

Carlos Hernández
Mayor

Paul B. Hernández
President

Oscar De la Rosa
Vice President



Council Members
Katharine Cue-Fuente
Jacqueline Garcia-Roves
Monica Perez
Jesus Tundidor
Carl Zogby

Special Meeting of the City Council
(VIRTUAL)
Agenda
July 27, 2020
5:00 p.m.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **INVOCATION**

- The invocation is to be led by Marbelys Fatjo, City Clerk

4. **PLEDGE OF ALLEGIANCE**

- The pledge of allegiance is to be led by Council Member Zogby

5. **MEETING GUIDELINES**

The following guidelines, which apply to today's City's Council Meeting, have been set by Mayor Carlos Hernandez through the execution of an Order on Emergency Public Meeting Guidelines and Procedures Using Communications Media Technology In Response To COVID-19:

- Pursuant to emergency management powers as set forth in F.S. §§252.31-252.90, Governor Ron DeSantis issued Executive Order 20-69 on March 20, 2020, suspending the "Florida's Government in Sunshine Laws" requirement that a quorum of the legislative body holding a public meeting be met in-person and the meeting be held at a physical location accessible to the public for the duration of the State's Declaration of

Emergency issued on March 9, 2020 as a result of the COVID-19 pandemic affecting the State of Florida. Executive Order 20-69 allows local governments to use communications media technology to hold public meetings during the public health emergency as a result of COVID-19, in order to protect the health, welfare and safety of the public, including public officials, from being exposed to COVID-19 and meet the requirements of the Sunshine Law.

- The following Procedures for Virtual Public Meetings of the City Council using Communications Media Technology in Response to COVID-19 have been adopted as minimum procedures for all emergency public meetings of the City Council, board and committees of the City of Hialeah effective the execution of **Order on Emergency Public Meeting Guidelines and Procedures using Communications Media Technology in Response to COVID19**, signed by Mayor Carlos Hernandez on April 8, 2020.
- The virtual public meeting shall be broadcast live for members of the public to view on the City's Facebook page. A Facebook account is not required in order to view this virtual public meeting. In addition, members of the public may hear the meeting live through telephonic conferencing. You can join the meeting via telephonic conferencing using any telephone or cellular phone service. A smart device or computer are not necessary to participate in the meeting if you join by phone.
- Any person interested in making comments or posing questions on matters of public concern or on any item on the agenda may do so prior to the meeting taking place by email to virtualmeeting@hialeahfl.gov by 3:00 p.m. the business day prior to the meeting or no later than six (6) hours prior to the meeting if only 24-hours' notice prior to the meeting is provided by the City. **The deadline for this meeting has been extended to noon on Monday, July 27, 2020.** Email comments and questions shall not exceed three (3) minutes when read. Only the first three minutes of e-mail comments and questions received by the deadline will be read into and form part of the public record.
- Any person interested in making comments or posing questions on matters of public concern or on any item on the agenda may do so during the meeting by joining the meeting using Zoom or any other similar web-based meeting platform being used as identified in the notice. The person interested in joining the meeting to participate for this purpose must register with the City Clerk by completing a registration form, providing the information required and submitting the completed form to the City Clerk no later than 3:00 p.m. the business day prior to the meeting or no later than six (6) hours prior to the meeting if only 24-hours' notice prior to the meeting is provided by the City. **The deadline for this meeting has been extended to noon on Monday, July 27, 2020.** All registered participants will be muted during the meeting until called upon to be heard. Participation through Zoom requires a computer or smart mobile device with a microphone and web camera. The participant may elect to participate in the meeting using audio only or appear through both audio

and video. The video function of all participants appearing through video will be turned off until called upon to be heard.

- Participants are reminded to maintain decorum in their comments and appearance throughout their participation as the whole meeting will be recorded and published on the City's Facebook page and retained pursuant to the Florida Public Records Law.
- All existing laws or rules of procedure applicable to public meetings (i.e. three minute limit on speaking, three in favor and three in opposition on any item on the agenda, lobbyist registration requirements), that are not in conflict with these procedures and can be observed under the circumstances remain in effect and to the greatest extent practicable should be observed.
- Public comments and questions, whether on general matters of public concern or on a matter on the agenda, will be heard at the beginning of the meeting and once heard no other public participation will be permitted.
- Persons making public comments must identify themselves by first and last name and provide their address for the record, prior to speaking.
- If during the course of the meeting, technical problems develop with the communications network that prevent interested persons from attending, the meeting shall be adjourned until the problems have been corrected.

