

ORANGE



COUNTY
FLORIDA

Meeting and Public Hearing

April 7, 2026

Board of County Commissioners

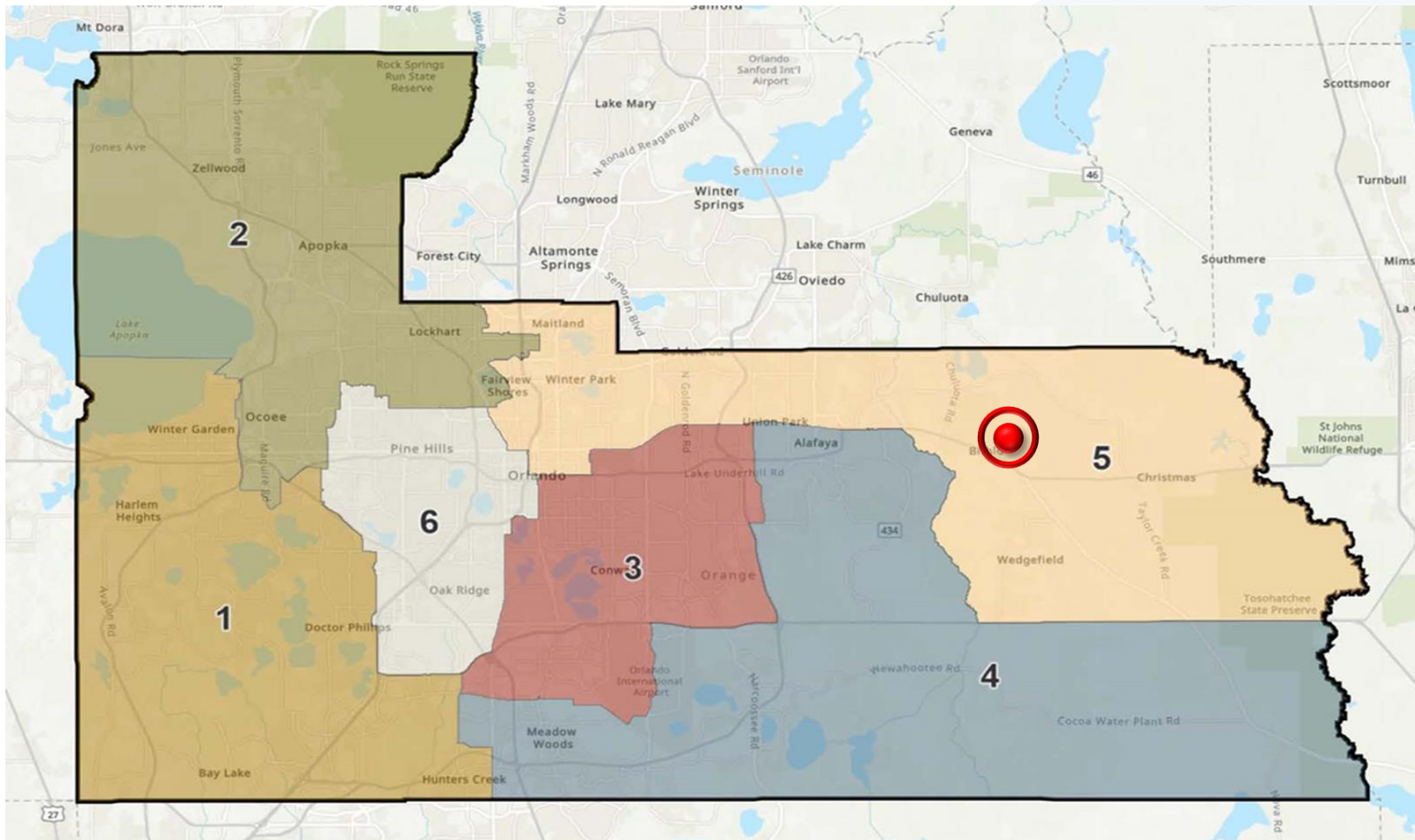
Board of County Commissioners

D. Development Review Committee Appeal

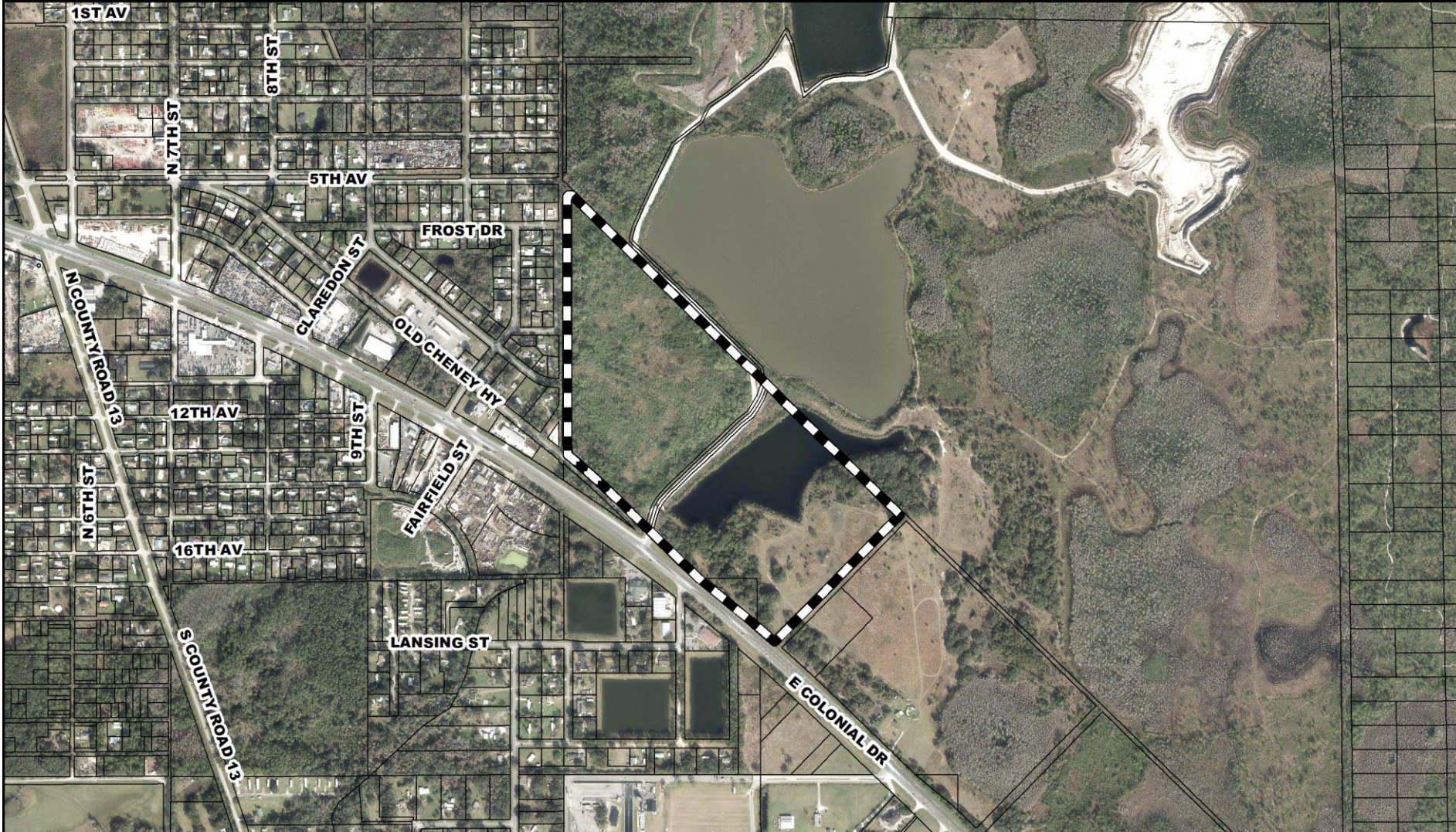
Shadow Pine Planned Development (PD)

