



STATE OF FLORIDA

# DEPARTMENT OF COMMUNITY AFFAIRS

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

CHARLIE CRIST  
Governor

THOMAS G. PELHAM  
Secretary

February 15, 2008

The Honorable Thomas C. D'Aprile, Sr.,  
Chairperson, Charlotte County  
Board of County Commissioners  
Administrative Complex  
18500 Murdock Circle  
Port Charlotte, Florida 33948

Dear Chairperson D'Aprile:

The Department of Community Affairs has completed its review of Charlotte County's comprehensive plan amendment DCA Number 08-R1, adopted on January 8, 2008, by Ordinance Number 2005-096 and the remedial amendment adopted by Ordinance 2008-002 on January 8, 2008. The Department has determined that the Comprehensive Plan Amendment meets the requirements of Chapter 163, Part II, Florida Statutes, for compliance, as defined in Subsection 163.3184(1)(b), Florida Statutes.

The Department is therefore issuing a Cumulative Notice of Intent to find the Comprehensive Plan Amendment DCA No. 08-R1 "In Compliance." The Cumulative Notice of Intent has been sent to the Charlotte Herald Tribune newspaper for publication on February 18, 2008. Please be advised that Section 163.3184(8)(c) 2, Florida Statutes, requires a local government that has an Internet site to post a copy of the Department's Cumulative Notice of Intent on the site within five (5) days after receipt of the mailed copy of the agency's Cumulative Notice of Intent.

Please note that a copy of the adopted Charlotte County comprehensive plan amendment, and the Cumulative Notice of Intent, must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Administrative Center, Community Development Department, 18500 Murdock Circle, Port Charlotte, Florida 33948.

2555 SHUMARD OAK BOULEVARD TALLAHASSEE, FL 32399-2100  
Phone: 850-488-8466/SUNCOM 278-8466 Fax: 850-921-0781/SUNCOM 291-0781  
Website: [www.fls.state.fl.us](http://www.fls.state.fl.us)

COMMUNITY PLANNING  
Phone: 850-488-2556/SUNCOM 278-2556  
Fax: 850-488-3309/SUNCOM 278-3309

AREAS OF CRITICAL STATE CONCERN FIELD OFFICE  
Phone: 305-289-2402  
Fax: 305-289-7442

HOUSING AND COMMUNITY DEVELOPMENT  
Phone: 850-488-7956/SUNCOM 278-7956  
Fax: 850-422-6623/SUNCOM 292-6623

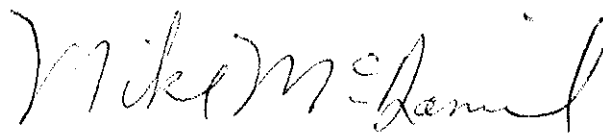
The Honorable Thomas C. D'Aprile, Sr.  
February 15, 2008  
Page 2

The Department's Cumulative 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 Cumulative Notice of Intent pursuant to Section 163.3184(9), Florida Statutes. No development orders, or permits for development, dependent on the amendment, may be issued or construction commence before the plan amendment takes effect.

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), Florida Statutes. If you choose to attempt to resolve this matter through mediation, you must file the request for mediation with the administrative law judge assigned by the Division of Administrative Hearing. The choice of mediation will not affect the right of any party to an administrative hearing.

If you have any questions, please contact Suzanne K. Lex, Planner, at (850) 922-0047.

Sincerely,



Mike McDaniel, Chief  
Office of Community Planning

MM/skl

Enclosures: Notice of Intent

cc: Lynette Norr, DCA Assistant General Counsel  
Suzanne Van Wyk, Bryant, Miller & Olive PA  
Jeffrey Ruggieri, Director, Charlotte County Community Development Department  
Ken Heatherington, AICP, Executive Director, Southwest Florida Regional Planning Council

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
CUMULATIVE  
NOTICE OF INTENT TO FIND THE  
CHARLOTTE COUNTY  
COMPREHENSIVE PLAN AMENDMENT  
AND REMEDIAL COMPREHENSIVE PLAN AMENDMENT  
IN COMPLIANCE  
DOCKET NO. 08R1-NOI-0801-(A)-(I)

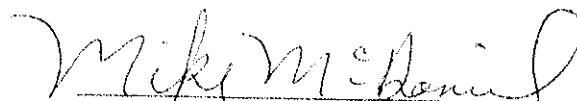
The Department issues this cumulative notice of intent to find the Charlotte County Comprehensive Plan Amendment adopted by Ordinance No. 2005-096 on November 15, 2005, and the remedial amendment adopted by Ordinance 2008-002 on January 8, 2008, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted Charlotte 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 Charlotte County Administration Center, Community Development Department, 18500 Murdock Circle, B-201, Port Charlotte, Florida 33948-1068.

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  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-210