

**CITY OF HIALEAH**  
**PLANNING AND ZONING BOARD MEETING**  
**October 12, 2016**  
*Summary Agenda- Minutes*

HIALEAH CITY HALL  
501 PALM AVENUE-3RD FLOOR

7:00 P.M.  
HIALEAH

Call to order.

Invocation and pledge of allegiance

**ALL LOBBYISTS MUST REGISTER WITH THE PLANNING AND ZONING BOARD PRIOR TO ITEM BEING HEARD**

**A MAXIMUM OF 4 SPEAKERS IN FAVOR AND 4 SPEAKERS IN OPPOSITION WILL BE ALLOWED TO ADDRESS THE PLANNING AND ZONING BOARD ON ANY ITEM. EACH SPEAKER'S COMMENTS WILL BE LIMITED TO 3 MINUTES.**

1. Roll Call.

**Present: Mr. D. Perez, Mr. Tundidor, Mr. Cabrera, Mr. O. Perez, Mr. Casanova, Mr. Sanchez, Mr. Suarez**

2. Approval of Planning and Zoning Board Summary Agenda of September 28, 2016 as submitted.  
**Motion to Approve: Mr. Cabrera; Second: Mr. Tundidor and Mr. Suarez; Approved: 7-0**

*Item Approved*

**ADMINISTRATION OF OATH TO ALL APPLICANTS AND ANYONE WHO WILL BE SPEAKING BEFORE THE BOARD ON ANY ITEM.**

A WRITTEN DECISION AND RESOLUTION WILL BE PREPARED AND PRESENTED FOR REVIEW TO THE CITY COUNCIL. THE CITY COUNCIL IS AUTHORIZED TO AFFIRM, AFFIRM WITH CONDITIONS, OR OVERRIDE THE DECISIONS BY RESOLUTION. AFTER THE RESOLUTION IS ADOPTED, A MEMBER OF THE PLANNING DIVISION WILL CONTACT THE APPLICANT WHEN A COPY OF THE FINAL DECISION AND RESOLUTION CAN BE PICKED UP. UPON YOUR RECEIPT OF THE FINAL DECISION AND RESOLUTION, CONTACT THE BUILDING DEPARTMENT TO OBTAIN YOUR REQUIRED BUILDING PERMIT. SUMMARY MINUTES, OR A COPY OF THE AUDIO FILE OF THE PROCEEDINGS BEFORE THE PLANNING AND ZONING BOARD, SHALL BE PREPARED AND SUBMITTED TO THE CITY COUNCIL BEFORE ITS HEARING.

**THE PLANNING AND ZONING BOARD RECOMMENDATIONS FOR THE FOLLOWING PUBLIC HEARING REQUESTS WILL BE HEARD BY THE CITY COUNCIL, AT ITS SCHEDULED MEETING OF TUESDAY, OCTOBER 25, 2016:**

3. **Rezoning** from R-2 (One and Two Family Residential District), C-1 (Restricted Retail Commercial) and C-2 (Liberal Retail Commercial) to R-3-3 (Multiple Family District); and SUP (Special Use Permit) to allow the expansion of the NBD (Neighborhood Business District) overlay regulations and variance permit to allow the construction of an Elderly Residential Community, consisting of 77 units, with a floor area of less than 850 square feet (only 10% or 8 units may have a minimum of 600 square feet of floor area) allow 76 parking spaces (174 required) and allow surface parking on front and side setback (no parking shall be allowed on front and side setback). Property lying on the west side of West 4 Court and the east side of West 5<sup>th</sup> Avenue, between West 23<sup>rd</sup> Street and West 25<sup>th</sup> Street, Hialeah

**Applicant: Hialeah Housing Authority c/o Felix Lasarte, Esq.**

**Planner's Recommendation: Approval**

**Motion to Approve: Mr. Tundidor; Second: Mr. Sanchez and Mr. Suarez; Approved: 7-0**

*Item Approved*

4. **PROPOSED ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED “ZONING”, ARTICLE II. ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, AND IN PARTICULAR, AMENDING DIVISION 9 ADMINISTRATIVE VARIANCES, SECTION 98-256, ENTITLED “DEFINITIONS” TO ADD A VARIANCE FOR ADOPTED DESIGN STANDARDS; SECTION 98-257 ENTITLED “ADMINISTRATIVE VARIANCE” AMENDING SECTION 98-257(b), REGARDING MEMBERSHIP IN THE ADMINISTRATIVE VARIANCE COMMITTEE; SECTION 98-258 ENTITLED “LIMITATION OF AUTHORITY” SECTION 98-298(d) ALLOWING FOR AMENDMENTS TO ADOPTED PATTERN BOOKS; SECTION 98-259 ENTITLED “APPLICATION” SECTION 98-259(1) ADDING ADMINISTRATIVE FEES; PROVIDING FOR A PURPOSE; PROVIDING FOR GOALS AND OBJECTIVES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEROF; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

**\*REPORT: Item 4 has been amended to read as follows:**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED “ZONING”, ARTICLE II. ADMINISTRATION, DIVISION 9 ADMINISTRATIVE VARIANCES, OF THE CODE OF ORDINANCES AND IN PARTICULAR AMENDING SECTION 98-256, ENTITLED “DEFINITIONS” TO ADD A VARIANCE FOR ADOPTED DESIGN STANDARDS; AMENDING SECTION 98-257 ENTITLED “ADMINISTRATIVE VARIANCE COMMITTEE” IDENTIFYING COMMITTEE MEMBERS AND OFFICERS; AMENDING SECTION 98-258 ENTITLED “LIMITATION OF AUTHORITY” PROVIDING FOR AUTHORITY TO CONSIDER REQUESTS FOR CHANGES TO APPROVED PATTERN BOOKS; AMENDING SECTION 98-259 ENTITLED “APPLICATION” TO PROVIDE FOR FEES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

