



CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **LOCAL PLANNING AGENCY MEETING** on **April 28, 2021** beginning at **10:00 AM**.

General Public Comments: members of the public that wish to provide comments in writing may do so by emailing the City Clerk at cityclerk@cityofdoral.com. Comments must be submitted with your name and full address by **Tuesday, April 27, 2021 at 5:00 pm**. The comments will be circulated to the elected officials and administration, as well as remain as a part of the record for the meeting.

Public Hearing Comments (Pre-Registration): interested parties that wish to speak on the Public Hearing item(s) **ONLY**, must register by **Tuesday, April 27, 2021 at 5:00 pm** via this link: <https://attendee.gotowebinar.com/register/7708570881810105869>

The meeting will be broadcasted live for members of the public to view on the City of Doral's website (<https://www.cityofdoral.com/government/city-clerk/council-meetings>) as well as Channel 77 and Facebook Live.

The City of Doral proposes to adopt the following Resolution:

RESOLUTION No. 21-

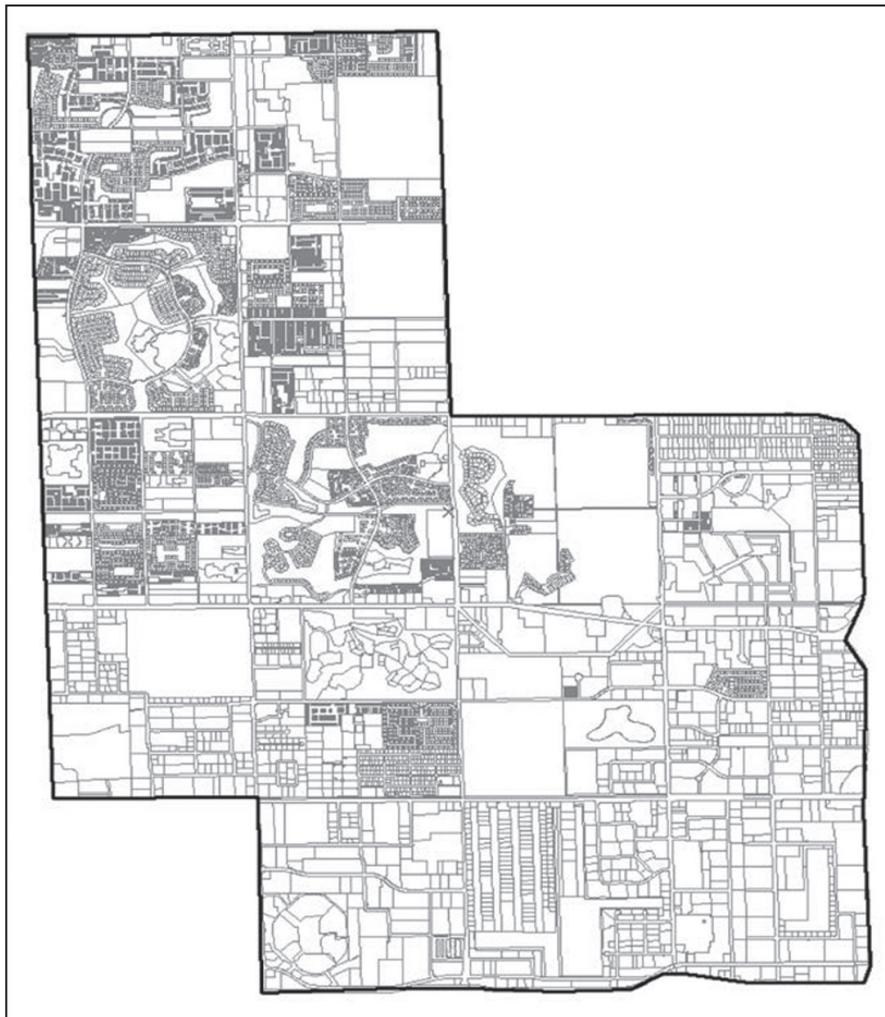
A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, SITTING AS THE LOCAL PLANNING AGENCY, RECOMMENDING APPROVAL / DENIAL OF, OR GOING FORWARD WITHOUT A RECOMMENDATION TO TRANSMIT TO THE LOCAL GOVERNING BODY A TEXT AMENDMENT TO THE CITY OF DORAL COMPREHENSIVE PLAN RELATING TO PRIVATE, PUBLIC, AND PUBLIC CHARTER SCHOOLS; AUTHORIZING THE TRANSMITTAL OF THE TEXT AMENDMENT ADOPTION PACKAGE TO THE STATE LAND PLANNING AGENCY IN THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND OTHER REQUIRED GOVERNMENTAL REVIEWING AGENCIES PURSUANT TO SECTION 163.3184, FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE

HEARING NO.: 21-04-DOR-01

APPLICANT: City of Doral

REQUEST: The City of Doral Staff is requesting Mayor and City Council approval of a text amendment to the City of Doral Comprehensive Plan relating to private, public, and charter schools.

