



STATE OF FLORIDA

# DEPARTMENT OF COMMUNITY AFFAIRS

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

RICK SCOTT  
Governor

BILLY BUZZETT  
Secretary

January 27, 2011

The Honorable John Rees  
Mayor, City of Winter Garden  
300 West Plant Street  
Winter Garden, Florida 34787

Dear Mayor Rees:

The Department of Community Affairs has completed its review of the City of Winter Garden Comprehensive Plan Amendment (DCA Number 10-CIE1) adopted on December 9, 2010, by Ordinance Number 10-33. The Department has determined that the amendment meets the requirements of Chapter 163, Part II, Florida Statutes (F.S.). The Department is issuing a Notice of Intent to find the amendment "In Compliance." The Notice of Intent has been sent to the Orlando Sentinel for publication on January 28, 2011.

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 having an internet site to post a copy of the Department's Notice of Intent on the Internet within five (5) days following receipt of the mailed copy of the agency's Notice of Intent.

Please note that a copy of the adopted City of Winter Garden Comprehensive Plan Amendment 10-CIE1 and the Notice of Intent must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at City Hall, Clerk's Office, 300 West Plant Street, Winter Garden, Florida 34787.

If an affected person challenges this "In Compliance" determination, 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 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.

**2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100**  
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: [www.dca.state.fl.us](http://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 John Rees  
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If you have any questions regarding this letter, please contact Denise Papajorgji, at (850) 922-1827.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles Gauthier', written in a cursive style.

Charles Gauthier, AICP  
Director, Office of Comprehensive Planning

CG/dp

Enclosure: Notice of Intent

cc: Mr. Bill Wharton, Principal Planner, City of Winter Garden  
Mr. Phil Laurien, AICP, Executive Director, East Central Florida Regional Planning Council

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
NOTICE OF INTENT TO FIND  
CITY OF WINTER GARDEN  
COMPREHENSIVE PLAN AMENDMENT  
IN COMPLIANCE  
DOCKET NO. 10-CIE1-NOI-4814-(A)-(I)

The Department gives notice of its intent to find the Amendment to the Comprehensive Plan for The City of Winter Garden, adopted by Ordinance No. 10-33 on December 9, 2010, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted City of Winter Garden 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 City of Winter Garden, City Hall, Clerk's Office, 300 West Plant Street, Winter Garden, Florida 34787.

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 Amendment to the City of Winter Garden Comprehensive Plan is 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 Management Services, 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.



Charles Gauthier, AICP  
Director, Division of Community Planning  
Florida Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100