter so as
...a valid permit for the new property owner.

...your cooperation and if this office can be of
...assistance to you, please do not hesitate to contact

Thomas J. Kemp
Thomas J. Kemp, Director
Office of Records

...Permit with Completion Report
...Notice of Rights

- | | | | |
|--------------------------------------|--|---------------------------------------|--|
| JOHN L. TUNTON
Chairman - Palatka | KELLY R. SMITH, JR.
Vice Chairman - Palatka | SAUNDRA H. GRAY
Secretary - DeBary | RALPH E. SIMMONS
Treasurer - Fernandina Beach |
| THOMAS L. DURRANCE
Holly Hill | JOE E. HILL
Leesburg | SAM L. BWETT
Jacksonville | ALICE J. WEINBERG
Longwood |

NOT. ...

NO. ...

AUTHORIZATION

EXCAVATION OF ...

Section 23 20, Township of ...

WELLBORE ENTER ...

The undersigned agrees to hold and save the ...

The undersigned does not wish to be deemed to have ...

Permit may be ...

CONDITIONS

...

...

...



Director of Resource Management
E. ELLIOTT

Secretary
Henry Dean

PERMIT

PERMITS FOR ISSUANCE OF PERMIT NUMBER 40-052-01-2

EAST LAKE ENTERPRISES, INC.

DATED OCTOBER 20, 1988

Construction, operation and maintenance shall be as set forth in the plans, specifications and performance criteria approved by this permit.

Each authorized party, upon proper identification, shall have permission to enter, inspect and observe the project to insure conformity with the plans and specifications contained in this permit.

Access barriers must be installed at all locations where the possibility of trespassing by unauthorized parties into the project waterbody exists due to the proposed work.

Access barriers must remain in place at all locations where construction is completed and soils are established. The permittee shall be responsible for the removal of the barriers.

Any other regulatory agency which requires revisions to the permit project, the District is authorized to determine if such a determination can be made without a permit modification is required.

Any change (30 days after date of conveyance) of the existing surface water management system of the land on which the system is located, including in whose name the system is granted shall notify the District of such change in writing. Transfer of this permit shall be in accordance with the provisions of Chapter 400, Florida Statutes, Sections 400.4, 400.6, and 400.91, Florida Administrative Code. All terms and conditions of this permit shall be binding upon the transferee.

This permit for construction will expire five years from the date of issuance.

Soil and retention basin bank slopes must be seeded and revegetated within 30 days following their completion and a permanent vegetative cover must be established within one year of seeding.

Permanent vegetative cover must be maintained on all exposed soil surfaces within one year from the date the construction is completed.

Permittee must obtain a general or individual permit from the District prior to beginning construction of subsequent phases of their work not specifically authorized by this permit.

Discharge is to occur during any phase of construction or operation and to include water pumps, wells or facilities that discharge or withdraw and return gallons of water per acre per day or an average of 100,000 gallons per day or more to the water body and any discharge to be on-site, a construction permit (400-2) will be required prior to any dewatering.

The proposed surface water management system, which includes one 32 acre borrow pit, shall be constructed in accordance with the plans submitted to the District on September 22, 1988.

Construction is not to proceed outside of the boundaries of the borrow pit and shall be in accordance with the plans submitted to the District on September 22, 1988.

... does not authorize any construction, including but not limited to clearing, grading, or filling, other than that explicitly authorized by this permit.

Monitoring wells must be installed to detect any drawdown effect or effects that dewatering may have on adjacent wetland Nos. 7 and 8 documented on the Colonial Lakes Field reconnaissance report submitted to the District on September 22, 1980. A groundwater and surface water monitoring plan must be submitted to the District within 14 days of permit issuance. The groundwater and surface water monitoring plan must include, but need not be limited to, the location of the monitoring wells, the depth of the monitoring wells, and the method for removal of water from wells when water elevations have risen above the completed surface pits as determined by District staff. Monitoring must be conducted monthly and reports which contain data collected must be submitted to the District's Department of Resource Management, Orlando Field Office.

NOTICE OF RIGHTS

1. A party whose substantial interests are determined has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District) within 14 days of receipt of notice of the District's intent to grant or deny a permit application by mailing it to the District or by presenting the written petition at the District Governing Board meeting in which action is proposed to be taken regarding the application, whichever is later.

2. A party whose substantial interests are determined has the right to request an administrative hearing by filing a written petition within 21 days of receipt of notice of final District action on a permit application, if the Governing Board took action inconsistent with the notice of intent to grant or deny the permit application, or if that substantially interested party did not receive notice of the District's intent to grant or deny the permit application.

3. A substantially interested party has the right to a formal administrative hearing pursuant to Section 120.57(1), Florida Statutes, where there is a dispute between the District and the party regarding an issue of material fact. A petition for a formal hearing must comply with the requirements set forth in Section 28-5.201, Florida Administrative Code, and Section 40C-1.11, Florida Administrative Code.

4. A substantially interested party has the right to an informal hearing pursuant to Section 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must comply with the requirements set forth in Section 40C-1.11, Florida Administrative Code.

5. Filing of a petition for an administrative hearing occurs upon delivery at the District headquarters or when the petition, properly addressed and stamped, is postmarked.

6. Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing.

7. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, and Chapters 40C-1 and 28-5, Florida Administrative Code.

8. Any substantially affected person who claims that final action of the District constitutes an unconstitutional taking of property without just compensation may seek review of the action in circuit court pursuant to Section 373.617, Florida Statutes, and the Florida Rules of Civil Procedures, by filing an action within 90 days of the rendering of the final District action.

9. Pursuant to Section 120.68, Florida Statutes, a party who is adversely affected by final District action may seek review of the action in the district court of appeal by filing a notice of appeal pursuant to Fla.R.App.P. 9.110 within 30 days of the rendering of the final District action.

10. A party to the proceeding who claims that a District order is inconsistent with the provisions and purposes of Chapter 373, Florida Statutes, may seek review of the order pursuant to Section 373.114, Florida Statutes, by the Land and Water Adjudicatory Commission (Commission) by filing a request for review with the Commission and serving a copy on the Department of Environmental Regulation and any person named in the order within 20 days of the rendering of the District order. However, if the order to be reviewed is determined by the Commission within 60 days after receipt of the request for review to be of statewide or regional significance, the Commission may accept a request for review within 30 days of the rendering of the order.

11. A District action or order is considered "rendered" after it is signed by the Chairman of the Governing Board on behalf of the District and is filed by the District Clerk.


12. Failure to observe the relevant time frames for filing a petition for judicial review as described in paragraphs #8 and #9 or for Commission review as described in paragraph #10 will result in waiver of that right to review.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Notice of Rights has been furnished by U.S. Mail to
EAST LAKE ENTERPRISES, INC.
P. O. BOX 40
COCOA BEACH, FL 32931

at 4:00 P.M. this 20th day of October, 19 88.

40-095-0162


Dannise Kemp, Director
Division of Records
St. Johns Water Management District
Post Office Box 1429
Palatka, FL 32078-1429
(904) 328-8321

02 00000015 0047 CAR 02/24/89 02:49:50PM
 ZONING 3228
 157 PLAN DEV SUB CG 100.00
 00000015 TOTAL 100.00

Nº 3228

OFFICIAL RECEIPT

ORANGE COUNTY ZONING DEPARTMENT

Date: 2/24/89

Received of: The Witt Conservatory, Inc.
 FOR Owner/Applicant: Non-Substantial Change Petition
Madison Park P-D

CODE	FEE DESCRIPTION	AMOUNT
180	P&Z APPLICATION.....	\$
181	P&Z APPEAL.....	
182	BZA APPLICATION.....	
183	BZA APPEAL.....	
184	PLANNED DEVELOPMENT REZONING (INITIAL).....	
185	+ \$2.00 PER ACRE @ _____ ACRES.....	
186	PLANNED DEVELOPMENT (P-D) APPEAL.....	
187	P-D SUBSTANTIAL CHANGE.....	\$100.00
188	AMENDMENT TO PLANNED DEVELOPMENT.....	
189	DEVELOPMENT PLAN.....	
190	+ \$5.00 PER ACRE @ _____ ACRES.....	
191	DRI IMPACT (P-D).....	
192	ADVERTISE - NOTICES.....	
194	PETITION TO CHANGE STREET NAME.....	
195	ZONING RESOLUTION BOOK.....	
196	POSTAGE.....	
199	GARAGE SALE PERMIT.....	
200	COPY FEES - _____ PAGES @ 20¢/PAGE.....	
201	CERTIFICATION FEES.....	
203	SIMPLE ZONING VERIFICATION.....	
204	DETAILED ZONING VERIFICATION.....	
210	MISCELLANEOUS.....	

Check 20684

Location _____

Dates _____

TOTAL

\$100.00

Reviewed by: Jacob [Signature]
 Zoning Clerk

Orange



County

Zoning Department
Sharon Smith, Director
201 South Rosalind Avenue, 1st Floor
Reply To: Post Office Box 2687
Orlando, Florida 32802-2687

February 17, 1988

Mr. Thomas Liddell
DeWitt Excavating, Inc.
P. O. Box 337
Winter Garden, Florida 32787

SUBJECT: Change Determination for Shadow Pines PD

Dear Mr. Liddell:

On February 11, 1988 the Development Review Committee reviewed your request to install a temporary ticket booth within the Shadow Pines PD.

The Development Review Committee approved your request until the borrow pit permit expires, or when development occurs, whichever occurs first.

Should you have any questions, please feel free to call Rocco Relvini at 236-5525.

Cordially,

A large, stylized handwritten signature in cursive script that reads "Sharon Smith".

Sharon Smith
Zoning Director

SS/RR/dmw

cc: Rocco Relvini, Zoning Department
Ed Williams, Planning Department
George Cole, County Engineer
Dan Allen, Public Utilities
Bobbi McCain, DRC Coordinator
PD Files ✓

DEVELOPMENT REVIEW COMMITTEE

MINUTES

FEBRUARY 11, 1988

The Development Review Committee met in a regularly scheduled meeting, which had been properly posted, on Thursday, February 11, 1988, in the first floor conference room of the Public Works Building, 2450 W. 33rd. Street. The Chairman, Tom Hastings, called the meeting to order at 8:05 a.m. with all appropriate staff present.

The DRC Minutes of 1/28/88 were reviewed and amended as necessary. MOTION by Ed Williams, second Sharon Smith, to APPROVE the 1/28/88 Minutes as amended. MOTION CARRIED.

Non Agenda Items discussed throughout the day were as follows:

1. SHADOW PINES PD - Request from developer to allow a ticket booth at Shadow Pines PD for traffic going/coming from borrow pit which is permitted.

ACTION: MOTION by Sharon Smith, second Dan Allen, to allow a temporary ticket booth at requested location until the borrow pit permit expires or development occurs, whichever is first. MOTION CARRIED.

2. NCNB @W.COLONIAL PLAZA PD - Request from applicant's representative that Condition #5 of the DRC Minutes of 8/27/87 be amended to read "issuance of the certificate of occupancy" rather than construction plan approval, as stated in letter from Post Buckley, Schuh & Jernigan.

ACTION: - MOTION by Sharon Smith, second Ed Williams, to DENY request in that Condition #5 would not prohibit closing on property. MOTION CARRIED.

3. DEER CREEK VILLAGE PSP (ORANGEWOOD PD) - Public hearing to be held on deleting condition prohibiting swimming pools and fences in backyards.

ACTION: MOTION by Sharon Smith, second Ed Williams to request that a recommendation be made to Orange County Commission to delete that condition and recommend that pools and fences be allowed, subject to Subdivision Regulations.

February 9, 1988

TO: Sharon

FR: Russ

RE: Installation of a ticket booth in
Shadow Pines PD.

Background: Applicant (Thomas Liddell) applied for building permit to install a 9' x 17' ticket booth on a vacant PD (Shadow Pines) app'd 3/26/74. NO Dev. Plan app'l.

Shadow Pines has LUP app'l for Residential and Commercial. It is vacant. They obtained all necessary permits for a borrow pit. Now they are hauling the dirt away. The purpose of the booth is to give a computerized ticket to ~~hauler~~ haulers indicating:

- a) location of shipment
- b) receiver of shipment
- c) type of material to be hauled
- d) quantity of material to be hauled.

We had a pre-app meeting 3 weeks ago on this site. They are planning to develop it soon so the booth will be demolished eventually. However for zoning ~~pur~~ purposes it is ~~not~~ permitted as a permanent structure.

Zoning Standards: Proposal is for 9 feet high; It meets all setbacks; its internal to site;

TURW

It has access off of S.R. 50; They have all necessary app's for borrow pit; minimal adverse impact.

OPTIONS:

- A) take it to DEC
- B) take it to OCC
- C) Decision is made in-house
- D) Deny proposal

Please Advise

A motion was made by Commissioner Pickett, seconded by Commissioner Benham, and carried, to concur with the recommendation of the Planning of Expressway Center PD and Zoning Commission and approve the 18 acre business park tract/located at the Northeast corner of Chickasaw Trail and the East-West Expressway to be included in Phase I and deny the balance of the request to place the entire project in one phase in that it is not consistent with the intent of the Planned Development district; subject to the following stipulations:

1. Amendment of the existing Phasing Plan to include the 18-acre business park located on the Northwest side of the East-West Expressway and the East side of Chickasaw Trail in Phase I, subject to upgrading and improvement of Chickasaw Trail to County standards for a collector facility from the Northernmost entrance of said area to the East-West Expressway, and limitation of two access points therefrom to Chickasaw Trail, the Southernmost of which is to be aligned with the proposed road to SR 15A.
2. Submission by the applicant to the Development Review Committee of an updated Phasing Plan for this project, accompanied by proposed road improvements to be made in conjunction with each phase, which responds to the intent and purpose of the Planned Development District to be proposed for approval within 60 days.

Hearing #14 - Shadow Pines

Mr. Thomas D. Engel, owner and developer of the proposed PD, stated this plan was previously brought before the Board on a change of zoning classification request to RT, which was granted based on the fact the plans would be adjusted and a new request for a change of zoning classification to PD would be filed. He stated the only stipulation which could not be met is the relocation of the commercial area to the center of the development, which has been discussed with County Staff, and agreed upon to leave in its present location.

Board members, the County Planner and Mr. Engel discussed the number of entrances from SR 50 to the project, the barricading of the service road between SR 50 and the development at its intersection with the right-of-way at the Western boundary of the property in question.

Co. Comm

Change of Zoning List

Upon motion by Commissioner Benham, seconded by Commissioner Thomas, and carried, the Board concurred in the recommendation of the Planning and Zoning Commission and approved the request for change of zoning from R-T to P-D on 75 acres located on the Northeast side of SR 50, one mile West of SR 520, by Thomas D. Engel (Shadow Pines), subject to the following stipulations, with Commissioner Pickett voting NO;

1. Development in accordance with Shadow Pines Preliminary Development Plan consisting of the below listed schedule of submitted exhibits and subject to the following conditions:

- Exhibit 1 - PD Narrative and Explanation
- ✓ Exhibit 2 - Location Map
- ✓ Exhibit 3 - Land Use and Zoning
- ✓ Exhibit 4 - Topography
- ✓ Exhibit 5 - Soils
- ✓ Exhibit 6 - Tree Cover
- ✓ Exhibit 7 - Land Use Plan
- ✓ Exhibit 8 - Typical Cluster Layout

2. Provision of information regarding proposal to construct screen along project boundaries.
3. The Old Cheney service road may be incorporated into development as a private road and cul-de-sac'd at Southwest corner of development; within the adjoining County easement extending across said service road and parallel to project's Northwest boundary, the developer shall improve said easement by connecting the Eastern terminus of the service road with SR 50; said connector shall be physically separated from the service road within the development.
4. Dedication of access rights to SR 50, except at two street openings shown on Exhibit 7.
5. Submission of a letter from the agency involved verifying provision of fire protection.
6. Provision of stub streets to the North and East to provide for proper traffic circulation.
7. Provision that all sewerage, water, and stormwater management measures be in accordance with the Subdivision Regulations and be approved by appropriate agencies.
8. Subdivision Regulations
9. Submission to the Director of Planning, Zoning, and Public Works, of a uniformly revised set of exhibits incorporating all conditions attached thereto by the Board of County Commissioners prior to application for Final Development Approval.

Plan A
 Staff: 1-31-74

A motion was made by Gus Miller, seconded by Ralph Ward and unanimously carried to approve the request.

12. JOHN P. AND JOYCE TYSON, request for a Change in Zoning Classification from A-2 to R-T on the following described property:
Lots 63, 66, 95 and 96, Prosper Colony Sub., as recorded in Plat Book D, Page 103, Public Records of Orange County, Florida, Sec. 6, T 24 S, R 30 E, which is located East side of 11th Avenue, 4/10 mile South of 4th Street (Taft).
(Tract Size: 19.6 acres) District No. 4

C. L. Doren, 2923 S. Semoran Blvd., Orlando, represented applicant and Kinsey Land Co. who is developing a trailer park immediately to the East of subject property. There is a need and use for this. This will be a Phase II addition which will be constructed late in 1975 and/or 1976.

Mr. Nelson asked if the road was paved. Mr. Doren stated the road was partially paved, but access will be onto Fourth Street thru the developing park.

A motion was made by Lee Chlra, seconded by Ralph Ward and unanimously carried to approve the request.

13. LARRY D. HUGHEY, request for a Change in Zoning Classification from R-1 to R-2 on the following described property:
Lot 2, Block A, Sky Acres, as recorded in Plat Book V, Page 37, Public Records of Orange County, Florida, which is located West side of Rouse Road, 1/4 mile North of E. Hiway 50.
(Tract Size: 95.9E x 200S) District No. 5

Applicant stated he has two other lots in the area. Both of them are already zoned for duplexes. He wants to change this also for a duplex. Mr. Smart stated that the bulk of the area is already R-2.

A motion was made by Gus Miller, seconded by Clarence Heidt and unanimously carried to approve the request.

- ✓ 14. THOMAS D. ENGEL, AGENT (SHADOW PINES), request for a Change in Zoning Classification from R-T to P-D on the following described property:
Lots 1 thru 14, Block 1, Christmas Gardens No. 1 as recorded in Plat Book P, Page 54, (less that portion of Lot 8 lying E'ly from a line bisecting said lot from most Northerly corner thereof, Southerly to most Southerly corner thereof) and 1/2 of SW 1/4 of Sec. 26, T 22 S, R 32 E, lying North of St. Rd. 50, which is located NE side of E. Hiway 50, 1 mile NW'ly from St. Rd. 520.
(Tract Size: 75 acres) District No. 5

Applicant stated he agrees with all staff recommendations and can accept them all. However, he would request that if possible, recommendation #3 be either eliminated or changed to allow his commercial to be located on the exterior of the development. He stated that the area will be fenced, but with the commercial area to the interior he feels he would get the people from the drag strip and motorcycle race strip in his development and this would cause a hardship on the residents there. He stated that Department of Transportation has stated they will vacate Old Cheney Highway

to him where his development fronts on it. There is 60 feet between each cluster of trailers and they will put the suitable roads in.

Mr. Miller asked Marty Kreidt for his comments on relocating the commercial area to the exterior. Marty stated they do not want to create a series of commercial areas on SR 50. There is 1.83 acres of commercial area. The minimum commercial acreage they feel they need on SR 50 would be 2 acres. Marty stated he felt this would be inadequate to serve the traffic on SR 50. Mr. Curtis stated that he feels we would be creating a disturbance to the residents of the mobile home park by having the commercial in the interior. Mr. Miller asked if they needed any commercial out there at all. Mr. Engel stated that with the number of people in the mobile home park, they would need some type of convenience store in the area. Mr. Hewitt stated that he agreed with Mr. Engel that the commercial area needs to be in the front. Mr. Engel stated he is going to create his own fire station and that the Forestry Department has stated they would also keep watch for him; the tower is located ten miles away.

a motion was made by Gus Miller, seconded by Ed Maul, and unanimously carried to approve the request subject to staff recommendations as amended by deleting condition #3.

REVIEWS

1. Warren Musselwhite, request for a Change in Zoning Classification from A-2 to R-T on the following described property: SW $\frac{1}{4}$ of SW $\frac{1}{4}$ (Less the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ and less West 30 ft. for Rd. R/W) AND West $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 18, T 20 S, R 28 E, which is located East side Plymouth-Sorrento Road, 7/10 mile South of Kelly Park Road.
(S $\frac{1}{2}$ of SW $\frac{1}{4}$ 18-20-28 Tract size: 40.94 acres District #2)

A motion was made by B. P. Nelson, seconded by Ralph Ward and unanimously carried to deny the request in that it would permit a medium-density intrusion into a low-density agricultural area and further, there has been no change in the character or nature of the area and the requested change would be incompatible and inappropriate with other uses in the area.

2. Bobby N. Bodiford, request for a Change in Zoning Classification from A-1 to R-T on the following described property: Lots 12 and 15, Bailey Addition to Plymouth, as recorded in Plat Book B, Page 145, Public Records of Orange County, Florida, which is located East side Plymouth-Sorrento Road, 9/10 mile South of Ponkan Road.
(NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ 30-20-28 Tract size: 12.4 acres District #2)

A motion was made by B. P. Nelson, seconded by Lee Chira and unanimously carried to deny the request in that it would permit a medium-density intrusion into a low-density agricultural

14. THOMAS D. ENGEL, AGENT (SHADOW PINES), request for a Change of Zoning Classification from R-T to P-D on the following described property: Lots 1 thru 14, Block 1, Christmas Gardens No. 1, as recorded in Plat Book P, Page 54, (less that portion of Lot 8 lying E'ly from a line bisecting said lot from most Northerly corner thereof, Southerly to most Southerly corner thereof) and W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 26, T 22 S, R 32 E, lying North of St. Rd. 50, which is located NE side of E. Hiway 50, 1 mile NW'ly from St. Rd. 520.
(NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ 26-22-32 Tract size: 75 acres District #5)

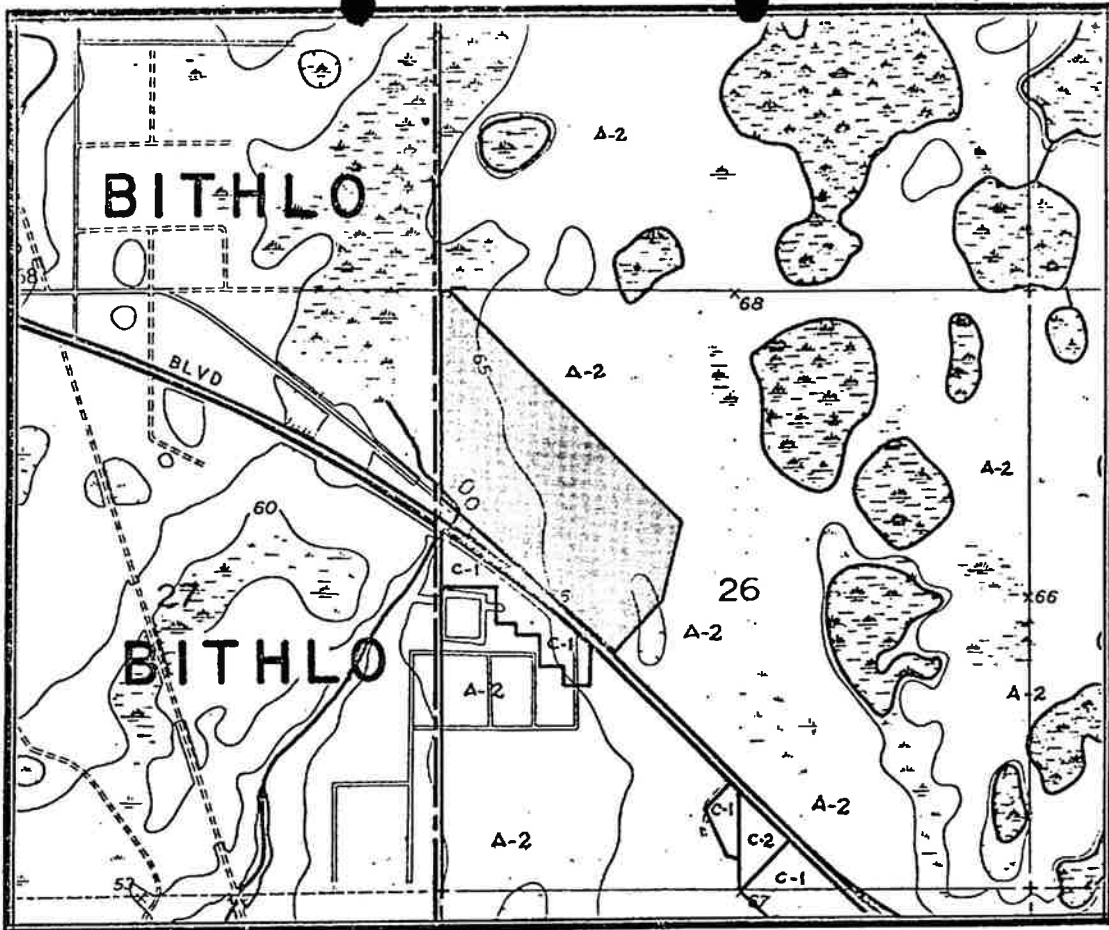
DECISION: Approved subject to staff recommendations as amended by deleting condition #3. See attached. See page 9 & 10.

Public hearing will be held at the Orange County Courthouse Annex, County Commissioners' Room, on the third floor, on Thursday, March 21, 1974, beginning at 9:00 A.M. or as soon thereafter as possible. All interested parties are herein given notice.

ORANGE COUNTY PLANNING AND ZONING COMMISSION

By: James W. Smart
Zoning Director

James W. Smart
Zoning Director
March 21, 1974



R-T to P-D (SHADOW PINES)

PUBLIC HEARING #14 (March 21, 1974)
 Section: 26-22-32
 District #5

Applicant: Thomas D. Engel
 Scale: 4" = 1 mile

FINDINGS:

1. Applicant requests a change of District from R-T to P-D on 75 acres located on the northeast side of SR 50, one mile west of SR 520.
2. The site is vacant. Mobile homes and various uses of a commercial nature are located to the west and south. Properties to the north and east are vacant.
3. County land use policy is generalized on the Development Guide for agriculture. However, R-T was granted on this property by the Board of County Commissioners in November of 1973.
4. Project Analysis:
 - a. Total Area: 75.05 acres
 - b. Commercial Area: 1.83 acres
 - c. Gross Residential Area: 68.82 acres
 - d. Number of Dwelling Units: 450
 - e. Gross Residential Density: 6.55 DU/Acre
 - f. Potential Population: 1,125
 - g. Potential School-Age Population: 248
 - h. Potential Traffic Generation: 5,080 ADT
5. Soils on-site are of the Leon, Ona, Pomello, and Rutlege classifications. All of these soils with the exception of Pomello are rated naturally severe for development due to high water and flooding ranging in frequency from "one in 5-10 years for 7-30 days" to "more than once a year for 1-6 months."

P. H. #14 SHADOW PINES (Continued)

6. Applicant has indicated plans to construct a wall along the property lines. Information should be provided as to the extent, height, and composition thereof.
7. Plans for the provision of fire protection to this site are somewhat vague. Applicant should provide a letter of verification from the agency which will provide protection.
8. The Subdivision Regulations suggest that intersection spacing on a principal arterial highway be a minimum of 1,760'. SR 50 entrances to subject property are approximately 600' apart.
9. Applicant has indicated the possibility of further development of the type proposed herein on properties to the northeast which are under his control. We suggest that stub streets into these areas be provided.