Case:	DRCA-25-09-214
Appellant:	M. Rebecca Wilson, Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
Location:	Generally located north of East Colonial Drive and east of Baxter Road.
District:	5
Request:	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).

DISTRICT MAP

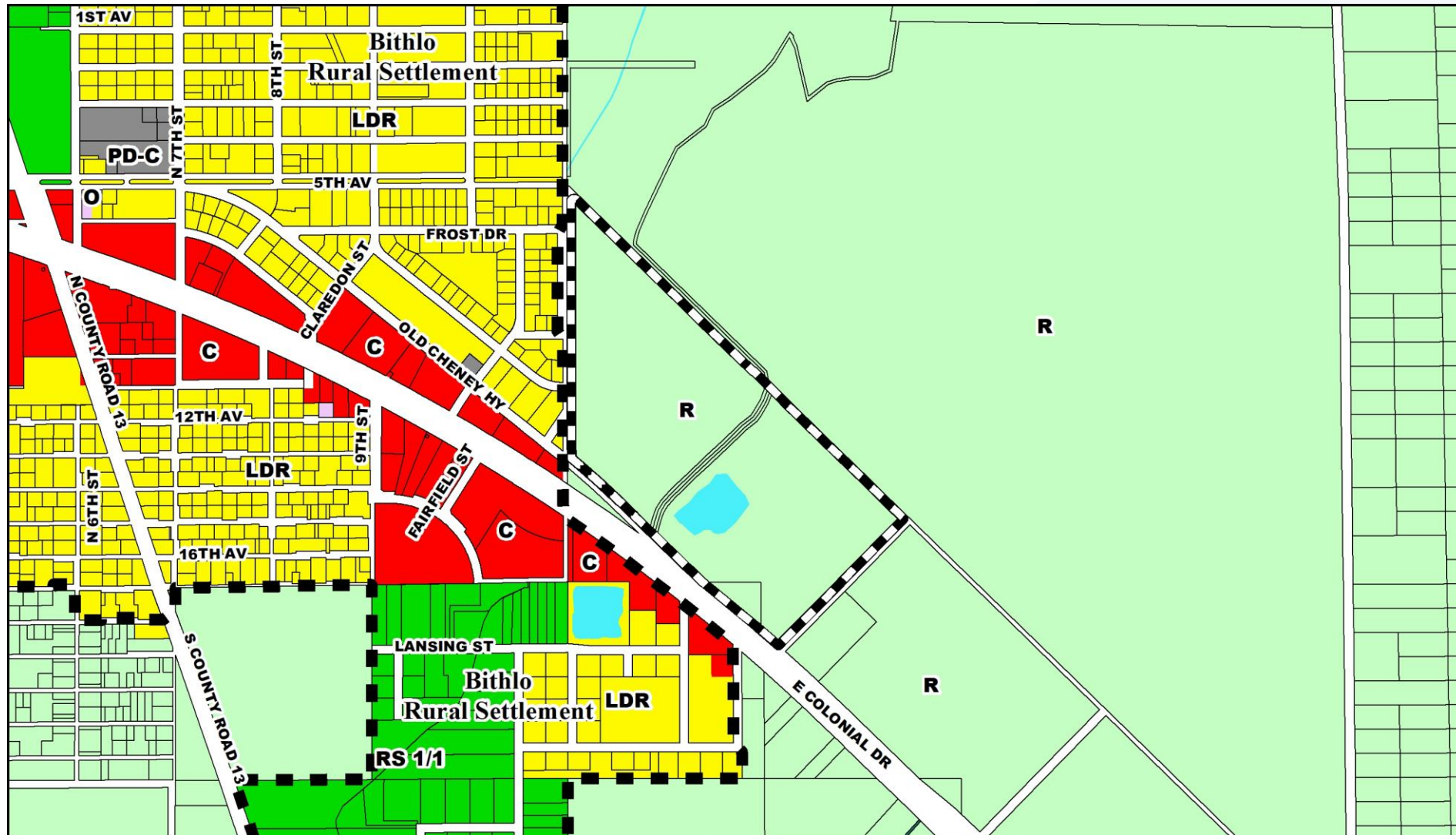


Shadow Pine Planned Development (PD) Aerial

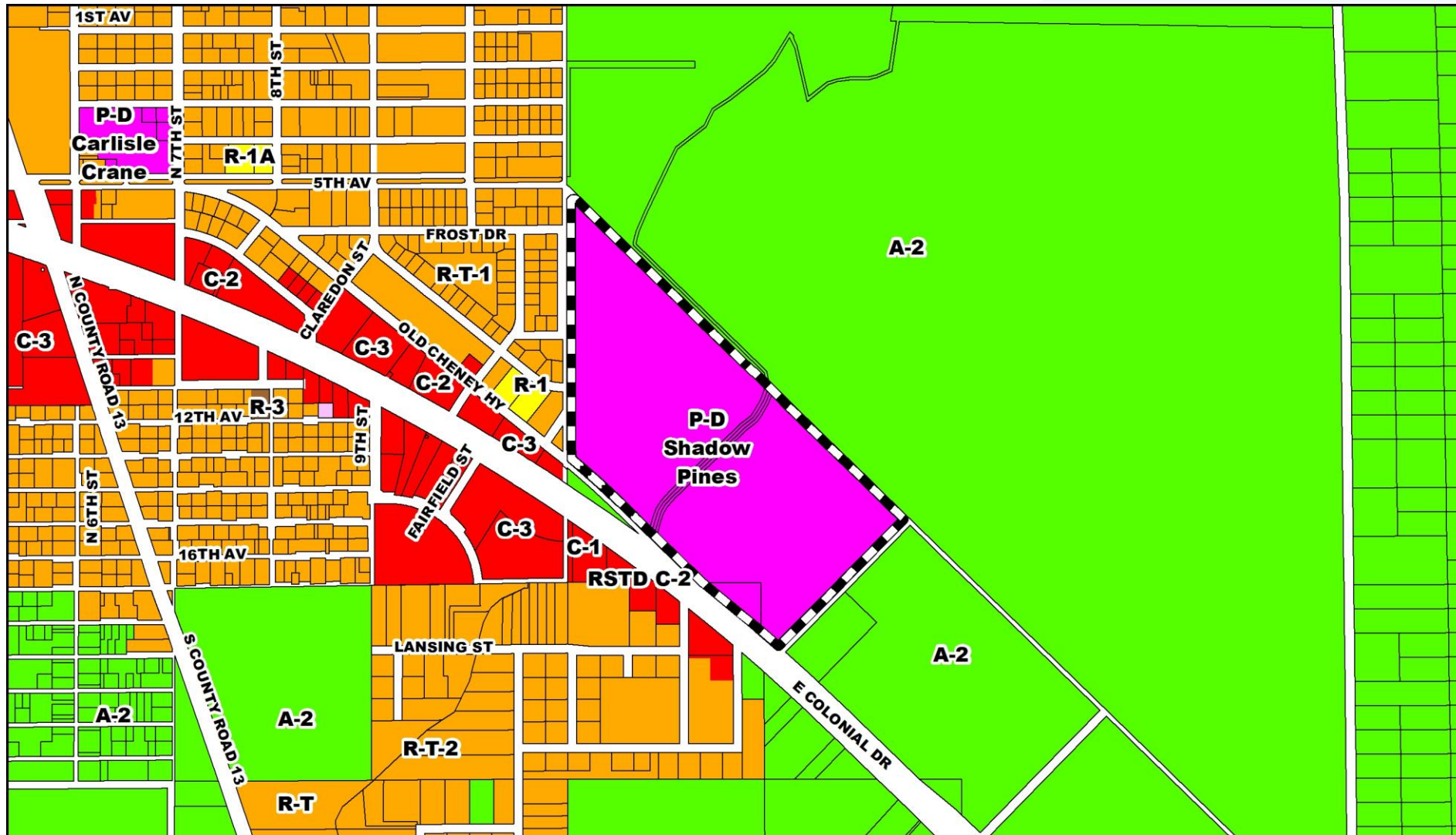


Shadow Pine Planned Development (PD)

