



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 30, 2010

The Honorable Glenn Ritchey, Mayor  
City of Daytona Beach  
301 S. Ridgewood Avenue  
Daytona Beach, FL 32114

RECEIVED

DEC 29 2010

DEVELOPMENT SERVICES  
City of Daytona Beach

Dear Mayor Ritchey:

The Department of Community Affairs (Department) has completed our review of the adopted City of Daytona Beach Comprehensive Plan Amendment (DCA 10-1), as adopted by Ordinance No. 10-281 on October 20, 2010. Ordinance No. 10-281 adopts the City's Comprehensive Amendment 10-1. We have determined that Ordinance No. 10-281 meets the requirements of Chapter 163, Part II, Florida Statutes, and Rule 9J-5, Florida Administrative Code, for compliance, as defined in Section 163.3184(1)(b), Florida Statutes.

The Department is issuing a Notice of Intent to find the plan amendment in compliance. The Notice of Intent has been sent to the *DAYTONA BEACH NEWS JOURNAL* for publication on December 31, 2010. The Department's Notice of Intent to find a plan amendment in compliance shall become 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), Florida Statutes. 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 that, if the City of Daytona Beach has an Internet site, the City must 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 of Daytona Beach's Comprehensive Plan Amendment 10-1 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 Hall, Clerk's Office, Room 210, 301 S. Ridgewood Avenue, City of Daytona Beach, Florida, 32114

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) ♦

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If an affected person challenges this in compliance determination, you will have the option of mediation pursuant to Section 163.3189(3)(a), Florida Statutes. If you choose to try 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. No affected person's right to an administrative hearing will be affected by the choice of mediation.

If you have any questions, please contact Ashley Porter, Planning Analyst, at (850) 921-4818 or by email to [ashely.porter@dca.state.fl.us](mailto:ashely.porter@dca.state.fl.us).

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is written in a cursive, flowing style.

Mike McDaniel, Chief  
Office of Comprehensive Planning

MM/ap

Enclosure: Notice of Intent

cc: Rich Walton, Planning Director, City of Daytona Beach  
Phil Laurien, AICP, Executive Director, East Central Florida Regional Planning Council

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
NOTICE OF INTENT TO FIND THE  
CITY OF DAYTONA BEACH  
COMPREHENSIVE PLAN AMENDMENT  
IN COMPLIANCE  
DOCKET NO. 10-1-NOI-6402-(A)-(I)

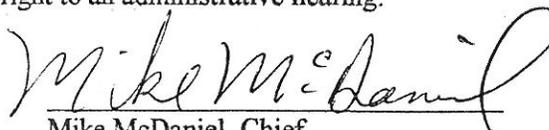
The Department gives notice of its intent to find the Amendment to the Comprehensive Plan for the City of Daytona Beach, adopted by Ordinance No. 10-281 on October 20, 2010, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted City of Daytona 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 Daytona Beach, City Hall, Clerk's Office, Room 210, 301 South Ridgewood Avenue, Daytona Beach, Florida 32114.

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 Daytona 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.



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