

# Shadow Pines PD Vested Rights Application

# Shadow Pines Planned Development

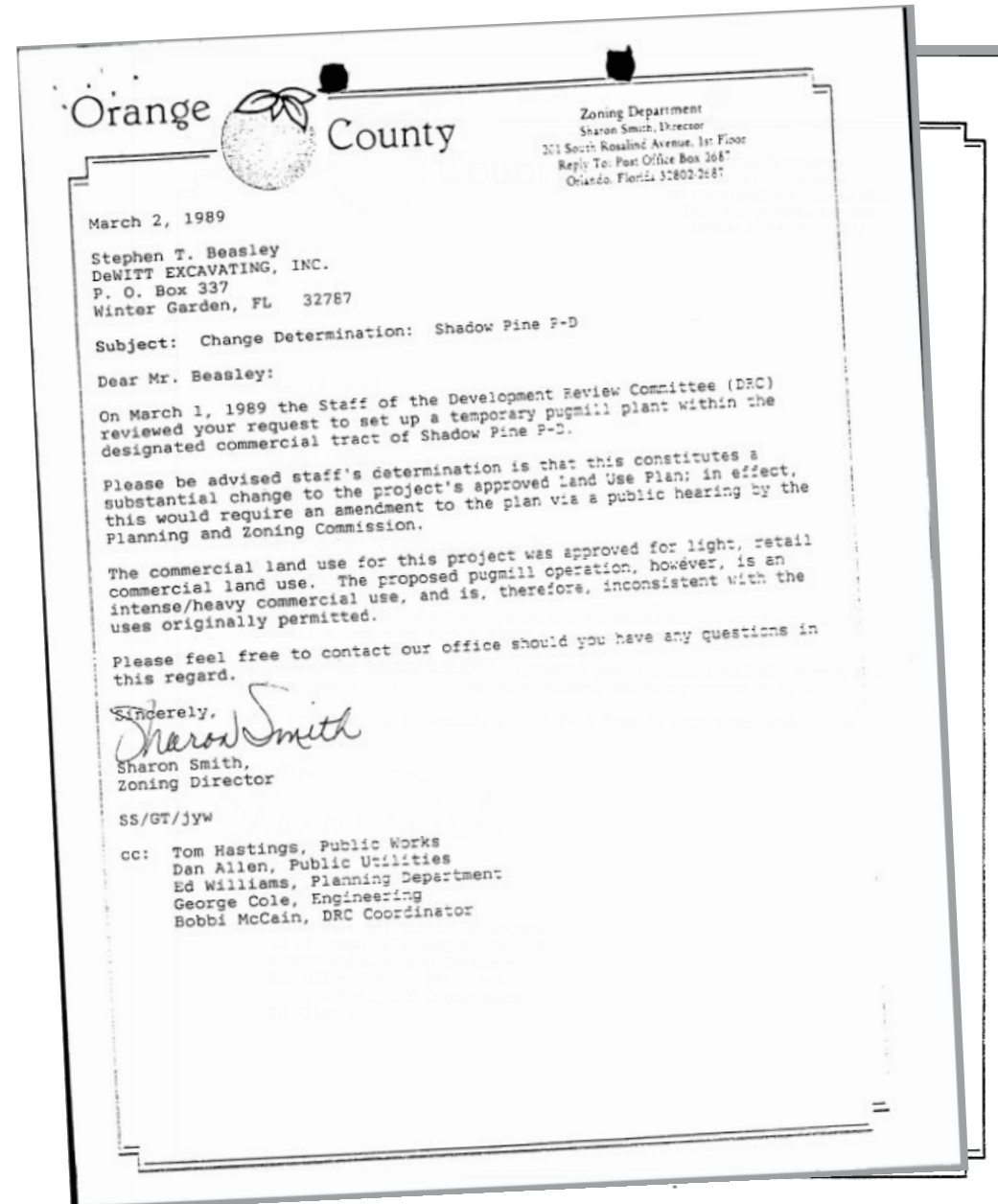
- March 26, 1974: The Orange County Board of County Commissioners approves Shadow Pines with a PDP and a LUP consisting of 450 residential mobile home units and a 1.83-acre commercial site.