Future Land Use

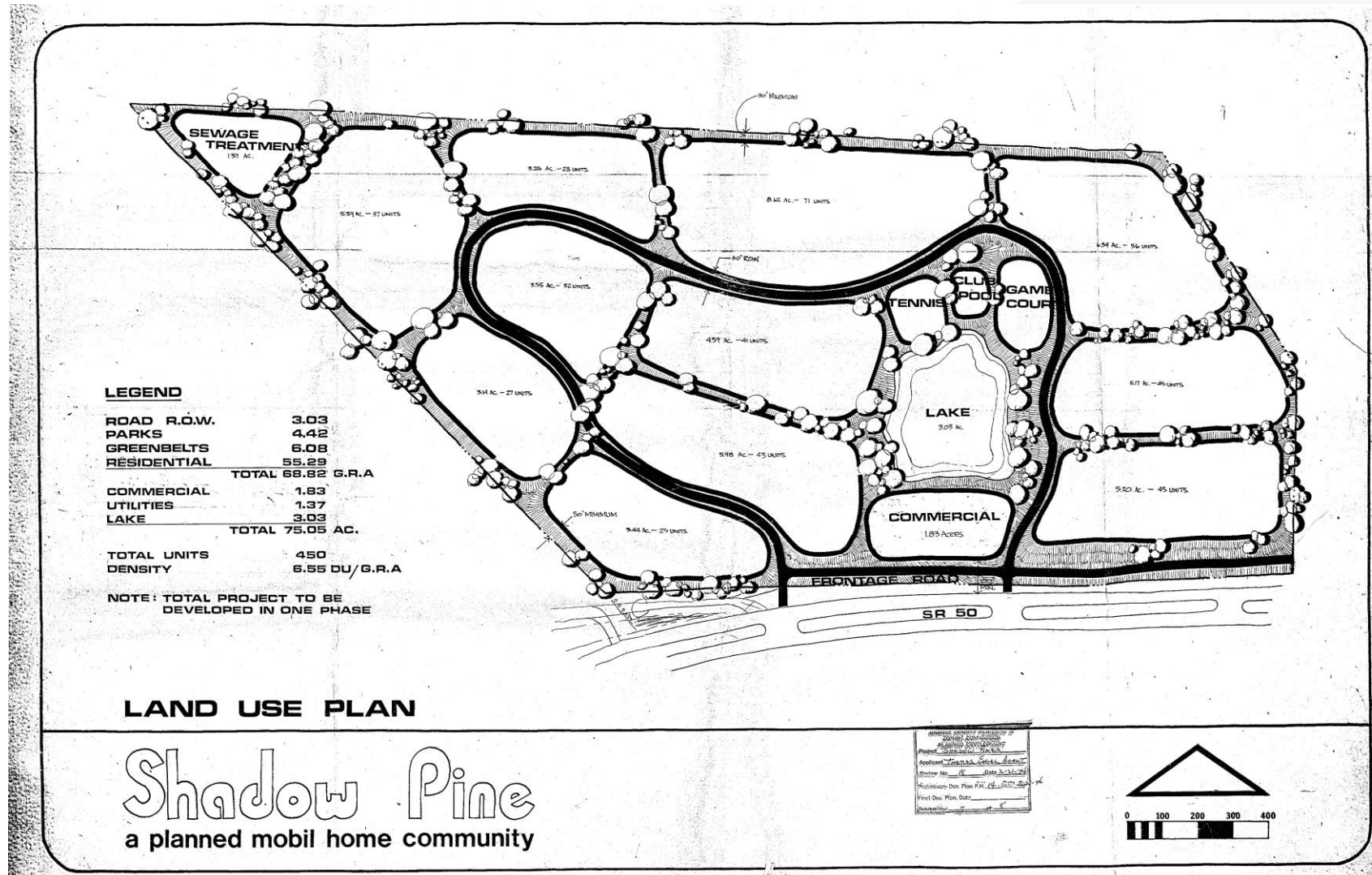


Shadow Pine Planned Development (PD) Zoning



Shadow Pine Planned Development (PD)

Overall Land Use Plan



Shadow Pines PD - History

March 26, 1974 - Land Use Plan approved

- Subject property rezoned from R-T (Mobile Home Park District) to PD (Planned Development District)
- Approved for 450 mobile home units + 1.83 acres of commercial and utility property.

February 11, 1988 - DRC approved CDR to install a temporary ticket booth within Shadow Pines PD re: borrow pit operations.

- County Staff memo references subject Property as a “vacant PD (Shadow Pines) [approved] 3/26/74. . . NO Dev. Plan app’l.”
- DRC approval states that the approval shall expire when (1) the related borrow pit permit expires or (2) when development occurs, whichever is first.

March 2, 1989 – CDR to set up a temporary pugmill plant in commercial area of PD. Zoning Director opines that request is “inconsistent with the uses originally permitted.” The request was denied as inconsistent by the DRC.

- Neither CDR approved or implemented the 450-unit mobile home park/1.83-acre commercial development program.

Shadow Pines PD - History

July 15, 1991 - Comprehensive Plan effective (Ord. No. 1991-16) pursuant the Local Government Comprehensive Planning and Land Development Regulation Act.

- Shadow Pines PD Property assigned 'Rural' Future Land Use designation.

September 19, 1991 - Consistency Vested Rights Ordinance effective (Ord. No. 1991-18)

- Established a procedure for determining whether a property owner possessed vested rights to continue development notwithstanding inconsistency with the Comprehensive Plan.

July 1, 1992 – Deadline for receiving application for development plan to obtain vesting for PD under Consistency Vested Rights Ordinance

- No development plan submitted and no development occurred on property as related to original Land Use Plan approval

March-August 2009 - Shadow Pines PD applications for consistency and concurrency vested rights based on equitable estoppel denied.

Shadow Pines PD - Current Application

May 9, 2025 - Applicant submitted Transportation Concurrency and Consistency Vested Rights Application No. TCVRC-25-05-017 (“Application”)

- The Application sought a vested rights certificate based on the Applicant’s contention that Shadow Pines PD qualified for consistency vesting under Sect. 30-363(d)(4), County Code.

July - August 2025 - Orange County Planning Division and County Attorney’s Office review Application and issue decision.

- July 14th – Planning Division determined Subject Property to be inconsistent with Comprehensive Plan.
- July 29th – County Attorney’s Office issued a memorandum recommending denial of the Application.
- Aug. 4th – Planning Division issued denial letter incorporating CAO’s recommendation.

August 29, 2025 - Applicant appeals Planning Division’s denial letter to DRC per Sect. 30-387, County Code.