RECOMMENDATION, SUBJECT TO THE FINDINGS OF A PUBLIC HEARING:

Approval, subject to the following conditions:

1. Development in accordance with Shadow Pines Preliminary Development Plan consisting of the below listed schedule of submitted exhibits and subject to the following conditions.
 - Exhibit 1 - P-D Narrative and Explanation
 - Exhibit 2 - Location Map
 - Exhibit 3 - Land Use and Zoning
 - Exhibit 4 - Topography
 - Exhibit 5 - Soils
 - Exhibit 6 - Tree Cover
 - Exhibit 7 - Land Use Plan
 - Exhibit 8 - Typical Cluster Layout
2. Provision of information regarding proposal to construct screen along project boundaries.
3. Provision that commercial area be relocated to the interior of subject development.
4. Redesign of entrances to provide proper intersection separation of SR 50.
5. Submission of a letter from the agency involved verifying provision of fire protection.
6. Provision of stub streets to the north and east to provide for proper traffic circulation.
7. Provision that all sewerage, water, and stormwater management measures be in accordance with the Subdivision Regulations and be approved by appropriate agencies.
8. Subdivision Regulations.
9. Submission to the Director of Planning, Zoning, and Public Works, of a uniformly revised set of exhibits incorporating all conditions attached thereto by the Board of County Commissioners prior to application for Final Development Approval.

cc: Board of County Commissioners
Development Review Committee
Dan Engel, Engel Development Corporation

MEETING OF FEBRUARY 21, 1974

or nature of the area and the requested change would be incompatible and inappropriate with other uses in the area.

16.

John P. and Joyce Tyson, request for a Change in Zoning Classification from A-2 to R-T on the following described property:
Lots 63, 66, 95 and 96, Prosper Colony Sub., as recorded in Plat Book "D", Page 103, Public Records of Orange County, Fla., Sec. 6, T 24 S, R 30 E, which is located East side 11th Avenue, 4/10 mile South of 4th Street (Taft).
(W $\frac{1}{2}$ of SW $\frac{1}{4}$ Tract Size: 19.6 acres District #4)

A motion was made by Joe Curtis, seconded by Gus Miller and unanimously carried to approve the request for Public Hearing.

17.

Larry D. Hughey, request for a Change in Zoning Classification from R-1 to R-2 on the following described property:
Lot 2, Block A, Sky Acres, as recorded in Plat Book "V", Page 37, Public Records of Orange County, Fla., which is located West side of Rouse Road, 1/4 mile North of E. Hiway 50.
(NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Tract Size: 95.9E x 200S District #5)

A motion was made by Joe Curtis, seconded by Gus Miller and Unanimously carried to approve the request for Public Hearing.

18.

Thomas D. Engel, Agent (Shadow Pines), request for a Change in Zoning Classification from R-T to P-D on the following described property:
Lots 1 thru 14, Block One, Christmas Gardens No. 1, as recorded in Plat Book "P", Page 54, Public Records of Orange County Fla., (Less that portion of Lot 8 lying E'ly from a line bisecting said lot from most Northerly corner thereof, Southerly to most Southerly corner thereof) and W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 26, T 22 S, R 32 E, lying North of St. Rd. 50, which is located Northeast side of E Hiway 50, 1 (one) mile North-westerly from St. Rd. 520.
(NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Tract Size: 75 acres District #5)

Applicant stated this is the same project that was brought before the board for R-T. The Board of County Commissioners saw fit to approve this project at an appeal. He stated he cannot conform to the R-T zoning and do what he wants to do in his project. He stated he needs open space, and natural drainage. The County Commissioners suggested that he come back with a P-D.

Mr. Ward asked if he concurs with all staff recommendations. Mr. Engel stated he did. He showed a flip chart (he retained) giving location, zoning, topo, drainage, soils, and tree coverage. He stated he has approval by the sewer and water advisory board for a sewer and water plant and will either cover the ditch or move the plant. He stated that there will be clusters of 4 to 5 trailers. No trailer will back up to a local street. The County will vacate the old Hiway 50 and Deed to him on the condition that he connect it to existing S.R. 50.

He stated the following statistics: 68 gross acres; 6

Review

dwelling units per acre, for a total of 450 units. This is a one phase project. He considers moving the commercial area back into the middle of the project. He will have green belt areas between the trailer clusters. He stated that while 3,000 square feet is the minimum requirement for trailers, he has 4,572 square feet. There are one and a half to two parking spaces provided for each trailer. He stated that Orange County Regulation require each trailer to abut fifteen feet on a road and under R-T zoning, cluster parking cannot be allowed. This is an interim land use. The area is growing; there is a bank charter application for the area under consideration.

A motion was made by Joe Curtis, seconded by Gus Miller and unanimously carried to approve the request for a Public Hearing.

A motion was made by Joe Curtis, seconded by Neville Edwards and unanimously carried to approve the following plats:

- (1) Harbor East, Unit Two (2) Hanging Moss Estates

A motion was made by Joe Curtis, seconded by Lee Chira and unanimously carried to accept the Minutes of the January 17, 1974 Planning and Zoning Commission meeting.

There being no further business, a motion was made by Gus Miller, seconded by B. P. Nelson and unanimously carried to adjourn the meeting at 4:05 P.M.

MOTION TO APPROVE PLATS

APPROVAL OF MINUTES

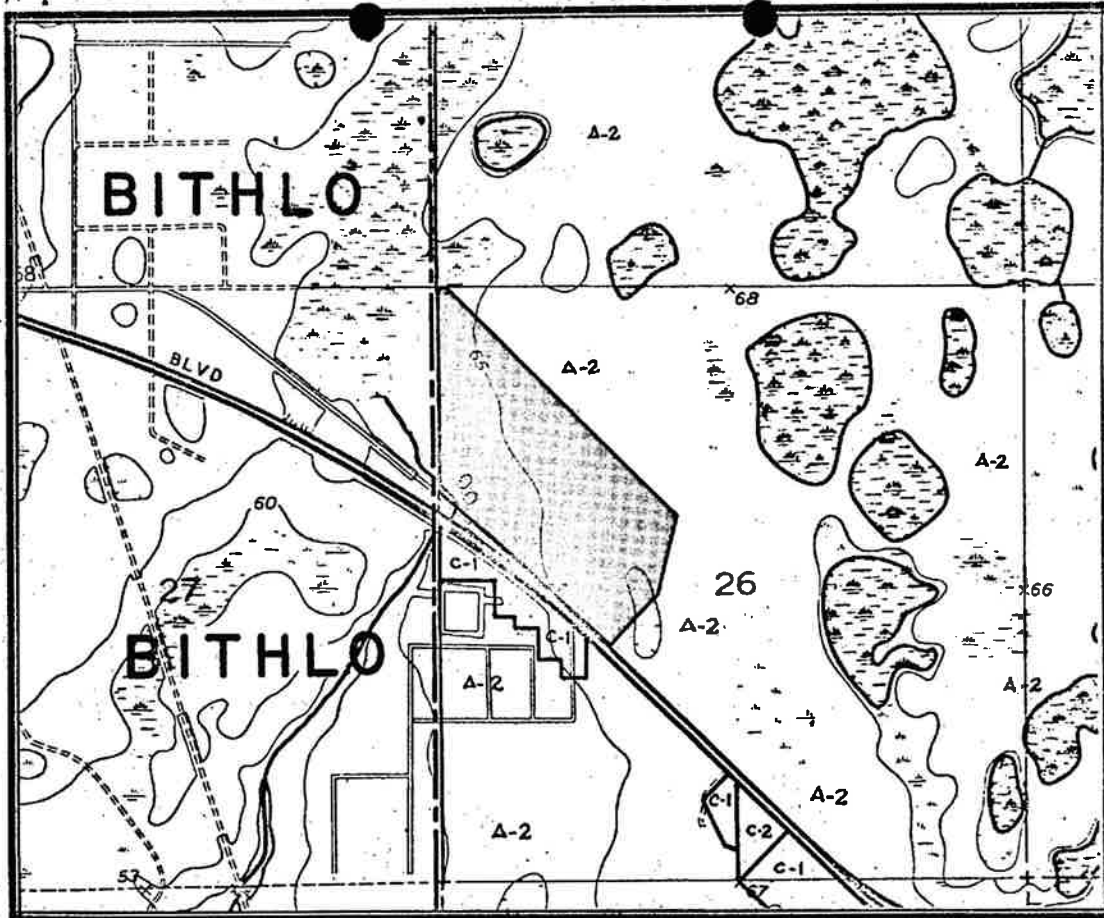
MOTION TO ADJOURN

ATTEST:

Mary Lou Masterson
Recording Secretary

Chairman

MEETING OF FEBRUARY 21, 1974



R-T to P-D (SHADOW PINES)

REVIEW AGENDA #18 (February 21, 1974)
 Section: 26-22-32
 District #5

Applicant: Thomas D. Engel
 Scale: 4" = 1 mile

FINDINGS:

1. Applicant requests a change of District from R-T to P-D on 75 acres located on the northeast side of SR 50, one mile west of SR 520.
2. The site is vacant. Mobile homes and various uses of a commercial nature are located to the west and south. Properties to the north and east are vacant.
3. County land use policy is generalized on the Development Guide for agricultural use. However, R-T was granted on this property by the Board of County Commissioners in November of 1973.
4. Project Analysis:
 - a. Total Area: 75.05 acres
 - b. Commercial Area: 1.83
 - c. Gross Residential Area: 68.82 acres
 - d. Number of Dwelling Units: 450
 - e. Gross Residential Density: 6.55 DU/Acre
 - f. Potential Population: 1,125
 - g. Potential School-Age Population: 248
 - h. Potential Traffic Generation: 5,080 ADT
5. Soils on-site are of the Leon, Ona, Pomello, and Rutlege classifications. All of these soils with the exception of Pomello are rated naturally severe for development due to high water and flooding ranging in frequency from "one in 5-10 years for 7-30 days" to "more than once a year for 1-6 months."

Rev. 2-21-74

R. A. #18 SHADOW PINES (Continued)

6. Applicant has indicated plans to construct a wall along the property lines. Information should be provided as to the extent, height, and composition thereof.
7. Plans for the provision of fire protection to this site are somewhat vague. Applicant should provide a letter of verification from the agency which will provide protection.
8. The Subdivision Regulations suggest that intersection spacing on a principal arterial highway be a minimum of 1,760'. SR 50 entrances to subject property are approximately 600' apart.
9. Applicant has indicated the possibility of further development of the type proposed herein on properties to the northeast which are under his control. We suggest that stub streets into these areas be provided.

RECOMMENDATION: Set for Public Hearing

PRELIMINARY RECOMMENDATIONS SUBJECT TO THE FINDINGS OF A PUBLIC HEARING:

1. Development in accordance with the Shadow Pines Preliminary Development Plan subject to the following conditions.
2. Provision of information regarding proposal to construct screen along project boundaries.
3. Provision that commercial area be relocated to the interior of subject development.
4. Redesign of entrances to provide proper intersection separation of SR 50.
5. Submission of a letter from the agency involved verifying provision of fire protection.
6. Provision of stub streets to the north and east to provide for proper traffic circulation.
7. Provision that all sewerage, water, and stormwater management measures be in accordance with the Subdivision Regulations and be approved by appropriate agencies.
8. Subdivision Regulations.

cc: Board of County Commissioners
Development Review Committee
Dan Engel, Engel Development Corporation

ORANGE COUNTY

ORLANDO, FLORIDA

FLORIDA

POLLUTION CONTROL BOARD
2008 EAST MICHIGAN AVENUE
ORLANDO, FLORIDA 32808
TELEPHONE (305) 849-3102

POLLUTION BOARD
DR. HOMER STALLINGS, CHAIRMAN
JOHN LAND
MATTHEW CROSS
WILLIAM LONG
BEN SIBLEY

C. W. SHEFFIELD, P. E.
POLLUTION CONTROL OFFICER
J.M. BATEMAN, P. E.
ASSISTANT POLLUTION CONTROL OFFICER

February 13, 1974

Memorandum

To: Jim Smart, Zoning Director
From: C.W. Sheffield, Pollution Control Officer
Subject: Shadow Pine - Planned Mobile Home Community

The above described Mobile Home Community has been reviewed by the Orange County Pollution Control Department with the following comments:

1. Must provide treatment to the first one inch of each rainfall prior to being discharged off property or into Orange County lake; or amount of treatment as deemed necessary whereas this drainage water will not cause degradation to Orange County surface waters.
2. Waste water treatment plant and sewerage lines facilities must be approved by Orange County Pollution Control Department and Florida Department of Pollution Control with a construction permit issued by Florida Department of Pollution Control prior to construction of lift stations, treatment plant, pond or other sewerage facilities.
3. Would suggest other means for waste disposal should be enacted, based on the fact a rather large ditch has been provided on the north and west section of this property in the existing proposal for treatment of the waste water, and its disposal could cause degradation to the surface waters of Orange County.

This project has been reviewed and approved under our Serial Number 74-9 S/D dated February 7, 1974.

C.W.S.

CWS

CWS/nr

cc: C. Goode, Public Works Admn.
B. Wood, F.D.P.C.

SHADOW PINE
A PLANNED DEVELOPMENT

Purpose of P-D Statement

This Statement is submitted in compliance with Article XXIX, Section 6 of the Orange County Zoning Resolution with respect to the Preliminary Development Plan requirements for a P-D Planned Development District.

Legal Description

Lands in Section 26, Township 22 South, Range 32 East, Orange County, Florida, more particularly described on Schedule "A" attached hereto.

General Location and Description

The subject property contains 75 acres located on the North side of S. R. 50 abutting the East boundary of the unincorporated area known as Bithlo.

Generally, the soils on the site present few building problems. The small problem areas of Rutledge mucky fine sand will be studied in greater detail through soil probings prior to any development.

Public Utilities and Services

The Developer will provide sewage and water service in accordance with State and County health codes and regulations. The development is presently approved for a package water and waste treatment plant (General Environmental, Jacksonville) and presently upgrading to 100,000 G. P. D. plant.

The Development is not presently within a County Fire District, but service will be provided by the U. S. and State Forest Service. In addition, Union Park and Bithlo Volunteer Fire Departments are in close proximity to the Development, and a lake on the property can back up existing fire prevention services.

ORANGE COUNTY PLANNING & ZONING COMMISSION PLANNED DEVELOPMENT	
Project	<u>SHADOW PINES</u>
Applicant	<u>THOMAS ENGEL, AGENT</u>
Review No. <u>18</u>	Date <u>2-21-74</u>
Preliminary Dev. Plan P.H. <u>14</u>	Date <u>3-21-74</u>
Final Dev. Plan, Date	_____
Exhibit No. <u>1</u>	of <u>8</u>

Submitted with application

SHADOW PINE
Page Two

Land Use Plan

SHADOW PINE is a mobile home residential community designed for the market generated by the need for low-cost housing in Central Florida.

The proposed land uses are as follows:

<u>Land Use</u>	<u>Acres</u>
1. Road ROW	3.03
2. Parks	4.42
3. Greenbelts	6.08
4. Residential	<u>55.29</u>
TOTAL	68.82 G. R. A.
Commercial	1.83 (20,000 sq. ft. building space)
Utilities	1.37
Lake	<u>3.03</u>
TOTAL	<u>75.05</u> Acres
Total Units:	450
Density:	6.55 DU/G. R. A.
Gross Residential Density:	6.55 DU/AC
Maximum Height:	35 Feet
Maximum Height of Residential Unit:	1 Story

NOTE: Total project to be developed in one phase

The County development policy indicates agricultural use of the subject property; however, because of the critical need for low-cost housing and the surrounding land uses, including Bithlo, the Board has indicated that this development is congruent with established land use in the area and could only upgrade a deteriorating situation.

SHADOW PINE
Page Three

Road Systems and Traffic Generation-The Developer will dedicate internal roads to the County if desired, and will improve all roads to Orange County regulations as indicated in the Orange County Zoning and Subdivision Regulations.

According to the County Subdivision Regulations, SHADOW PINE will generate the following amount of traffic:

<u>Land Use</u>	<u>ADT</u>
1. Mobile Homes	4680
2. Commercial (20,000 S. F. Building space)	<u>400</u> Peak
Total	5,080

Owners, Developer, Consultant

Thomas D. Engel owns and will develop SHADOW PINE through Engel Development Corp. T. W. (Pete) Storage, a land planning consultant with the King Helie Planning Group, is associated with Dan Engel and Engel Development Corp. and will serve as consultant to the Development as well as having a equity position in the Development.

LEGAL DESCRIPTION

Begin at the Northwest corner of Section 26, Township 22 South, Range 32 East, Orange County, Florida; thence $S01^{\circ}34'11''W$ along the West line of said Section a distance of 1836.88 feet to the Northerly right of way line of Cheney Highway; thence $S50^{\circ}17'15''E$ 132.91 feet to the most Southerly corner of Lot 14, Block 1 of CHRISTMAS GARDENS Development No. 1 as recorded in Plat Book "P", Page 54 of the Public Records of Orange County, Florida; thence along the South line of said Block 1, run $S50^{\circ}04'43''E$ 330.42 feet; thence $S48^{\circ}29'38''E$ 330.08 feet; thence $S47^{\circ}12'15''E$ 515.55 feet to the point of intersection of said Northerly right of way of Cheney Highway and the Northerly right of way line for State Road No. 50 being in a curve concave Southwesterly having a radius of 13,815.00 feet; thence Southeasterly along the arc of said curve and the Northerly right of way line of said State Road No. 50, through a central angle of $02^{\circ}37'28''$ a distance of 634.45 feet to the Southeasterly of Lot 9 of said Block 1; thence $N42^{\circ}47'45''E$ 578.75 feet to the most Southerly corner of Lot 8 of said Block 1; thence $N11^{\circ}16'49''E$ along a line projected through the most Northerly corner of said Lot 8 a distance of 799.25 feet; thence $N47^{\circ}12'15''W$ parallel to the Northeasterly line of said CHRISTMAS GARDENS a distance of 2778.61 feet to the North line of said Section 26; thence $N89^{\circ}37'47''W$ 390.4 feet to the point of beginning.

Containing 75,000 acres.

ORANGE COUNTY
 PLANNING AND ZONING COMMISSION
 P. O. Box 2687
 Orlando, Florida 32802

Date Jan. 16, 1974

The undersigned applicant hereby requests the Orange County Planning and Zoning Commission to consider this application for Public Hearing for a Change of Zoning. He also certifies that the request does not conflict with deed restrictions on the property. Further, that the property for which this hearing is requested has NOT been the subject of a hearing before the Planning and Zoning Commission or the Board of County Commissioners of the kind and type requested in the application within a period of nine months prior to the filing of this application

✓ THOMAS D. ENGEL, AGENT (SHADOW PINES)

OWNER'S SIGNATURE
P.O. Box 2813
 ADDRESS
Orl. Fla 32802
 CITY STATE
 PHONE

POSTER NOTICE TO:
 ADDRESS
 CITY STATE

Request is hereby made for a Change in Zoning Classification

from A-B-T to P-D on the following described property:

Lots 1 thru 14, Block one, Christmas Gardens, No 1, P/54 (less that portion of Lot 8 lying Clp from a line bisecting said lot from most Northwely Corner thereof, southerly to most Southwely corner thereof) and W 1/2 of SW 1/4 of Sec. 26, T. 28 S, R. 32 E. lying North of St Rd 50
 Located at Northwest side of ^{St Rd 50} ~~St Rd 50~~, 1 mile Northwestely from St Rd 50.

For the following reasons:

Tract Size: 7.5 acres

ABUTTING PROPERTY OWNERS:

- | | |
|---|---|
| 1. <u>Herman & Adolph Goodman, etal</u> | <u>Fred Dietrich</u> |
| <u>P.O. Box 350</u> | <u>Birds, Fla</u> |
| <u>Hollywood, Fla 33022</u> | |
| 2. <u>Birds on West side</u> | <u>James & A.B. Trustees Wiener</u> |
| | <u>Minnie Abramowitz</u> |
| | <u>of Overbrook, Wis</u> |
| 3. <u>Corrigan & Boland Inc.</u> | 4. <u>1020 Madison Ave</u> |
| <u>672 N. Orange Ave.</u> | <u>Miami 33139</u> |
| <u>Orlando, Fla.</u> | |

ACTION OF PLANNING & ZONING COMMISSION:
 18 2-21-74 Approved a public hearing NW 1/4 and 26-22-32
3-21-74 - APPROVED SUBJECT TO STAFF RECOMMENDATIONS DISTRICT # 5
 AS AMENDED BY DELETING CONDITION #3. 8

Receipt No. 994 Review Application No. 18 Public Hearing No. 14
 43-1(a) Date Feb 21 1974 Date Jan 16 1974

Appeal

Thomas
D. Engel

Mr. Thomas D. Engle appeared before the Board at this time to request that they reconsider their action taken at the meeting of November 20th. He said that he felt that he did not make it clear to all concerned that they were requesting the RT zone and then would resubmit after that approval with a PUD, but that they need zoning in order to proceed with the project. He stated that he can get a letter of credit from the First Citizen's Bank. He said that he had been working with Mr. Kreidt. Commissioner Benham recommended that they have some statement in writing that Mr. Engel would come back with a PUD that would not be in excess of six units per acre. This was agreeable to Mr. Engel, and a motion was made by Commissioner Benham, seconded by Commissioner Thomas, and carried to reconsider the action taken on appeal by Thomas D. Engel as shown in the minutes of the November 20th meeting.

Based on promise of the developer to reapply for PD zoning, a motion was made by Commissioner Benham, seconded by Commissioner Thomas, and carried to overrule the action taken by the Planning and Zoning Commission on application of Thomas D. Engel, and applicant's request for a change in zoning to R-T was granted. Commissioner Pickett voted No.

Public
Works
Facility

The County Administrator reported that the low bid for the new Public Works Facility was in the amount of \$2,035,000.00, which was in excess of their working estimate of \$1,500,000.00. Mr. Harris stated that the Public Works Director had met with the low bidder and had eliminated some \$240,000.00, leaving a contract price of \$1,794,126.00. Mr. Harris stated that utilizing federal revenue sharing monies the contract could be awarded at that amount, however, it might require rescheduling work planned for the courthouse and annexes. A motion was made by Commissioner Martin, seconded by Commissioner Poe, to accept the recommendations of the County Administrator and approve acceptance of revised bid in the amount of \$1,794,126.00 from the Williams Development Company for the construction of the Public Works Facility. Commissioner Pickett voted Yes on the motion with the understanding that other priorities could be altered. Commissioners Benham and Thomas voted No.

Hearings Set Upon motion by Commissioner Martin, seconded by Commissioner Poe, and
Lighting carried, the Board scheduled the following dates for public hearings to
Districts consider establishment of Special Purpose Lighting Districts:

January 8, 1974

10:00 A.M.

- Lees Estates

10:10 A.M.

- Riverside Acres, Fourth Addition

January 15, 1974

10:00 A.M.

- Quail Hollow at Queenswood Manor

Appeal

**Planning &
Zoning**

(Thomas D.
Engel)

Notice having been given that the Board of County Commissioners would sit as a Board of Appeal at 11:20 A.M. to hear those for or against the action of the Planning and Zoning Commission under date of October 18, 1973, in the matter of Thomas D. Engel, request for a change of zoning classification from A-2 to R-T on property located on the Northeast side of SR 50 one mile Northwesterly from SR 520; the hour having arrived, the Chairman called the hearing to order.

The Planning and Zoning Commission denied the application in that it would permit a medium density intrusion into an agricultural district and further, there has been no change in the character or nature of the area and the requested change would be incompatible and inappropriate with other uses in the area.

Chairman Pickett advised those present as follows:

1. All persons are advised that all documentary evidence and other matter submitted to and considered by the Planning and Zoning Commission will be part of the record presented to and will be received by the Board of County Commissioners as evidence in the Appeal.
2. The Board hereby receives into evidence for consideration in this Appeal all documentary evidence and other matter submitted to and considered by the Planning and Zoning Commission.
3. All exhibits received by the Planning and Zoning Commission shall be marked with identifying numbers so that they may be so referred to by the applicant and any members of the County

APPEAL on R-T

Commission who may want to refer to them. Any additional documentation or other evidence received by the County Commission shall be similarly identified.

4. Applicants and other persons appearing before the County Commission shall be afforded the opportunity to review, copy or inspect the record.

Zoning Director Jim Smart, identified the property location on the aerial map and advised that the West side of the property is in the city limits of Bithlo; with A-2 zoning to the North and East and C-1 to the South along the highway and A-2 further South.

Mr. Thomas (Dan) Engel addressed the Board stating the property location is 18 minutes from Orlando with the new East-West Expressway and the area will be up-graded by his proposed development. He stated presently there is a drag strip and a dune buggy track in the area; and Southern Bell Telephone Company has C-2 zoning on the balance of the property to the rear of this parcel. He stated the remainder of the surrounding area is all trailer homes. Mr. Engel stated the property is flat with a four foot drop and drainage runs to the Long Branch and the Econ River with soils consisting of Rutledge Fine sand and Leon Fine sand and 95 per cent of the land being useable. He stated on site retention is planned as well as retention of the pine trees and as much other coverage that is on the property as possible. He stated the removal of trees will be limited to nothing larger than three inches in diameter. Mr. Engel said the over-all concept is one of clusters within a cluster of mobile homes and they will be working on net area rather than gross area, knowing that people are happier in areas of lower density. He stated all clusters will feed into collector streets with greenbelt areas readily adaptable to stub-outs. He said they are willing to build and maintain a frontage road in order to relieve any traffic problem from the development onto Highway 50. Mr. Engel stated further that if the Board approves the request for RT zoning, he will immediately apply for P-D classification for better development. He stated further it is not his intention to build a common trailer park and the cluster areas will be planned for an average of 4 units with 3, 4, 6, and 7 units in a cluster and lot sizes to be 1500 square feet, which is more than

the County requirements.

The Chairman closed the hearing at this time and later in the day the Board took the following action:

Upon motion by Commissioner Thomas, seconded by Commissioner Martin, and carried, the Board sustained the decision of the Planning and Zoning Commission made on the 18th day of October, 1973 on the application of Thomas D. Engel, and the applicant's request for a change in zoning is hereby denied; however, the applicant is directed to apply for a change of zoning classification on this property from A-2 to P-D. Commissioner Pickett voted NO.

Appeal
Planning &
Zoning
(Lynn R. Davis
& Fred B.
Thomas

Notice having been given that the Board of County Commissioners would sit as a Board of Appeal at 11:40 A.M. to hear those for or against the action of the Orange County Zoning Commission under date of October 18, 1973 in the matter of Lynn R. Davis and Fred B. Thomas request for a change of zoning classification from R-1A to C-3 on property located on the West side of Forsyth Road, 5/10 mile South of East Highway 50, and the hour having arrived; the Chairman called the hearing to order.

The Planning and Zoning Commission denied the request in that it would permit a heavy commercial intrusion into a single family residential district.

The Chairman advised those present of the following:

1. All persons are advised that all documentary evidence and other matter submitted to and considered by the Planning and Zoning Commission will be part of the record presented to and will be received by the Board of County Commissioners as evidence in the Appeal.
2. The Board hereby receives into evidence for consideration in this Appeal all documentary evidence and other matter submitted to and considered by the Planning and Zoning Commission.
3. All exhibits received by the Planning and Zoning Commission shall be marked with identifying numbers so that they may be so referred to by the applicant and any members of the County Commission who may want to refer to them. Any additional documentation or other evidence received by the County Commission shall be similarly identified.

17. James A. Skipper, request for a Change of Zoning Classification from A-2 to R-T-2 on the following described property: Lots 23 thru 26, Block C AND Lots 1 thru 5 and 8 thru 10, Block D, Bunker Hill, Plat Book K, page 40 which is located NE and SE Corners of Frank St. and Congress St.

(Tract Size: 4.5 Acres District No. 5)

James A. Skipper, 14519 Liberty Street, Orlando, Florida, stated that he cannot use these lots as they are, and hopes to sell them after the zoning is changed.

There was no one present in objection.