6. COMMENTS AND QUESTIONS

7. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

8. ZONING

- PZ 1.** Second reading and public hearing of proposed ordinance rezoning property from GU (Interim District Miami-Dade County Zoning Designation) to MH (Industrial District); and granting a variance permit to allow block width of 371 feet, where 330 feet is the maximum block width allowed; contra to Hialeah Code of Ordinances § 98-1601(b). **Property generally located on the north side of NW 138 Street and south side of NW 142 Street between NW 102 Avenue and NW 107 Avenue in Hialeah Heights, with folio numbers 04-2020-001-0130 and 04-2020-001-0110.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On July 13, 2020, the City Council approved the item on first reading.</i>
<i>Registered Lobbyist: Hugo P. Arza, Esq., 701 Brickell Avenue, Suite 3300, Miami, Florida 3313, on behalf of Annex Industrial Park, LLC, 3026 NW 99 Court, Doral, FL 33172.</i>
<i>Registered Lobbyist: Alejandro J. Arias, Esq., located at 701 Brickell Avenue, Suite 3300, Miami, Florida 3313, on behalf of Annex Industrial Park, LLC, 3026 NW 99 Court, Doral, FL 33172.</i>
<i>On June 24, 2020 the item was approved by the Planning and Zoning Board.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Annex Industrial Park, LLC (Iovany Cortiza, Manager), 3026 NW 99 Court, Doral, Florida 33172</i>

PZ 2. Second reading and public hearing of proposed ordinance rezoning property from GU (Interim District Miami-Dade County Zoning Designation) to MH (Industrial District); granting a Special Use Permit (SUP) to allow a gas station, where gas stations are not permitted in the MH District; all contra to Hialeah Code of Ordinances §§ 98-1601(a)(1) and 98-1156(a)(11). **Property located at 10300 NW 142 Street (eastern 79,000 square feet portion of the parcel), Hialeah, zoned GU (Interim District – Miami-Dade County Zoning Designation).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On July 13, 2020, the City Council approved the item on first reading.</i>
<i>On July 13, 2020, Council Vice President De la Rosa abstained from voting on the item during first reading. On July 23, 2020, Council Vice President De la Rosa electronically filed a Form 8B Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers form with the Office of the City Clerk.</i>
<i>Registered Lobbyist: Felix Lasarte, Esq., 3250 NE 1 Avenue, Miami, Florida 33137, on behalf of the Machado Family Limited Partnership No. 2, 6465 W 12th Avenue, Apt. 101, Hialeah, FL 33016.</i>
<i>On June 24, 2020 Planning and Zoning Board recommended approval of the item as follows: Rezone to MH and SUP to allow a gas station on the eastern 79,000 square feet portion of the parcel. The requested reduced landscape buffer was not approved since the parcel is large enough to comply with the required buffer.</i>
<i>Planner's Recommendation: Approve rezoning to MH and SUP to allow a gas station on the eastern 79,000 square feet portion of the parcel.</i>

Owner of the Property: Katya Machado Landeiro and Machado Golden Eagle, Inc., 305 Alcazar Avenue, Suite 3, Miami, Florida 33134.

PZ 3. Second reading and public hearing of proposed ordinance rezoning property from R-1 (One-Family District) to R-2 (One and Two-Family Residential District); and granting a variance permit to allow the construction of a duplex on each substandard lot (Lots 16 & 17), having frontage of 40 feet and total net lot area of 4,920 square feet each, where frontage of 75 feet and area of 7,500 square feet are required; allow 0 feet interior west side setback for Lot 16 and 0 feet interior east side setback for Lot 17, where 7.5 feet is the minimum required; allow 12 feet street side setback for Lot 16 for balconies encroaching into east street side setback, where 15 feet are required; all contra to Hialeah Code of Ordinances §§ 98-544 and 98-546. **Property located at 991 East 20 Street, Hialeah, Zoned R-1 (One-Family District);** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective.

<i>On July 13, 2020, the item was approved on first reading by the City Council.</i>
<i>Registered Lobbyist: Melissa Tapanes Llahues, Bercow Radell Fernandez, Larkin & Tapanes, LLC, 200 South Biscayne Boulevard, Suite 850, Miami, Florida on behalf of Komodo Homes 2 LLC, 10223 SW 72 Avenue, Miami, FL 33156.</i>
<i>Registered Lobbyist: Monika Entin, Bercow Radell Fernandez, Larkin & Tapanes, LLC, 200 South Biscayne Boulevard, Suite 850, Miami, Florida 33131, on behalf of Komodo Homes 2 LLC, 10223 SW 72 Avenue, Miami, FL 33156.</i>
<i>On June 24, 2020, the Planning and Zoning Board recommended approval of the item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Carlos J. Gonzalez, Manager of Komodo Homes 2, LLC, 10223 SW 72 Avenue, Miami, Florida 33156.</i>