October 22, 2025 - Appeal considered by DRC.

- Applicant submitted additional materials at the DRC meeting in support of vesting. DRC postponed the appeal and allowed the Applicant to submit additional justification materials.

Shadow Pines PD - Current Application

November 18, 2025 - Applicant submitted a Supplemental Justification Statement in support of the Application.

- Applicant restates original argument and also asserts an alternative basis for vesting under principles of equitable estoppel.

January 28, 2026 - DRC continues consideration of the appeal. DRC votes to uphold staff's denial of the Application after review of the supplemented record, including the Applicant's supplemental justification and legal analyses presented by staff and the County Attorney's Office.

January 30, 2026 - Applicant appeals DRC's decision to the BCC.

Basis for Upholding Denial of Application

The record does not establish receipt by 7/1/1992 of a complete development plan application, or approval of such application.

Planning Division's denial and the DRC's January 28, 2026 decision upholding that denial are therefore consistent with County Code.

1. Applicant has not established entitlement to consistency vesting for a planned development (PD) under Section 30-363(d)(4)
2. Applicant has not established entitlement to consistency vesting under an equitable estoppel or common law theory
3. Applicant's additional theories do not establish entitlement to a vested rights certificate in this proceeding.

Basis for Upholding Denial of Application

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

Section 30-363(d)(4), Orange County Code states “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 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.”

Basis for Upholding Denial of Application

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

Section 30-363(d)(4), Orange County Code states “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 - LUP was approved on March 26, 1974.
- b. A complete application for approval of a development plan all or a substantial part of the project has been received by no later than July 1, 1992; and - No development plan application was submitted by this date.
- c. The application for approval is granted.” - Per above statement, no DP application was submitted or approved by July 1, 1992.

Because elements b. and c. are missing, Section 30-364(d)(4) is not satisfied.

Basis for Upholding Denial of Application

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

Applicant's Justification Statements state that 1974 approval, as part of a 'Preliminary Development Plan' 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 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).

However, Orange County Code and surrounding history for Shadow Pines PD disprove Applicant's arguments.