<u>Land Use</u>	<u>Acres</u>
1. Road ROW	3.03
2. Parks	4.42
3. Greenbelts	6.08
4. Residential	55.29
<b>TOTAL</b>	<b>68.82 G. R. A.</b>
Commercial	1.83 (20,000 sq. ft. building space)
Utilities	1.37
Lake	3.03
<b>TOTAL</b>	<b>73.05 Acres</b>
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

# Beginning a Pattern of Recognition:

- Feb 17, 1988: Development Review Committee utilized the PD to approve a CDR to install a temporary ticket booth.
- March 2, 1989: Development Review Committee again utilized the PD to deny a CDR.



# Continued Assurances from Orange County

May 11, 2000: Orange County staff acknowledge Shadow Pines includes commercial uses and was valid for approved development.

October 4, 2000: Staff once again recognize an entitlement to be developed.

In denying a newly submitted Land Use Plan for all parcels – not just Shadow Pines PD – staff reasoned ***this proposal would eliminate Shadow Pines PD's prior approval.***

August 25, 2009: A previous owner attempts to develop the Property as a drive-in. Applying Orange County Code Sec. 30-363(d)(12), the County determined “Additional Information needed”.

July 2019: A BZA staff report describing a neighboring special exception states: **[Shadow Pines PD] allows mobile homes and commercial uses.**

2021: The current owners acquired the Property in good faith based on previously confirmed entitlements.

February 14, 2023: A County Planning Administrator confirmed the following:

A PD rezoning doesn't expire, and it predated the comprehensive plan so technically its 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



February 22, 2023: The County tells an appraiser the following:

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.

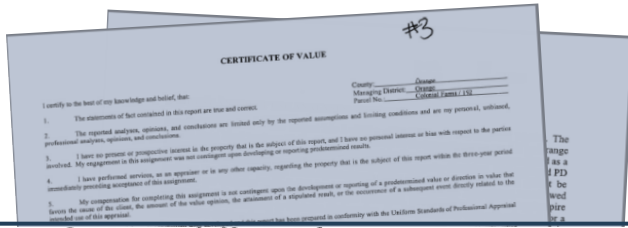
I've also copied Ted Kozak on this response.

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



# Continued Assurances from Orange County

On January 25, 2024, Orange County offered to purchase the property based on an appraisal that assumed Shadow Pines was developable:



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

Market value should be allowed as follows:

LAND	\$ 780,100	LAND AREA (Acres)	11.24 Acres
IMPROVEMENTS	\$ 0	PROPERTY TYPE	Agricultural / Rural Residential
NET MANAGER BAKR COST TO CURE	\$ 0		
TOTAL	\$ 780,100		

February 2, 2024

APPRASER:  
Robert W. Somers, Jr., Vice President  
State Certified General Real Estate Appraiser R21736

On May 1, 2025, the County emailed the publication *GrowthSpotter* to clarify what the Shadow Pines PD allows:

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



That email also contains research done by Planning Manager for Orange County:

From: Thalmueller, Nicolas M <Nicolas.Thalmueller@ocfl.net>  
Sent: Thursday, May 1, 2025 11:45 AM  
To: Moreau, Jennifer C <Jennifer.Moreau@ocfl.net>

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 of all of the properties is located in the attached PDF. All of the properties are located in the Urban Growth Overlay (UGO) area (UGO) 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 to RA for a mobile home park that was never constructed. While PDs don't ever expire, the PDs 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 remaining 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, by summary, all of the parcels are zoned Rural on the Future Land Use Map, 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 eligible for rezoning and agricultural zoning. The first two parcels are zoned A-2 (Premier Rural District), and it looks like two of the 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) on the Shadow Pines PD for a 400 unit mobile home park. A 1.8 acre commercial component. Although, it doesn't look like that was ever developed. It looks like in 2006, parcel 26-22-32-1312-03-010 was rezoned to PD and the shadow pines PD for a new development, but that application was withdrawn and never approved.