A motion was made by Ed Maul, seconded by Ralph Ward and unanimously carried to approve the request.

18. Thomas D. Engel, request for a Change of Zoning Classification from A-2 to R-T on the following described property: Lots 1 thru 14, Block One, Christman Gardens No. 1 as recorded in Plat Book P, Page 54, Public Records of Orange County, Florida, (less that portion of Lot 8 lying Easterly from a line bisecting said lot from most Northerly corner thereof, Southerly to most Southerly corner thereof) and West $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 26, Twp. 22 S, Rg. 32 E, lying North of State Rd. 50, which is located Northeast side of St. Rd. 50 1 mile Northwesterly from St. Rd. 520.

(Tract Size: 75 Acres District No. 5)

Dan Engel, P. O. Box 2813, Orlando, Florida, representing stated that he wants to put in an unusual trailer park. He stated that his record speaks for itself. He stated that he wants up to 7 density under R-T to put in "California Cluster" arrangement. He feels that there is enough road to put it in accessibility.

A site Plan (Exhibit No. 1) was presented with the application.

There was no one present in objection.

A motion was made by Ed Maul in favor of the request, but failed for lack of a second.

A motion was made by Elisabeth David, seconded by Gus Miller and carried to deny the application in that it would permit a medium density intrusion into an agricultural district and further there has been no change in the character or nature of the area and the requested change would be incompatible and inappropriate with other uses in the area.

19. John B. Wheeler (Grassmere), request for a Change of Zoning Classification from A-1 to P-D on the following property: W $\frac{3}{4}$ of Sec. 25, T. 20 S, R 27 E, (less S 125 ft. of W 430 ft. and less rd. on S) AND E $\frac{1}{2}$ of Sec. (less N 669 ft. of W 788 ft. and less rd. on S) AND SE $\frac{1}{4}$ of SW $\frac{1}{4}$ North of Hiway. (less W 330 ft.) AND S 93 ft. of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ (less 330 ft.) All in Sec. 26, T 20 S, R 27 E AND Beg. N $\frac{1}{2}$ Cor. of Sec. 35, T 20 S, R 27 E. th S 175 ft., th NE'ly to N line of Sec. at a point 230 ft. W of beg., th W 230 ft. to POB (less Hiway R/W) AND Lots 1 thru 5 (less Hiway R/W) Longview Groves, as recorded in Plat Book K, page 26, Public Records of Orange County, Florida, which is located NE'ly side of Hiway 441 beginning at Yothers Road and continue N'ly 3/10 mile and fronting 1 mile on Yothers Road and SE'ly corner of Hiway 441 and Yothers Road.

(Tract Size: 826 Acres District No. 2)

11:20

11-22-73

ORANGE COUNTY
PLANNING AND ZONING COMMISSION
P. O. Box 2687
Orlando, Florida 32802

Date August 15, 1973

The undersigned applicant hereby requests the Orange County Planning and Zoning Commission to consider this application for Public Hearing for a Change of Zoning. He also certifies that the request does not conflict with deed restrictions on the property. Further, that the property for which this hearing is requested has NOT been the subject of a hearing before the Planning and Zoning Commission or the Board of County Commissioners of the kind and type requested in the application within a period of nine months prior to the filing of this application

THOMAS D. ENGEL
Thomas D. Engel
OWNER'S SIGNATURE Thomas D. Engel
Post Office Box 2813
ADDRESS
Orlando, Florida 32802
CITY STATE
424-3235---843-6150
PHONE

POSTER NOTICE TO:
Thomas D. Engel
Post Office Box 2813
ADDRESS
Orlando, Florida 32802
CITY STATE

Request is hereby made for a Change in Zoning Classification

from A-2 to R-T on the following described property:

Lots 1 thru 14, Block One, CHRISTMAS GARDENS DEVELOPMENT NO. 1
as recorded in Plat Book P, Page 54, Public Records of Orange County, Florida,
less that portion of said 1 or 8 lying Easterly from a line bisecting said lot
from most Northerly corner thereof, Southerly to the most Southerly corner
thereof, and that portion of West 1/2 of SW 1/4 of Section 26, Township 22 South,
Range 32 East, lying North of State Road 50, which is located Northeastly
side of East Highway 50, 6/10 mile Northwestly from State Road 520.

Located at Northeast side of St Rd 50, 1 mile NW of St Rd 520
East Orange County, East of and adjacent to Bithlo, 6/10 of a mile
Northwestly from State Road 520.

There is a critical need for low cost housing in Orange County,
For the following reasons: and a definite precedent has been set for mobile home housing
in East Orange Co. A park of this concept will be a
first and a guideline for other parks to follow. Tract Size: 75 acres

ABUTTING PROPERTY OWNERS:

7
Sec. 26

- 1. Mr. Herman Goodman Etal
Post Office Box 350
Hollywood, Florida 33022
- 2. Bithlo on West side of property
- 3. Carrigan & Boland, Inc.
672 North Orange Avenue
Orlando, Florida
- 4. Mr. Fred Dietrich
Bithlo, Florida
- 5. A. B. Winters
Winters, Abromowitz
Co. Overbrook, Ass.
1020 Mercedes Ave.
Miami, 33139

ACTION OF PLANNING & ZONING COMMISSION:

9-20-73 Approved for Public Hearing NW 1/4 26-22-32
10-18-73 Denied in that it would permit a medium density District # 5
intrusion into an agricultural district & further there
has been no change in the character or nature of the area
& the requested change would be incompatible & inappropriate
with other uses in the area.

Receipt No. 416 Review application No. 31 Public Hearing No. 18
43-1(a) Date Sept 20, 1973 Date October 18, 1973

ORANGE COUNTY
PLANNING AND ZONING COMMISSION
Room 316 Courthouse Annex
P. O. Box 2687
Orlando, Florida 32802
October 5, 1973

Hearing No. 18

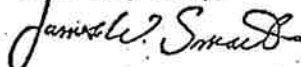
TO WHOM IT MAY CONCERN:

The Orange County Planning and Zoning Commission, in accordance with Article XXVI, Section 2, of the Zoning Resolution, herein advises you that Thomas D. Engel has applied to the Board for a Change of Zoning Classification from A-2 to R-T on the following described property:

Lots 1 thru 14, Block one, Christmas Gardens No. 1 as recorded in Plat Book P, Page 54, Public records of Orange County, Florida, (less that portion of lot 8 lying Easterly from a line bisecting said lot from most Northerly corner thereof, Southerly to most Southerly corner thereof) and West $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 26, Twp. 22 S, Rg. 32 E, lying North of State Rd. 50, which is located Northeast side of St. Rd. 50 1 mile Northwesterly from St. Rd. 520..

You are hereby notified that public hearing, required by law, will be held in the Orange County Commissioners' Meeting Room, 327 Courthouse Annex, on Thursday, October 18, 1973, beginning at 9:00 A.M. or as soon thereafter as possible. You are welcome to attend and express your opinion.

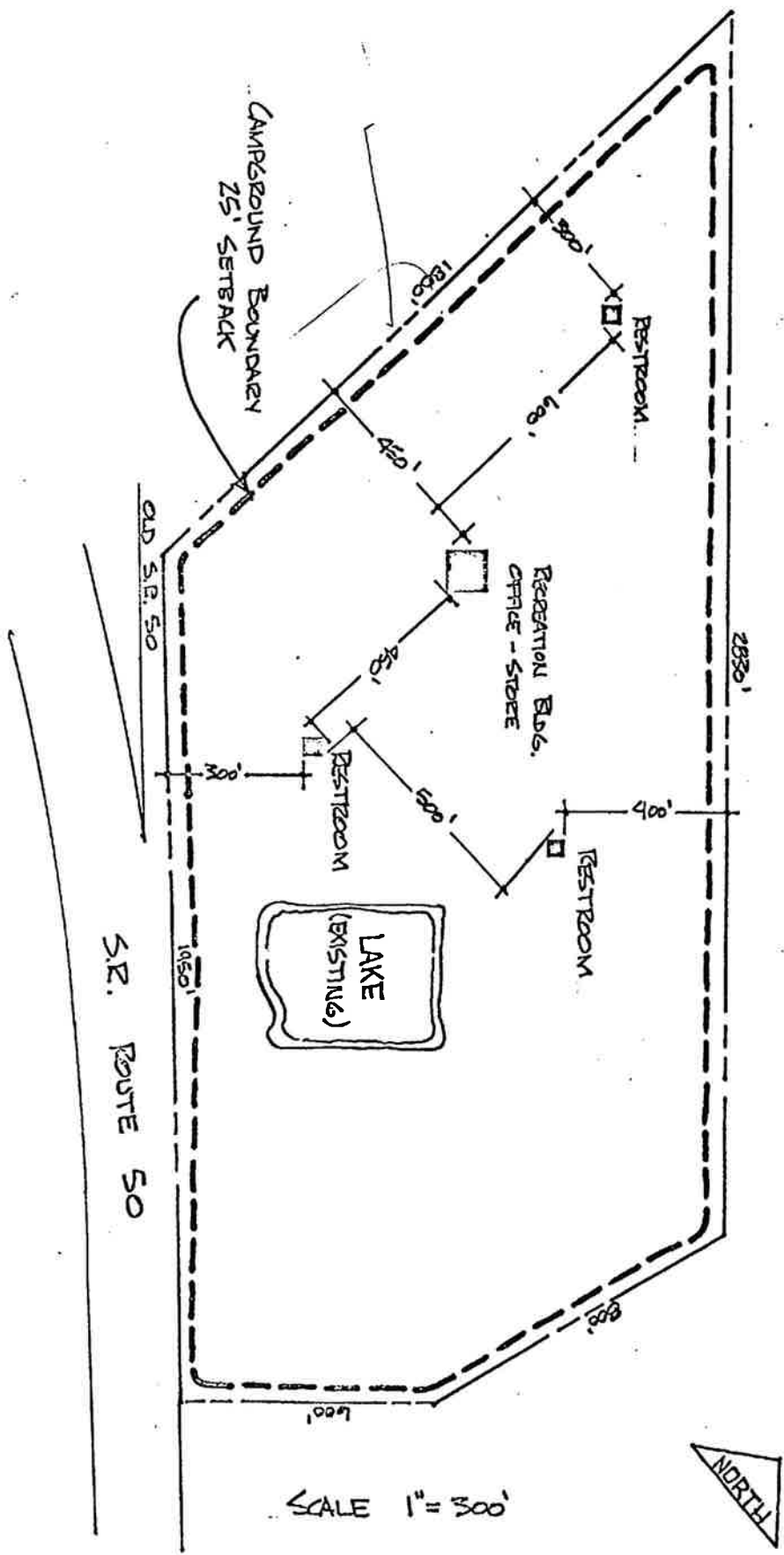
Yours very truly,



James W. Smart
Zoning Director

1. All applications for Public Hearing must be accompanied by a \$100.00 fee, EXCEPT Planned Development (P-D) Classification request fee is \$500.00 plus \$1.00 per acre.
2. Applicant's failure to place the POSTER on the property involved will automatically cancel the hearing.
3. The Hearing number and time shall be shown on the poster.

Instructions to Applicant:



SCALE 1" = 300'



75 A.

WILDERNESS INN OUTDOOR RESORTS INC.

PARCEL #1

WEST 3/4 OF SECTION 25, TOWNSHIP 20 SOUTH, RANGE 27 EAST, LESS BEGINNING AT THE SW CORNER OF SAID SECTION 25, RUN EAST 430 FEET, THENCE NORTH 125 FEET, THENCE WEST 430 FEET AND THENCE SOUTH 125 FEET TO POINT OF BEGINNING; AND ALSO THE EAST 1/2 OF SECTION 26, TOWNSHIP 20 SOUTH, RANGE 27 EAST, LESS THE NORTH 669 FEET OF THE WEST 788 FEET OF THE NW 1/4 OF THE NE 1/4 THEREOF; AND ALSO THAT PART OF THE SE 1/4 OF SW 1/4 OF SECTION 26, TOWNSHIP 20 SOUTH, RANGE 27 EAST, LYING NORTH AND EAST OF RAILROAD, LESS THE WEST 330 FEET THEREOF AND THE SOUTH 93 FEET OF THE NE 1/4 OF SW 1/4 OF SECTION 26, TOWNSHIP 20 SOUTH, RANGE 27 EAST, LESS THE WEST 330 FEET THEREOF; AND ALSO ALL THAT PART OF NE 1/4 OF NW 1/4 LYING NORTH AND EAST OF THE RIGHT-OF-WAY OF THE SEABOARD AIRLINE RAILROAD AND ALSO BEGINNING AT THE NW CORNER OF THE NW 1/4 OF THE NE 1/4 RUN SOUTH 175 FEET, THEN NORTHEASTERLY TO THE NORTH LINE OF SAID QUARTER SECTION TO A POINT 230 FEET EAST FROM THE POINT OF BEGINNING, THENCE RUN WEST 230 FEET TO POINT OF BEGINNING, ALL IN SECTION 35, TOWNSHIP 20 SOUTH, RANGE 27 EAST.

PARCEL #2

AND, LOTS ONE, TWO, THREE, FOUR AND FIVE OF LONGVIEW GROVES SUBDIVISIONS DESCRIBED AS: THAT PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 35, T20S, R27E, LYING SOUTH AND WEST OF THE SW RIGHT-OF-WAY LINE OF THE SEABOARD AIRLINE RAILROAD LESS A TRACT OF LAND 330 FEET SQUARE IN THE SOUTHEAST CORNER. ALSO THAT PART OF THE NW 1/4 OF THE NE 1/4 OF SECTION 35, T20S, R27E, LYING NORTH AND EAST OF THE NE RIGHT-OF-WAY LINE OF THE STATE ROAD #2-DIXIE NATIONAL HIGHWAY LESS A TRACT OF LAND DESCRIBED AS FOLLOWS; BEGINNING AT THE EAST LINE OF THE NW 1/4 OF THE NE 1/4 OF SECTION 35, T20S, R27E, SAID POINT BEGINS 2 DEGREES 59 FEET EAST AND 287 FEET FROM THE NORTH EAST CORNER OF THE NW 1/4 OF THE NE 1/4 OF SECTION 35, T20S, R27E, THENCE RUN WEST 297 FEET THENCE SOUTH 2 DEGREES 59 FEET EAST 449 FEET THENCE EAST 297 FEET TO THE EAST LINE OF THE NW 1/4 OF NE 1/4 OF SECTION 35, T20S, R27E, THENCE NORTH 2 DEGREES 59 FEET WEST 449 FEET TO THE POINT OF BEGINNING AND LESS A TRACT OF LAND IN THE NW CORNER DESCRIBED AS FOLLOWS; BEGINNING AT THE N 1/4 CORNER OF SECTION 35, AND RUNNING 261 FEET EAST ALONG THE NORTH LINE OF SECTION 35, THENCE SOUTH 50 DEGREES 56 FEET, WEST 285 FEET MORE OR LESS TO AN INTERSECTION WITH THE NE LINE OF RIGHT-OF-WAY OF THE STATE ROAD #2, THENCE NORTH WESTERLY ALONG SAID RIGHT-OF-WAY TO THE WEST LINE OF THE NW 1/4 OF THE NE 1/4 OF SECTION 35, T20S, R27E, THENCE NORTH ALONG FORTY LINE TO POINT OF BEGINNING. AND ALL THAT PART OF THE SOUTH 1/2 OF THE SE 1/4 OF THE SW 1/4 OF SECTION 26, T20S, R27E, LYING WEST OF THE SEABOARD AIRLINE RAILROAD.

N O T I C E

THIS IS TO NOTIFY YOU that the Board of County Commissioners of
Orange County, Florida, will sit as a BOARD OF APPEAL at 11:20
o'clock A .M., Tuesday November 20, A.D., 19 73,
to hear those for or against the action of the Orange County Zoning
Commission under date of October 18, A. D., 19 73 .

Public Hearing No: 18 - Thomas D. Engel, request for a Change of
Zoning Classification from A-2 to R-T on the following described
property:

Lots 1 thru 14, Block one, Christmas Gardens No. 1 as recorded in Plat
Book P, Page 54, Public Records of Orange County, Florida, (Less that
portion of Lot 8 lying Easterly from a line bisecting said lot from most
Northerly corner thereof, Southerly to most Southerly corner thereof)
and West $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 26, Twp. 22 S, R 32 E, lying North of State
Rd. 50, which is located Northeast side of St. Rd. 50 one mile Norhtwesterly
from St. Rd. 520.

A motion was made by Elisabeth David, seconded by Gus Miller and carried,
8 to 1, to deny the application in that it would permit a medium density
intrusion into an agricultural district and further there has been no
change in the character or nature of the area and the requested change
would be incompatible and inappropriate with other uses in the area.
Ed Maull voted no.

All persons are advised that all documentary evidence and other matter
submitted to and considered by the Planning and Zoning Commission will be
part of the record presented to and will be received by the Board of County
Commissioners as evidence in the Appeal.
The hearings will be held at the time shown above or just as soon thereafter
as time permits.

James W. Smart

JAMES W. SMART, ZONING DIRECTOR
Orange County, Florida

NOTICE

If you anticipate action in the
Courts, it is suggested that you
have a Court Reporter present for
this hearing.

43-9

*mailed Fri.
10/26/73*

NOTICES SENT TO THE FOLLOWING ON APPEAL OF Thomas D. Engel

PUBLIC HEARING NO 18

REVIEW HEARING NO _____

DATE October 18, 1973

BOARD OF ADJUSTMENT _____

1. Thomas D. Engel; P.O. Box 2813; Orlando, Fla. 32802
2. Herman & Adolph Goodman, etal; P.O. Box 350; Hollywood, Fla. 33022
3. Carrigan & Boland, Inc.; 672 N. Orange Ave.; Orlando, Fla.
4. Mr. Fred Dietrich; Bithlo, Florida.
5. A B Trustees Wiener; Minnie Abramowitz; c/o Auerbach, Ass.; 1020 Meridian Ave.; Miami, Fla. 33139
6. George & Lucy C. Farless; etal; c/o F. C. Farless; 1800 Morningside Dr.; Orlando, Fla. 32806
7. Buford J. & Luise M. Winster; 6927 Old Cheney Hwy.; Orlando, Fla. 32807
8. Dorann L. Popper; 61 shore Dr., W; Miami, Fla. 33133
9. George H. & Mary Farless, Jr.; 1610 Forsythe Rd.; Orlando, Fla. 32807
10. Mateer & Harbert; P.O. Box 2854, Orlando, Fla. 32802

Thomas D Engel

ABUTTING PROPERTY OWNERS:

9. _____ 18. _____

TR-31
TR-32
Inscribed P.
of Billie
Renehouse
Sun 26-

10. Carrigan + Roland Inc. 19. _____
672 N. Orange Ave
Orlando 32801

Let
33; 36
with minor
B.K.B.

12. George + Lucy C Farless Et al 21. _____
F C Farless
1800 Morningside Dr
Orlando, 32806 22. _____

Let
31
B.K.B.

14. Buford J. + Lousie M. Winters 23. _____
6927 Old Cherry Hwy
Orlando 32807

Let
44
B.K.B.

16. Thomas L Popper 25. _____
61 Sheri Dr W
Miami, 33133

Let
20-27
B.K.B.

17. George H + Mary Farless Jr. 26. _____
1410 Forsythe Rd
Orlando 32807

2020
22 22 32
22

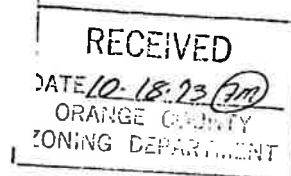
Thomas D. Engel respectfully requests that hearing #18 before the Orange County Planning & Zoning Commission October 18, 1973, ~~be~~ requests the decision be appealed to the Orange County Board of County Commission.

Thank you,

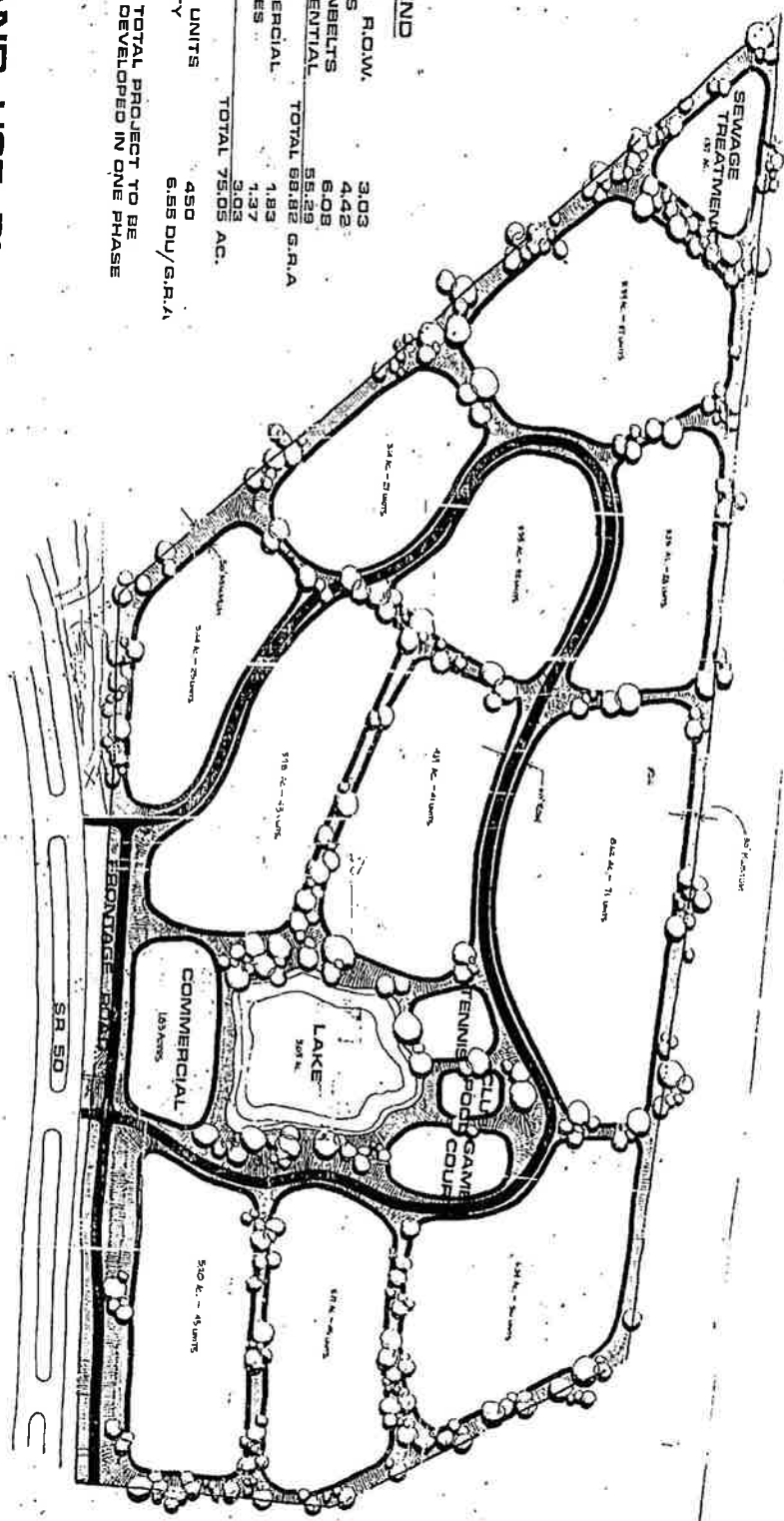
Thomas D. Engel

Public Hearing No. 18, Thomas D, Engel

A motion was made by Elisabeth David, seconded by Gus Miller and carried, 8 to 1, to deny the application in that it would permit a medium density intrusion into an agricultural district and further there has been no change in the character or nature of the area and the requested change would be incompatible and inappropriate with ~~the~~ other uses in the area. Ed Maull voted no.



Thomas D. Engel
Public Hearing #18
Oct. 18, 1973
26-22-32
DENIED



LEGEND

ROAD R.O.W.	3,003
PARKS	4,442
GREENBELTS	6,108
RESIDENTIAL	58,129
COMMERCIAL	1,183
UTILITIES	1,137
LAKE	3,003
TOTAL	75,105 AC.

TOTAL UNITS 4,510
DENSITY 6.55 DU/G.R.A.

NOTE: TOTAL PROJECT TO BE DEVELOPED IN ONE PHASE

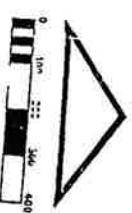
LAND USE PLAN

Shadow Pine
 a planned mobil home community

RFC 10777

FEB 24 1989

ORANGE COUNTY ZONING DEPT.





M. REBECCA WILSON

Shareholder

rebecca.wilson@lowndes-law.com

215 North Eola Drive, Orlando, Florida 32801-2028

T: 407-418-6250 | F: 407-843-4444

MAIN NUMBER: 407-843-4600



August 29, 2025

VIA EMAIL AND FEDERAL EXPRESS

Tanya Wilson, Director
 Orange County Planning, Environmental, and Development Services
 201 South Rosalind Avenue
 Orlando, Florida 32801
 tanya.wilson@ocfl.net

Re: Appeal of Denial of Transportation Concurrency and Consistency Vested Rights Application #25-05-017 (the "Application")

Dear Tanya Wilson:

This letter serves as an appeal of the decision rendered by Orange County (the "County") on August 4, 2025, denying the above-reference Application, which denial letter is attached hereto as **Exhibit "A"**. Additionally, the memorandum from Assistant County Attorney Matthew Pritchett associated with the Application's denial (the "Denial Memorandum") is attached hereto as **Exhibit "B"**. The authority for this appeal is provided by Section 30-387 of the Orange County Code (the "Code"), which states: "(a) [a]ny party aggrieved by the action of the director or his or her designee, may notify the director in writing that such party is appealing the decision. . . . Upon receipt by the director of a timely notice of appeal, the director shall submit the appeal to the DRC, which shall consider the appeal no later than ninety (90) days following receipt or at such later date to which the applicant may consent."

The subject property, as defined in the Denial Memorandum (the "Property"), is located within the Shadow Pines Planned Development approved on March 26, 1974 (the "Shadow Pines PD" or the "PD"). The Application's denial should be reversed and a vested rights certificate granted for the Property.

I. Orange County Code

Orange County Code Section 30-363(d)(4) provides that planned developments that meet specified criteria as of June 5, 1991, are entitled to a vested rights certificate. Qualifying planned developments include any planned development for which: (a) a land use plan has been approved; and (b) a complete application for approval of a development plan for all or a substantial part of the project has been received or is received by the county no later than July 1, 1992; and (c) the application for



approval is granted. The Shadow Pines PD meets all the above criteria because a land use plan and development plan were approved for the Property on March 26, 1974.

a. Legislative history

In the Denial Memorandum, the County acknowledged that the Shadow Pines PD has an approved land use plan, but states that an approved development plan has not been granted. In making this argument, the County consults the legislative history of the County's PD Code to show that the County intended preliminary development plans and land use plans to have identical meaning. Local ordinances are subject to the same rules of interpretation as state statutes.¹ There has been a shift in statutory interpretation away from legislative intent and towards the supremacy of text principle, under which "[t]he words of a governing text are of paramount concern, and what they convey, in their context, is what the text means."² Furthermore, "to derive the meaning of statutes, we are to look to the text itself, as understood in its context, not to any purported intent underlying the text."³

The County specifically points to the 1982 version of the County's PD Code⁴ to show that "development plan" refers to a "final development plan" and that a "land use plan" refers to a "preliminary development plan." This evolution in the PD Code occurred years after the Shadow Pines PD Preliminary Development Plan was approved in 1974 ("Approved PD"). In looking at the text itself, the PD Code at the time of approval of the Shadow Pines PD involved approval of two types of development plans: a preliminary development plan and a final development plan. Each qualifies as a development plan under Sec. 30-363(d)(4).

b. Development Plan

The Shadow Pines PD is more than just a land use plan. Condition #1 of the PD Approval states that development must be in accordance with the "Shadow Pines Preliminary Development Plan" consisting of the following:

- Exhibit 1 - P-D Narrative and Explanation
- Exhibit 2 - Location Map
- Exhibit 3 - Land Use and Zoning
- Exhibit 4 - Topography
- Exhibit 5 - Soils
- Exhibit 6 - Tree Cover

¹ *Kellerman v. Board of Trustees of City of Hollywood Firefighters' Pension System*, 336 So.3d 39, 41 (Fla. 4th DCA 2022).

