



Paul

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

December 10, 2010

RECEIVED
DEC 15 2010

COMMUNITY DEVELOPMENT

The Honorable Tammy Hall, Chair
Lee County Board of County Commissioners
Post Office Box 398
Fort Myers, Florida 33902-0398

Dear Chair Hall:

The Department has completed its review of the adopted remedial Comprehensive Plan Amendment (Ordinance Number 10-43; DCA No. 10-R1) for Lee County as adopted on November 1, 2010, and determined that it meets the requirements of Chapter 163, Part II, Florida Statutes (F.S.), for compliance, as defined in Subsection 163.3184(1)(b), F.S. The Department is issuing a cumulative Notice of Intent to find the plan amendments adopted by Ordinance Numbers 10-19, 10-20 and 10-21 on March 3, 2010, and the remedial amendment adopted by Ordinance Number 10-43 on November 1, 2010, in compliance. The Notice of Intent was sent to the *Ft. Myers News Press* for publication on December 12, 2010.

The Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within 21 days after the publication of the notice of intent pursuant to Section 163.3184(9), F.S. No development orders, or permits for a development, dependent on the amendment may be issued or commence before the plan amendment takes effect. Please be advised that Section 163.3184(8)(c)2, F.S., requires a local government that has an internet site to post a copy of the Department's Notice of Intent on the site within 5 days after receipt of the mailed copy of the agency's notice of intent.

Please note that a copy of the adopted County's Comprehensive Plan Amendment and the Notice of Intent must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at Lee County Planning Division, 1500 Monroe Street, 2nd Floor, Ft. Myers, Florida 33901.

If this in compliance determination is challenged by an affected person, you will have the option of mediation pursuant to Subsection 163.3189(3)(a), F.S. If you choose to attempt to resolve this matter through mediation, you must file the request for mediation with the

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: www.dca.state.fl.us

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

The Honorable Tammy Hall, Chair
December 10, 2010
Page 2

administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation will not affect the right of any party to an administrative hearing.

If you have any questions, please contact Brenda Winningham, Regional Planning Administrator, at (850) 487-4545, or Scott Rogers, Senior Planner, at (850) 922-1758.

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is written in a cursive style with a large, looped "M" and "D".

Mike McDaniel, Chief
Office of Comprehensive Planning

MM/sr

Enclosure: Notice of Intent

cc: Ken Heatherington, Executive Director, Southwest Florida Regional Planning
Council
Paul O'Connor, Director, Division of Planning

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
CUMULATIVE NOTICE OF INTENT TO FIND
LEE COUNTY COMPREHENSIVE PLAN AMENDMENT
AND REMEDIAL COMPREHENSIVE PLAN AMENDMENT IN COMPLIANCE
DOCKET NO. 10-R1-NOI-3601-(A)-(I)

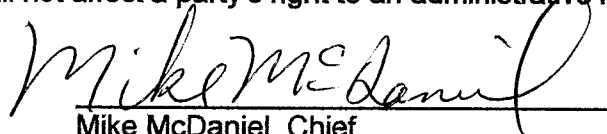
The Department issues this cumulative notice of intent to find the Lee County Comprehensive Plan Amendment adopted by Ordinance Nos. 10-19, 10-20 and 10-21 on March 3, 2010, and the remedial amendment adopted by Ordinance No. 10-43 on November 1, 2010, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted Lee County Comprehensive Plan Amendment and the Department's Objections, Recommendations, and Comments Report, (if any), are available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Lee County Planning Division, 1500 Monroe Street, 2nd Floor, Ft. Myers, Florida 33901.

Any affected person, as defined in Section 163.3184, F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Remedial Amendments are In Compliance, as defined in Subsection 163.3184(1), F.S. The petition must be filed within twenty-one (21) days after publication of this notice, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 and a copy mailed or delivered to the local government. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Administration, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

After an administrative hearing petition is timely filed, mediation is available pursuant to Subsection 163.3189(3)(a), F.S., to any affected person who is made a party to the proceeding by filing that request with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation shall not affect a party's right to an administrative hearing.



Mike McDaniel, Chief
Office of Comprehensive Planning
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100