

12. MISCELLANEOUS ITEMS TO BE RECEIVED FOR FILING:

- a. City of Clearwater Notices of Public Hearings regarding proposed Ordinances Nos. 8537-14 through 8539-14 amending the Annexation, Land Use Plan, and Zoning Atlas; and Notices of Intent to Consider Development Agreements (2); public hearings held February 20 and March 6, 2014.
- b. City of Dunedin Notice of Glenn Moor Neighborhood Participation Meeting held February 25, 2014, and Notice of Public Hearing to be held April 3, 2014, re land use plan amendment, rezoning, and final design review for Glenn Moor project.
- c. City of Largo Notices of Public Hearings regarding proposed Ordinances Nos. 2014-29 and 2014-30 to be held April 15, 2014, annexing certain property (change of hearing date).
- d. City of Largo Resolution No. 2109 adopted January 21, 2014, endorsing the Greenlight Pinellas Plan.
- e. City of Pinellas Park Notice of Public Hearing held March 13, 2014, re proposed Ordinance voluntarily annexing certain property.
- f. Pinellas County Local Mitigation Strategy 2014 Annual Update.
- g. Correspondence from City of St. Petersburg Mayor Rick Kriseman re proposed Pinellas County Emergency Medical Services CARES 2 Plan.

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*If a copy of a report or CD is desired, please check the web page of the organization/municipality or contact Board Records at 464-3465.*

# Notice of Glenn Moor Neighborhood Participation Meeting

***What:***

A meeting to involve the community in the Final Design Stage of the Glenn Moor Project located at 1289 and 1293 Michigan Blvd in Dunedin, Florida.

***When:***

Tuesday, February 25, 2014

***Where:***

1293 Michigan Blvd Dunedin, FL

***Time:***

6:00 P.M

***Purpose:***

Provide a forum to discuss the Glenn Moor project with the neighboring communities. The Developer and a Representative from the City of Dunedin Planning Department will be in attendance to address any questions or concerns that you may have.

## LETTER OF NOTICE

TO: <u>ADJACENT PROPERTY</u>	APPLICATION NUMBER:	<u>LUP-Zo-S/D-LDO 13-59.03 Z/C</u>
<u>OWNERS</u>	FILING DATE:	<u>February 10, 2014</u>

You are hereby notified that the undersigned is requesting a land use plan amendment, rezoning and final design review before the City of Dunedin at a public hearing.

You are notified of the request because you own land in the City, within 500' of the subject property.

### CITY COMMISSION

**PUBLIC HEARING DATE:** Thursday, April 3, 2014 **TIME:** 6:30 P. M.

**Location of Public Hearings:** City of Dunedin City Hall  
542 Main Street  
Dunedin, Florida 34698

### NATURE OF REQUEST: (i.e. variance and type, special exception, waiver, appeal, etc.)

Request for Land Use Plan Amendment of a portion of the site from I  
(Institutional) to RU (Residential Urban) and Rezoning of the entire  
site from R-60 (Single-Family Residential) to PRD (Planned Residential  
Development), Final Design Review per Section 104-24.4 of the LDC  
and Parkland Dedication per Section 104-26 of the LDC for the  
construction of 23 single-family homes.

### LOCATION OF PROPERTY: (address and/or general location)

1289 and 1293 Michigan Boulevard (Glenn Moor)  
Parcel Nos. 323-28-15-70110-100-2100 and 23-28-15-70110-100-2101

If you wish to submit written comments for consideration by the Board, such comments must be received a minimum of three (3) business days prior to the hearing date by the Office of the City Clerk, P.O. Box 1348 Dunedin, Florida 34697-1348.

Interested parties may appear at the meeting and be heard with respect to this application. Any person who decides to appeal any decision of the board with respect to any matter considered at this hearing 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—per Florida Statute 286.0105.

The City of Dunedin does not discriminate on the basis of race, color, national origin, sex, religion, age, political affiliation, marital status, sexual orientation, and disabled status in employment or the provision of services. If you have a disability that requires accommodation, please notify the City Clerk's Office 48 hours prior to the scheduled meeting so that reasonable accommodation can be made.