- Sect. 30-363(d)(4) clearly distinguishes between approval of "land use plan" and later received/approved "development plan" by a specified deadline.
- The later borrow-pit related actions were temporary and did not implement the approved mobile home park/commercial development.

Basis for Upholding Denial of Application

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

Orange County provides for consistency vesting on basis of equitable estoppel principles per Section 30-363(d)(12) for a 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; an
- 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 its inconsistency with the plan.

Basis for Upholding Denial of Application

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

At a minimum, good faith reliance is not established.

*“Such obligations, expenses, and change in position were undertaken by the property owner in **good faith reliance** on the actions taken by the county”*

Section 30-362 defines “good faith” and provides that good faith shall not encompass ignorance of the law, mistake of law, circumvention of legal requirements, or delay resulting from neglect or lack of diligence.

Applicant relies primarily on statements attributed to County staff between 2019 and 2025 to support its argument re: vesting under equitable estoppel principles.

Even assuming those statements were made as characterized by the Applicant, they do not overcome the County’s vested rights ordinance criteria. 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.

Basis for Upholding Denial of Application

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

“Such obligations, expenses, and change in position were undertaken by the property owner in good faith reliance on the actions taken by the county”

The broader regulatory history also disproves the Applicant’s position.

- The original PD approval occurred in 1974.
- No record of development occurring with respect to the mobile home park and ancillary commercial uses originally approved.
- The County adopted its Comprehensive Plan and vested-rights ordinance in 1991.
- Prior consistency and concurrency vested-rights applications for Shadow Pines based on equitable-estoppel principles were denied by the County in 2009.

Therefore, the record does not sufficiently establish the (d)(12) elements and does not establish good-faith reliance.

Basis for Upholding Denial of Application

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

- A. Transportation Concurrency – Evaluated under separate standards in Section 30-372, County Code. The current application materials, as summarized in the report, do not demonstrate entitlement under any of the development categories set forth in that section.
- B. Negligent Misrepresentation - This argument does not establish entitlement to a vested rights certificate under Section 30-363, County Code and is not applicable to the standards of the County's vested-rights ordinance.
- C. Bert J. Harris or Takings Claims - This argument does not establish entitlement to a vested rights certificate under Section 30-363, County Code and is not applicable to the standards of the County's vested-rights ordinance.

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.

Summary

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 because:

1. 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. The record does not establish receipt and approval of a complete application for approval of a development plan, for all or a substantial part of the project, by July 1, 1992.
2. Applicant has not successfully established an alternative basis for vesting under Section 30-363(d)(12) based on equitable estoppel or common-law vesting principles. The record does not establish good-faith reliance by the Applicant in light of the County's vested rights ordinance and the broader regulatory history of the project.
3. Applicant's additional arguments do not provide a basis to reverse the denial of the requested vested rights certificate in this proceeding.

ACTION REQUESTED

DRC Recommendation

- **Make a finding to 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

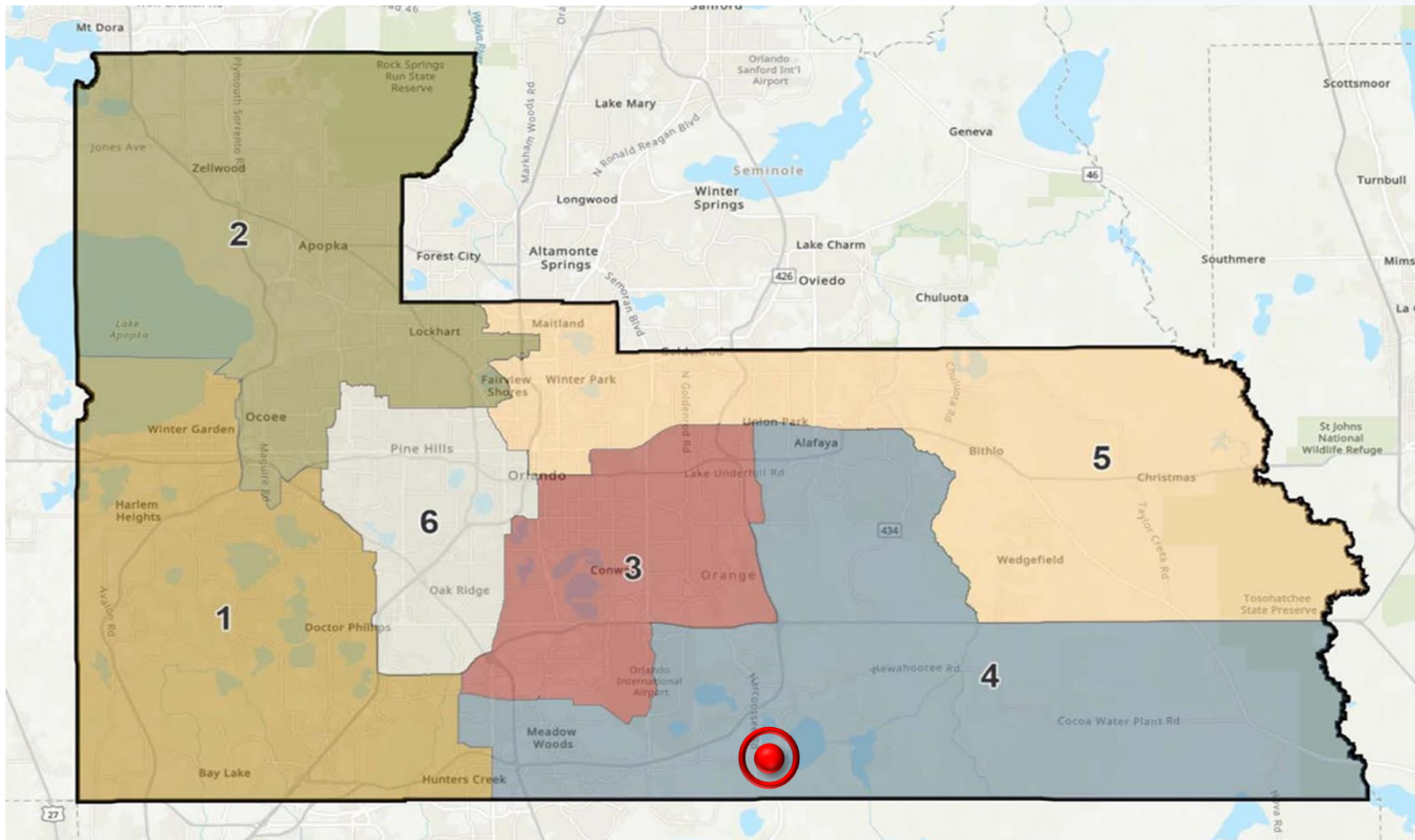
Board of County Commissioners

E. Preliminary Subdivision Plan

Eagle Creek Planned Development (PD) / Parcel O-1 Preliminary Subdivision Plan (PSP)