PZ 4. Second reading and public hearing of proposed ordinance repealing and rescinding Hialeah, Fla., Ordinance 2019-067 (August 29, 2019) and granting a Special Use Permit (SUP) to allow the expansion of the Neighborhood Business District (NBD) Overlay pursuant to Hialeah Code of Ordinances § 98-1630.8; and granting a variance permit to allow only residential uses, where residential and commercial uses are required; allow residential use on the ground floor, where residential uses are allowed above the ground level only; allow 76 units with area of 650 square feet, where area of 850 square feet is the minimum required for 90% of the units; allow 38 feet and 112 feet front setbacks facing West 78 Road, where 10 feet built-to line are required; allow 94 parking spaces, where 189 parking spaces are required; allow surface parking at the front setback; where surface parking is not allowed at the front; allow 18.5% pervious area, where 30% is the minimum required; all contra to Hialeah Code of Ordinances §§ 98-1630.1, 98-1630.2, 98-1630.3(e)(1), 98-1630.3(e)(4), 98-

2189(16)a. and 98-2056(b)(1); **Property located at 340 West 78 Road, Hialeah, Florida, zoned M-1 (Industrial District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On July 13, 2020, the City Council approved the item on first reading.</i>
<i>Registered Lobbyist: Anthony Escarra, Esq., of Alejandro Vilarello, PA, 16400 NW 59 Avenue, Miami Lakes, Florida 33014, on behalf of Amelia Storage LLC, 16400 NW 59 Avenue, Miami Lakes, FL 33014.</i>
<i>On June 24, 2020 the Planning and Zoning Board recommended approval of the item subject to a Parking Management Plan.</i>
<i>Planner's Recommendation: Approval subject to a Parking Management Plan.</i>
<i>Owner of the Property: Amelia Storage, LLC, 16400 NW 59 Avenue, Miami Lakes, Florida 33014.</i>

PZ 5. Second reading and public hearing of proposed ordinance granting a variance permit to allow only residential uses, where residential and commercial uses are required; allow residential use on the ground floor, where residential uses are allowed above the ground level only; allow 17 units with area of 615 square feet, where area of 850 square feet is the minimum required for 90% of the units; allow 5 feet front setback for building wall facing Palm Avenue to be used and expand a sidewalk and 3 feet for the balconies above the ground floor, 5.66 feet setback for building wall facing West 23 Street provided a sidewalk is built along West 23 Street, and 4 feet for the balconies above the ground floor, where 10 feet built-to-line is required for all; allow 18 parking spaces, where 41 parking spaces are required provided 4 on-street parking spaces are built on West 23 Street; allow 13% pervious area, where 30% is the minimum required; all contra to Hialeah Code of Ordinances §§ 98-1630.1, 98-1630.2, 98-1630.3(e)(1), 98-2189(16)a. and 98-2056(b)(1); **Property located at 2290 Palm Avenue, Hialeah, zoned C-2 (Liberal Retail Commercial District), located in NBD (Neighborhood Business District) Area 1;** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On July 13, 2020, the City Council approved the item on first reading.</i>
<i>Registered Lobbyist: Anthony Escarra, Esq., of Alejandro Vilarello, PA, 16400 NW 59 Avenue, Miami Lakes, Florida 33014, on behalf of 2290 Palm Ave, LLC, 16400 NW 59 Avenue, Miami Lakes, Florida 33014.</i>
<i>On June 24, 2020, the Planning and Zoning Board recommended approval of the item with the condition that a Declaration of Restrictive Covenants is proffered.</i>

<i>Planner's Recommendation: Approval with a Declaration of Restrictive Covenants.</i>
<i>Owner of the Property 40 West, LLC, LLC, 16400 NW 59 Avenue, Miami Lakes, Florida 33014 and 2290 Palm Ave, LLC, 16400 NW 59 Avenue, Miami Lakes, Florida 33014.</i>