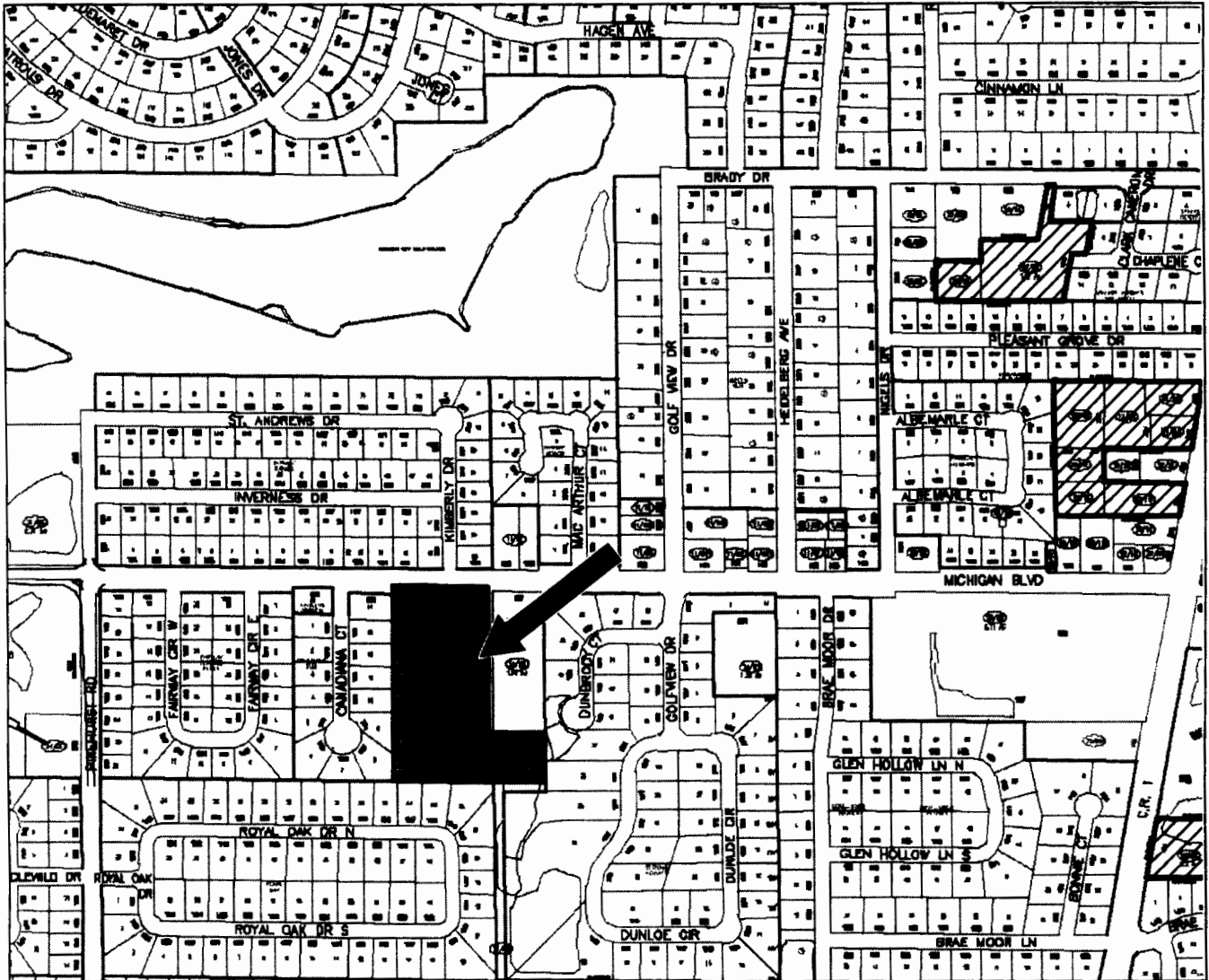
**Please Note:** The dates and times listed herein of future public hearings on this topic are subject to change without further notice. This is the only notice you will receive.