Case:	PSP-25-08-192
Applicant:	John Prowell, VHB, Inc.
District:	4
Acreage:	10.64 gross acres
Location:	Generally located south of Tyson Road, east of Narcoossee Road, west of Kirby Smith Road, and north of Eagle Creek Sanctuary Boulevard.
Request:	<i>This case was continued from the January 27, and March 10, 2026 BCC Public Hearing.</i> To subdivide Parcel O-1 into 17 single-family lots, and to modify Golf Course Hole 5 by adding a dry retention pond. In addition, a waiver from Orange County Code Section 34-152(c) is requested to allow the 20 ft. frontage for SW-1 to be along Emerson Lake Boulevard, in lieu of the required access from an internal subdivision street (Street A).

DISTRICT MAP



Eagle Creek Planned Development (PD) / Parcel O-1 Preliminary Subdivision Plan (PSP)

Approved Land Use Plan

SITE DATUM
GENERAL INFORMATION
Existing Land Use: Mixed Use Community
Proposed Land Use: Mixed Use
Future Land Use: PD-LDR/LMDR/C/INST/PR-OS/CON
Current Zoning: PD (Eagle Creek)
Proposed Phasing: Multiple Phases

ACREAGE
Gross Acreage: ± 1,236.2 acres
Wetlands/Conservation: ± 148.9 acres
(All acreages regarding wetlands and wetland buffers are considered approximate until finalized by a CAD and/or CAI permit)

Natural Lakes: ± 14.4 acres
CPA Area: ± 25.8 acres
Net Developable Area: ± 1,047.1 acres

DEVELOPMENT PROGRAM
Total Residential Units: 3,168 DU
Single Family: 2,618 DU
Multi-Family: 550 DU
Residential Density: 3.0 DU/ac

Non-Residential Uses:
Retail: 145,501 sf
Office: 68,068 sf
Hotel: 150 rooms
(Non-Residential uses provided are C-3 permitted uses, except for Lot DC, which is limited to uses complementary to adjacent school, i.e. day cares, learning centers, etc.)

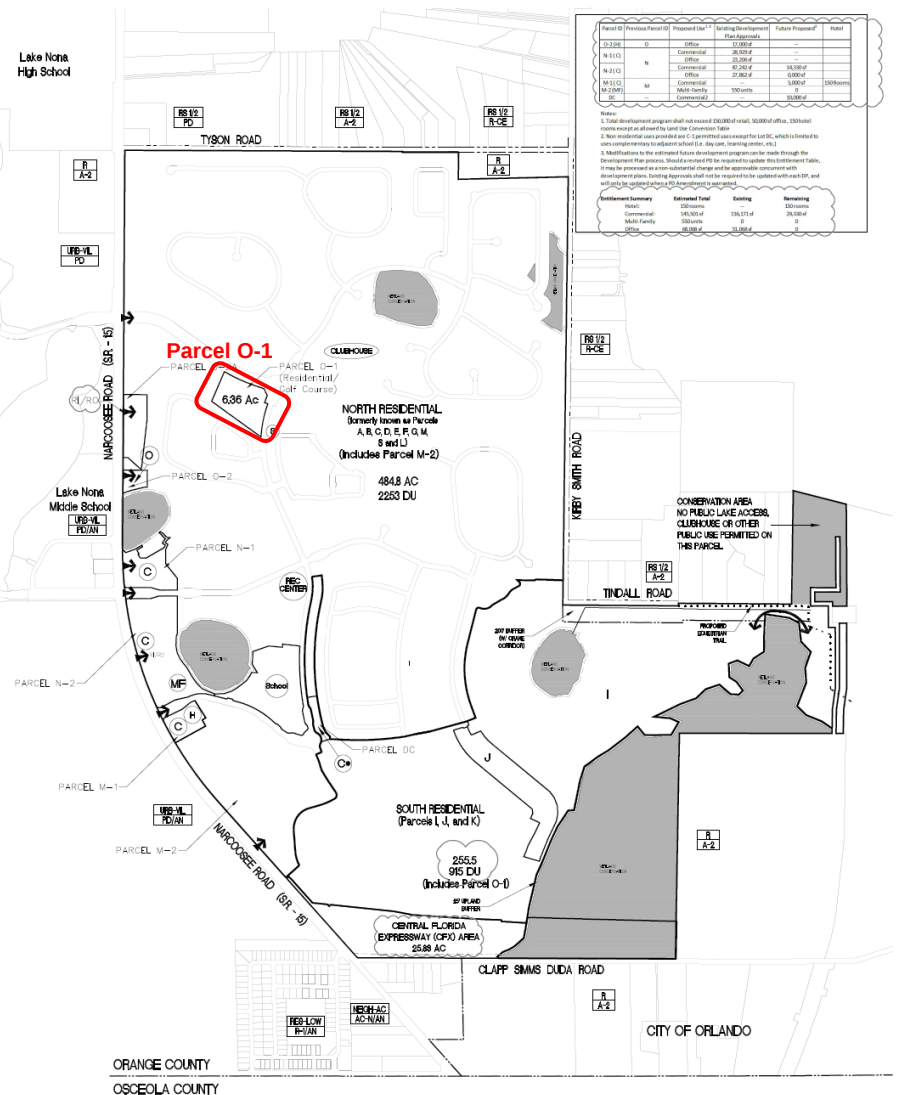
TRIP GENERATION												
Land Use	Area	Rate	Trip Generation Rates						Total Trips			
			A.M. Peak Hour		P.M. Peak Hour		Off-Peak		A.M. Peak Hour		P.M. Peak Hour	
			Trips	Rate	Trips	Rate	Trips	Rate	Trips	Rate	Trips	Rate
Residential	1,698	2.00	3,397	2.00	3,397	2.00	3,397	2.00	3,397	2.00	3,397	2.00
Commercial	202	2.00	404	2.00	404	2.00	404	2.00	404	2.00	404	2.00
Office	202	2.00	404	2.00	404	2.00	404	2.00	404	2.00	404	2.00
Hotel	150	2.00	300	2.00	300	2.00	300	2.00	300	2.00	300	2.00
Daycare	150	2.00	300	2.00	300	2.00	300	2.00	300	2.00	300	2.00
Other	150	2.00	300	2.00	300	2.00	300	2.00	300	2.00	300	2.00
Residential/Commercial/Office/Hotel/Daycare/Other	2,352	2.00	4,704	2.00	4,704	2.00	4,704	2.00	4,704	2.00	4,704	2.00
Freight/Industrial	150	2.00	300	2.00	300	2.00	300	2.00	300	2.00	300	2.00
Freight/Industrial/Total	150	2.00	300	2.00	300	2.00	300	2.00	300	2.00	300	2.00
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Freight/Industrial/Total	150	<										