² *Walker v. Bankers Life and Casualty Co.*, 398 So.3d 569, 573 (Fla. 2nd DCA 2024) (quoting *Ham v. Portfolio Recovery Assocs.*, 308 So. 3d 942, 946 (Fla. 2020)).

³ *Id.* (quoting *State v. Crose*, 378 So. 3d 1217, 1232 (Fla. 2d DCA 2024)).

⁴ Section 3 of Orange County Zoning Resolution No. 82-Z-14 requires approval of a "land use plan (previously 'preliminary development plan')" and a "development plan (previously 'final development plan')."

- Exhibit 7 - Land Use Plan
- Exhibit 8 - Typical Cluster Layout

The fact that the preliminary development plan included several conditions and eight exhibits, Exhibit 7 of which being the land use plan, indicates that the approved preliminary development plan amounted to more than a "land use plan." Additionally, the County argues that the fact that no development has occurred in accordance with the Shadow Pines PD's 1974 approval disputes an argument that a development plan was approved. There is no requirement in the Code that development have occurred in order to qualify for a vested rights certificate, nor does it provide that the "development plan" approval must be a "final development plan."

II. Common Law Vesting

Additionally, the Property is vested under common law. Under Florida law, the doctrine of equitable estoppel may be invoked "when a property owner (1) relying in good faith (2) upon some act or omission of the government (3) has made such a substantial change in position or incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights that the owner has acquired." *Citrus County v. Halls River Development, Inc.*, 8 So. 3d 413, 421-422 (Fla. 5th DCA 2009). "Stripped of the legal jargon which lawyers and judges have obfuscated it with, the theory of estoppel amounts to nothing more than an application of the rules of fair play. One party will not be permitted to invite another onto a welcome mat and then be permitted to snatch the mat away to the detriment of the party induced or permitted to stand thereon. A citizen is entitled to rely on the assurances and commitments of a zoning authority and if he does, the zoning authority is bound by its representations, whether they be in the form of words or deeds. . . ." *Town of Largo v. Imperial Homes Corp.*, 309 So. 2d 571, 573 (Fla. 2d DCA 1975). The mere fact that a building permit has not been obtained or physical changes to the land have occurred does not bar application of the doctrine of equitable estoppel. *Id.*

All three elements of equitable estoppel are met here. The property owner has acted to its detriment in good faith reliance on the 1974 PD approval by the Board of County Commissioners. Specifically, in reliance on the PD approval, the property owner has expended substantial sums in purchase price, planning and legal fees with respect to its acquisition of the land. The County's failure to allow the development of the Property in accordance with the PD would unjustly destroy the entitlements that were obtained through the Shadow Pines PD approval and relied upon for the property owner's investment. The fact that no development has occurred on the Property is not sufficient to bar the application of the doctrine of equitable estoppel. Refusal by the County to allow development pursuant to the PD is effectively snatching away the "welcome mat" that is the Shadow Pines PD approval.

III. Bert Harris Act

If the County refuses to acknowledge our client's vested rights on the Property, we will be forced to file a Bert Harris claim. Under The Bert Harris Act, codified in Section 70.001, *Florida Statutes*, "[w]hen

a specific action of a governmental entity has inordinately burdened an existing use of real property or a vested right to a specific use of real property, the property owner of that real property is entitled to relief, which may include compensation for the actual loss to the fair market value of the real property caused by the action of government."⁵

a. Inordinately burdened

The statute defines "inordinately burdened" to mean "that an action of one or more governmental entities has directly restricted or limited the use of real property such that the property owner is permanently unable to attain the reasonable, investment-backed expectation for the existing use of the real property or a vested right to a specific use of the real property with respect to the real property as a whole, or that the property owner is left with existing or vested uses that are unreasonable such that the property owner bears permanently a disproportionate share of a burden imposed for the good of the public, which in fairness should be borne by the public at large."⁶ The County's position that the Shadow Pines PD is not vested and must comply with the Comprehensive Plan, but that the Comprehensive Plan prohibits the development as approved in the PD, constitutes an inordinate burden on the Property owner's reasonable, investment-backed expectations. The County's refusal to allow development of the Property pursuant to the Shadow Pines PD directly restricts the use of the Property in a manner for which it was approved and for which the Property owner has reasonable, investment-backed expectations.

b. Existing use or vested right

The Bert Harris Act requires either an existing use or a vested right to a specific use. The Shadow Pines PD Property has both. The statute defines "existing use" to include "reasonably foreseeable, nonspeculative land uses which are suitable for the subject real property and compatible with adjacent land uses and which have created an existing fair market value in the property greater than the fair market value of the actual, present use or activity on the real property."⁷ Due to the County's approval of the Shadow Pines PD, development of the approved uses in the PD, including 450 mobile homes, is reasonably foreseeable and suitable for the site. It is also compatible with adjacent land uses in the Rural Service Area. Additionally, as discussed above, development of the Property pursuant to the PD approval is vested as an approval prior to the enactment of the Comprehensive Plan and under the principles of equitable estoppel.

Therefore, should the County continue to deny the approved Shadow Pines PD, the elements of a Bert Harris Act claim are satisfied, requiring the County to compensate the owner of the Property for the Property's value.

⁵ Fla. Stat. § 70.001(2).

⁶ Fla. Stat. § 70.001(3)(e)1.

⁷ Fla. Stat. § 70.001(3)(b)2.

IV. Request

Property owners in Orange County deserve to be treated fairly. The Property was rezoned to Planned Development with specific entitlements for mobile homes, commercial and sewage treatment to support these uses. The County cannot, for reasons set forth above, ignore these rights. The County cannot claim that the PD, which existed prior to the County's Comprehensive Plan, is void. The land cannot be zoned PD, but such PD approval be treated as an empty vessel.

The Application's denial should be reversed and a vested rights certificate granted for the Property. The Shadow Pines PD is entitled to a vested rights certificate because its 1974 approval included more than just a "land use plan" and in fact amounted to a "development plan." The County's Denial Memorandum resorts to consulting subsequently enacted legislative history instead of the text of the PD Code in existence at the time of the Shadow Pines PD approval. Further, the Property is vested under the common law principle of equitable estoppel.

If the County's denial of a vested rights certificate for the Property is upheld, the action amounts to a Bert Harris Act violation under Section 70.001, *Florida Statutes*, as well as a Constitutional Taking of property.

Very truly yours,



M. Rebecca Wilson
Shareholder

Cc:

Matthew Pritchett, Assistant County Attorney
Olan Hill, Assistant Planning Manager
Sheena Wright, Development Services Coordinator

EXHIBIT "A"

August 29, 2025

Page 7



August 4, 2025

Rebecca Wilson, Esq.
215 N. Eola Drive
Orlando, FL 32801

SUBJECT: Consistency Vested Rights Application
Shadow Pines PD

STATUS: DENIED

Dear Rebecca Wilson,

The Orange County Planning Division and County Attorney's Office has reviewed your above-referenced application for Consistency Vested Rights. The subject property, consisting of Parcels 26-22-32-1312-01-000, 26-22-32-1312-01-061, and 26-22-32-0000-00-013¹, as well as portions of 23-22-32-0000-00-005, 23-22-32-0000-00-004, and 23-22-32-0000-00-001, is located within the Shadow Pines Planned Development and consists of approximately 73 to 75 acres (the "Property").

A determination from the County Attorney's Office has been provided as follows:

Section 30-363(d)(4) of the Code states that "a development...shall be entitled to a consistency vested rights certificate, if (1) the development otherwise complies with and is allowed to proceed under all county ordinances and regulations and (2) as of June 5, 1991, the development met one or more of the following criteria:... (4) Any planned development for which a. The land use plan has been approved; and b. A complete application for approval of a development plan for all or a substantial part of the project has been received by no later than July 1, 1992; and c. The application for approval is granted."

The minutes from the March 26, 1974 Board of County Commissioners ("BCC") meeting specify that the Shadow Pines PD Land Use Plan was approved as part of a "Preliminary Development Plan" with eight (8) exhibits consisting of a PD Narrative and Explanation, Location Map, Land Use and Zoning, Topography, Soils, Tree Cover, Land Use Plan, and a Typical Cluster Layout. In addition, the March 26th BCC meeting minutes show conditions of approval as related to access rights, stub streets, sewage, water, and stormwater management, and submittal of revised exhibits incorporating the BCC's conditions. Therefore, the Applicant appears to have met criteria a. within Section 30-363(d)(4), as the Shadow Pines PD Land Use Plan was approved on March 26, 1974. A copy of the Land Use Plan, stamped "received February 24, 1989" is included as part of the Application's supporting documentation.

¹On June 27, 2025, the applicant submitted a revised Application and Justification Statement to include the 1.46-acre Parcel No. 26-22-32-0000-00-013 (the "Parcel"). Applicant is not currently listed as owner of the Parcel on the Property Appraiser's website, but Applicant has stated that they are taking steps to address this discrepancy. Therefore, this memo includes reference to the Parcel in acknowledgement of the revised Application. However, due to the Parcel's current undetermined ownership status, any vesting conclusions from this memo for the Parcel could be affected if such Parcel is ultimately found to not exist under the Applicant's ownership.

To meet criteria b. and c. related to submittal and approval of a development plan, the Application's Justification Statement points to the Shadow Pines PD's March 26, 1974 approval, arguing that the PD approval was "more than a standard 'bubble plan' in that it provided for development in one phase, topography, soils, and the typical cluster layout." Therefore, Applicant argues that the 1974 PD Land Use Plan and corresponding "Preliminary Development Plan," should function both as the land use plan and the development plan to meet the criteria of consistency vesting under Orange County Code.

However, Applicant's argument here – that the Property's 1974 PD approval should function both as the approved land use plan and development plan – fails to support a claim for consistency vested rights for those reasons stated below.

First and foremost, the Application's supporting documentation and the history of the County's Planned Development (PD) District Code illustrate that the Shadow Pines PD approval was not intended to function simultaneously as a development plan. The final condition of approval as part of the March 26, 1974 BCC approval requires submittal of a "revised set of exhibits... prior to application for Final Development Approval."² In addition, the Land Use Plan itself contains a references to the approved Preliminary Development Plan but is missing a reference to a corresponding Final Development Plan.³ Reviewing an earlier version of the County's PD District Code helps to illustrate how the terms 'Preliminary Development Plan' and 'Final Development Plan' were historically construed. Section 1 of Orange County Zoning Resolution No. 82-Z-14 was adopted on September 21, 1982 and provided updates to the County's PD District Code. Section 3 of this 1982 PD District Code established approval processes for both land use plans – referenced previously as a 'final development plan.' The references contained within the County's 1982 PD District Code illustrate that 'Preliminary Development Plan' and 'Final Development Plan' were the respective precursor terms to 'land use plan' and 'development plan' as those terms are used later in Orange County Code. This legislative history, as supported by the Application's supporting documentation, shows that the Shadow Pines PD's 1974 approval was insufficient in itself to function as a development plan and an additional approved plan (a 'Final Development Plan') would have been needed to begin development within the Shadow Pines PD.

The supporting documentation further indicates that, to date, no development has been conducted on the Property in accordance with the Shadow Pines PD's 1974 approval. A 1988 County Staff memo discussing installation of the proposed temporary ticket booth on the Property references the Property as a "vacant PD (Shadow Pines) [approved] 3/26/74... NO Dev. Plan app'l."⁴ The DRC's subsequent approval of the change determination request for the proposed ticket booth states that the approval shall expire when (1) the related borrow pit permit expires or (2) when development occurs, whichever is first.⁵ Based on the submittal documentation, it appears that the only development completed by the Applicant's predecessors in interest on this Property was the installation of a temporary ticket booth related to permitted borrow pit operations. Therefore, Applicant's argument that the PD's Land Use Plan should simultaneously function as a development plan is disputed by the fact that no development has occurred on the Property in accordance with the Shadow Pine PD's 1974 approval.

²Supporting Documentation at p.26

³Id. at p.55

⁴Id. at 23

⁵Id. at 22

In addition to consistency vesting, the Application also requests vesting from Orange County transportation concurrency standards; specifically, the Justification Statement asserts that the Shadow Pines PD should be vested from "all concurrency requirements" of the County. Section 30-372 of the Orange County Code sets forth those developments that are entitled to a vested rights certificate for concurrency other than schools. Despite Applicant's assertions made in the Justification Statement for vesting from any and all concurrency requirements, nothing else in the Application's Justification Statement or supporting documentation makes an argument for why the Shadow Pines PD should be vested against transportation concurrency under one of the development types provided in Section 30-372, County Code.

For the reasons stated above, the Subject Property does not meet the criteria for vesting for consistency. Your Application is therefore denied. Should you wish to appeal this denial, your appeal must be filed in writing and delivered to the Director of the Planning, Environmental, and Development Services Department in accordance with Section 30-387 ("Appeals"), Orange County Code.

Should you have any questions, please do not hesitate to contact me by telephone at (407) 836-5354 or via email at Alberto.Vargas@ocfl.net.

Sincerely,



Olan Hill, Assistant Planning Manger for Alberto A. Vargas, MArch, Planning Manager, Orange County Planning Division

C:

Georgiana Holmes, Deputy County Attorney, County Attorney's Office
Matthew Pritchett, Assistant County Attorney, County Attorney's Office
Nicolas Thalmueller, AICP, Planning Administrator, Planning Division
Jason Sorensen, AICP, Chief Planner, Planning Division
Iris Harkonen, Development Services Supervisor, Fiscal and Operational Services Division

EXHIBIT "B"




COUNTY ATTORNEY'S OFFICE
JEFFREY J. NEWTON, County Attorney

201 South Rosalind Avenue • 3rd Floor
Reply To: Post Office Box 1893
Orlando, FL 32802-1893
407-836-7320 • Fax 407-836-5888
www.ocfl.net

MEMORANDUM

TO: Sheena Wright, Development Services Coordinator, PEDS

FROM: Matthew Pritchett, Assistant County Attorney 

DATE: July 29, 2025

SUBJECT: Transportation Concurrency and Consistency Vested Rights Application #25-05-017, Shadow Pines PD

ACTION: Denied

Deputy County Attorney
Georgiana Holmes

Senior Assistant County Attorneys
Debra Babb-Nutcher
Whitney E. Evers

Assistant County Attorneys
Lee N. Bernbaum
Joy Carmichael
Tufiana Cordner
James Harwood
James Hetz
Andrew W. Mai
Sawsan Mohiuddin
Desmond Morrell
Matthew Pritchett
Dylan Schott
Scott Shevenell
Kristin Suarez
Heather Wallace
Shonda White

Legal Administrative Supervisor
Danny Randolph

Senior Paralegal
Melessia Lofgren

Paralegals
Rosemarie Guevara
Ronshanda Stewart
Maria Vargas

You have requested a review of the above-referenced transportation concurrency and consistency vested rights application #25-05-017 (the "Application"), as revised, submitted on behalf of Honey Bee Holdings, LLC; Eastpark Ranch, LLC; Colonial Farms, LLC; and 19161, LLC by Rebecca Wilson and Sean Klein (the "Applicant"). The subject property, consisting of Parcels 26-22-32-1312-01-000, 26-22-32-1312-01-061, and 26-22-32-0000-00-013¹, as well as portions of 23-22-32-0000-00-005, 23-22-32-0000-00-004, and 23-22-32-0000-00-001, is located within the Shadow Pines Planned Development and consists of approximately 73 to 75 acres (the "Property").

Within the Application's Justification Statement and supporting documentation, the Applicant has indicated that the Property should be vested for consistency from the Comprehensive Plan and "all concurrency requirements," based on a Planned Development ("PD") Land Use Plan approval on March 26, 1974 for 450 mobile home units and 1.83 acres of commercial area. The PD was subsequently amended on February 11, 1988 via a change determination request to install a temporary ticket booth related to borrow pit operations.

Section 30-363(d)(4) of the Code states that "a development...shall be entitled to a consistency vested rights certificate, if (1) the development otherwise complies with and is allowed to proceed under all county ordinances and regulations and (2) as of June 5, 1991, the development met one or more of the following criteria:... (4) Any planned development for which a. The land use plan has been approved; and b. A complete

¹ On June 27, 2025, the Applicant submitted a revised Application and Justification Statement to include the 1.46-acre Parcel No. 26-22-32-0000-00-013 (the "Parcel"). Applicant is not currently listed as owner of the Parcel on the Property Appraiser's website, but Applicant has stated that they are taking steps to address this discrepancy. Therefore, this memo includes reference to the Parcel in acknowledgement of the revised Application. However, due to the Parcel's current undetermined ownership status, any vesting conclusions from this memo for the Parcel could be affected if such Parcel is ultimately found to not exist under the Applicant's ownership.

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application for approval of a development plan for all or a substantial part of the project has been received by no later than July 1, 1992; and c. The application for approval is granted.”

The minutes from the March 26, 1974 Board of County Commissioners (“BCC”) meeting specify that the Shadow Pines PD Land Use Plan was approved as part of a “Preliminary Development Plan” with eight (8) exhibits consisting of a PD Narrative and Explanation, Location Map, Land Use and Zoning, Topography, Soils, Tree Cover, Land Use Plan, and a Typical Cluster Layout. In addition, the March 26th BCC meeting minutes show conditions of approval as related to access rights, stub streets, sewage, water, and stormwater management, and submittal of revised exhibits incorporating the BCC’s conditions. Therefore, the Applicant appears to have met criteria a. within Section 30-363(d)(4), as the Shadow Pines PD Land Use Plan was approved on March 26, 1974. A copy of the Land Use Plan, stamped “received February 24, 1989” is included as part of the Application’s supporting documentation.

To meet criteria b. and c. related to submittal and approval of a development plan, the Application’s Justification Statement points to the Shadow Pines PD’s March 26, 1974 approval, arguing that the PD approval was “more than a standard ‘bubble plan’ in that it provided for development in one phase, topography, soils, and the typical cluster layout.” Therefore, Applicant argues that the 1974 PD Land Use Plan and corresponding “Preliminary Development Plan,” should function both as the land use plan and the development plan to meet the criteria of consistency vesting under Orange County Code.

However, Applicant’s argument here – that the Property’s 1974 PD approval should function both as the approved land use plan and development plan – fails to support a claim for consistency vested rights for those reasons stated below.

First and foremost, the Application’s supporting documentation and the history of the County’s Planned Development (P-D) District Code illustrate that the Shadow Pines PD approval was not intended to function simultaneously as a development plan. The final condition of approval as part of the March 26, 1974 BCC approval requires submittal of a “revised set of exhibits . . . *prior to application for Final Development Approval.*”² In addition, the Land Use Plan itself contains a reference to the approved Preliminary Development Plan but is missing a reference to a corresponding Final Development Plan.³ Reviewing an earlier version of the County’s P-D District Code

² Supporting Documentation at p.26 (emphasis added).

³ *Id.* at p.55 (enhance for detail).

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helps to illustrate how the terms 'Preliminary Development Plan' and 'Final Development Plan' were historically construed. Section 1 of Orange County Zoning Resolution No. 82-Z-14 was adopted on September 21, 1982 and provided updates to the County's P-D District Code. Section 3 of this 1982 P-D District Code established approval processes for both land use plans –referenced as previously a 'preliminary development plan' and development plans –referenced previously as a 'final development plan.' The references contained within the County's 1982 P-D District Code illustrate that 'Preliminary Development Plan' and 'Final Development Plan' were the respective precursor terms to 'land use plan' and 'development plan' as those terms are used later in Orange County Code. This legislative history, as supported by the Application's supporting documentation, shows that the Shadow Pines PD's 1974 approval was insufficient in itself to function as a development plan and an additional approved plan (a 'Final Development Plan') would have been needed to begin development within the Shadow Pines PD.

The supporting documentation further indicates that, to date, no development has been conducted on the Property in accordance with the Shadow Pines PD's 1974 approval. A 1988 County Staff memo discussing installation of the proposed temporary ticket booth on the Property references the Property as a "vacant PD (Shadow Pines) [approved] 3/26/74. . . NO Dev. Plan app'l."⁴ The DRC's subsequent approval of the change determination request for the proposed ticket booth states that the approval shall expire when (1) the related borrow pit permit expires or (2) when development occurs, whichever is first.⁵ Based on the submitted documentation, it appears that the only development completed by the Applicant's predecessors in interest on this Property was the installation of a temporary ticket booth related to permitted borrow pit operations. Therefore, Applicant's argument that the PD's Land Use Plan should simultaneously function as a development plan is disputed by the fact that no development has occurred on the Property in accordance with the Shadow Pines PD's 1974 approval.

In addition to consistency vesting, the Application also requests vesting from Orange County transportation concurrency standards; specifically, the Justification Statement asserts that the Shadow Pines PD should be vested from "all concurrency requirements" of the County. Section 30-372 of the Orange County Code sets forth those developments that are entitled to a vested rights certificate for concurrency other than schools. Despite Applicant's assertions made in the Justification Statement for vesting from any and all concurrency requirements, nothing else in the Application's Justification Statement or supporting documentation makes an argument for why the

⁴ *Id.* at 23 (emphasis in original).

⁵ *Id.* at 22.

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Shadow Pines PD should be vested against transportation concurrency under one of the development types provided in Section 30-372, County Code.

For the foregoing reasons, I recommend denial of the Application. Should you have any questions, please do not hesitate to contact me.

cc: *(all via electronic mail)*
Jon V. Weiss, P.E., Deputy County Administrator
Tanya Wilson, Director, PEDS
Scott Skraban, Deputy Director, PEDS
Alberto Vargas, Manager, Planning Division
Olan Hill, Assistant Manager, Planning Division
Jason Sorensen, Chief Planner, Planning Division
Brian Sanders, Manager, Transportation Planning Division
Nicolas Thalmueller, Planning Administrator, Planning Division
Mirna Barq, Project Manager, Transportation Planning Division
Georgiana Holmes, Deputy County Attorney
Iris Harkonen, Development Services Supervisor, Fiscal & Oper. Services Division

Supplemental Justification Statement for Vested Rights Certificate
Tax Parcel ID Nos. 26-22-32-1312-01-000; 26-22-32-1312-01-061;
23-22-32-0000-00-005; 23-22-32-0000-00-004; 23-22-32-0000-00-001, 26-22-32-0000-00-013
COLONIAL FARMS LLC; EASTPARK RANCH LLC;
19161 LLC; HONEY BEE HOLDINGS LLC
Orange County, Florida

The subject property is approximately 73.54 acres and is located generally to the east of Baxter Rd and north of E Colonial Dr, bearing parcel ID numbers 26-22-32-1312-01-000; 26-22-32-1312-01-061; 23-22-32-0000-00-005; 23-22-32-0000-00-004; 23-22-32-0000-00-001; 26-22-32-0000-00-013 (the “Property” or the “Parcels”). The Parcels are each owned separately by Colonial Farms, LLC, Eastpark Ranch, LLC, 19161, LLC, and Honey Bee Holdings, LLC, as applicable (the “Owners”). Parcels 26-22-32-1312-01-000 and 26-22-32-1312-01-061 are located entirely within the Shadow Pines Planned Development (the “Shadow Pines PD” or the “PD”), and portions of Parcels 23-22-32-0000-00-005, 23-22-32-0000-00-004, and 23-22-32-0000-00-001 are located within the Shadow Pines PD.

Introduction

This submission supplements the prior application and seeks a vested rights certificate (VRC) on two independent grounds. First, the plain text of Orange County Code § 30-363(d)(4) is satisfied because the 1974 approvals meet each requirement for vesting. Second, Policy FLU8.5.3 of the Orange County Comprehensive Plan protects vested rights attained under Florida common law, including equitable estoppel and a legitimate claim of entitlement. Under equitable estoppel, the County’s sustained, affirmative representations over decades, beginning with approval of the Shadow Pines PD land use plan (LUP) and preliminary development plan (PDP) and the rezoning of the Property, and continuing through express acknowledgments in 2019 and 2023–2025, induced good-faith reliance and substantial expenditures by successive owners of the Property. These same facts also establish a legitimate claim of entitlement protected under state law. Either ground independently supports issuance of the VRC.

In the alternative, if the County declines to recognize vested rights, the County is liable for negligent misrepresentation based on the County’s affirmative factual representations and the Owners’ foreseeable reliance.

Factual Background

The Shadow Pines PD was initially approved by the Board of County Commissioners (“BCC”) on March 26, 1974, with a PDP and a LUP consisting of 450 residential mobile home units and a 1.83-acre commercial area. Condition #1 of the PD approval required development “in accordance with the Shadow Pines Preliminary Development Plan,” consisting of eight exhibits, including Exhibit 7 (Land Use Plan), plus narrative, location, topography, soils, tree cover, and a typical cluster layout. This development program for the Shadow Pines PD remains unchanged. The pertinent entitlement history for the Shadow Pines PD is as follows:

- On March 26, 1974, the BCC approved the Shadow Pines PD LUP and PDP. *See* Exhibit “A”.

- On February 11, 1988, the Development Review Committee (“DRC”) approved a change determination request to install a temporary ticket booth within the Shadow Pines PD. *See* Exhibit “B”.
- On March 2, 1989, in response to a change determination request to set up a temporary pugmill plant within the commercial tract of the Shadow Pines PD, the DRC determined that this request would constitute a substantial change to the approved land use plan, stating “the commercial land use for this project was approved for light, retail commercial land use. The proposed pugmill operation, however, is an intense/heavy commercial use, and is, therefore, inconsistent with the uses originally permitted.” No such substantial change was granted. [Emphasis added] *See* Exhibit “C”.
- On May 11, 2000, Orange County staff noted that the Shadow Pines portion included “only 1.83 acres of commercial uses to serve the MH park”, reflecting staff’s understanding that Shadow Pines PD was valid and had approved development. On October 4, 2000, staff again recognized that the Shadow Pines PD had a valid entitlement to be developed. The then-owners of the Property had submitted a new LUP for all parcels, not just the property implicated in the Shadow Pines PD, and staff stated that this proposal would amend the Shadow Pines PD and eliminate its prior approval, thereby confirming that the property had an existing development entitlement that could be eliminated. On August 6, 2001, the then-owners withdrew the application. [Emphasis added] *See* Exhibit “D”.
- On August 25, 2009, the previous owners attempted to develop the Property as a drive-in theater. The County denied the Property a VRC. The VRC application was not considered under common law, but under Orange County Code Sec. 30-363(d)(12). This section does not consider land purchase costs, unlike Florida’s common law as described herein. Nevertheless, the owner at that time did not agree, because substantial expenditures had been incurred and replied in a letter to preserve the right to appeal.
- In July 2019, a BZA staff report describing a neighboring special exception acknowledged the front portion as zoned PD within Shadow Pines and confirmed a service road allowed by the PD documents. The document stated “the front portion of the property is zoned P-D and is located in the Shadow Pines P-D. This P-D allows mobile homes and commercial uses. The service road for the subject property that bisects this P-D is allowed per the P-D documents on file.” *See* Exhibit “E”.
- In 2021, the Owners were acquired at a price that expressly reflected their right to develop the Property as previously approved. That acquisition was made in good faith reliance on official approvals and documents confirming the Property was entitled to 450 mobile homes and commercial uses.
- On February 14, 2023, the Planning Administrator confirmed in writing to a property appraiser, Eminent Valuations, that “[a] PD rezoning doesn’t expire, and it predated the comprehensive plan so technically it’s still valid. Meaning someone could develop a mobile home park on the site without rezoning.” A week later, on February 22, 2023, the appraiser asked whether “Shadow PD” could be amended to a lower density, the County replied “The old PD approval predates the Comprehensive Plan and Future Land Use Map,

so it can stay as is. But any change would require compliance with the Future Land Use”. [Emphasis added] See Exhibit “F”.