**Motion to Approve as amended: Mr. Suarez; Second: Mr. Cabrera; Approved: 7-0**

*Item Approved as Amended*

5. **PROPOSED ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED “ZONING”, ARTICLE II. ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, AND IN PARTICULAR, AMENDING DIVISION 7 ZONING CHANGES, SECTION 98-195 ENTITLED “FEES”, SECTION 98-195(a) ADDING TRANSIT ORIENTED DEVELOPMENT FEES FOR AMENDMENTS TO THE FUTURE LAND USE MAP AND SECTION 98-195(b) FOR ZONING CHANGES; PROVIDING FOR A PURPOSE; PROVIDING FOR GOALS AND OBJECTIVES; REPEALING ALL ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

**\*REPORT: Item 5 has been amended to read as follows:**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED “ZONING”, ARTICLE II. ADMINISTRATION, DIVISION 7 ZONING CHANGES, OF THE CODE OF ORDINANCES, AND IN PARTICULAR AMENDING SECTION 98-195 ENTITLED “FEES” PROVIDING FOR FEES RELATED WITH THE REVIEW, EVALUATION OR APPROVAL OF LAND

**HIALEAH PLANNING AND ZONING BOARD MEETING- OCTOBER 12, 2016**

USE AND ZONING APPLICATIONS WITHIN A TRANSIT ORIENTED DEVELOPMENT DISTRICT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

**Motion to Approve as amended: Mr. Suarez; Second: Mr. O. Perez; Approved: 7-0**

*Item Approved as Amended*

6. **PROPOSED ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH FLORIDA AMENDING CHAPTER 98 ENTITLED “ZONING”, ARTICLE V. ZONING DISTRICT REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, AND IN PARTICULAR, AMENDING DIVISION 26 ENTITLED “TRANSIT ORIENTED DEVELOPMENT DISTRICT”; ADDING SECTION 98-1550 TRANSIT ORIENTED REVIEW COMMITTEE AND PROVIDING FOR MEMBERS OF THE COMMITTEE, AND PROVIDING FOR REVIEW OF PROPOSED APPLICATIONS TO ENSURE CONSISTENCY WITH GOALS AND OBJECTIVES; PROVIDING FOR A PURPOSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

**\*REPORT: Item 6 has been amended to read as follows:**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED “ZONING”, ARTICLE V. ZONING DISTRICT REGULATIONS, DIVISION 26 ENTITLED “TRANSIT ORIENTED DEVELOPMENT DISTRICT” OF THE CODE OF ORDINANCES BY ADDING A NEW SECTION 98-1559 ENTITLED “DESIGN REVIEW COMMITTEE” FOR THE PURPOSE OF REVIEWING PROPOSED APPLICATIONS TO ENSURE CONSISTENCY WITH GOALS AND OBJECTIVES OF THE TOD DISTRICT; PROVIDING FOR MEMBERS AND DUTIES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

**Motion to Approve as amended: Mr. O. Perez; Second: Mr. Tundidor; Approved: 7-0**

*Item Approved as Amended*

7. **PROPOSED ORDINANCE REPEALING AND RESCINDING HIALEAH, FLA., ORDINANCE 2000-45 (MAY 9, 2000), THAT GRANTED A VARIANCE PERMIT, REPEALED AND RESCINDED HIALEAH, FLA. ORDINANCE 97-80 (OCTOBER 28, 1997) AND MODIFIED DECLARATION OF RESTRICTIONS DATED OCTOBER 16, 1987 TO ALLOW A 953-FOOT DISTANCE SEPARATION BETWEEN THE PROPOSED PAWN SHOP (SECONDHAND DEALER) AND AN EXISTING JEWELRY STORE (PRECIOUS METALS DEALER), WHERE A 2,000-FOOT MINIMUM DISTANCE SEPARATION WAS REQUIRED AND RELEASING TWO DECLARATIONS OF RESTRICTIVE COVENANTS, THE FIRST DATED OCTOBER 16, 1997, RECORDED IN BOOK 17909, AT PAGE 1375 AND THE SECOND DATED JULY 11, 2000, RECORDED IN BOOK 19188, AT PAGE 4325, **PROPERTY LOCATED AT 7190 WEST 12 AVENUE, HIALEAH, FLORIDA**; 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.**

**Applicant: Henry Pernas.**

**Motion to Table: Mr. Sanchez; Second: Mr. Suarez; Approved: 7-0**

*ITEM TABLED*

MISCELLANEOUS ITEMS NOT REQUIRING ADVERTISING:

8. Old Business. **PLANNING AND ZONING BOARD CHAIR ANNOUNCED SECOND MEETING IN NOVEMBER WILL BE HELD ON THE THIRD WEDNESDAY OF THE MONTH INSTEAD OF THE FOURTH AS IT FALLS THE DAY BEFORE THANKSGIVING TO AVOID ABSENTEES. MEETING CHANGE POSSIBILITY WAS DISCUSSED AT 9/28 MEETING.**

9. New Business.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS NEEDING A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE PLANNING DIVISION NO LATER THAN SEVEN DAYS PRIOR TO THE PROCEEDING. TELEPHONE (305) 883-8075 OR (305) 883-8076 FOR ASSISTANCE; IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE NUMBERS (800) 955-8771 (TDD) OR (800) 955-8770 (VOICE) FOR ASSISTANCE.