OPEN SPACE, RECREATION AREAS, LANDSCAPED BUFFERS & GREENWAYS
Open Space: Open space will be provided per Sec. 38-1234 of the Orange County LDC. Open space calculations will be provided at PSP/DP level.
Recreation Areas: Facilities shall include active and passive recreation. A total of 23.19 acres shall be provided per Sec. 38-1253 (Open space shall be provided across the entire PD and not calculated on a parcel by parcel basis).
CAD & CAI permits will be updated or obtained as required by the LDC.

UTILITIES & SERVICES
Water Provision: Orlando Utilities Commission
Sanitary Sewer Provision: Orange County Utilities
Reclaim Provision: Orange County Utilities
Stormwater Management: shall meet Section 34, Article VII of the Orange County Land Development Code.

LAND-USE CONVERSION TABLE

LAND-USE	DENSITY	1 Single-Family Unit	1 Multi-Family Unit	1 Hotel Room	1 Office Space	1 Retail Space	1 Restaurant	1 Bar
RESIDENTIAL	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
COMMERCIAL	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
OFFICE	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
RETAIL	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
RESTAURANT	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
BAR	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0



Legend

Symbol	Description
C	Commercial
H	Hotel
S	School
ST	Temporary Sales Trailer

vhb
225 E. Robinson Street
Suite 300
Orlando, FL 32801
407.839.4206
1.407.839.4008
Certificate of Authorization
Number FL #3932

LEGEND
C Commercial
H Hotel
S School
ST Temporary Sales Trailer

Scale
0 600 1200
SCALE IN FEET

Project Information
Project Name: Eagle Creek PD
Date: 01/06/2024
Author: TRG Barrios #3
Reviewer: [Signature]
Date: [Signature]



NOTES:
1. Location of equestrian trail being shown is conceptual only. Final location will be established at PSP/DP in coordination with Orange County EPO.
2. Development Engineering: TRG and GCS Associates, Inc.
3. All acreages are approximate and subject to change based on final survey and CAD/CAI permits.

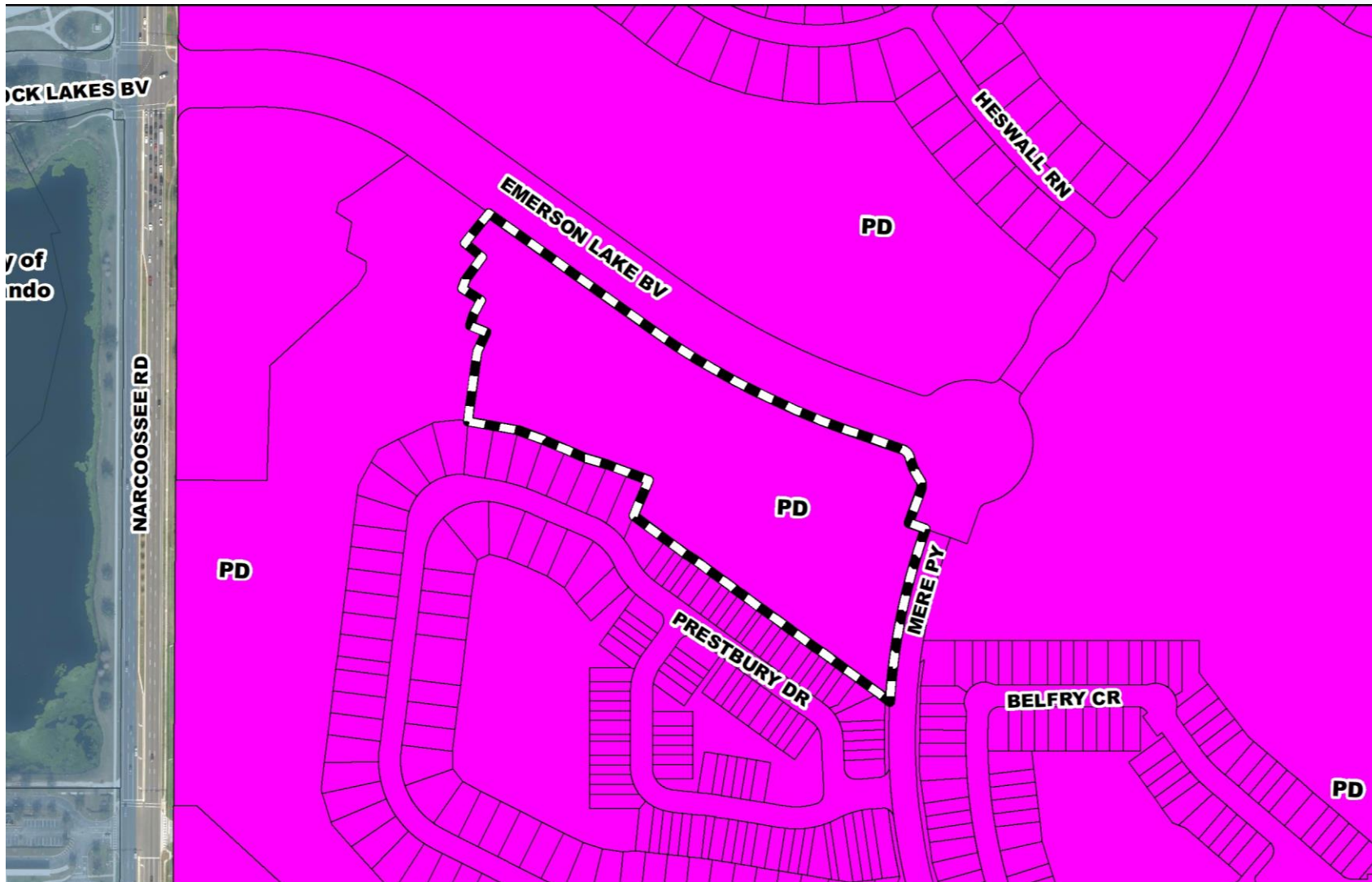
Eagle Creek Planned Development (PD) / Parcel O-1 Preliminary Subdivision Plan (PSP)