- In July of 2023, based on the assurance made by the County that the Property could be developed as approved the Owners hired NAI Realvest, a consulting real estate firm to help them develop the property. In May of 2024 they then hired Stringfellow, a planning firm to plan for the development of the Property. They also engaged an attorney and Solidarity Partners LLC. Changing their position and making substantial expenditures on good faith reliance. They have spent over \$100,000 dollars on the process of developing the Property. See Exhibit “G”.
- On January 25, 2024, the County submitted an appraisal to the Owners, offering to buy the Property at the appraised value. The appraisal confirms that the Shadow Pines PD is valid, and it can be developed as approved. It bases its valuation on the County’s staff explicit statements, that “[t]he approved PD predates the Orange County Land Development Code and remains in effect” and that “the county would not support any other use.” See Exhibit “H”.
- On May 1, 2025, Wes Hodge, a senior aide to Commissioner Semrad forwarded an email including research done on the Property by Nicholas Thalmuler (Planning Manager at Orange County) to a reporter from Growthspotter. The reporter had written an article that incorrectly claimed that Shadow Pines PD had approval to be developed as a 500-home community. Nicholas Thalmuler corrected the article stating that in fact “[a] couple of the parcels were rezoned PD back in 74 for a mobile home park that was never constructed. While PDs don’t ever expire, the Rural FLUM and location of the Property mean they could move forward with development of that mobile home park but would not be eligible to change their entitlements to anything else.” [Emphasis added] See Exhibit “I”.
- On May 20, 2025, a prospective buyer emailed the Zoning Division asking about the right to develop Shadow Pines PD. On May 23rd, Adriana Morales, Planner 1 in the Orange County Zoning Division, after confirming with her supervisor, replied that “they were permitted to build a mobile home community within the Shadow Pines PD” and that the “PD will continue to exist in perpetuity” and “so long as you remain a PD, you should be able to develop a mobile home community.” See Exhibit “J”.
- After the statements made by Adriana Morales, the Owners engaged in negotiations to sell the Property to Empower Communities. They have since reached an agreement and signed an LOI for nearly eleven million dollars.
- On June 3, 2025, Orange County approved Vision 2025 and a new Orange Code. The new Orange Code shows the Property as zoned PD. The new Orange Code is meant to be a new zoning map and had to be approved by the BCC of Orange County. Therefore, the BCC has, through such approval of the zoning map acknowledged that the Shadow Pines PD is still valid. [Emphasis added] See Exhibit “K”.
- Section 40-16 (a) of the Orange Code enacted in June, outlines the purpose of PD zoning designations, the text states “[i]t is the intent of Orange Code and Orange County to protect

those development rights that are vested; namely, the rights of some property owners to develop their land, despite that development's inconsistency with Orange Code" and further that "Orange Code is intended to provide flexibility in planning and development standards to a degree that exceeds the benefits provided by Planned Developments (PDs)." Section 40-16 (d) then provides that "A PD which was approved on or before June 3, 2025 ("Approved PD"), is exempt from Orange Code and may continue to develop in accordance with the standards and processes in Chapter 39: Planned Developments, its respective LUP/RP approvals..."

- In August 2025, the County denied the VRC application claiming that Shadow Pines PD is only a land use plan and not a development plan. We appealed to the DRC. On October 22, 2025, at the appeal hearing, the DRC requested we amend our application with the facts presented at the hearing.
- Today on the County's current comprehensive plan, still in effect, Map 8 "Committed Land Use Inventory" has the Property highlighted as "Committed Land." In a document provided by the County it is clarified that "Committed" for the purposes of Map 8 means "an ArcMap shapefile of Orange County Planned Developments (PDs) that have approved development remaining to be built." [Emphasis added] See Exhibit "L".

Since 1974, beginning with Thomas Engel, the original owner who submitted the LUP and the PDP that the County approved, and continuing through the current Owners, the long-standing aspiration has been to develop Shadow Pines PD as approved. However, this vision could not be progressed due to a lack of the necessary funding and supporting conditions. Recently, that has changed, and the Owners have entered into an LOI with a reputable and well-financed real estate development firm which intends to develop the Shadow Pines PD. Even though the development of the property has not been executed to date, the owners of the Property have invested significant sums in reasonable, good-faith reliance on the County's actions and statements in pursuit of that long-standing aspiration. Those expenditures include the current Owners' purchase price, hiring a planning firm, a consulting firm, legal fees, as well as the costs to design the LUP and PDP, secure their approval, and obtaining the PD rezoning. All such expenditures must be considered in determining vested rights because, as demonstrated herein, vested rights run with the land, and, most importantly, these investments were made in good-faith reliance on the County's official actions and explicit assurances.

Legal Basis for Vested Rights

A. Plain-Text Vesting Under Section 30-363(d)(4)

As a result of the Property being a part of the Shadow Pines PD since 1974 and demarcated with 450 mobile home units and a 1.83-acre commercial area, the Owners are entitled to a VRC exempting the Property from application of the County's Comprehensive Plan, including all concurrency requirements, under the provisions set forth in Sec. 30-363(d)(4) of the Orange County Code. Sec. 30-363(d)(4) provides that planned developments that meet specified criteria as of June 5, 1991, are entitled to a VRC. Qualifying planned developments include any planned development for which:

- a. The land use plan has been approved; and
- b. A complete application for approval of a development plan for all or a substantial part of the project has been received or is received by the county no later than July 1, 1992; and
- c. The application for approval is granted.

Shadow Pines PD satisfied the above criteria as of adoption of June 5, 1991, and is thus exempt from the Comprehensive Plan and concurrency requirements. The Shadow Pines PD Land Use Plan was originally approved on March 26, 1974. This approval included a specific Preliminary Development Plan which demarcated the Property with 450 mobile home units and a 1.83-acre commercial area. The PD was approved subject to stipulations, including stipulation #1 which provided that development be in accordance with Shadow Pines Preliminary Development Plan consisting of eight (8) exhibits:

1. P-D Narrative and Explanation
2. Location Map
3. Land Use and Zoning
4. Topography
5. Soils
6. Tree Cover
7. Land Use Plan
8. Typical Cluster Layout

The County's August denial of our VRC application hinges on a 1982 ordinance footnote that claims to relabel a "preliminary development plan" as a "land use plan." But neither the 1974 Code nor today's Code defines a "preliminary development plan" as anything less than a "development plan." That is what matters. We should read the actual text of the Code, not rely on footnotes in legislative history that can be taken out of context. Florida law is clear: the plain text controls. On the text, a preliminary development plan is a development plan, and the vesting criteria are met. Additionally, there is no requirement in the Code that development have occurred in order to qualify for a VRC, nor does it provide that the "development plan" approval must be a "final development plan."

The PD approval included additional stipulations related to access rights, stub streets, sewage, water, and stormwater management, and submittal of revised exhibits incorporating the BCC's conditions. The PD approval was more than a standard "bubble plan" in that it provided for development in one phase, topography, soils, and the typical cluster layout. The PD approval was a "development order" that is entitled to vested rights. Lastly, the County reaffirmed the PD through its approval of a temporary ticket booth in 1988, and its determination related to a temporary pugmill plant on the commercial tract in 1989. Therefore, Shadow Pines PD meets the requirements of a development plan, and its approval confirms that all three prongs of Sec. 30-363(d)(4) are met.

B. Common-Law Vested Rights via Equitable Estoppel

Equitable estoppel protects property owners from governmental unfairness when they reasonably rely on official representations. Declaring the Shadow Pines PD invalid now would result in precisely that kind of unfairness. The Property was approved for development in 1974, and for decades the County has repeatedly confirmed that the PD remains valid. The Owners could only assess their development rights by reviewing the County's records and the staff's statements about the Property; relying on those sources, they purchased the Property and made substantial expenditures. Florida's equitable-estoppel doctrine exists to protect owners in exactly these circumstances, so that citizens may trust and rely on their local government's settled representations.

The current Orange County Comprehensive Plan protects vested rights. Comprehensive Plan Policy FLU8.5.3 provides that properties determined to have vested rights pursuant to applicable case law "shall be presumed to have vested development rights." *Orange Cnty., Fla., 2010-2030 Comprehensive Plan, Future Land Use Element*, Policy FLU 8.5.3 (as amended July 1, 2022).

Equitable estoppel confers vested rights and is enforceable against a local government when three elements are met: (i) the government makes a clear representation or engages in affirmative conduct; (ii) a property owner reasonably and in good faith relies on it; and (iii) the property owner undertakes substantial obligations or expenditures such that it would be inequitable to permit the government to repudiate its conduct. *See Town of Largo v. Imperial Homes Corp.*, 309 So.2d 571, 572 (Fla. 2d DCA 1975), *See also Hollywood Beach Hotel Co. v. City of Hollywood*, 329 So.2d 10, 15-16 (Fla. 1976).

- i. Throughout the last 50 years, the Orange County government has consistently approved and confirmed that Shadow Pines PD can be developed, inviting reliance.

Courts have recognized that zoning a property with a specific designation can be sufficient to establish that a property owner holds certain rights. *See Imperial Homes Corp.*, 309 So.2d at 573. *See also City of Gainesville v. Bishop*, 174 So.2d 100, 104 (Fla. 1st DCA 1965) (holding that a property's rights had vested after acquiring a development order based on existing zoning, even after the zoning designation was subsequently changed). Therefore, property owners acquire vested rights when they rely on the government's interpretation of how a property can be developed. *Id.*

Florida law holds that when a government explicitly states that a property may be developed, a property owner may rely on that assurance in good faith. *See Texas Co. v. Town of Miami Springs*, 44 So.2d 808, 808 (Fla. 1950). In *Texas Co.*, the Florida Supreme Court held that the local government's explicit assurances that the owner's development plans were permitted constituted a clear representation on which the owner could rely in good faith, and the government was estopped from changing the law after the fact to deny the development. *Id.* at 808-09.

Here, multiple governmental acts and statements have invited and sustained good-faith reliance by the Owners. Over a 50-year span, the County repeatedly approved and reaffirmed the Shadow Pines PD's entitlements. In 1974, the County approved a PD for a 450-unit mobile home

community with an ancillary commercial tract, expressly binding development to the PDP exhibits. In 1989, the DRC's denial of a pugmill request reaffirmed that the PD's commercial area is limited to light commercial uses, consistent with the mobile home community and inconsistent with heavy commercial uses, like a pugmill plant. In 2000, Orange County staff issued two communications in connection with a new LUP, each confirming that the Shadow Pines PD remained valid. In 2019, a BZA staff report acknowledged the Shadow Pines PD and the development approved by the PD documents. In 2023 and 2025, Planning and Zoning officials issued written confirmations that PD rezonings do not expire; that the Shadow Pines PD predates and "can stay as is" under the Comprehensive Plan; that one "could develop a mobile home park ... without rezoning"; that the PD is specific to a mobile home community. Internal County communications to media and the general public echoed these points. Map 8, "Committed Land," from the County's Comprehensive Plan has Shadow Pines in their list approved PDs with development remaining to be built. This sustained, official, and specific conduct invited reliance on the approved PD use.

Each of these governmental actions and statements are explicit. The only reasonable interpretation is that the Property retains the right to be developed as approved in 1974. Just as in *Texas Co.*, the local government's assurances that the Property can be developed warrant recognition of vested rights. Today, the Property remains zoned PD and appears as "Committed" in Orange County's current Comprehensive Plan, protecting the owners' reliance on those governmental actions, mirroring *Bishop*, where development rights vested based on approvals issued under the zoning then in effect, despite a subsequent change. Orange County continues to reaffirm the validity of the Shadow Pines PD; as recently as in June, the BCC voted to recognize Shadow Pines PD as a vested PD on the new zoning map under the updated Orange County Code.

ii. The Owners and any Prior owners Relied in Good Faith

Florida courts have held that citizens have a right to trust in their local government's statements and actions. *Imperial Homes*, 309 So.2d at 573. When property owners reasonably and in good faith rely on their local government's assurances and change their position accordingly, equity requires protecting their investment; denying that protection would be unjust. *Id.*

Stripped of the legal jargon which lawyers and judges have obfuscated it with, the theory of estoppel amounts to nothing more than an application of the rules of fair play. One party will not be permitted to invite another onto a welcome mat and then be permitted to snatch the mat away to the detriment of the party induced or permitted to stand thereon. A citizen is entitled to rely on the assurances and commitments of a zoning authority and if he does, the zoning authority is bound by its representations, whether they be in the form of words or deeds. . . .

Imperial Homes, 309 So.2d at 573 citing the trial judge.

Florida law treats planned developments as a unique type of zoning designation. *Palm Beach Polo, Inc. v. Village of Wellington*, 918 So.2d 988, 990 (Fla. 4th DCA 2006). "Development order" is defined by Florida Statute and "includes the rezoning of a specific parcel." Fla. Stat. §70.51(2)(a). Because planned developments require a rezoning of specific parcels they are development orders. *Id.* A PD was created to "permit flexibility in design and use of property."

Palm Beach Polo, 918 So.2d at 990. In *Palm Beach Polo*, the court held that terms contained in a PD document govern how that property may be used in the future. *See Id.*

This application does not seek to use equitable estoppel to authorize development contrary to law. Shadow Pines PD was approved to be developed for 450 mobile homes in 1974, and the County has repeatedly confirmed that the approval is “perpetual” and “still in effect” because it predates the Comprehensive Plan. The requested VRC aligns with decades of governmental actions confirming that Shadow Pines PD may be developed as approved. The Owners are entitled to rely on their government’s consistent actions; they diligently researched the Property’s rights before purchasing, just like in *Imperial Homes*. 309 So.2d at 573. Thomas Engel likewise relied on the County’s approval and was even denied applications for other types of uses, like the pugmill plant in 1989, based on the 1974 approval. Given the governmental actions already discussed, the Owners were justified in relying on them. The only practical way to confirm a PD’s continuing validity is to ask the County’s planning department; the Owners did so and then, in good faith, made substantial expenditures in reliance.

In addition to the previously discussed Orange County staff statements, the validity of the Shadow Pines PD was ratified by the BCC when they approved the new Orange Code zoning map and kept the Property’s PD zoning designation. This is a clear signal to all prospective developers that the Property is entitled to be developed consistent with its PD approvals. As a result, the BCC has now affirmed this Property’s PD designation twice, once in 1974 and now in 2025.

Moreover, the Orange Code expressly recognizes and protects the rights of previously approved PDs. It states that its purpose is to provide flexibility for the development of approved PDs and explicitly exempts any PD approved before June 3, 2025 from its requirements, allowing such properties to be developed pursuant to their existing LUP/RP approvals. Our request today is simply to proceed under those clear, previously granted approvals and develop the PD as authorized.

iii. Denying Development Would Be Inequitable Given That Owners and Thomas Engel Invested Substantial Expenditures and Changed their Position

Florida courts require the property owner makes “substantial expenditures” in good faith reliance to the governmental acts. *See Hollywood Beach Hotel Co*, 329 So.2d at 15-16. However, “substantial expenditures” have been held to be the purchase price paid for the property in addition to other supplemental expenses. *See Imperial Homes*, 309 So.2d at 573. Florida case law recognizes that the purchase price is an important component of the expenses considered when determining whether a property owner has made sufficient expenditures in good faith reliance to qualify for vested rights under equitable estoppel. *See Id.* *See also* Bishop, 174 So.2d at 105 (holding the property owner established a claim for equitable estoppel because they “purchased the said property, changed their position materially, and incurred substantial expense” in good faith in reliance).

While the “mere” purchase of land is not, by itself, sufficient to establish vested rights, Florida courts have held that a land purchase combined with additional expenses will suffice, even if those additional expenses are nominal. *See Imperial Homes*, 309 So.2d at 573-74. In *Imperial Homes*, the Court considered \$379,000 in expenditures constituted “substantial expenditures,”

even though more than 80% of that amount was the purchase price. *Id. See also Bregar v. Britton*, 75 So.2d 753 (Fla. 1954) (holding that \$28,000 spent in good faith reliance satisfied the reliance requirement of equitable estoppel).

All expenses incurred by the current owner, and even by prior owners of the property, are considered because Florida courts have held that vested rights run with the land. *The Florida Companies v. Orange County*, 411 So. 2d 1008, 1011 (Fla. 5th DCA 1982). In *The Florida Companies*, the Court said, “[t]he fact that one is... a successor in title... has been held to make no difference as to that person's ability to invoke the doctrine of equitable estoppel against a governmental body, so long as that person has justifiably and in good faith suffered detriment in relying upon the governmental body's official actions” *Id.*

The owners of Shadow Pines PD and the Property have invested substantial sums in purchasing and attempting to develop the Property. Thomas Engel invested funds to have the LUP and PDP prepared by engineers and architects. The development plan included the following documents: P-D Narrative and Explanation; Location Map; Land Use and Zoning; Topography; Soils; Tree Cover; Land Use Plan; and a Typical Cluster Layout. Each required expert design and detail to secure approval by the City Commissioners. Thomas Engel invested these funds and more to obtain approval of the development plan and to have the Property rezoned as PD.

Since acquiring the Property, the current Owners likewise have invested substantial funds in developing the Property in good-faith reliance on their right to do so. They purchased the Property; engaged planning and consulting firms; retained counsel and incurred legal fees; and submitted applications to the County for development. And now, after County staff, even confirming this with their supervisor, explicitly reaffirmed in 2025 that the Property may be developed as approved, the Owners incurred legal expenses in connection with the negotiation of an LOI. Those negotiations were extensive and expensive but have resulted in a LOI worth nearly eleven million dollars. All of these expenditures were made in good-faith reliance on the County’s assurances that the Owners had the right to develop the Property as previously approved. Florida courts hold that vested rights run with the land; therefore, all good-faith expenditures should be considered, from those incurred by Thomas Engel to secure PD approval and rezoning to those incurred since the Owners purchased the Property in 2021.

Inequity and the public interest are at stake. Allowing the County to repudiate PD-specific representations after owners have changed position in good faith would be grossly unjust.

C. Shadow Pines PD Holds a Legitimate Claim of Entitlement, Not a Mere Expectation

The Owners have a legitimate claim of entitlement to develop the Property as approved in 1974. Unilaterally repudiating that settled approval would contravene public policy and basic fairness. For decades, the County has repeatedly and expressly confirmed that the Shadow Pines PD is valid and may be developed. It has stated that the PD is perpetual and exempt from comprehensive-plan consistency because it predates the plan. Abandoning this decades-long interpretation, harming the Owners in the process, would be arbitrary and capricious under Florida law and subject to equitable relief.

Governmental action can create a “legitimate claim of entitlement,” not merely a unilateral expectation. *See Board of Regents of State Colleges v. Roth*, 408 U.S. 564, 577 (1972). *Roth* explains that property interests do not arise from the U.S. Constitution itself, but from “existing rules or understandings” under state law that secure certain benefits and support claims of entitlement to those benefits. *Id.* Thus, where county approvals and settled, official interpretations confer specific, presently enforceable development rights, an owner has a protected property interest. *Id.*

Florida courts also require agencies to apply zoning ordinances consistently and do not permit abrupt reversals of settled, official interpretations that deprive an owner of a recognized entitlement. *See City of Margate v. Amoco Oil Co.*, 546 So. 2d 1091, 1094 (Fla. 4th DCA 1989) (granting relief where the city acted arbitrarily and capriciously in denying development consistent with its prior interpretation and the governing law). In *Amoco Oil Co.*, the court found the owner had a protectable entitlement where the proposed development conformed to the governing law and the City’s settled interpretation, even when the City had denied approval and then altered the law to preclude that development. *Id.* at 1093–94. Courts may compel approval or otherwise remedy arbitrary and capricious governmental action that departs from the essential requirements of law. *Id.*

Here, over more than fifty years, the County has repeatedly confirmed that the Shadow Pines PD is valid and may be developed, and it has even acted on the premise that Shadow Pines PD is valid by denying different types of development to what was approved. More recently, the County acknowledged Shadow Pines as a vested PD on the new zoning map under the updated Orange County Code. If the County denies vested rights in response to public pressure rather than the governing rules, that decision is an arbitrary departure from the County’s settled interpretation. Florida law does not permit such a shift to strip the owners of their legitimate claim of entitlement attained by the County’s approvals and subsequent actions. As senior planning staff have explained, the comprehensive plan and the recently enacted Orange County Code confirm that the Property’s PD zoning remains valid, approved for development, and vested. Just like the Court held in *Amoco Oil Co.*, a determination that Shadow Pines PD is invalid or lacks vested rights would be arbitrary and capricious and subject to injunctive or comparable relief.

D. In the Alternative: Negligent Misrepresentation (If the County Finds No Vested Rights)

If the County now determines that the Shadow Pines PD is invalid and lacks vested rights, that determination would contradict the County’s repeated, written representations to current and prior owners over decades. The County has relied on the PD’s validity to deny additional development and has referenced that validity in appraisal and acquisition materials concerning the Property, including when the County itself attempted to purchase the Property. Because the relevant records and interpretations have always been within the County’s possession and control, any contrary determination today would render those prior factual assertions inaccurate or, at minimum, made without reasonable care as to their truth. In that event, the elements of negligent misrepresentation are satisfied.

Florida law waives sovereign immunity permitting liability when a governmental entity engages in conduct that, if done by a private person, would give rise to liability under comparable circumstances. Fla. Stat. § 768.28. When a municipality acts in an operational, business capacity and makes material representations on which others foreseeably rely, courts have recognized negligent misrepresentation claims. *See Champagne-Webber, Inc. v. City of Fort Lauderdale*, 519 So. 2d 696, 698 (Fla. 4th DCA 1988) (elements of negligent misrepresentation were satisfied where the City’s written statements induced reliance in a transactional context). Likewise, when a governmental entity acting in a contracting capacity furnishes reports to private parties, it owes an implied obligation not to provide misleading factual information. *Jacksonville Port Auth. v. Parkhill-Goodloe Co.*, 362 So. 2d 1009, 1012–13 (Fla. 1st DCA 1978) (affirming the government was liable where omissions rendered furnished information misleading and caused reliance and damages).

The County did more than express a policy judgment; it issued a formal written appraisal containing specific factual assertions, namely, that the Shadow Pines PD was valid and could be developed. That appraisal was not a discretionary opinion; it was a factual representation prepared and communicated in a transactional setting for the foreseeable purpose of being relied upon. If, contrary to our position, the PD is deemed invalid, then the appraisal’s assertions were inaccurate and, at minimum, made without reasonable care as to their truth, particularly because the County possessed and controlled the underlying records and approvals. The Owners justifiably relied on those representations in making significant financial and strategic decisions, and they suffered measurable economic harm as a result. These facts fit the duty recognized in *Jacksonville Port Authority*, a duty not to supply materially misleading factual information in a contractual relationship when reliance is foreseeable. Because the appraisal constitutes an operational, affirmative factual representation in a transactional context, sovereign immunity does not bar the claim, and the tort of negligent misrepresentation is properly established.

Conclusion

Orange County’s own records and actions leave no doubt that Shadow Pines PD retains vested development rights. The BCC approved Shadow Pines PD’s LUP and PDP in 1974; the DRC reaffirmed the PD framework in 1988 and 1989; staff acknowledged the PD’s validity and entitlements in 2000 and 2019; Planning and Zoning officials expressly confirmed in 2023 and 2025 that Shadow Pines PD is valid, that PD rezonings do not expire and that a mobile home community may be developed without rezoning; Map 8 identifies the Property as “Committed,” reflecting approved PD development yet to be built; and the BCC even ratified the Property as zoned PD in the new Orange Code in June of 2025. These sustained, official acknowledgments, together with decades of good-faith reliance and substantial expenditures by prior and current owners, confirm that the PD remains effective as approved, most importantly that the Property has vested rights to be developed.

The County has not taken a single isolated action on which the Owners relied in good faith; rather, it has consistently and repeatedly affirmed over the past 50 years that the Property may be developed as approved. The Owners, and every party in the chain of title since Thomas Engel, reasonably relied on these assurances in planning for development and in making significant investment decisions. Even today, the County’s own documents reinforce these expectations. Both

the new Orange Code and the current Comprehensive Plan continue to recognize the Property as an approved PD with remaining development rights.

Each of the two independent grounds advanced compels the same result. First, the PD satisfies Orange County Code section 30-363(d)(4), entitling the Property to a VRC exempting it from the Comprehensive Plan, including concurrency. Second, Orange County Comprehensive plan policy FLU8.5.3 that protects vested rights attained under common law. Two legal doctrines under Florida's common-law grant the Property vested rights. First, equitable estoppel doctrine, the County's clear and repeated representations induced reasonable, good-faith reliance and substantial expenditures; equity will not permit the County to repudiate those assurances now. Issuing the certificate does not expand entitlements or contravene the Comprehensive Plan. It simply effectuates the precise PD use approved in 1974 and consistently recognized since. Second, the Owners have shown they have a claim for legitimate claim of entitlement. In the alternative, absent a finding of vested rights, the County's conduct satisfy the elements of negligent misrepresentation.

For these reasons, the County should issue the VRC for the Shadow Pines PD and confirm that the Property may be developed in accordance with the 1974 approvals.

EXHIBIT "A"

**SHADOW PINE
A PLANNED DEVELOPMENT**

Purpose of P-D Statement This Statement is submitted in compliance with Article XXIX, Section 6 of the Orange County Zoning Resolution with respect to the Preliminary Development Plan requirements for a P-D Planned Development District.

Legal Description Lands in Section 26, Township 22 South, Range 32 East, Orange County, Florida, more particularly described on Schedule "A" attached hereto.

General Location and Description The subject property contains 75 acres located on the North side of S. R. 50 abutting the East boundary of the unincorporated area known as Bithlo.

Generally, the soils on the site present few building problems. The small problem areas of Rutledge mucky fine sand will be studied in greater detail through soil probings prior to any development.

Public Utilities and Services The Developer will provide sewage and water service in accordance with State and County health codes and regulations. The development is presently approved for a package water and waste treatment plant (General Environmental, Jacksonville) and presently upgrading to 100,000 G.P.D. plant.

The Development is not presently within a County Fire District, but service will be provided by the U. S. and State Forest Service. In addition, Undon Park and Bithlo Volunteer Fire Departments are in close proximity to the Development, and a lake on the property can back up existing fire prevention services.

ORANGE COUNTY PLANNING & ZONING COMMISSION PLANNED DEVELOPMENT	
Project	<u>SHADOW PINES</u>
Applicant	<u>THOMAS EUGENE AGANT</u>
Review No. <u>18</u>	Date <u>2-21-74</u>
Preliminary Dev. Plan P.H. <u>14</u>	Date <u>3-21-74</u>
Final Dev. Plan, Date	
Exhibit No. <u>1</u>	of <u>8</u>

Submitted with application

SHADOW FINE
Page Two

Land Use Plan

SHADOW FINE is a mobile home residential community designed for the market generated by the need for low-cost housing in Central Florida.

The proposed land uses are as follows:

<u>Land Use</u>	<u>Acres</u>
1. Road ROW	3.03
2. Parks	4.42
3. Greenbelts	6.08
4. Residential	<u>55.29</u>
TOTAL	68.82 G. R. A.
Commercial	1.83 (20,000 sq. ft. building space)
Utilities	1.37
Lake	<u>3.03</u>
TOTAL	<u>75.05 Acres</u>
Total Units:	450
Density:	6.55 DU/G. R. A.
Gross Residential Density:	6.55 DU/AC
Maximum Height:	35 Feet
Maximum Height of Residential Unit:	1 Story

NOTE: Total project to be developed in one phase

The County development policy indicates agricultural use of the subject property; however, because of the critical need for low-cost housing and the surrounding land uses, including Bithlo, the Board has indicated that this development is congruent with established land use in the area and could only upgrade a deteriorating situation.