Applicant / Representative:

Glenn Moor Development Group, Inc.-  
Christopher Dyjak

Signature of Applicant/Representative

Phone: \_\_\_\_\_



Application No. LUP-Zo-S/D-LD0 13-59.03 Z/C  
Property at 1289 and 1293 Michigan Boulevard

SIZE OF  
REQUEST: 5.13  
acres  
+/-

ZONING  
DESIGNATION: PRD,  
Planned  
Residential  
Development

LAND USE PLAN  
CATEGORY: RU,  
Residential  
Urban

## **CITIZEN'S GUIDE TO A QUASI-JUDICIAL PROCESS**

The purpose of this Citizen's Guide to the Quasi-Judicial Process is to assist residents in understanding how to participate in the quasi-judicial processes within the City of Dunedin. It is intended to "level the playing field" a bit for the lay person who has no particular expertise in the law concerning the granting of development permits, site plan approvals, special exceptions, variances, and similar types of proceedings before the City Commission and certain boards of the City (the Board of Adjustment and Appeal, the Building Board of Adjustment and Appeal, the Sign Code Board, the Code Enforcement Board, and the Local Planning Agency (LPA)). Citizens who wish to participate in proceedings before these boards need to have a basic understanding of their function, the rules relative to how they make decisions and how to effectively participate in these proceedings to either oppose or support quasi-judicial applications before the City Commission and City boards.

### **WHAT DOES QUASI-JUDICIAL MEAN?**

Several years ago, the Florida Supreme Court changed the law on rezoning, site plan approvals, special exceptions, variances and similar types of development approvals from a *legislative* decision process to a *quasi-judicial* decision process. A legislative process is one in which policy is created by a legislative body (the City Commission). A quasi-judicial action is when the facts of a particular situation are applied to the policy (ordinance). Essentially, a quasi-judicial process is the application of policy to a fact situation.

Typical quasi-judicial proceedings are those in which a property owner makes an application to the City for a rezoning, site plan approval, a special exception or variance. There are rules and standards set forth in the ordinances regarding the criteria that has to be met in order to get a special exception or a variance, what has to be included in the site plan, and what the standards are for reviewing these applications. The facts of the case are applied to the standards set forth in the ordinance, and the decision is then made.

The proceedings before these boards in a quasi-judicial matter are somewhat like a court proceeding; therefore, the term "quasi-judicial." They have some of the elements of a judicial or court proceeding.

In a legislative proceeding, the City Commission can take into account anything that it considers important to help it make its decision, including the popularity or public acceptance of a particular policy. In a quasi-judicial proceeding, the City Commission and the City boards are not allowed to take into consideration the popularity of a particular development proposal or request for variance or special exception; they can only consider the *competent* and *substantial* evidence before the board or the City Commission.

## WHAT IS COMPETENT AND SUBSTANTIAL?

As was said previously, the only evidence that the City Commission or board can consider in a quasi-judicial process is that which is both *competent* and *substantial*. The term "competent" means that the person is qualified to give evidence on that subject. If special training or specialized knowledge is required, it is necessary for the person testifying to prove that person's competency to testify as an expert on a particular subject. Examples of this would be (1) traffic impacts or traffic counts would be testified to by a traffic engineer; (2) whether a desired use may impact the land values of surrounding property could be testified to by a certified property appraiser; (3) whether the building of a wall or other barrier will destroy a wetland could be testified to by an environmentalist or engineer. These people have specific academic degrees or specialized training that qualifies them to testify as "experts," and that is what is meant by *competent* testimony; i.e., they are "competent" because they are particularly knowledgeable because of their training and/or experience in a particular field or subject matter.

If you want to testify to a matter that requires special academic degrees or specialized training, you must make those degrees and that training known to the board before whom you are testifying, and you would normally present a résumé or other material detailing your specialized knowledge or training.

"Substantial" means that there is sufficient, relevant and credible evidence upon which to base a decision.

## TESTIMONY BY LAY PERSONS

Citizens who want to participate in a quasi-judicial process cannot testify as to matters which would require expert testimony, but they can testify as to factual matters and any element of the case that would not require specialized training or specific academic degrees. The courts are becoming more generous in allowing lay testimony on certain subjects.

## IT'S NOT A POPULARITY CONTEST

The City Commission or the board considering a quasi-judicial matter must make its decision based on the testimony before it. Other than common knowledge, they cannot consider anything that they encounter outside of the public hearing on the application. Theoretically at least, "politics" can play no part in the decision-making process.

Bringing 50 people to the hearing all wearing the same color t-shirt or carrying signs or some other type of demonstration of popular support or opposition is not supposed to be taken into consideration by the members of the City Commission or the board. Clapping and cheering in support of the statements of someone testifying is not supposed to occur. Asking everyone to stand up who is in favor of or in opposition to the application has been held by the courts to be improper.