PZ 6. Second reading and public hearing of proposed ordinance granting a Special Use Permit (SUP) to allow the expansion of the (NBD) Neighborhood Business District regulations pursuant to Hialeah Code of Ordinances § 98-1630.8; and granting a variance permit to allow only residential uses, where residential and commercial uses are required; allow residential use on the ground floor, where residential uses are allowed above the ground level only; allow 27 units with area of 615 square feet, where area of 850 square feet is the minimum required for 90% of the units; allow 5.66 feet front setback for building wall facing West 23 Street provided a sidewalk is built along West 23 Street and 4 feet for the balconies above the ground floor where 10 feet built-to-line is required; allow 7 foot west interior side setback for south building, 14.83 feet west side setback for north building, and 10 feet interior south side setback for building walls, where 15 feet are required; allow 32 parking spaces where 68 parking spaces are required provided 5 on-street parking spaces are built on West 23 Street; allow 17% pervious area, where 30% is the minimum required; all contra to Hialeah Code of Ordinances §§ 98-1630.1, 98-1630.2, 98-1630.3(e)(1), 98-2189(16)a., 98-2056(b)(1); **Property located at 40 West 23 Street, Hialeah, zoned R-3 (Multifamily District).** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On July 13, 2020, the City Council approved the item on first reading.</i>
<i>Registered Lobbyist: Anthony Escarra, Esq., of Alejandro Vilarello, PA, 16400 NW 59 Avenue, Miami Lakes, Florida 33014, on behalf of 2290 Palm Ave, LLC, 16400 NW 59 Avenue, Miami Lakes, Florida 33014.</i>
<i>On June 24, 2020, the Planning and Zoning Board recommended approval as recommended by the Planner.</i>
<i>Planner's Recommendation: Approve with west side setbacks of 7 feet for north building, and 14.83 feet for south building; south side setback of 10 feet and no balconies and subject to a Declaration of Restrictions.</i>
<i>Owner of the Property 40 West, LLC, LLC, 16400 NW 59 Avenue, Miami Lakes, Florida 33014 and 2290 Palm Ave, LLC, 16400 NW 59 Avenue, Miami Lakes, Florida 33014.</i>

PZ 7. Second reading and public hearing of proposed ordinance granting a Special Use Permit (SUP) to allow the expansion of the Neighborhood Business District (NBD) Overlay pursuant to Hialeah Code of Ordinances § 98-1630.8; and granting a variance permit to allow only residential uses, where residential and commercial uses are required; allow residential use of the ground floor, where residential uses are allowed above the ground

level only; allow 98 units with area of 600 square feet, where area of 850 square feet is the minimum required for 90% of the units; allow 15 feet front setback facing West 78 Road and 20 feet front setback facing West 4 Avenue, where 10 feet built-to-line are required; allow rear setback of 10 feet for building walls and 7 feet for balconies, where 15 feet are required; allow 122 parking spaces where 243 parking spaces are required; allow 18% pervious area, where 30% is the minimum required; all contra to Hialeah Code of Ordinances §§ 98-1630.1, 98-1630.2, 98-1630.3(e)(1), 98-2189(16)a., 98-2056(b)(1); allow 5 feet landscape buffer facing West 78 Road, where 7 feet are required; contra to the City of Hialeah Landscape Manual dated July 9, 2015, ¶ (D)(7); and allow a waiver of the minimum landscape requirements provided that trees and shrubs are mitigated in accordance to Hialeah Code of Ordinances § 98-2233. **Property located at 7901 West 4 Avenue, Hialeah, Florida; zoned M-1 (Industrial District).** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>On July 13, 2020, the City Council approved the item on first reading.</i>
<i>Registered Lobbyist: Anthony Escarra, Esq., of Alejandro Vilarello PA, 16400 NW 59 Avenue, Miami Lakes, Florida 33014, on behalf of 7901 W 4thAve, LLC, 16400 NW 59 Avenue, Miami Lakes, Florida 33014.</i>
<i>On June 24, 2020, the Planning and Zoning Board recommended approval subject to submission of a Parking Management Plan.</i>
<i>Planner's Recommendation: Approve subject to submission of a parking management plan.</i>
<i>Owner of the Property WLPW3, LLC, 211 Ridgewood Road, Coral Gables, Florida 33014.</i>

9. FINAL DECISIONS

- FD 1.** Recommendation of denial from the Planning and Zoning Board to allow distance separation between an accessory building converted into a living unit and existing covered terrace of 2 inches, where 10 feet is the minimum distance separation required, and allow distance separation of 5 feet 1 inch between said accessory building and shed, where 10 feet is the minimum distance separation required for property located at **262 West 34th Street.**

<i>On February 26, 2020, the Planning and Zoning Board recommended denial of this item.</i>
<i>Planner's Recommendation: Denial.</i>
<i>Owner of the Property: Adriana M. Perez, 262 West 34 Street, Hialeah, Florida 33012.</i>

NEXT CITY COUNCIL MEETING: Tuesday, July 28, 2020 at 7:00 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, August 25, 2020 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, 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.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than two (2) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).