SHADOW FINE
Page Three

Road Systems and Traffic Generation—The Developer will dedicate internal roads to the County if desired, and will improve all roads to Orange County regulations as indicated in the Orange County Zoning and Subdivision Regulations.

According to the County Subdivision Regulations, SHADOW FINE will generate the following amount of traffic:

<u>Land Use</u>	<u>ADT</u>
1. Mobile Homes	4680
2. Commercial (20,000 S. F. Building space)	<u>400 Peak</u>
Total	5,080

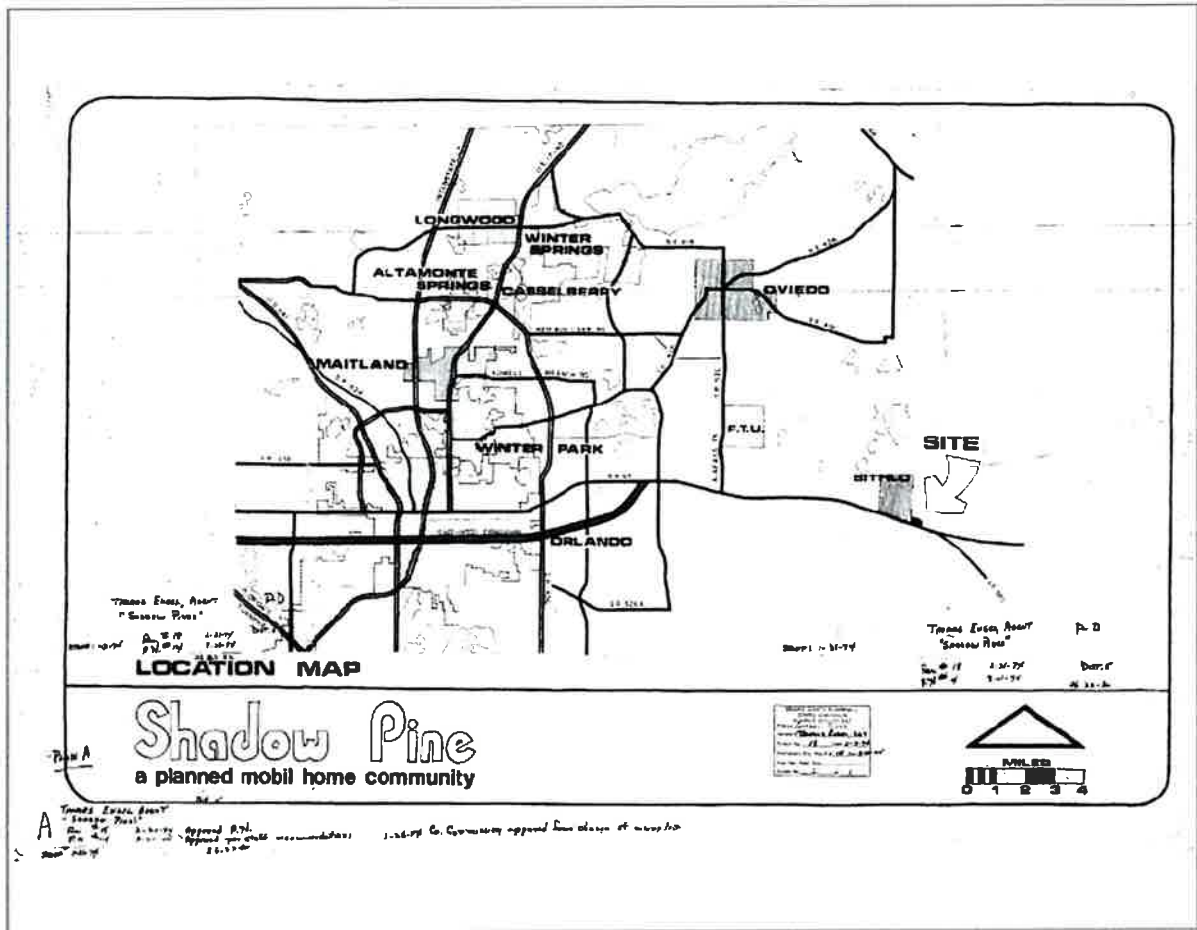
Owners, Developer, Consultant

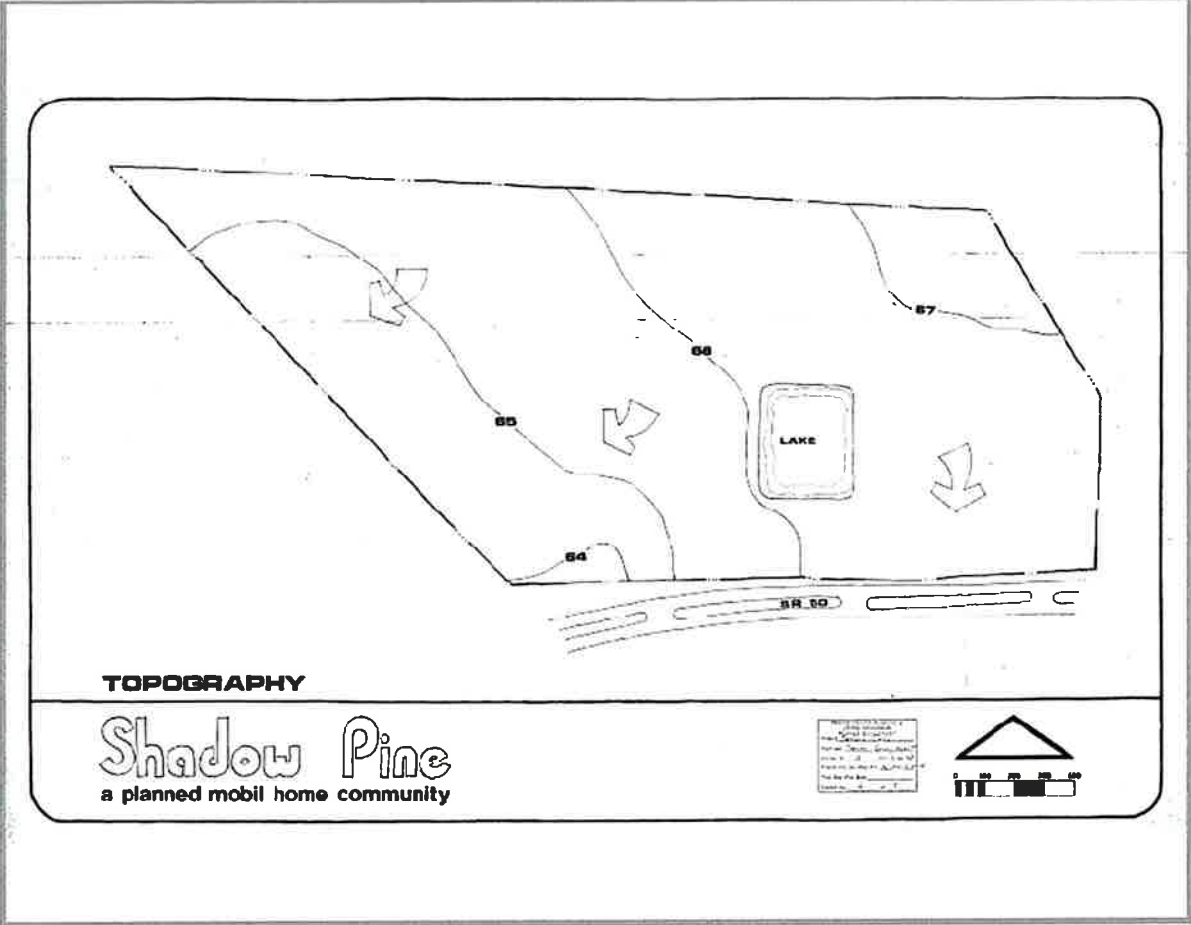
Thomas D. Engel owns and will develop SHADOW FINE through Engel Development Corp. T. W. (Pete) Storage, a land planning consultant with the King Helle Planning Group, is associated with Dan Engel and Engel Development Corp. and will serve as consultant to the Development as well as having a equity position in the Development.

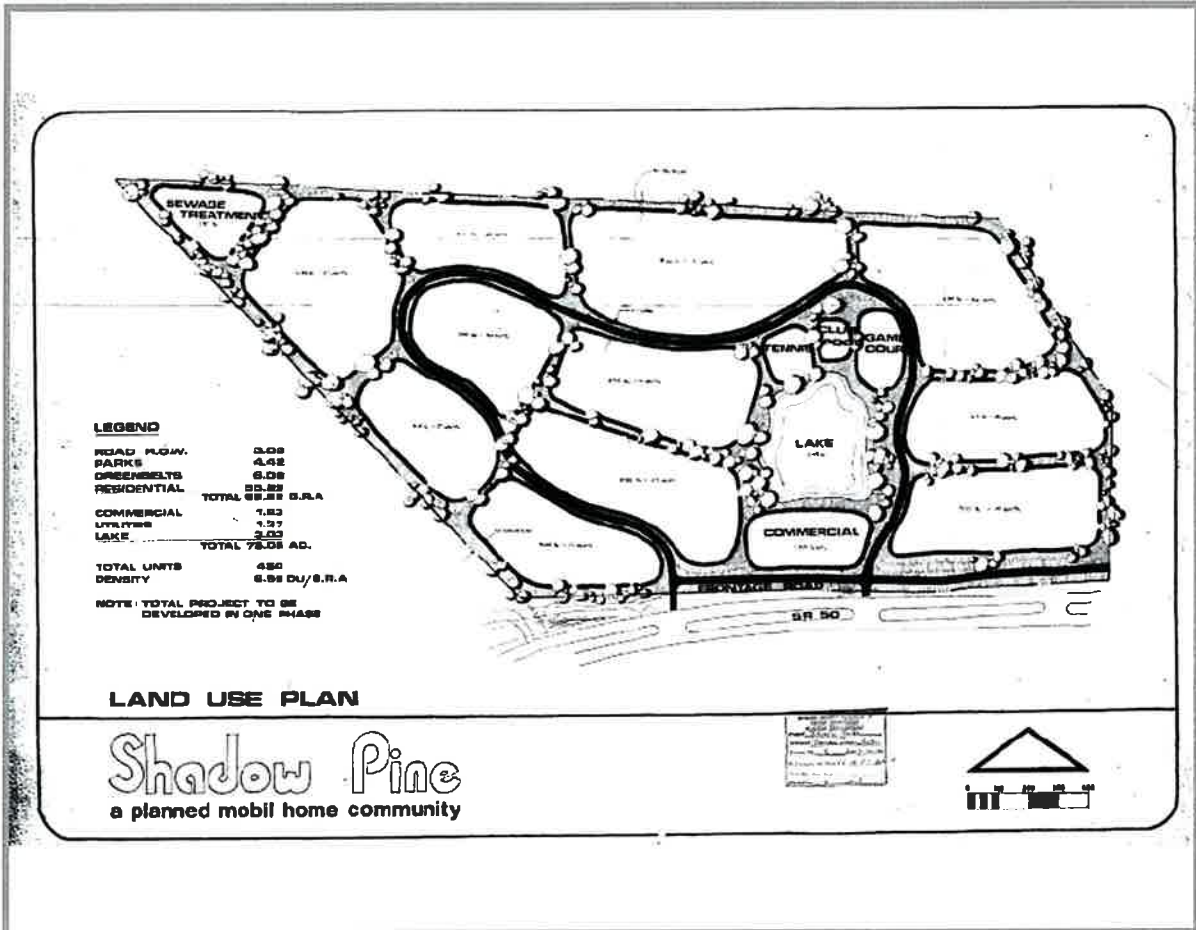
LEGAL DESCRIPTION

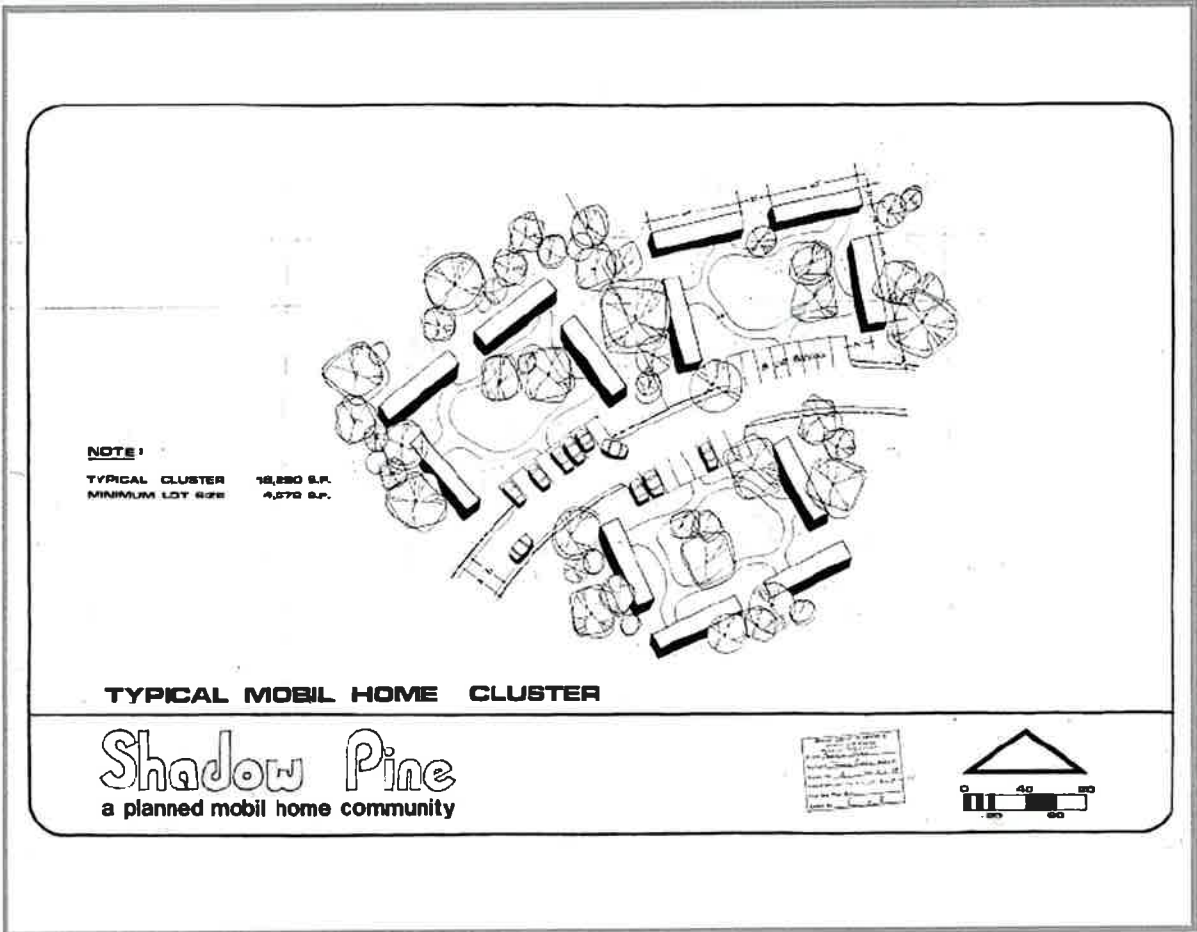
begin at the Northwest corner of Section 26, Township 22 South, Range 32 East, Orange County, Florida; thence S01°34'11"W along the West line of said Section a distance of 1936.88 feet to the Northern right of way line of Cheney Highway; thence S50°17'45"E 132.91 feet to the most Southerly corner of Lot 14, Block 1 of CHRISTMAS GARDENS Development No. 1 as recorded in Plat Book 52, Page 54 of the Public Records of Orange County, Florida; thence along the South line of said Block 1, run S50°04'43"E 330.42 feet; thence S49°23'38"E 330.08 feet; thence S 47°12'15"E 515.55 feet to the point of intersection of said Northern right of way of Cheney Highway and the Northern right of way line for State Road No. 50 being in a curve concave Southwesterly having a radius of 13,815.00 feet; thence Southwesterly along the arc of said curve and the Northern right of way line of said State Road No. 50, through a central angle of 02°37'29" a distance of 634.45 feet, to the Southeastery of Lot 9 of said Block 1; thence N42°47'46"E 578.78 feet to the most Southerly corner of Lot 8 of said Block 1; thence N11°16'49"E along a line projected through the most Northern corner of said Lot 8 a distance of 739.25 feet; thence N47°12'15"W parallel to the Northern line of said CHRISTMAS GARDENS a distance of 2778.61 feet to the North line of said Section 26; thence N89°37'47"W 330.4 feet to the point of beginning.

Containing 75,000 acres.









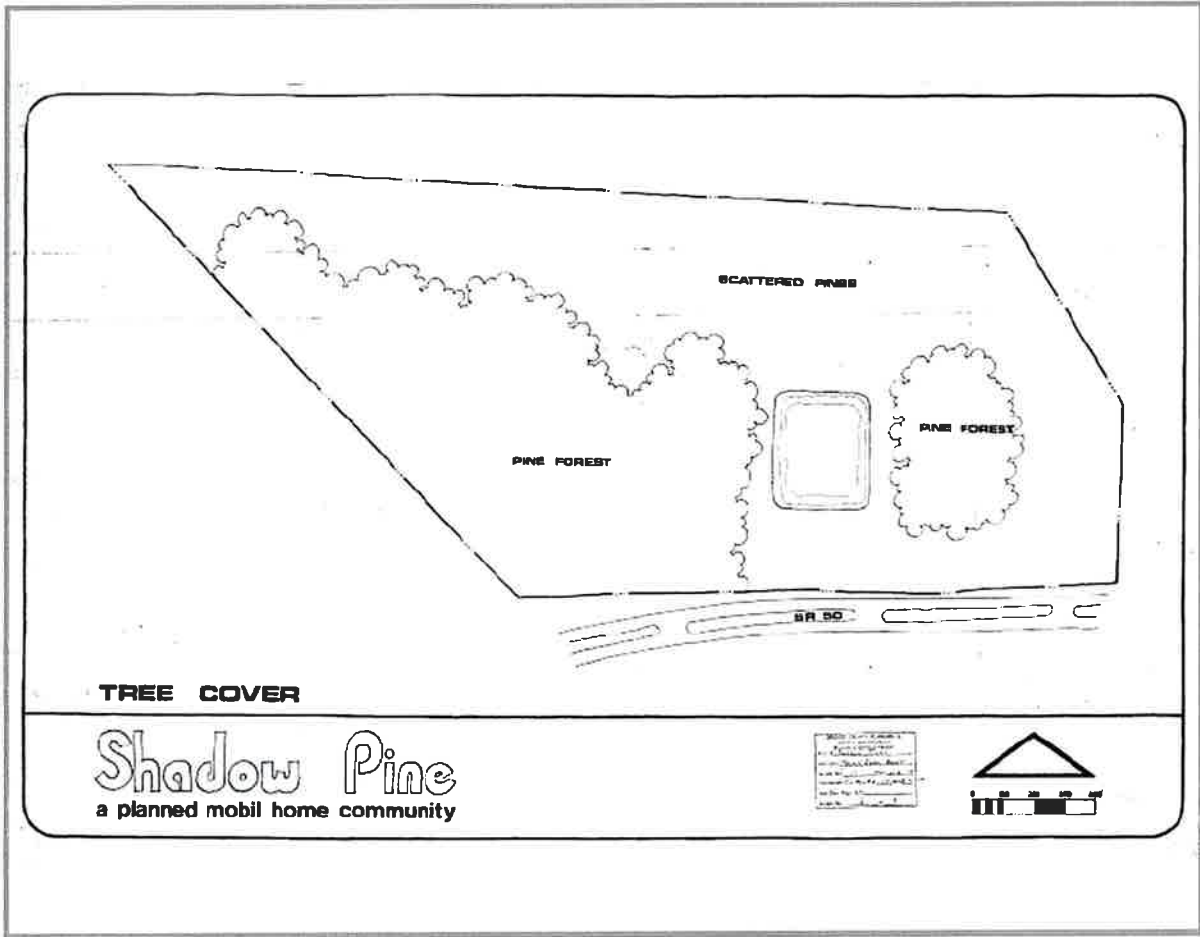


EXHIBIT "B"

Orange  County

Zoning Department
Sharon Smith, Director
201 South Rosalind Avenue, 1st Floor
Reply To: Post Office Box 2687
Orlando, Florida 32802-2687

February 17, 1988

Mr. Thomas Liddell
DeWitt Excavating, Inc.
P. O. Box 337
Winter Garden, Florida 32787

SUBJECT: Change Determination for Shadow Pines PD

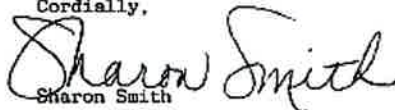
Dear Mr. Liddell:

On February 11, 1988 the Development Review Committee reviewed your request to install a temporary ticket booth within the Shadow Pines PD.

The Development Review Committee approved your request until the borrow pit permit expires, or when development occurs, whichever occurs first.

Should you have any questions, please feel free to call Rocco Relvini at 236-5525.

Cordially,


Sharon Smith
Zoning Director

SS/RR/dmw

cc: Rocco Relvini, Zoning Department
Ed Williams, Planning Department
George Cole, County Engineer
Dan Allen, Public Utilities
Bobbi McCain, DRC Coordinator
PD Files ✓

EXHIBIT "C"

Orange  County

Zoning Department
Sharon Smith, Director
301 South Rosalind Avenue, 1st Floor
Repts To: Post Office Box 2687
Orlando, Florida 32802-2687

March 2, 1989

Stephen T. Beasley
DeWITT EXCAVATING, INC.
P. O. Box 337
Winter Garden, FL 32787

Subject: Change Determination: Shadow Pine P-D

Dear Mr. Beasley:

On March 1, 1989 the Staff of the Development Review Committee (DRC) reviewed your request to set up a temporary pugmill plant within the designated commercial tract of Shadow Pine P-D.

Please be advised staff's determination is that this constitutes a substantial change to the project's approved Land Use Plan; in effect, this would require an amendment to the plan via a public hearing by the Planning and Zoning Commission.

The commercial land use for this project was approved for light, retail commercial land use. The proposed pugmill operation, however, is an intense/heavy commercial use, and is, therefore, inconsistent with the uses originally permitted.

Please feel free to contact our office should you have any questions in this regard.

Sincerely,


Sharon Smith,
Zoning Director

SS/GT/jyw

cc: Tom Hastings, Public Works
Dan Allen, Public Utilities
Ed Williams, Planning Department
George Cole, Engineering
Bobbi McCain, DRC Coordinator

EXHIBIT "D"

DATE: 11-MAY-2000

TO: Chairman, Development Review Committee

From:

Plan Number: 5008662

PLAN NAME: HONEYBEE RANCH CONSTRUCTION & DEMOLITION DEBRIS
DISPOSAL FACILITY

PROJECT ANALYSIS

A. Location: NORTH OF S.R. 50, EAST OF SR 520
S26/T22/R32
B. Total Acres: 41
C. Water Supply:
D. Sewer System:
E. Proposed Uses: C & D LANDFILL 41 ACRES

ZONING:

A-2 (1957) & PD (Shadow Pines, 1974)

The reference to future commercial is premature. The entire ranch is designated Rural on the PLUM, while the portion of Shadow pines has only 1.83 acres for commercial uses to serve the MH park. (Z)

A LUP Amendment may be required to process the PD portion of this request. (Z)

The landscape buffer shall include trees 40' on center in open areas of proposed buffer. Natural vegetation may meet this requirement if applicable. (Z)

The submittal package lists Tabitha Perry as the direct contact for BZA. This should be Rocco Relvini (836-5386). (Z)

CONDITIONS:

RECOMMENDATION:

DATE: 04-OCT-2000

TO: Chairman, Development Review Committee

From:

Plan Number: 5010302

PLAN NAME: HONEYBEE RANCH LAND USE PLAN

PROJECT ANALYSIS

A. Location: NORTH OF S.R. 50, EAST OF 520 S23/T22/R32
B. Total Acres: 1164
C. Water Supply: WELL
D. Sewer System: SEPTIC SYSTEM
E. Proposed Uses: CEMETERY 292 ACRES

ZONING:

PD (Shadow Pines-1974) & A-2; PD Proposed
What is the expected life-cycle of this landfill? (Z)

All excavating or mounding (landfill activities) shall be setback 200 feet from Sr 50, abutting residential to the west and north border. (Z)

A site berm at least 10' high, sodded and landscaped with 12' shade trees 25' on center shall be installed abutting the road and western residential perimeter. (Z)

While this project is considered a new LUP, approval of this LUP will amend the existing Shadow Pines PD, eliminating previous approvals. (Z)

CONDITIONS:

RECOMMENDATION:

EXHIBIT "E"

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 08, 2019**

Case Planner: **Dave Nearing**

Case #: **SE-19-05-039**

Commission District: **#5**

GENERAL INFORMATION

APPLICANT(s): **BISHOP AND BUTTREY, INC.**
OWNER(s): **HONEY BEE HOLDINGS LLC**
REQUEST: **Special Exception In the A-2 zoning district to allow a yard trash processing facility.**
PROPERTY LOCATION: **E. Colonial Dr., Orlando, FL 32820, north side of E. Colonial Dr., east of N. County Road 13**
PARCEL ID: **23-22-32-0000-00-004**
LOT SIZE: **326 acres**
NOTICE AREA: **1 mile**
NUMBER OF NOTICES: **2,099**

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-2/ P-D	A-2	A-2	A-2	R-T-2
Future Land Use	Rural	Rural	Rural	Rural	RS 1/1
Current Use	Borrow Pit	Vacant	Vacant	Vacant	Residential

BACKGROUND AND ANALYSIS

Description and Context

The property is located in the A-2 Farmland Rural zoning district, which allows agricultural uses, mobile homes, and single-family homes with accessory structures on larger lots. Yard trash facilities are allowed as a special exception in this zoning district.

The property is an irregular shaped property with two large areas, which are connected by strips of land. The front portion of the property is zoned P-D and is located in the Shadow Pines P-D. This P-D allows mobile homes and commercial uses. The service road for the subject property that bisects this P-D is allowed per the P-D documents on file.

There is an existing borrow pit on site and the applicant is requesting to add the yard trash processing facility use. According to the applicant, the operation will be developed in seven phases. The overall acreage of the proposed use is approximately 60 acres, and it will be located in the easternmost portion of the 326 acre property.

A yard trash processing facility is "a yard trash transfer station or a facility at which yard trash is processed into a size-reduced, usable material or is composted, but does not include a facility used for the disposal of yard trash."

The project area is surrounded by vacant agricultural properties on all sides. The closest residence is located approximately 4,500 ft. to the west of the proposed yard trash facility.

A Construction and Debris Landfill facility was approved on the adjacent property to the south (was all one lot at the time) in 2000, however that facility was never developed.

In December 2017, a yard trash processing facility was approved on the property to the west, which was permitted to have up to 12,000 cubic yards. The operation is currently operating.

The applicant plans to use the leftover soil from this proposed operation to fill in the existing borrow pit. This process must be approved by EPD and Development Engineering and is not part of the request today.

