

**Carlos Hernández**  
Mayor

**Luis Gonzalez**  
Council President

**Katharine E. Cue-Fuente**  
Council Vice President



Council Members  
**Jose F. Caragol**  
**Vivian Casáls-Muñoz**  
**Isis Garcia-Martinez**  
**Paul B. Hernández**  
**Lourdes Lozano**

## City Council Agenda November 22, 2016 7:00 P.M.

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Call to Order

Roll Call

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance led by Councilwoman Garcia-Martinez

### **Meeting Guidelines**

The following guidelines have been established by the City Council:

➤ **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

### **Presentations –**

#### **1. Consent Agenda-**

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A.** Request permission to approve the minutes of the City of Hialeah Council Meeting held on November 8, 2016. (OFFICE OF THE CITY CLERK.)
- B.** Request from Rincón de San Lázaro, located at 1190 East 4<sup>th</sup> Avenue, Hialeah, Florida, for a procession permit, to host a procession on Saturday, December 17, 2016, commencing at 8:00 p.m. on church grounds, to 8<sup>th</sup> Street to 1<sup>st</sup> Avenue, to 21<sup>st</sup> Street, to 4<sup>th</sup> Avenue and ending on church grounds at 10:00 p.m., subject to the recommendations of the Police and Fire Departments. (OFFICE OF THE CITY CLERK)
- C.** Request from San Lazaro Catholic Church, located at 4400 West 18<sup>th</sup> Avenue, Hialeah, Florida, for a procession permit, to host a procession on Saturday, December 17, 2016, commencing at 8:30 p.m., beginning on church grounds, traveling from West 44<sup>th</sup> Place to West 16<sup>th</sup> Avenue, West 16<sup>th</sup> Avenue to West 42<sup>nd</sup> Street, West 42<sup>nd</sup> Street to West 18<sup>th</sup> Avenue, and West 18<sup>th</sup> Avenue ending at church grounds, subject to the recommendations of the Police and Fire Departments. (OFFICE OF THE CITY CLERK)
- D.** Request permission for approval of the Library's Annual Plan of Service for fiscal year 2016-2017, which will be submitted to the State Library of Florida in order to maintain eligibility for the State Aid to Libraries Grant Program and to fulfill the requirements of the E-Rate and other grant programs as applicable. (LIBRARY DIVISION)
- E.** Proposed resolution authorizing the Mayor or designee to obtain property insurance coverage with affiliated FM (Factory Mutual) through the City's current property insurance agent Keen, Battle, Mead & Company from December 27, 2016 to December 27, 2017 in an estimated amount not to exceed \$358,262.00 for the Hialeah Reverse Osmosis Water Treatment Plant of which Miami-Dade County will reimburse the City for its 50% share. (RISK MANAGEMENT)
- F.** Proposed resolution authorizing the Mayor or designee to renew insurance coverage with Lloyd's of London and Hartford Insurance Company through Keen, Battle, Mead & Company for calendar year 2016-2017 in an estimated amount not to exceed \$60,461.09 for fire, windstorm and other covered perils coverage and inland marine coverage for the Department of Public Works and its water and sewer distribution facilities; and waiving competitive bidding requirements as advantageous to the City. (RISK MANAGEMENT)
- G.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to H & R Paving, Inc., to purchase asphalt material free on board (FOB) plant at seventy-two dollars (\$72.00) per ton and paver rental at nine hundred fifty dollars (\$950.00) per day, in a total cumulative amount not to exceed \$850,000. (STREETS DEPT.)
- H.** Request from the Hialeah Seventh Day Adventist Church, located at 1425 East 1<sup>st</sup> Avenue, Hialeah, Florida, for a temporary street closure permit, to host a Community Christmas Festival on church grounds, on Saturday, December 17, 2016, from 4:00 p.m. to 10:00 p.m., on East 1<sup>st</sup> Avenue from 13<sup>th</sup> to 15<sup>th</sup> Street, subject to the recommendations of the Police and Fire Departments. (OFFICE OF THE CITY CLERK)

- I. Proposed resolution authorizing the expenditure of funds, in an amount not to exceed \$22,089.74 from the Law Enforcement Trust Fund – *State*, payable to the Miami Dade County Association of Chiefs of Police, for joint funding to reduce overtime in the Miami-Dade County Courts. (POLICE DEPT.)
  - J. Proposed resolution authorizing the Mayor or designee to renew health insurance coverage with HCC Life Insurance Company, an Indiana Corporation, through MDW Insurance Group for calendar year 2017 at a rate of \$4.11 for each employee/retiree for each month for aggregate stop loss coverage in order for the insurance carrier to pay the City up to \$1,000,000.00 if paid claims exceed the predetermined aggregate stop loss attachment point and renew health insurance coverage for calendar year 2017 at a rate of \$10.18 for single coverage and \$36.74 for family coverage for each employee/retiree for each month for specific excess coverage with no lifetime maximum, for a total annual amount not to exceed \$350,000.00 for calendar year 2017. (RISK MANAGEMENT)
3. Second reading and public hearing of proposed ordinance amending Chapter 98 entitled “Zoning”, Article V. Zoning District Regulations, Division 29. Hialeah Heights, of the Code of Ordinances of the City of Hialeah, by adding a new section, § 98-1607.2 entitled “CDH Commercial Development District”; providing a purpose; the geographic area; site and development standards; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for severability; providing for inclusion in the code; providing for an effective date. (ZONING)

