

Interoffice Memorandum

DATE: March 18, 2026

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: N/A

FROM: Tanya Wilson, AICP, Director Planning, Environmental, and Development Services Department

CONTACT: Nicolas Thalmueller, AICP, DRC Chairman

PHONE: (407) 836-5523

DIVISION: Development Review Committee Office

ACTION REQUESTED:

Uphold the Development Review Committee (DRC) action of January 28, 2026, 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). District 5.

PROJECT: Shadow Pines Planned Development (PD), DRC Appeal (DRCA-25-09-214)

PURPOSE: 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).

On March 26, 1974, the BCC approved the Shadow Pines PD Land Use Plan. As part of this approval, the Subject Property was rezoned from R-T (Mobile Home Park District) to PD (Planned Development District) and was approved for 450 mobile home units and 1.83 acres of commercial property. The PD Land Use Plan was approved as part of a "Preliminary Development Plan" with eight (8) supporting exhibits.

On May 9, 2025, the Applicant submitted Transportation Concurrency and Consistency Vested Rights Application No. TCVRC-25-05-017 (the "Application"), for the Shadow Pines PD. On July 14, 2025, the Orange County Planning Division reviewed the Application and determined the property to be inconsistent with the Comprehensive Plan. The applicant appealed the Vest Rights application denial. The appeal was initially heard at the October 22, 2025 DRC meeting. At the meeting, the Applicant provided additional documentation that the Applicant believed provided a legal basis for vesting the Subject Property.

The DRC agreed to postpone the item at its October 22nd meeting to allow the applicant to submit a new or updated vested rights application incorporating the new information presented. On November 17, 2025, the Applicant provided a Supplemental Justification Statement as part of an updated vested rights application pursuant to the discussions held at the October 22nd DRC meeting. The Supplemental Justification Statement restates the Applicant's original argument for vesting under Sect. 30-363(d)(4), County Code. In addition, the Supplemental Justification Statement provides a new argument for vesting on the basis of equitable estoppel. The appeal was heard again at the January 28, 2026 DRC Meeting and the DRC decided to uphold the denial of the vested rights application.

BUDGET: N/A