EXHIBIT "F"

From: Thalmueller, Nicolas M <Nicolas.Thalmueller@ocfl.net>
Sent: Tuesday, February 14, 2023 10:56 AM
To: Marie <marie@eminentvaluations.com>
Cc: Kristin Soltys <kristin@eminentvaluations.com>
Subject: RE: Greenplace Appraisal

Marie,

See below for a summary of the future land use and zoning designations for these parcels. In summary, all of the parcels are designated Rural on the Future Land Use Map, are located within the Rural Service Area, and not located within a Rural Settlement. This means that none of the parcels are eligible to request a commercial land use or zoning designation. They are only permitted the rural designation and rural/agricultural zoning. The first five parcels are zoned A-2 (Farmland Rural District), and it looks like two of those parcels received special exception approval at various points for a yard trash processing facility, which is permitted by special exception in the A-2 district. It looks like parcels 26-22-32-1312-01-061 & 26-22-32-1312-01-000 were rezoned to PD in 1974 (which was many years before the future land use map or comprehensive plan existed) as the Shadow Pines PD for a 450 unit mobile home park with a 1.8 acre commercial component. Although, it doesn't look like that was ever developed. It looks like in 2000, parcel 26-22-32-1312-03-010 applied to rezone that parcel and the shadow pines PD for a new development, but that application was withdrawn and never approved.

From: Thalmueller, Nicolas M <Nicolas.Thalmueller@ocfl.net>
Sent: Tuesday, February 14, 2023 11:12 AM
To: Marie <marie@eminentvaluations.com>
Cc: Kristin Soltys <kristin@eminentvaluations.com>
Subject: RE: Greenplace Appraisal

A PD rezoning doesn't expire, and it predated the comprehensive plan so technically it's still valid. Meaning someone could develop a mobile home park on the site without rezoning. The commercial area was to support the mobile home park so someone could not come in and only do the commercial part. Only in conjunction with a mobile home park.

Nicolas Thalmueller, AICP | Planning Administrator
Orange County Planning Division
Planning, Environmental, and Development Services Department
201 S. Rosalind Avenue | Orlando, FL | 32801
407-836-5523



From: Thalmueller, Nicolas M <Nicolas.Thalmueller@ocfl.net>
Sent: Wednesday, February 22, 2023 10:52 AM
To: Marie <marie@eminentvaluations.com>; Kozak, Ted <Ted.Kozak@ocfl.net>
Cc: Kristin Soltys <kristin@eminentvaluations.com>
Subject: RE: Greenplace Appraisal

Hi Marie,

The short answer is no. The old PD approval predated the Comprehensive Plan and Future Land Use Map, so it can stay as is. But any change would require compliance with the Future Land Use. The Rural Land Use doesn't allow commercial or residential development beyond one single-family home per every 10 acres.

I've also copied Ted Kozak on this response.

Nicolas Thalmueller, AICP | Planning Administrator
Orange County Planning Division
Planning, Environmental, and Development Services Department
201 S. Rosalind Avenue | Orlando, FL | 32801
407-836-5523



EXHIBIT "G"

Transaction Report Bishop & Buttrely, Incorporated All Dates

Transaction date	nsa cbo	Num	Name	Memo/Description	Account full name	Item split account	Amount	Balance
12/31/2023	Bill	24-09111	NAJ Realvest	land development consulting services 7/2023 - 12/2023 HBH	Intercompany:Due To/From ERC:Due To/From Honey Bee Holdings	Accounts Payable (AP)	1,718.75	108,227.12
01/19/2024	Bill	43880	Dean, Mead, Egerton, Bloodworth, Caposano & Bozarth, P.A.	attorney fees for Development of East Orange County Property	Intercompany:Due To/From ERC:Due To/From Honey Bee Holdings	Accounts Payable (AP)	1,280.00	109,487.12
02/29/2024	Bill	444528	Dean, Mead, Egerton, Bloodworth, Caposano & Bozarth, P.A.	attorney fees for Development of East Orange County Property	Intercompany:Due To/From ERC:Due To/From Honey Bee Holdings	Accounts Payable (AP)	190.00	103,571.01
04/29/2024	Bill	448881	Dean, Mead, Egerton, Bloodworth, Caposano & Bozarth, P.A.	attorney fees for Development of East Orange County Property	Intercompany:Due To/From ERC:Due To/From Honey Bee Holdings	Accounts Payable (AP)	2,565.00	98,638.01
06/28/2024	Bill	454870	Dean, Mead, Egerton, Bloodworth, Caposano & Bozarth, P.A.	attorney fees for Development of East Orange County Property	Intercompany:Due To/From ERC:Due To/From Honey Bee Holdings	Accounts Payable (AP)	855.00	88,304.01
07/01/2024	Bill	118-03	Vision Urban LLC	HBH Parcel Diagram 5/29/2024	Intercompany:Due To/From ERC:Due To/From Honey Bee Holdings	Accounts Payable (AP)	2,640.00	81,614.51
08/20/2024	Bill	459099	Dean, Mead, Egerton, Bloodworth, Caposano & Bozarth, P.A.	attorney fees for Property Conveyance History	Intercompany:Due To/From ERC:Due To/From Honey Bee Holdings	Accounts Payable (AP)	285.00	71,771.67
09/20/2024	Bill	482043	Dean, Mead, Egerton, Bloodworth, Caposano & Bozarth, P.A.	attorney fees for Property Conveyance History	Intercompany:Due To/From ERC:Due To/From Honey Bee Holdings	Accounts Payable (AP)	712.50	62,291.17
10/24/2024	Bill	484742	Dean, Mead, Egerton, Bloodworth, Caposano & Bozarth, P.A.	attorney fees for East Orange County Property Zoning	Intercompany:Due To/From ERC:Due To/From Honey Bee Holdings	Accounts Payable (AP)	237.50	55,628.77
12/19/2024	Bill	1801	Solidarity Partners LLC	OC Consulting Dec 2024	Intercompany:Due To/From ERC:Due To/From Honey Bee Holdings	Accounts Payable (AP)	6,000.00	63,051.77
12/23/2024	Bill	470358	Dean, Mead, Egerton, Bloodworth, Caposano & Bozarth, P.A.	attorney fees for Development of East Orange County Property	Intercompany:Due To/From ERC:Due To/From Honey Bee Holdings	Accounts Payable (AP)	380.00	64,619.27
12/23/2024	Bill	24-09128	NAJ Realvest	land development consulting services 4/1/2024 - 12/23/2024 HBH	Intercompany:Due To/From ERC:Due To/From Honey Bee Holdings	Accounts Payable (AP)	1,781.25	66,400.52
01/21/2025	Bill	1802	Solidarity Partners LLC	OC Consulting Jan 2025	Intercompany:Due To/From ERC:Due To/From Honey Bee Holdings	Accounts Payable (AP)	6,000.00	-1,852.50
02/24/2025	Bill	1803	Solidarity Partners LLC	OC Consulting February 2025	Intercompany:Due To/From ERC:Due To/From Honey Bee Holdings	Accounts Payable (AP)	6,000.00	6,000.00
02/24/2025	Journal Entry	358		Solidarity Partners LLC payment 2-24-2025	Intercompany:Due To/From ERC:Due To/From Honey Bee Holdings		-6,000.00	0.00
03/06/2025	Bill	HB-04	Vision Urban LLC	HBH Yield Study	Intercompany:Due To/From ERC:Due To/From Honey Bee Holdings	Accounts Payable (AP)	650.00	650.00
04/14/2025	Bill	1804	Solidarity Partners LLC	OC Consulting April 2025	Intercompany:Due To/From ERC:Due To/From Honey Bee Holdings	Accounts Payable (AP)	6,000.00	6,650.00
04/14/2025	Expense		Lowndes, Dresdick, Foster, Kantor & Reed, P.A.	Lowndes retainer 4/11/2025	Intercompany:Due To/From ERC:Due To/From Honey Bee Holdings	Comerica BB Clearing 1902	5,000.00	11,650.00
05/01/2025	Bill	1805	Solidarity Partners LLC	OC Consulting March 2025	Intercompany:Due To/From ERC:Due To/From Honey Bee Holdings	Accounts Payable (AP)	6,000.00	17,650.00
05/16/2025	Expense		Orange County Board of County Commissioners	HBH East Orange Co application fee 5/5/2025	Intercompany:Due To/From ERC:Due To/From Honey Bee Holdings	Comerica BB Clearing 1902	1,710.00	19,360.00

05/16/2025	Bill	1066088	Lowndes, Drosdick, Doster, Kantor & Reed, P.A.	legal services for orange county April 2025	Intercompany Due To/From ERC Due To/From Honey Bee Holdings	Accounts Payable (AP)	3,801.50	23,161.50
05/19/2025	Bill	1806	Solidarity Partners LLC	OC Consulting May 2025	Intercompany Due To/From ERC Due To/From Honey Bee Holdings	Accounts Payable (AP)	6,000.00	29,161.50
06/02/2025	Bill	HB-05	Veion Urban LLC	HBH Yield Study	Intercompany Due To/From ERC Due To/From Honey Bee Holdings	Accounts Payable (AP)	250.00	29,411.50
06/17/2025	Bill	1068154	Lowndes, Drosdick, Doster, Kantor & Reed, P.A.	legal services for orange county May 2025	Intercompany Due To/From ERC Due To/From Honey Bee Holdings	Accounts Payable (AP)	3,034.03	32,445.53
07/14/2025	Bill	1807	Solidarity Partners LLC	OC Consulting July 2025	Intercompany Due To/From ERC Due To/From Honey Bee Holdings	Accounts Payable (AP)	6,000.00	38,445.53
07/18/2025	Bill	1070594	Lowndes, Drosdick, Doster, Kantor & Reed, P.A.	legal services for Orange County June 2025	Intercompany Due To/From ERC Due To/From Honey Bee Holdings	Accounts Payable (AP)	8,830.00	47,275.53
08/18/2025	Bill	1072557	Lowndes, Drosdick, Doster, Kantor & Reed, P.A.	legal services for Orange County July 2025	Intercompany Due To/From ERC Due To/From Honey Bee Holdings	Accounts Payable (AP)	6,457.50	53,733.03
09/17/2025	Bill	1808	Solidarity Partners LLC	OC Consulting August 2025	Intercompany Due To/From ERC Due To/From Honey Bee Holdings	Accounts Payable (AP)	6,000.00	64,589.43
09/18/2025	Bill	1074897	Lowndes, Drosdick, Doster, Kantor & Reed, P.A.	attorney fees Orange County Entitlements August 2025	Intercompany Due To/From ERC Due To/From Honey Bee Holdings	Accounts Payable (AP)	14,369.50	78,938.93
10/03/2025	Expense			Heir Search 10/2/2025	Intercompany Due To/From ERC Due To/From Honey Bee Holdings	Capital One Card	3,900.00	82,838.93

EXHIBIT "H"

#3

CERTIFICATE OF VALUE

I certify to the best of my knowledge and belief, that:

County: Orange
Managing District: Orange
Parcel No.: Colonial Farms 1192

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, unbiased, professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
4. I have performed services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
5. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
6. My analyses, opinions, or conclusions were developed and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice, and the provisions of Chapter 475, Part II, Florida Statutes.
7. I have made a personal inspection of the property that is the subject of this report. I have also made a personal field inspection of the comparable sales relied upon in making this appraisal. The subject and the comparable sales relied upon in making this appraisal were as represented by the photographs contained in this appraisal.
8. No persons other than those named herein provided significant real property appraisal assistance to the person signing this certificate.
9. I understand that this appraisal is to be used in connection with the acquisition of land area for the Orange County Environmental Protection Division for passive recreational activities.
10. This appraisal has been made in conformity with the appropriate State laws, regulations, policies and procedures applicable to appraisal.
11. I have not revealed the findings or results of this appraisal to anyone other than the proper officials of Orange County and I will not do so until so authorized by the County officials, or until I am required by due process of law, or until I am released from this obligation by having publicly testified as to such findings.
12. Regardless of any stated limiting condition or assumption, I acknowledge that this appraisal report and all maps, data, summaries, charts and other exhibits collected or prepared under this agreement shall become the property of the County without restriction or limitation on their use.
13. Statements supplemental to this certification required by membership or candidacy in a professional appraisal organization, are described on an addendum to this certificate and, by reference, are made a part hereof.

Based upon my independent appraisal and the exercise of my professional judgment, my opinion of the market value of the property appraised as of the 25th day of January, 2024, is \$782,100.

Market value should be allocated as follows:

LAND	\$ <u>782,100</u>	LAND AREA:	(Ac/SF) <u>17.24 Acres</u>
IMPROVEMENTS	\$ <u>0</u>	PROPERTY TYPE:	<u>Agricultural / Rural Residential</u>
NET DAMAGES & / OR COST TO CURE	\$ <u>0</u>		
TOTAL	\$ <u>782,100</u>		

February 2, 2024
DATE

Robert W. Simmons Jr.
APPRAISER
Robert W. Simmons, Jr., Vice President
State-Certified General Real Estate Appraiser RZ1736

Parcel: 192
Project: GreenPLACE
County: Orange

HIGHEST AND BEST USE ANALYSES: (Continued)

Legally Permissible – The subject has a zoning of PD, Planned Development District. The subject has a Rural land use designation. Other parcels in the immediate area are A-2 by Orange County. The subject was initially approved as part of the Shadow Pines PD and was proposed as a mobile home park. This property is within the urban growth overlay boundary. The approved PD predates the Orange County Land Development Code and remains in effect and cannot be amended per Nicholas Thalmueller, land planner with Orange County. The original PD allowed for up to 6 units per acre; however, was never developed. The property and PD does not expire and is still valid according to Nicholas Thalmueller. A small part of the tract was approved for a commercial use in support the mobile home park so the commercial portion would have to be in support of the mobile home park that was never constructed and not any other types of commercial uses. The county would not support any other use or any low density residential zoning and land use amendment. The subject does not have utilities in the area for the approved mobile home park as part of the PD approval. According to the land planner, a rezoning to A-2, Farmland Rural and obtaining a special exception for more intensive agricultural uses allowed in the A-2 zoning and Rural future land use is probable.

Financially Feasible – The subject is in an area of other intensive agricultural or low density residential developments. The subject is financially feasible for mobile home use of the 37.24 acres as approved by the PD or rezoning to A-2, Farmland Rural for more intensive agricultural uses. The subject is in an area where vacant land is being developed with intensive agricultural/rural residential developments consistent with the zoning designations in place. The absence of utilities in the area impacts potential uses of the parcel.

Maximally Productive – The maximally productive use would be for mobile home park of the 37.24 acres as previously approved by the PD or the site is large enough and compatible for intensive agricultural uses if rezoned to A-2, Farmland Rural consistent with the Rural future land use.

HIGHEST AND BEST USE CONCLUSION:

The highest and best use of the subject property, as if vacant, is considered to be for mobile home park use (by right and prior approval); however, utilities are not readily available. An agricultural use is reasonably probable if a rezoning to A-2 and with a special exception for other uses, similar to adjacent uses.

APPROACHES TO VALUE USED AND EXCLUDED:

The only approach to value utilized for the subject's underlying land was the Direct Sales Comparison Approach (Market Approach) in estimating the value of the underlying land. The Cost Approach and Income Approach were determined to be inappropriate as buyers and sellers do not consider these approaches in their purchase and sale decisions on vacant land. We were able to locate residential acreage sales for agricultural or low density residential use similar to the subject in similar areas and under the same market influences. The unit value for the subject will be based upon agricultural or low density residential sales based upon a gross acreage value.

The Spivey Group, Inc.

17 Real Estate Appraisers · Consultants · Realtors

EXHIBIT "I"

Re: Fw: Honey Bees



Williams, Tyler <tyler.wiams@growthspotter.com>
To: Hodge, Wes

Reply Reply All Forward More

Click here to download pictures from this message. To help protect your privacy, Outlook prevented automatic download of some pictures from this message.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Wes,

Sounds good. I am more than happy to make this clarification. I'll get to work on that now. Thank you for reaching out.

-Tyler

On Thu, May 1, 2025 at 4:37 PM Hodge, Wes <Wes.Hodge@ocfl.net> wrote:

Ty-

I have included the data from our staff.

Essentially 450 mobile homes can be built into the very front parcel as permitted over 50 years ago. So this isn't a neighborhood plan, but a 450 unit mobile home park in 30-50 acres with the remaining 1,050+- acres are restricted to 1 unit per 10 acres.

Commissioner Semrad would request for you to consider this clarification in your article.

A lot of the residents are very concerned about sprawl, because it sits outside the rural boundary, it has no water or sewer connection, and would be difficult to build out in that density.

Thank you,

Wes

Wes Hodge
Senior Aide
Office of Dr. Kelly Martinez Semrad
Orange County Commission - District 5
Office: 407.836.7325
Cell: 407.254.2118
Fax: 407.836.1479



From: Thaimaelee, Neelaja M <Neelaja.Thaimaelee@ocfl.net>

Sent: Thursday, May 1, 2025 11:43 AM

To: Moreau, Jennifer C <jenifer.moreau@ocfl.net>

Subject: Honey Bees

Jennifer,

I mentioned I had previously done research on a 1,100 acre set of properties along E colonial that match the description from the recent news article. Summary provided below. All of the properties are located in the County's Rural Service Area (RSA) outside of the Urban Service Area (USA) and they are not located in any Rural Settlement or Special Planning Area. A couple of the parcels were rezoned PD back in 74 for a mobile home park that was never constructed. While PDs don't ever expire, the Rural FLUM and location of the property mean they could move forward with development of that mobile home park but would not be eligible to change their entitlements to anything else. The rest of the parcels are straight Rural Land Use and Agricultural Zoning.

Short answer is that the article is incorrect to say there are entitlements for 500 homes. They would need to apply for a Comp Plan amendment and Rezoning similar to what the Grow did to be able to develop anything.

See below for a summary of the future land use and zoning designations for these parcels. In summary, all of the parcels are designated Rural on the Future Land Use Map, are located within the Rural Service Area, and not located within a Rural Settlement. This means that none of the parcels are eligible to request a commercial land use or zoning designation. They are only permitted the rural designation and agricultural zoning. The first five parcels are zoned A-2 (Farmland Rural District), and it looks like two of those parcels received special exception approval at various points for a yard trash processing facility, which is permitted by special exception in the A-2 district. It looks like parcels 28-23-32-1312-01-001 & 26-22-32-1312-01-000 were rezoned to PD in 1974 (which was many years before the future land use map or comprehensive plan existed) on the Shadow Pines PD (for a 450 unit mobile home park with a 1.8 acre commercial component). Although, it doesn't look like that was ever developed. It looks like in 2000, parcel 28-22-32-1312-03-010 applied to rezone that parcel and the shadow pines PD for a new development, but that application was withdrawn and never approved.

EXHIBIT "J"

RE: Confirmation of zoning // Manufactured Housing Community



Morales Pizarro, Adriana M
To: julian@empower-communities.com

Reply Reply All Forward ...
Fri, 5/23/2025 8:17 PM

Good afternoon,

Thank you for reaching out over the phone yesterday. After our conversation, I consulted with my supervisor, and it looks like I provided inaccurate information (I was not aware of the extent of PD entitlements and how valid they are in contrast with future land use correlation). I wanted to follow up and provide some additional information as well as some resources:

1. For the time being, you are permitted to build a mobile home community within the Shadow Pines PD. The Land Use Plan (LUP) dictates the PD entitlements (in this case mobile homes), and if you choose to strictly build a mobile home community, the PD should back you up on that. Additionally, if you continue to be a PD even after Orange Code is adopted, you will be able to maintain the mobile home community because the PD will continue to exist in perpetuity.
 - a. Usually, old LUPs can include future land uses that are not necessarily consistent with the current zoning designation, but since the PD/LUP has already been approved with a Rural future land use, so long as you remain a PD, you should be able to develop the mobile home community.
 - b. To add on, if you would like to move forward with a residential development that is not a mobile home community after Orange Code is adopted, the approval of new conditions/entitlements/amendments to the PD will depend on the type of change you are proposing. Opting out of the PD in the future might give some flexibility in terms of new entitlements and uses of the land, but that is still to be determined. If you have any questions about re-zonings, future land use, or Orange Code, I recommend reaching out to the Planning Division at 407-836-5600 or email planning@ocfl.net.
2. For more information on uses allowed in the A-2 zoning district as of right now (for the third parcel I mentioned was not part of the PD), please refer to [Section 38-77](#) of our use table (a use shall be permitted in the A-2 district if the use is identified by the letter "P" in the use table).

For more information on Orange Code, I would recommend visiting this website: <https://www.orangecountyfl.net/PlanningDevelopment/ComprehensivePlanning/Vision2050.aspx>

Let me know if you have any questions or need further clarification. I apologize for the confusion and hope this information provides more clarity.

Best regards,

Adriana Morales Pizarro
Planner I, Zoning Division
Planning, Environmental, and Development Services Department

From: Morales Pizarro, Adriana M
Sent: Wednesday, May 21, 2025 4:50 PM
To: Julian Reynolds <julian@empower-communities.com>
Subject: RE: Confirmation of zoning // Manufactured Housing Community

Good afternoon,

Thank you for the confirmation. I am attaching the Land Use Plan for the Shadow Pines "mobile home community" PD for your reference. The PD is still valid, and anything specified within this PD is still applicable when putting together a Development Plan. In this case, though page 7 is very broad about residential entitlements, the LUP is very specific about being exclusively a mobile home community. All this information to say that you should be able to proceed forward with a Development Plan for a mobile home community within this PD.

Additionally, in terms of the scope of the PD, it seems like one of the requested parcels (Parcel # 26-22-32-1312-01-080) lies right outside of the PD, and is currently zoned as [A-2 \(Agricultural District\)](#). Please refer to [Section 38-77](#) of our code to identify whether a mobile home community is permitted in this area (a use shall be permitted within a certain zoning district if the use is identified by the letter "P" in the use table). However, the remaining requested parcels are within the Shadow Pines PD, so those are good to go.

If you have any additional questions, do not hesitate to reach out.

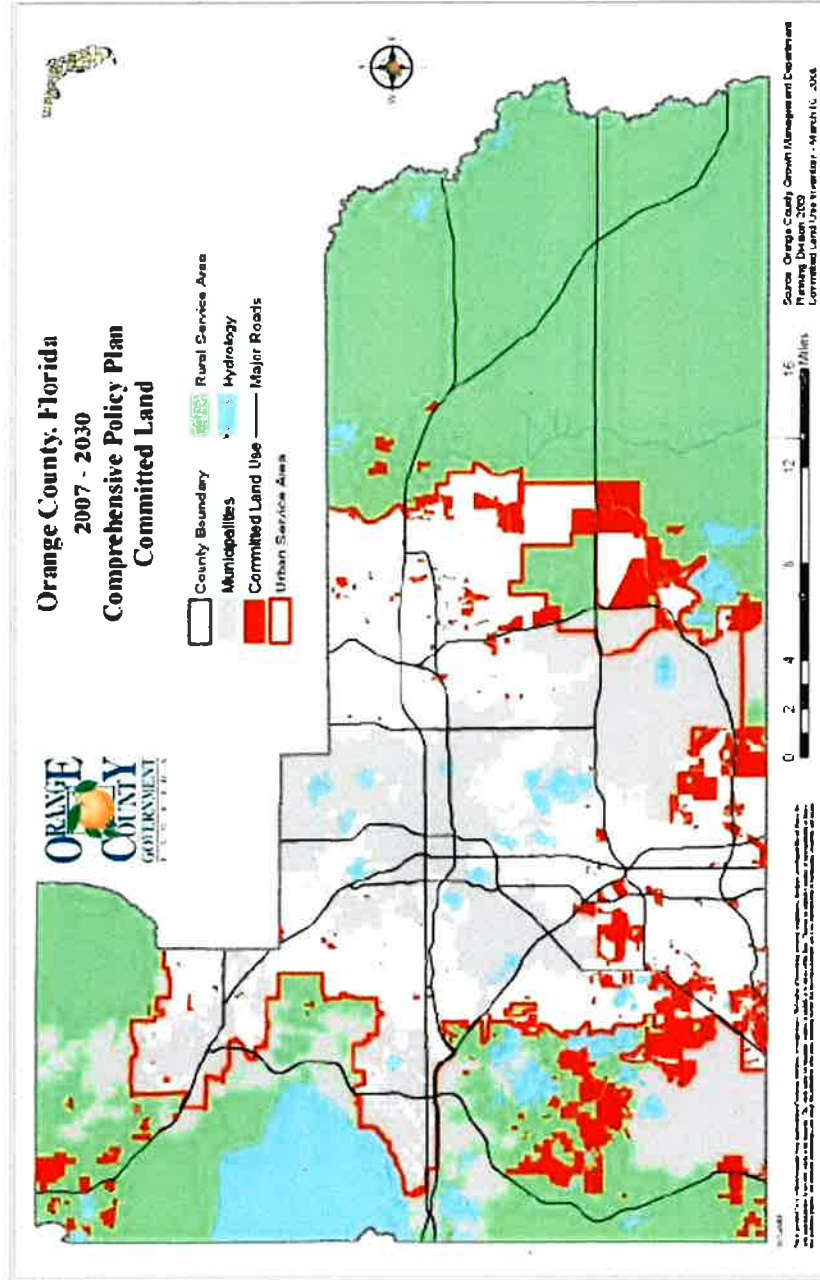
Best regards,

Adriana Morales Pizarro
Planner I, Zoning Division
Planning, Environmental, and Development Services Department

201 S. Rosalind Avenue, 1st Floor, Orlando FL 32801
Division: 407-836-5111
Tel: (407) 836-8643
Fax: 407-836-9611
Email: adriana.morelespizarro@ocfl.net

EXHIBIT "L"

Map 8 Committed Land Use Inventory



FLUM 9

Committed Land Use Inventory

The Committed Land Use inventory (CLU) is an ArcMap shapefile of Orange County Planned Developments (PDs) that have approved development remaining to be built.

The initial CLU was developed by identifying PDs with vacant land using zoning and parcel layers. PD land use plans provided the total approved development in the PD. Vacant land in the PDs and the amount of development built and remaining was determined through a number of sources, including property appraiser records, permits, and aerial photography. The vacant parcels were aggregated to create a polygon feature for each PD. The attributes of each PD include the residential units by type, nonresidential square footage by type, and hotel/motel/timeshare units.

The CLU is maintained quarterly by subtracting permitted development from the CLU by PD and by adding new PDs after Board of County Commissioner approval.

Exhibit G




COUNTY ATTORNEY'S OFFICE
THOMAS B. DRAGE, JR. County Attorney

201 South Rosalind Avenue - 3rd Floor
Reply To: Post Office Box 1393
Orlando, Florida 32802-1393
407-836-7320 ■ Fax 407-836-5888
<http://www.ocfl.net>

MEMORANDUM

TO: Dean Stites, Concurrency Management Official
Manager, Growth Management Fiscal & Administrative Services

FROM: Whitney E. Evers, Assistant County Attorney 

DATE: March 25, 2009

SUBJECT: Concurrency Vested Rights Application #09-016
Shadow Pines Planned Development

ACTION: Denied

You have requested a review of the Application for Concurrency Vested Rights Certificate #09-016 (the "Application") submitted by Attorney Anna Long on behalf of Eastpark Ranch, LLC (the "Owner" or "Applicant"). The subject property consists of the following parcels within the Shadow Pines Planned Mobile Home Community: 26-22-32-1312-01-000 and 26-22-32-1312-01-061 (together, the "Property" or the "PD").

The Applicant is requesting vested rights based on a theory of common law. Section 30-372(d) of the Orange County Code states in part:

"...a development...shall be deemed to have been issued a final local development order and to have commenced and to be continuing in good faith...if (1) the development otherwise complies with and is allowed to proceed under all county ordinances and regulations and (2) the development meets at least one (1) of the following criteria:..."