*Item was approved by the City Council on first reading on November 8, 2016. Second reading and public hearing was scheduled for November 22, 2016.*

*Item was approved by the Planning and Zoning Board on October 26, 2016.*

4. Second reading and public hearing of proposed ordinance authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a lease agreement between the City, as landlord, and Family Aids Coalition, Inc., a Florida Not-For-Profit Corporation, as tenant, for office space, Room 112, within the Blanche Morton Neighborhood Center, located at 300 East 1 Avenue, Hialeah, Florida, for a period of one year, commencing on September 1, 2016 and ending on August 31, 2017, for an annual amount of \$1,688.54, payable in equal monthly base rental payments plus electric, utility and telephone charges, with two successive one-year renewals with a 5% annual rental increase for each year renewed, in the lease form as attached hereto and made a part hereof as Exhibit "1"; providing penalties for violation hereof; providing for a severability clause and providing for an effective date. (PURCHASING DIV.)

*Item was approved by the City Council on first reading on November 8, 2016. Second reading and public hearing was scheduled for November 22, 2016.*

5. Second reading and public hearing of proposed ordinance authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a lease agreement between the City, as landlord, and the University of Florida and Miami-Dade County, Florida, as tenants, for use of 1,559 square feet of office space, Rooms 113 through 120, and a conference room at the Blanche Morton Neighborhood Service Center, located at 300 East 1 Avenue, Hialeah, Florida, for a period of one year, commencing on December 1, 2016 and ending on November 30, 2017, for an annual

amount of \$20,892.19 payable in equal monthly rental payments, in the lease form as attached hereto as Exhibit "1", with two successive annual renewals; providing penalties for violation hereof; providing for a severability clause and providing for an effective date. (PURCHASING DIV.)

*Item was approved by the City Council on first reading on November 8, 2016. Second reading and public hearing was scheduled for November 22, 2016.*

6. Second reading and public hearing of proposed ordinance amending the budget for fiscal year 2015-2016 by authorizing transfers of unencumbered appropriation between classifications of expenditures within an office or department within the several budget funds as summarized and itemized in the schedule attached as Exhibit "1B" and made a part hereof; repealing all ordinances or parts of ordinances in conflict herewith; providing for severability; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)

*Item was approved by the City Council on first reading on November 8, 2016. Second reading and public hearing was scheduled for November 22, 2016.*

7. Second reading and public hearing of proposed ordinance amending Hialeah, Fla. Ordinance 2015-53 (Sept. 24, 2015) adopting the Operating Budget for fiscal year 2015-2016, to approve and ratify supplemental appropriations in the amount of \$4,194,798 for a new year-end operating budget in the total amount of \$132,194,798; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)

*Item was approved by the City Council on first reading on November 8, 2016. Second reading and public hearing was scheduled for November 22, 2016.*

8. Second reading and public hearing of proposed ordinance amending Hialeah, Fla. Ordinance 2015-54 (Sept. 24, 2015) adopting the Special Revenue Funds Budget for fiscal year 2015-2016, to amend the Special Revenue Funds Budget in the amount of \$22,859,127 and approve and ratify supplemental appropriations in the amount of \$4,786,401 for a new year-end special revenue funds budget in the total amount of \$27,645,528; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)

*Item was approved by the City Council on first reading on November 8, 2016. Second reading and public hearing was scheduled for November 22, 2016.*

9. Second reading and public hearing of proposed ordinance amending Hialeah, Fla. Ordinance 2015-55 (Sept. 24, 2015) adopting the Debt Fund Budget for fiscal year 2015-2016, to approve and ratify a reduction in appropriations in the amount of \$1,718,170 for a new year-end Debt Fund Budget in the total amount of \$6,000,000; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)

*Item was approved by the City Council on first reading on November 8, 2016. Second reading and public hearing was scheduled for November 22, 2016.*

10. Second reading and public hearing of proposed ordinance amending Hialeah, Fla. Ordinance 2015-56 (Sept. 24, 2015) adopting the Capital Projects Fund Budget for fiscal year 2015-2016, to approve and ratify supplemental appropriations in the amount of \$841,702 for a new year-end Capital Projects Fund Budget in the total amount of \$3,130,328; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)

*Item was approved by the City Council on first reading on November 8, 2016. Second reading and public hearing was scheduled for November 22, 2016.*

11. Second reading and public hearing of proposed ordinance amending Hialeah, Fla. Ordinance 2015-57 (Sept. 24, 2015) adopting the Street Transportation Fund Budget for fiscal year 2015-2016, to approve and ratify a reduction in appropriations in the amount of \$1,695,375 for a new year-end Street Transportation Fund Budget in the total amount of \$5,290,501; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)

*Item was approved by the City Council on first reading on November 8, 2016. Second reading and public hearing was scheduled for November 22, 2016.*