It doesn't make any difference who has the most people and supporters at the hearing. **It is the quality, persuasiveness, the relevancy of the testimony and the credibility of your witnesses**

**presented to the board (and which become part of the record of the proceedings) that will make the case.**

### **THE RECORD IS EVERYTHING**

It is the record established at the hearing that will determine the outcome of the case. There must be competent and substantial evidence presented at the hearing to support the decision of the board. Without competent and substantial evidence in the record of the proceeding on which members of the board can rely, the decision of the board is subject to being overturned by a court.

Appeals to sympathy using non-relevant testimony (my mother-in-law is sick, I just lost my job, I've been a resident of the City of Dunedin for 50 years, etc.) cannot be used to support a position you are taking either for or against the application. You must look to the standards of the ordinance and supply testimony, either lay testimony or expert testimony, on each of the **standards of the ordinance**. The testimony must be relevant, credible and oriented toward the standards set forth in the ordinance. Everything else is irrelevant and would legally have to be ignored by the members of the board.

### **SHOULD I GET A LAWYER?**

It is possible for citizen groups or persons in opposition to an application to prepare and present a good case, but it is not easy. If the matter is important to you and you think it will impact your property values or your life in some significant way, you may be well advised to employ a land-use attorney to assist you in the preparation and presentation of the case. The attorney will understand what the standards are and what type of evidence will be required to make a good record to protect a favorable decision or to appeal an unfavorable decision.

Organization of your presentation (with or without an attorney) is of paramount importance. Testimony should not be repetitive and should be relevant to the standards of the ordinance. Remember, although we live in a democracy, this is not a democratic process – it is a legal process. The City Commission or the board is not going to count noses and decide that more people are favor than are against, or vice versa. They are going to make their decision on the basis of the testimony before them. In a quasi-judicial hearing, the board members must be neutral decision makers—above politics or outside influences. You have an entitlement to a neutral decision maker. You have an entitlement to cross-examine witnesses. Some people can do this successfully but many cannot. Having an attorney on your side may give you the extra quality of presentation necessary to prevail.

### **ORGANIZE EARLY**

If you intend to oppose an application, get involved in the process as early as you possibly can. You need to understand the type of testimony that you should present. You need to understand the issues that are relevant to the case. You need to interact with City staff as soon as possible so that you can get a copy of the application and any other information presented by the applicant. You need to know what position the staff will take at the hearing. The City staff qualify as

experts in the field of planning, and their testimony either for or against the application will be important. If you don't agree with the staff, you must present facts and testimony in opposition to the staff's recommendation and the applicant's witnesses. Since this is not a political process, contacting the City Commissioners about a hearing before a quasi-judicial board will be of no benefit.

Contacting the City Commissioners about a quasi-judicial matter that will come before the City Commission is inappropriate and is a violation of the City's ordinances. They are not allowed to talk to people who are for or against the application since they are required to be neutral decision makers. They can only consider evidence that is testified to under oath and matters of common knowledge.

Writing a letter rather than appearing at the hearing and testifying is of very limited value since the applicant has a right to cross examine witnesses whose testimony is to be considered by the City Commission or the board. You cannot cross examine a letter; therefore, except in very unusual circumstances, the board or the City Commission cannot take these letters into account. *If the matter is important to you, you must attend the hearing and testify.*

### FINAL THOUGHTS

Start early. Stay in touch with the City staff. Get copies of the application and all relevant documents—they are public records and you are absolutely entitled to them. Be well organized—contact other people who may have an interest in the matter and elicit their assistance and participation. Know the ordinance standards against which the matter will be judged by the board or the City Commission. Provide competent and substantial evidence as to each one of those standards as well as you can. Get the help that you need from an attorney, a planner, an engineer, a property appraiser or anyone else who can give you the expert testimony assistance that you need to make a good presentation before the board and a good record in the proceedings. Don't discuss the matter with the board members or the members of the City Commission in advance of the hearing. Telling them in Publix of your support or opposition to the application is of no help to your case. You must present your testimony at the hearing for them to consider your thoughts.

If you want to participate in a quasi-judicial hearing, further information about the quasi-judicial process, relevant City ordinances, and the contents of applications can be obtained from the Planning & Development Department or the City Clerk's Office.

**This guide is not intended to be legal advice. To determine your legal rights and to understand more fully how to participate in a quasi-judicial proceeding, you should contact legal counsel.**