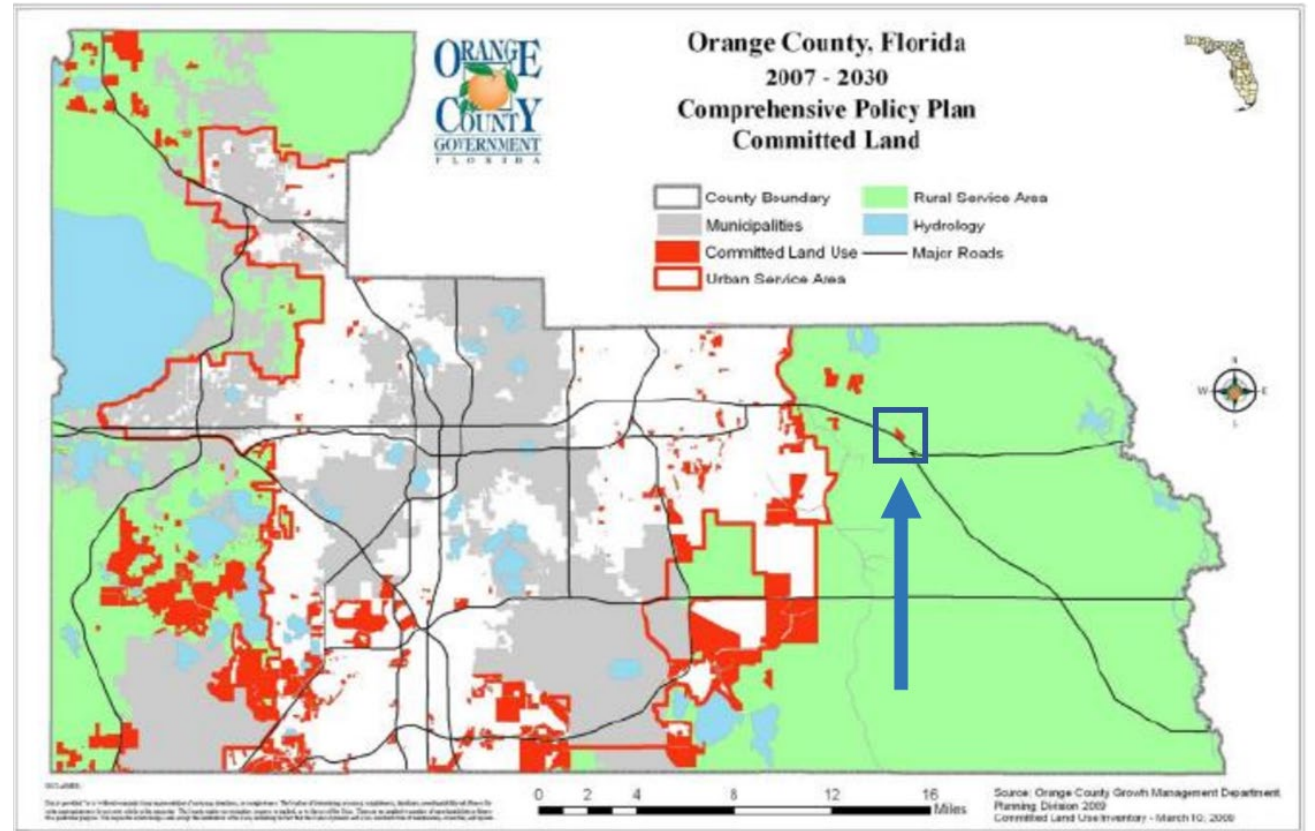
While PDs don't ever expire, the Rural FLUM and location of the property mean they could move forward with development of that mobile home park but would not be eligible to change their entitlements to anything else. The rest of the future parcels are straight Rural Land Use and Agricultural Zoning.