Location Map



Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes If a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, any person who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

Connie Diaz, MMC
City Clerk
City of Doral City of Doral
4/14

21-03/0000523772M

FROM THE COURTS

'Procedural Hopscotch' Claim Reveals Divide Among 6th Circuit Judges



DIEGO M. RADZINSCHI

Judge Amul Thapar is one of six former President Donald Trump appointees to the Sixth Circuit and a one-time member of the Trump White House's Supreme Court short list.

by Marcia Coyle

A federal appellate court's rare decision to leapfrog a three-judge panel and hear an abortion challenge by the full court exposed a sharp division on the bench and provoked an accusation of "procedural hopscotch."

"Appellants have unabashedly sought to avoid panel review of the merits in a case involving a controversial issue because they dislike its panel's composition and the panel's resolution of the stay motion," wrote Judge Karen Nelson Moore of the U.S. Court of Appeals for the Sixth Circuit in dissent. "In endorsing this game of procedural hopscotch, a majority of the en banc court has embarked on an unsettling course."

An initial en banc hearing at a federal appeals court is rare but not unprecedented, according to federal court scholar Arthur Hellman of the University of Pittsburgh School of Law. It happens most often, as in the Ninth Circuit, when a panel discovers an intra-circuit conflict and asks for en banc review to resolve the conflict, he said.

"You also see it occasionally as a means of reconsidering a circuit precedent that stands in the way of what seems to be a sensible resolution," Hellman said. "That too is typically a panel call. In a circuit like the Third, where panel opinions are circulated to the full court before being issued to the public, there may be en banc rehearing that is similar to initial en banc hearing."

But what happened in the Sixth Circuit is different, he said. The move to hear the case by the full court was "a preemptive call by a judge who opposes the anticipated ruling by the three-judge panel."

The Sixth Circuit has 16 active judges. The 10-6 en banc vote to grant initial review in the case *Bristol Regional Women's Center v. Slatery*, divided along ideological lines. Moore, a Bill Clinton appointee to the court in 1995, was joined in her dissent by Chief Judge R. Guy Cole Jr. and Judges Eric Clay, Helene White, Jane Stranch and Bernice Donald, each appointed by Democratic presidents.

Tennessee filed the petition for initial en banc review after a divided panel rejected the state's motion for a stay of an injunction pending appeal. Judges Moore and White were in the panel

majority; Judge Amul Thapar, one of six Trump appointees to the Sixth Circuit and a one-time member of the Trump White House's Supreme Court short list, dissented.

"The majority, like the district court before it, decides to chart its own course. In doing so, the majority ignores Supreme Court and Sixth Circuit precedent, as well as the correct legal standard," Thapar wrote. "Given the weighty interests involved in this case, the majority's failure to issue a stay merits immediate correction either by our court or a higher one." Responding to Thapar, Moore said in February "we fail to see how en banc review of this stay order is warranted, or even available."

In Friday's order, Moore said in her dissent that "a majority of this court has sent a dubious message about its willingness to invoke that extraordinary—and extraordinarily disfavored—procedure in ideologically charged cases."

The federal rules of appellate procedure contain two circumstances that justify initial hearing en banc: where it is necessary to secure or maintain uniformity of the court's decisions; or when the proceeding involves a question of exceptional importance."

The Tennessee law at issue in the appeal requires women seeking an abortion to attend two separate sessions with a physician at least 48 hours apart before having the abortion.

In her dissent, Moore said any need for uniformity in the court's decisions would be available on en banc review after a panel decision on the merits. The question of the constitutionality of the waiting period law was "no more or less" exceptional than other abortion laws that had passed through panel review before being considered for en banc review, she said.

The Sixth Circuit, she noted, had found exceptional justification for rare initial en banc review in 2008 and 2003, for example, when there was an imminent, irreversible event, such as an impending election or execution.

"Ultimately, what appears to be 'exceptional,' about this case is that it fell to the wrong panel," Moore wrote.

Marcia Coyle covers the U.S. Supreme Court. Contact her at mcoyle@alm.com. On Twitter: @MarciaCoyle.