



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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

JEB BUSH  
Governor

COLLEEN CASTILLE  
Secretary

August 11, 2003

The Honorable Leon "Skip" Beeler  
Mayor, City of Cocoa Beach  
2 South Orland Avenue  
PO Box 322430  
Cocoa Beach, FL 32932-2430

RECEIVED  
AUG 15 2003  
C.B. BUILDING DEPT.

Dear Mayor Beeler:

The Department has completed its review of the adopted Comprehensive Plan Amendment (Ordinance Number 1352; DCA No. 03-1) for the City of Cocoa Beach, as adopted on June 5, 2003, and determined that it meets the requirements of Chapter 163, Part II, Florida Statutes (F.S.), for compliance, as defined in Subsection 163.184(1)(b), F.S. The Department is issuing a Notice of Intent to find the plan amendment, In Compliance. The Notice of Intent was sent to *Florida Today* on for publication on August 18, 2003.

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, Florida Statutes, 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 City 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 the City of Cocoa Beach City Hall, Building Department, 2 South Orlando Avenue, Cocoa Beach, Florida 32932.

The Department would like to commend the City's on your continued effort to the growth management process. The adopted plan reflects the City's dedication to the comprehensive planning process. Furthermore, the Department commends the City on its commitment to balance the protection of natural resources and development through smart growth strategies.

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100  
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781  
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE  
2796 Overseas Highway, Suite 212  
Marathon, FL 33050-2227  
(305) 289-2402

COMMUNITY PLANNING  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-2356

EMERGENCY MANAGEMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-7956

The Honorable Leon "Skip" Beeler  
August 11, 2003  
Page 2

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 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 Marina Pennington, Regional Planning Administrator, at (850) 922-1809, or Ana Richmond, Planner, at (850) 922-1794.

Sincerely yours,



Charles Gauthier, AICP,  
Acting Division Director  
Division of Community Planning

CG/ar

Enclosure: Notice of Intent

cc: Ms. Sandra Glenn, Executive Director, East Central Florida RPC  
Mr. Tony Caravella, AICP, Director of Development Services, City of Cocoa Beach  
R.S. Ketcham, 1980 N. Atlantic Ave #918, Cocoa Beach, FL 32931  
R.E. Fischer, 2 South Atlantic Ave, Cocoa Beach, FL 32931  
R.A. Baugher, 118 Sunset Dr, Cocoa Beach, FL 32931  
Charles C. Christensen, 461 South Atlantic Ave, Cocoa Beach, FL 32931  
Doug Willard, 330 South Brevard Ave, Cocoa Beach, FL 32931  
Jack Samuelson, 494 Sandpiper Dr, Satellite Beach, FL 32937  
Suzanne Schulman, 188 Cedar Ave, Cocoa Beach, FL 32931  
Robert Lehman, 301 North Brevard Ave Apt. 5A, Cocoa Beach, FL 32931  
Diane Delaplane, 3023 Ridge Dr, Greenville, OH 45331  
Frank Mulligan, 414 Watts Way, Cocoa Beach, FL 32931  
Kim White, 461 Watts Way, Cocoa Beach, FL 32931  
Mike Davis, 225 North Atlantic, Cocoa Beach, FL 32931

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
NOTICE OF INTENT TO FIND THE  
CITY OF COCOA BEACH  
COMPREHENSIVE PLAN AMENDMENT  
IN COMPLIANCE  
DOCKET NO. 03-1-NOI-0504-(A)-(I)


The Department gives notice of its intent to find the Amendment to the Comprehensive Plan for the City of Cocoa Beach, adopted by Ordinance No. 1352 on June 5, 2003, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted City of Cocoa Beach 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 Cocoa Beach City Hall, Building Department, 2 South Orlando Avenue, Cocoa Beach, Florida 32932.

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 Cocoa Beach 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, Acting Director  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

Print Window      Close Window

AD#1050548-8/18/2003

**STATE OF FLORIDA DEPARTMENT OF  
COMMUNITY AFFAIRS NOTICE OF INTENT  
TO FIND THE CITY OF COCOA BEACH  
COMPREHENSIVE PLAN AMENDMENT IN  
COMPLIANCE DOCKET NO. 03-1-NOI-0504-  
(A)-(I)**

The Department gives notice of its intent to find the Amendment to the Comprehensive Plan for the City of Cocoa Beach, adopted by Ordinance, No 1352 on June 5, 2003, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted City of Cocoa Beach 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 Cocoa Beach City Hall, Building Department, 2 South Orlando Avenue, Cocoa Beach, Florida 32932.

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 Cocoa Beach Comprehensive Plan is In Compliance, as defined in Subsection 163.3184(1), F.S. The petition must be filed within twentyone (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.

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

**AD#:** 1050548

**Publication:** Florida Today

**First Published:** 08-18-2003