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



# The FLU Map Confirms It: Shadow Pines Is Valid

- The County's own Comprehensive Plan designates the Property as "Committed Land": a classification that presumes the PD is valid.
- By the County's own definition, "Committed Land" means an approved Planned Development with development still to be built. Shadow Pines PD fits squarely within that definition.



# Fifty Years of Reliance Demand Recognition

## Our Request

We ask the County to formally recognize Shadow Pines PD as a vested development.

For over fifty years, the County has consistently treated Shadow Pines PD as valid through its official actions and public statements.

Developers and investors have relied in good faith on the County's word and made significant financial commitments accordingly.

Changing course now would conflict with the County's own rules and could result in legal claims against the County. We ask that the County stand by its prior commitments and confirm Shadow Pines PD's validity.

## Legal Basis

Both County ordinances and established common law compel recognition of Shadow Pines PD's vested rights.

The Orange County Code mandates issuance of a vested rights certificate for any PD received by the County prior to 1992. *Orange Cnty. Code § 30-363(d)(4) and (12)*.

The Orange County Comprehensive Plan independently requires the County to honor vested rights arising under common law. *See FLU 8.5.3*.

Under Florida's equitable estoppel doctrine, a property owner's rights vest when three elements are satisfied:

- (1) the government makes a clear and definite representation;
- (2) the property owner relies on that representation in good faith; and
- (3) the owner incurs substantial obligations or expenditures in reliance.

Shadow Pines PD satisfies each element. Orange County's approvals and representations created a "legitimate claim of entitlement"-not a mere unilateral expectation. *Board of Regents of State Colleges v. Roth*, 408 U.S. 564, 92 S. Ct. 2701 (1972).

## Recapping the History of Shadow Pines PD:

- 1974: PD approved.
- 1988: The County recognizes the PD's use via a change determination.
- 1988: The County denies a change determination, but recognizes the PD's use in writing.
- 2000: The County confirmed in writing on two separate occasions that Shadow Pines PD is entitled to be developed.
- 2019: A staff report recognizes in writing that “[Shadow Pines PD] allows mobile homes and commercial uses.”
- 2021: Current owner purchases based on existing entitlements.
- Feb 14, 2023: The County confirms “[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.”
- Feb 22, 2023: The County states “[t]he 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.”
- July 2024: Current owner hires a consulting firm based on the County's statements.
- May 2024: Current owner hires a planning firm based on the County's statements.
- May 2025: A prospective buyer conducts due diligence with the County and the County confirms: “... so long as you remain a PD, you should be able to develop a mobile home community.”
- May 2025: Relying County's assertions, an ~\$11 Million LOI for the sale of the property is entered into.
- June 2025: The new Orange Code and Vision 2025 still allow the PD's vested use.

# The Coming Orange Code Provides for PD Zoning

- On June 3, 2025, Orange County voted to approve Vision 2025 and the new Orange Code-both of which expressly designate the Property as Planned Development (PD).
- By adopting this zoning map, the Board of County Commissioners has already confirmed that Shadow Pines PD is valid: recognition now is simply honoring that commitment.

251 BAXTER RD, Orlando, FL 32820

Zoning Property Details Layers

**PROPOSED ORANGE CODE ZONING**

**Alert:** This property is part of a Planned Development (PD) that is regulated by the approved land use plan and associated development and/or subdivision plans. Please contact the Planning Division at 407-836-5321 for more information.

Zoning District: PD  
Orange Code Feedback: Comment Form  
Existing Zoning: Zoning Map

**VISION 2050**

- Econlockhatchee River Protection Area
- Rural (Place Type/Future Land Use)
- Rural Sector
- Soil Hydric Rating - Moderately Well Drained
- Soil Hydric Rating - Poorly Drained
- Soil Hydric Rating - Very Poorly Drained

**ADDITIONAL ZONING INFORMATION**

- Existing PD: Shadow Pines
- Rear setback may differ if abutting an alley

**BUILDING INTENSITY**

Maximum Building Height (Stories): 0