Future Land Use



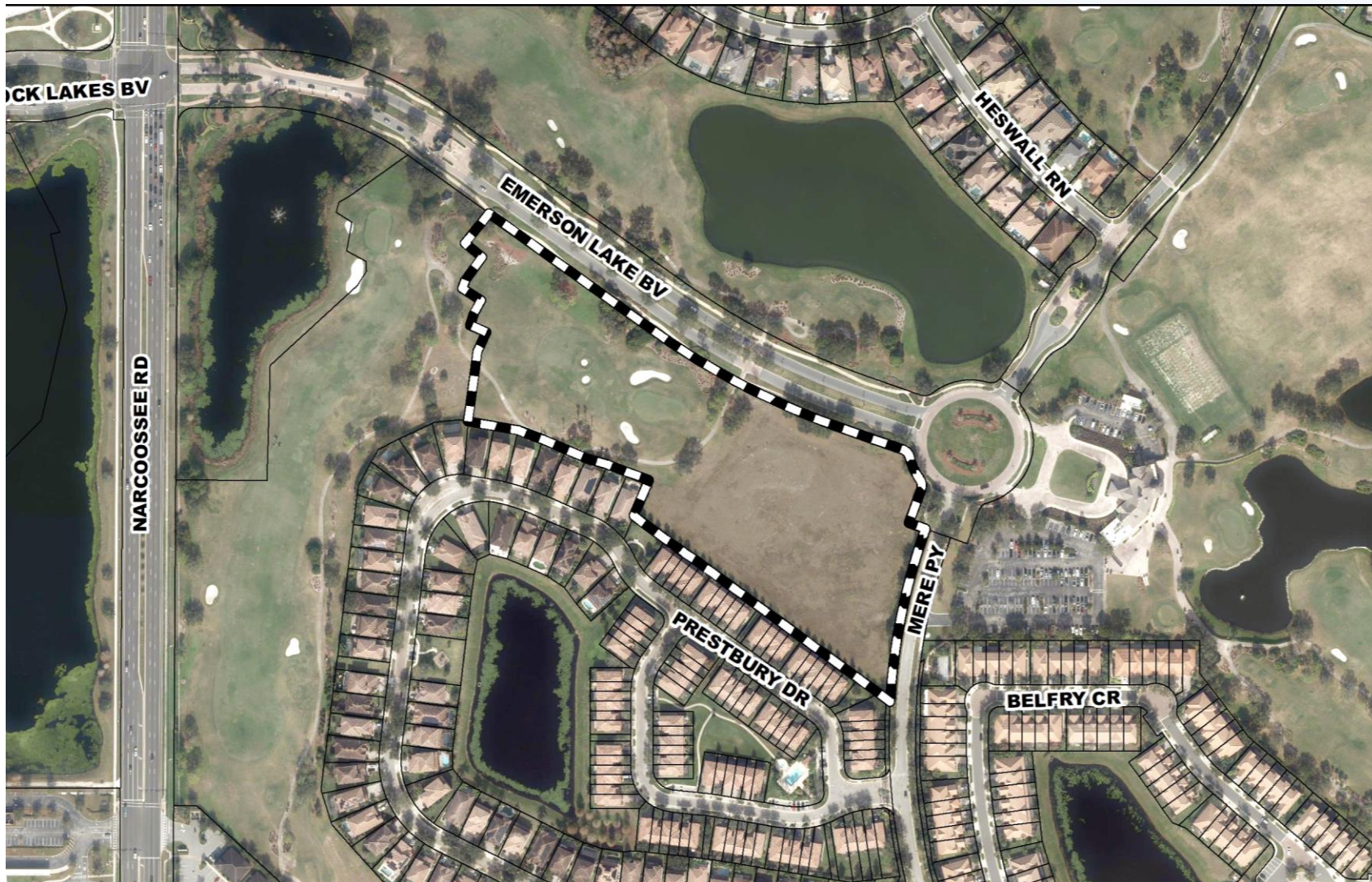
Eagle Creek Planned Development (PD) / Parcel O-1 Preliminary Subdivision Plan (PSP)

Zoning



Eagle Creek Planned Development (PD) / Parcel O-1 Preliminary Subdivision Plan (PSP)

Aerial



Overall Preliminary Subdivision Plan



Residential Entitlements

Approved residential entitlements for the entire Eagle Creek PD:

Allowed Units	Approved Units	Remaining Units	Proposed Units with this PSP
3,168	2,992	176	17

Community Meeting Summary

Topics of concern from residents included:

- Traffic
- Stormwater
- Decreased property values
- Strain on HOA infrastructure
- Confusion regarding requested waiver
- Precedent-setting for future golf course redevelopment

ACTION REQUESTED

DRC Recommendation

- **Make a finding of consistency with the Comprehensive Plan and APPROVE Eagle Creek Planned Development (PD) / Parcel O-1 Preliminary Subdivision Plan (PSP) dated “Received December 4, 2025”, subject to the conditions listed under the Development Review Committee (DRC) Recommendation in the Staff Report.**

District 4