Subsection (5) of that same Section, which codifies Orange County's common law vested rights doctrine, states:

"Any other project for which there is proof that as of December 2, 1991:
a. A development order has been issued or the county has otherwise taken official action specifically with respect to development of the property; and b. Extensive obligations or expenses (other than land purchase costs and payment of taxes) including, but not limited to, legal

Deputy County Attorney

Joel D. Prinsell

Senior Assistant County Attorneys

Robert D. Guthrie

Edward M. Chew

Assistant County Attorneys

Roberta Alfonso

Linda Brehmer Lanosa

Henry Brown

Dana Crosby

P. Andrea DeLoach

George L. Dorsett

Allen Erickson

Whitney E. Evers

Wanzo Galloway, Jr.

Tamara L. Gappen

Tara L. Gould

Charles J. Hawkins, II

Peter A. Lichtman

John P. Lowndes

Lila I. McHenry

Vivien J. Monaco

Lynn P. Porter-Carlton

William Turner

Legal Administrative

Supervisor

Anna M. Caban

Sr. Paralegal

John P. Dougherty

Paralegals

Kimberly Cundiff

Joann Darnell, CP

Cathy Saravanja, CP

Maria Vargas, ACP

and professional expenses related directly to the development have been incurred or there has otherwise been a substantial change in position; and c. Such obligations, expenses and change in position were undertaken by the property owner in good faith reliance on the actions taken by the county; and d. It would be unfair to deny the property owner the opportunity to complete the project based on the project's effects on the levels of service as adopted by the comprehensive policy plan and implemented through the county concurrency management system."

The Applicant included several items of supporting documentation including a copy of the BCC minutes where the rezoning of the Property to PD was approved; a letter from the Zoning Director to Mr. Thomas Liddell (DeWitt Excavating, Inc.) discussing DRC's approval of Mr. Liddell's request to install a temporary ticket booth within the PD; a copy of the Land Use Plan ("LUP") stamped "received February 24, 1989;" and correspondence denying a request to install a temporary pugmill plant within the commercial tract of the PD.

In her cover letter, Attorney Long states that her clients, the successors in interest to the original owners of the PD, relied in good faith on the County's zoning approvals when they purchased the Property and should therefore be granted common law vested rights. To wit: "In good faith reliance on the BCC approvals for the Shadow Pines PD, the successor Owners have since purchased property, which includes the Shadow Pines PD." (see paragraph 4 of Applicant's cover letter)

As stated above, in order to qualify for common law vested rights, a property owner must meet the test set forth in Section 30-372(d)(5) of the Orange County Code. As to the first part of the test, the County approved a rezoning for the Property. Under Section 163.3164 of the Florida Statutes, a rezoning is a "Development Order;" therefore, the first part of the test is met.

As to the second part of the test, "extensive obligations or expenses (other than land purchase costs and payment of taxes) including, but not limited to, legal and professional expenses related directly to the development have been incurred or there has otherwise been a substantial change in position," the Applicant fails. First, pursuant to Attorney's Long's cover letter (as stated above), her clients purportedly relied on the County's approval of the rezoning of the Property when they purchased the property. Land purchase costs are specifically excluded for purposes of

determining the expenses spent in good faith reliance on a governmental action. Furthermore, in the Application, Attorney Long states that "[i]t should also be noted that a review of the documentation would clearly reveal that thousands of dollars have been spent on planning, engineering, and legal fees; however, given the succession [sic] of owners and the fact that almost 35 years have passed since the original approval by Orange County, copies of actual invoices and payment records for such services are not available." Even if there were expenditures other than land purchase costs, the County would clearly need proof of those expenditures in order to make a determination as to whether the Property would qualify for common law vesting.

The third portion of the test requires that "such obligations, expenses and change in position were undertaken by the property owner in good faith reliance on the actions taken by the county." As set forth above, the only expenses that the Applicant (the current property owner) has indicated that it has spent were the purchase cost of the Property; an expense that is specifically excluded for purposes of determining common law vesting. Furthermore, other than a rezoning, the approval of a temporary ticket booth, and the denial of a substantial change to the PD for industrial uses, the County has not taken any actions upon which the Applicant would have been entitled to rely. A rezoning alone does not operate to create vested rights in a property. Therefore, even if the expenses undertaken by the Applicant were valid, they would not have been entitled to rely in good faith on any action of the County when expending those funds.

Lastly, the final portion of the test states "it would be unfair to deny the property owner the opportunity to complete the project based on the project's effects on the levels of service as adopted by the comprehensive policy plan and implemented through the county concurrency management system." Again, the Applicant fails this portion of the test. Based on the documentation submitted, it appears the only thing the Applicant's predecessors in interest did with this Property (other than the residential portion) was to operate a borrow pit and install a temporary ticket booth. Those projects are presumably complete; if they are not, then they are still in operation and therefore no prohibition on the continuation of those projects has occurred. Applicant, on the other hand, is proposing a new use and a new project on the Property, one on which the County has not yet made a decision. Therefore, there is no project to complete because Applicant has not yet begun any project.

Even if the Property met the test for common law vesting, it would still be

Dean Stites
March 25, 2009
Page 4 of 4

subject to the requirement that it be continuing in good faith. Pursuant to Section 30-373(c)(4), "a vested rights certificate issued pursuant to section 30-372(d)(5) shall expire if and when such project ceases to be "continuing in good faith."" Typically, the County has interpreted this requirement to mean that at least one principal structure on a distinct parcel within the subject property has been completed every two (2) years. No documentation has been submitted to demonstrate that the "continuing in good faith" requirement has been met with regard to the Property.

For the reasons stated above, I recommend that the Application be denied. Should you have any questions, please do not hesitate to contact me.

cc: *all via electronic mail*
Chris Testerman, AICP, Director of Government Relations
Jim Harrison, Director, Growth Management Department
Renzo Nastasi, Manager, Transportation Planning Division
Susan E. Caswell, AICP, Manager, Planning Division
John Smogor, Planning Administrator, Planning Division
Mirna Barq, Project Manager, Transportation Planning Division
Joel Prinsell, Deputy County Attorney
Ivelisse Torres, Assistant Project Manager, Growth Management Fiscal & Administrative Services
Dina Becraft, Project Coordinator, Growth Management Fiscal & Administrative Services



April 9, 2009

Ms. Anna H. Long
Lowndes Drosdick Doster Kantor & Reed, P.A.
Post Office Box 2809
Orlando, Florida 32802-2809

**SUBJECT: Concurrency Vested Rights Application (CVRA) # 09-016
SHADOW PINES PLANNED DEVELOPMENT (PD)**

ACTION: DENIED

Dear Ms. Long:

We have reviewed the above referenced concurrency vested rights application (the "Application") that you submitted on behalf of Eastpark Ranch, LLC (the "Owner" or "Applicant"). The subject property consists of the following parcels within the Shadow Pines Planned Mobile Home Community: 26-22-32-1312-01-000 and 26-22-32-1312-01-061 (together, the "Property" or the "PD").

You requested that the Property be vested from transportation concurrency based on a theory of common law. In order to qualify for common law vested rights, a property owner must meet the test set forth in Section 30-372 of the Orange County Code. Section 30-372(d) of the Orange County Code states in part:

"...a development...shall be deemed to have been issued a final local development order and to have commenced and to be continuing in good faith...if (1) the development otherwise complies with and is allowed to proceed under all county ordinances and regulations and (2) the development meets at least one (1) of the following criteria:..."

Subsection (5) of that same Section, which codifies Orange County's common law vested rights doctrine, states:

"Any other project for which there is proof that as of December 2, 1991: a. A development order has been issued or the county has otherwise taken official action specifically with respect to development of the property; and

b. Extensive obligations or expenses (*other than land purchase costs* and payment of taxes) including, but not limited to, legal and professional expenses related directly to the development have been incurred or there has otherwise been a substantial change in position; and c. Such obligations, expenses and change in position were undertaken by the property owner in good faith reliance on the actions taken by the county; and d. It would be unfair to deny the property owner the opportunity to complete the project based on the project's effects on the levels of service as adopted by the comprehensive policy plan and implemented through the county concurrency management system." (emphasis added)

You included several items of supporting documentation with the Application including a copy of the BCC minutes from the meeting at which the rezoning of the Property to PD was approved; a letter from the Zoning Director to Mr. Thomas Liddell (DeWitt Excavating, Inc.) discussing the Development Review Committee's approval of Mr. Liddell's request to install a temporary ticket booth within the PD; a copy of the Land Use Plan stamped "received February 24, 1989;" and correspondence denying a request to install a temporary pugmill plant within the commercial tract of the PD.

In your cover letter, you state that your clients, the successors in interest to the original owners of the PD, relied in good faith on the County's zoning approvals when they purchased the Property and should therefore be granted common law vested rights. To wit: "In good faith reliance on the BCC approvals for the Shadow Pines PD, the successor Owners have since purchased property, which includes the Shadow Pines PD." (see paragraph 4 of your cover letter)

As stated above, in order to qualify for common law vested rights, a property owner must meet the test set forth in Section 30-372(d)(5) of the Orange County Code. As to the first part of the test, the County approved a rezoning for the Property. Under Section 163.3164 of the Florida Statutes, a rezoning is a "Development Order;" therefore, in theory, the first part of the test is met; however, as discussed below, a rezoning alone does not entitle a property to vested rights.

As to the second part of the test, "extensive obligations or expenses (other than land purchase costs and payment of taxes) including, but not limited to, legal and professional expenses related directly to the development have been incurred or there has otherwise been a substantial change in position," the Applicant fails. First, pursuant to your cover letter (as stated above), your clients purportedly relied on the County's approval of the rezoning of the Property when they purchased the property. Land purchase costs are specifically excluded for purposes of determining the expenses spent in good faith reliance on a governmental action. Furthermore, in the Application, you state that "[i]t should also be noted that a review of the documentation would clearly reveal that thousands of dollars have been spent on planning, engineering, and legal fees; however, given the succession [sic] of owners and the fact that almost 35 years have passed since the original approval by Orange County, copies of actual invoices and payment records for such services are not available." Even if there were expenditures other than land purchase costs, the County would clearly need proof of those expenditures in order to make a determination as to whether the Property would qualify for common law vesting.

The third portion of the test requires that "such obligations, expenses and change in position were undertaken by the property owner in good faith reliance on the actions taken by the county." As set forth above, the only expense that you have indicated that the Applicant (the current property owner) has incurred was the purchase cost of the Property; an expense that is specifically excluded for purposes of determining common law vesting. Furthermore, other than a rezoning, the approval of a temporary ticket booth, and the denial of a substantial change to the PD for industrial uses, the County has not taken any actions upon which the Applicant would have been entitled to rely. A rezoning alone does not operate to create vested rights in a property. Therefore, even if the expenses undertaken by the Applicant were valid, they would not have been entitled to rely in good faith on any action of the County when expending those funds.

Lastly, the final portion of the test states "it would be unfair to deny the property owner the opportunity to complete the project based on the project's effects on the levels of service as adopted by the comprehensive policy plan and implemented through the county concurrency management system." Again, the Applicant fails this portion of the test. Based on the documentation submitted, it appears the only development done by the Applicant's predecessors in interest on this Property (other than the residential portion) was operation of a borrow pit and installation of a temporary ticket booth. Those projects are presumably complete; if they are not, then they are still in operation and therefore no prohibition on the continuation of those projects has occurred. The Applicant, on the other hand, is proposing a new use and a new project on the Property, one on which the County has not yet made a decision. Therefore, there is no project to complete, because the Applicant has not yet begun any project.

SHADOW PINES PD
CVRA # 09-016
Page -4-
April 10, 2009

Even if the Property met the test for common law vesting, it would still be subject to the requirement that it be continuing in good faith. Pursuant to Section 30-373(c)(4), "a vested rights certificate issued pursuant to section 30-372(d)(5) shall expire if and when such project ceases to be "continuing in good faith." Typically, the County has interpreted this requirement to mean that at least one principal structure on a distinct parcel within the subject property has been completed every two (2) years. No documentation has been submitted to demonstrate that the "continuing in good faith" requirement has been met with regard to the Property.

If you should have any questions, please do not hesitate to contact our office at 407-836-5617.

Sincerely,



Dean Stites
Concurrency Management Official

DS/db


C: Mirna Barq, Project Manager, Transportation Planning Division
Whitney E. Evers, Assistant County Attorney, County Attorney's Office



COUNTY ATTORNEY'S OFFICE
THOMAS B. DRAGE, JR. County Attorney

201 South Rosalind Avenue - 3rd Floor
Reply To: Post Office Box 1393
Orlando, Florida 32802-1393
407-836-7320 ■ Fax 407-836-5888
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MEMORANDUM

TO: Chris Schmidt, Planner III, Growth Management, Planning Division
FROM: Whitney E. Evers, Assistant County Attorney 
DATE: July 31, 2009
SUBJECT: Consistency Vested Rights Application, Receipt #0080
Shadow Pines Planned Development
ACTION: Denial – Additional Information needed

You have requested a review of the above-referenced application for Consistency Vested Rights (the "Application") submitted by Attorney Anna Long on behalf of 40 Acres and a Mule, LLC and Eastpark Ranch, LLC (together, the "Owner" or "Applicant"). The subject property consists of the following parcels within the Shadow Pines Planned Mobile Home Community: 26-22-32-1312-01-000 and 26-22-32-1312-01-061 (together, the "Property" or the "PD").

The Applicant is requesting consistency vested rights based on a theory of common law. Section 30-363(d) of the Orange County Code states in part:

"...a development...shall be deemed to have been issued a final local development order and to have commenced and to be continuing in good faith...if (1) the development otherwise complies with and is allowed to proceed under all county ordinances and regulations and (2) the development meets at least one (1) of the following criteria:..."

Subsection (12) of that same Section, which codifies Orange County's common law vested rights doctrine with regard to consistency vested rights, states:

"Any other project for which there is proof that: a. A development order has been issued or the county has otherwise taken official action specifically with respect to development of the property; and b. Extensive obligations or expenses (other than land purchase costs

Deputy County Attorney

Joel D. Prinsell

Senior Assistant County Attorneys

Robert D. Guthrie

Edward M. Chew

Assistant County Attorneys

Roberta Alfonso

Linda Brehmer Lanosa

Henry Brown

Dana Crosby

P. Andrea DeLoach

George L. Dorsett

Whitney E. Evers

Wanzo Galloway, Jr.

Tamara L. Gappen

Tara L. Gould

Charles J. Hawkins, II

Peter A. Lichtman

John P. Lowndes

Lila I. McHenry

Vivien J. Monaco

Lynn P. Porter-Carlton

William Turner

Legal Administrative

Supervisor

Anna M. Caban

Sr. Paralegal

John P. Dougherty

Paralegals

Kimberly Cundiff

Joann Darnell, CP

Cathy Saravanja, CP

Maria Vargas, ACP

and payment of taxes) including, but not limited to, legal and professional expenses related directly to the development have been incurred or there has otherwise been a substantial change in position; and c. Such obligations, expenses and change in position were undertaken by the property owner in good faith reliance on the actions taken by the county; and d. It would be unfair to deny the property owner the opportunity to complete the project because of its inconsistency with the plan."

The Applicant included multiple items of supporting documentation including a copy of the BCC minutes where the rezoning of the Property to PD was approved; a letter from the Zoning Director to Mr. Thomas Liddell (DeWitt Excavating, Inc.) discussing DRC's approval of Mr. Liddell's request to install a temporary ticket booth within the PD; a copy of the Land Use Plan ("LUP") stamped "received February 24, 1989;" and correspondence denying a request to install a temporary pugmill plant within the commercial tract of the PD.

In her cover letter, Attorney Long states that her clients, the successors in interest to the original owners of the PD, relied in good faith on the County's approvals with regard to the PD when they purchased the Property and should therefore be granted common law vested rights. To wit: "In good faith reliance on the BCC approvals for the Shadow Pines PD, the successor Owners have since purchased property, which includes the Shadow Pines PD." (see the third to last paragraph of Applicant's cover letter)

As stated above, in order to qualify for common law vested rights, a property owner must meet the test set forth in Section 30-363(d)(12) of the Orange County Code. As to the first part of the test, the County approved a rezoning for the Property. Under Section 163.3164 of the Florida Statutes, a rezoning is a "Development Order;" therefore, technically, the first part of the test is met. However, a rezoning alone does not operate to create vested rights in a property. Furthermore, there is some question whether a rezoning is a government action "specifically with respect to development of the property." A rezoning, in and of itself, does not operate to allow "development of the property."

The second part of the test: "extensive obligations or expenses (other than land purchase costs and payment of taxes) including, but not limited to, legal and professional expenses related directly to the development have been incurred or

there has otherwise been a substantial change in position" is not met. First, pursuant to Attorney's Long's cover letter (as stated above), her clients purportedly relied on the County's approval of the rezoning of the Property when they purchased the property. Land purchase costs are specifically excluded for purposes of determining the expenses spent in good faith reliance on a governmental action.

Furthermore, in the Application and the cover letter, Attorney Long states that "[i]t should also be noted that a review of the documentation would clearly reveal that thousands of dollars have been spent on planning, engineering, and legal fees; however, given the succession of owners and the fact that almost 35 years have passed since the original approval by Orange County, copies of actual invoices and payment records for such services are not available." In lieu of actual invoices and receipts, Attorney Long provided an affidavit of Thomas D. Engel (the "Affidavit"), who she states "has been associated with the property since it was initially [sic] approved by the BCC as the Shadow Pines PD." Unfortunately, the Affidavit does not provide sufficient proof of the expenses undertaken in reliance on a County approval to meet the second part of the test for common law vesting. The Affidavit reiterates the fact that no actual invoices or payment records are available and then goes on to estimate the costs spent by the Applicant's predecessors in interest; some of which were spent prior to County approvals or in anticipation of County approvals and therefore, not eligible expenses for purposes of common law vesting. The County needs more concrete proof of those expenditures made in reliance on a valid County action in order to make a determination as to whether those expenditures would meet the second part of the test to qualify for common law vesting.

The third portion of the test requires that "such obligations, expenses and change in position were undertaken by the property owner in good faith reliance on the actions taken by the county." Based on the documentation provided, it appears the only actions the County has taken with regard to the Property consist of a rezoning, the approval of a temporary ticket booth, and the denial of a substantial change to the PD for industrial uses. A rezoning alone does not operate to create vested rights in a property and the approval of the ticket booth was explicitly a temporary approval and the last item was a denial of a substantial change. Therefore, even if the expenses discussed above that were spent by the Applicant were valid, they would not have been entitled to rely in good faith on any action of the County when expending those funds.

Lastly, the final portion of the test states "it would be unfair to deny the property owner the opportunity to complete the project because of its inconsistency with the plan." Again, the Applicant fails this portion of the test. Based on the documentation submitted, it appears the only thing the Applicant's predecessors in interest did with this Property (other than the residential portion) was to operate a borrow pit and install a temporary ticket booth. Those projects are presumably complete; if they are not, then they are still in operation and therefore no prohibition on the continuation of those projects has occurred. It is our understanding that the Applicant is proposing a new use and a new project on the Property, one on which the County has not yet had an opportunity to make a decision. Therefore, with regard to that new use, there is no project to complete because the Applicant has not yet begun any project.

Based on the foregoing, without further documentation meeting the requirements of the common law vesting test for consistency with the comprehensive plan, the Applicant, and therefore, the property, is not entitled to common law vesting. However, it appears that the Applicant may be entitled to vesting from consistency with the comprehensive plan based on their PD approval. Section 30-363(d)(4) of the Code states that a planned development is entitled to a vested rights certificate if "a. the land use plan has been approved; and b. a complete application for approval of a development plan for all or a substantial part of the project has been received or is received by the county no later than July 1, 1992; and c. the application for approval is granted."

Presumably, the land use plan was approved, as compliance with it was part of the conditions of approval of the rezoning to PD. However, we do not have copies of the specific approval of the land use plan, nor do we have any proof of an approved development plan prior to July 1, 1992. So, the Applicant would need to provide that documentation in order to proceed with consistency vesting based on the PD. Additionally, assuming the Applicant were able to prove that they are entitled to consistency vesting based on the PD, they would also need to provide proof, pursuant to Section 30-363(e), that the land use and development plans have not expired.

For the reasons stated above, I recommend that the Application be denied for common law consistency vesting. However, should the Applicant wish to proceed with vesting from consistency with the comprehensive plan based on their

Chris Schmidt
July 31, 2009
Page 5 of 5

PD approval they will need to provide the additional documentation set forth above. Should you have any questions, please do not hesitate to contact me.

cc: *all via electronic mail*
Chris Testerman, AICP, Director of Government Relations
Jim Harrison, Director, Growth Management Department
Renzo Nastasi, Manager, Transportation Planning Division
Susan E. Caswell, AICP, Manager, Planning Division
John Smogor, Planning Administrator, Planning Division
Mirna Barq, Project Manager, Transportation Planning Division
Joel Prinsell, Deputy County Attorney
Ivelisse Torres, Assistant Project Manager, Growth Management Fiscal &
Administrative Services
Heather Backus, Senior Permit Analyst, Growth Management Fiscal &
Administrative Services



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Orange County Attorney's Office
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August 25, 2009

Ms. Anna Long, Esq.
Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
215 North Eola Drive
Orlando, FL 32801

RE: Consistency Vested Rights Application, Receipt # 0080
40 Acres and a Mule, LLC
Parcel ID Numbers: 26-22-32-1312-01-000 and 26-22-32-1312-01-061

ACTION: DENIED – Additional Information Needed

Dear Ms. Long:

We have received and reviewed the Consistency Vested Rights Application (the "Application") that you submitted on behalf of Forty Acres and a Mule, LLC and Eastpark Ranch, LLC (hereafter, the "Applicant") for the property located within the Shadow Pines Planned Development ("PD") with parcel identification numbers 26-22-32-1312-01-000 and 26-22-32-1312-01-061 (together, the "Property").

You requested that the Property be vested from consistency with the comprehensive plan based on a theory of common law vested rights. In support of your request, you submitted various items of supporting documentation, including a copy of the BCC minutes where the rezoning of the Property to PD was approved; a letter from the Zoning Director to Mr. Thomas Liddell (DeWitt Excavating, Inc.) discussing the Development Review Committee's approval of Mr. Liddell's request to install a temporary ticket booth within the PD; a copy of the Land Use Plan ("LUP") stamped "received February 24, 1989;" and correspondence denying a request to install a temporary pugmill plant within the commercial tract of the PD.

Section 30-363(d)(12) of the Orange County Code, sets forth the test for common law vested rights for consistency with the comprehensive plan. That section states:

PLANNING DIVISION
SUSAN CASWELL, AICP, Planning Manager
201 South Rosalind Avenue, 2nd Floor ■ Reply To: Post Office Box 1393 ■ Orlando FL 32802-1393
Telephone 407-836-5600 ■ FAX 407-836-5862 ■ orangecountyfl.net



“Any other project for which there is proof that: a. A development order has been issued or the county has otherwise taken official action specifically with respect to development of the property; and b. Extensive obligations or expenses (other than land purchase costs and payment of taxes) including, but not limited to, legal and professional expenses related directly to the development have been incurred or there has otherwise been a substantial change in position; and c. Such obligations, expenses and change in position were undertaken by the property owner in good faith reliance on the actions taken by the county; and d. It would be unfair to deny the property owner the opportunity to complete the project because of its inconsistency with the plan.”

As stated above, in order to qualify for common law vested rights, a property owner must meet the test set forth in Section 30-363(d)(12) of the Orange County Code. As to the first part of the test, the County approved a rezoning for the Property. Under Section 163.3164 of the Florida Statutes, a rezoning is a “Development Order;” therefore, technically, the first part of the test is met. However, a rezoning alone does not operate to create vested rights in a property. Furthermore, there is some question whether a rezoning is a government action “specifically with respect to development of the property.” A rezoning, in and of itself, does not operate to allow “development of the property.”

The second part of the test: “extensive obligations or expenses (other than land purchase costs and payment of taxes) including, but not limited to, legal and professional expenses related directly to the development have been incurred or there has otherwise been a substantial change in position” is not met. First, pursuant to your cover letter (as stated above), your clients relied on the County’s approval of the rezoning of the Property when they purchased the Property. Land purchase costs are specifically excluded for purposes of determining the expenses spent in good faith reliance on a governmental action.

Furthermore, in the Application and the cover letter, you stated that “[i]t should also be noted that a review of the documentation would clearly reveal that thousands of dollars have been spent on planning, engineering, and legal fees; however, given the succession of owners and the fact that almost 35 years have passed since the original approval by Orange County, copies of actual invoices and payment records for such services are not available.” In lieu of actual invoices and receipts, you provided an affidavit of Thomas D. Engel (the “Affidavit”), who you state “has been associated with the property since it was initially [sic] approved by the BCC as the Shadow Pines PD.” Unfortunately, the Affidavit does not provide sufficient proof of the expenses undertaken in reliance on a

PLANNING DIVISION

SUSAN CASWELL, AICP, *Planning Manager*

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County approval to meet the second part of the test for common law vesting. The Affidavit reiterates the fact that no actual invoices or payment records are available and

then goes on to estimate the costs spent by your client's predecessors in interest; some of which were spent prior to County approvals or in anticipation of County approvals and therefore, are not eligible expenses for purposes of common law vesting. The County would need more concrete proof of those expenditures made in reliance on a valid County action in order to make a determination as to whether those expenditures would meet the second part of the test to qualify for common law vesting.

The third portion of the test requires that "such obligations, expenses and change in position were undertaken by the property owner in good faith reliance on the actions taken by the county." Based on the documentation provided, it appears the only actions the County has taken with regard to the Property consist of a rezoning, the approval of a temporary ticket booth, and the denial of a substantial change to the PD for industrial uses. A rezoning alone does not operate to create vested rights in a property; the approval of the ticket booth was explicitly a temporary approval; and the last item was a denial of a substantial change. Therefore, even if the expenses discussed above that were spent by your client were shown to be valid for common law vesting purposes, there hasn't been any evidence of an action of the County which your client would have been entitled to rely upon in good faith when expending those funds.

Lastly, the final portion of the test states, "it would be unfair to deny the property owner the opportunity to complete the project because of its inconsistency with the plan." Again, this portion of the test is not met. Based on the documentation submitted, it appears the only thing your client's predecessors in interest did with this Property (other than the residential portion) was to operate a borrow pit and install a temporary ticket booth. Those projects are presumably complete; if they are not, then they are still in operation and therefore no prohibition on the continuation of those projects has occurred. It is our understanding that your client is proposing a new use and a new project on the Property, one on which the County has not yet had an opportunity to make a decision.

Based on the foregoing, without further documentation meeting the requirements of the common law vesting test for consistency with the comprehensive plan, the Property is not entitled to common law vesting. However, it appears that the Property may be entitled to vesting from consistency with the comprehensive plan based on the PD approval. Section 30-363(d)(4) of the Code states that a planned development is entitled to a vested rights

PLANNING DIVISION

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certificate if "a. the land use plan has been approved; and b. a complete application for approval of a development plan for all or a substantial part of the project has been received or is received by the county no later than July 1, 1992; and c. the application for approval is granted."

Presumably, the LUP was approved, as compliance with it was part of the conditions of approval of the rezoning to PD. However, we do not have copies of the specific approval of the LUP, nor do we have any proof of an approved development plan prior to July 1, 1992. So, you would need to provide that documentation in order to proceed with consistency vesting based on the PD. Additionally, assuming you were able to prove that the Property is entitled to consistency vesting based on the PD, you would also need to provide proof, pursuant to Section 30-363(e), that the land use and development plans have not expired.

For the reasons stated above, the Application is denied for common law consistency vesting. However, should you wish to proceed with vesting from consistency with the comprehensive plan based on the PD approval you will need to provide the additional documentation set forth above.

Should you have any questions, please do not hesitate to contact our office at 407-836-5600.

Sincerely,

A handwritten signature in blue ink that reads "Susan E. Caswell".

Susan E. Caswell, AICP
Planning Manager

Cc: *electronically*

Whitney E. Evers, Assistant County Attorney, Orange County Attorney's Office