12. Second reading and public hearing of proposed ordinance amending Hialeah, Fla. Ordinance 2015-58 (Sept. 24, 2015) adopting the Stormwater Fund Budget for fiscal year 2015-2016, to approve and ratify a reduction in appropriations in the amount of \$3,648,572 for a new year-end Stormwater Fund Budget in the total amount of \$4,048,418; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)

*Item was approved by the City Council on first reading on November 8, 2016. Second reading and public hearing was scheduled for November 22, 2016.*

13. Second reading and public hearing of proposed ordinance amending Hialeah, Fla. Ordinance 2015-59 (Sept. 24, 2015) adopting the Public Works Fund Budget for fiscal year 2015-2016 to approve and ratify a reduction in appropriations in the amount of \$3,021,424 for a new year-end Public Works Fund Budget in the total amount of \$95,311,530; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)

*Item was approved by the City Council on first reading on November 8, 2016. Second reading and public hearing was scheduled for November 22, 2016.*

14. First reading of proposed ordinance amending Chapter 98 entitled "Zoning", Article V. Zoning District Regulations, Division 11. CR Commercial-Residential District, of the Code of Ordinances of the City of Hialeah, revising Section 98-877 entitled "Uses Permitted and Regulations", to include pawnshops, medical clinics, and pet stores as permitted uses; eliminating the prohibition against sale of second hand merchandise; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for severability; providing for inclusion in the code; providing for an effective date. (ZONING)

*Item was withdrawn from the November 8, 2016 City Council Meeting agenda because the matter required re-advertisement. First reading was scheduled for November 22, 2016.*

*Item was approved by the Planning and Zoning Board on October 26, 2016.*

- 15. First reading of proposed ordinance amending Chapter 98 entitled “Zoning”, Article V. Zoning District Regulations, Division 11A. CR Commercial-Residential District outside the Hialeah Downtown Urban Center (HDUC), of the Code of Ordinances of the City of Hialeah, revising Section 98-891 entitled “Prohibited Uses and Limitations”; eliminating the restrictions on the sale of secondhand jewelry; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for severability; providing for an effective date. (ZONING)

*Item was withdrawn from the November 8, 2016 City Council Meeting agenda because the matter required re-advertisement. First reading was scheduled for November 22, 2016.*

*Item was approved by the Planning and Zoning Board on October 26, 2016.*

- 16. First reading of proposed ordinance opting out of the Early Voting time and location provisions provided by state law, specifically, Sections 101.657(1)(a)-(1)(d), Florida Statutes and in lieu thereof, providing Early Voting at JFK Library for the Primary Election, and in particular, on Monday, October 30, 2017, from 11:00 a.m. to 7:00 p.m., on Tuesday, October 31, 2017, from 7:00 a.m. to 3:00 p.m., on Wednesday, November 1, 2017, from 11:00 a.m. to 7:00 p.m.; on Thursday, November 2, 2017, from 7:00 a.m. to 3:00 p.m.; Friday, November 3, 2017, from 11:00 a.m. to 7:00 p.m., on Saturday, November 4, 2017, from 9:00 a.m. to 4:00 p.m., and on Sunday, November 5, 2017, from 9:00 a.m. to 4:00 p.m.; and providing Early Voting at JFK Library for the General Election, if a General Election is held, and in particular, on Friday, November 17, 2016, from 11:00 a.m. to 7:00 p.m., on Saturday, November 18, 2017, from 9:00 a.m. to 4:00 p.m. and on Sunday, November 19, 2017, from 9:00 a.m. to 4:00 p.m.; 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. (OFFICE OF THE CITY CLERK)

- 17. First reading of proposed ordinance vacating 35 feet of right of way dedicated for highway purposes by deed dated January 27, 1992 and recorded in the public records of Miami-Dade County at Official Records Book 15590, Page 1619, containing an area of approximately 11,550 square feet, more or less, **property located on theoretical N.W. 104 Avenue lying west of N.W. 102 Avenue and north of N.W. 154 Street, Hialeah, Florida**, and more particularly described in the surveyor’s legal description and location sketch attached hereto and made a part hereof as Exhibit “A”. (STREET DEPT.)

18. Board Appointments –

- a. Proposed resolution reappointing **Javier Casanova** as a member of the Planning and Zoning Board for a two (2)-year term ending on June 28, 2018. (COUNCILMAN CARAGOL)

19. Unfinished Business –

20. New Business –

21. Comments and Questions-

**Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.**

**Attention Applicants: Items approved by the City Council are subject to the Mayor’s approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor’s signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.**

**ZONING**

PZ 1. Second reading and public hearing of proposed ordinance granting a variance permit to allow replatting of property into two substandard lots to allow the construction of a single family residence on each lot with lot 1 having a frontage of 51.3 feet, more or less, and total area of 5,130 square feet and lot 2 having a frontage of 47 feet, more or less, and total area of 4,700 square feet, where 75 feet of frontage and total area of 7,500 square feet are required for each, contra to Hialeah Code § 98-348(a). **Property located at 1421 East 6 Court, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *(Applicant: Lumination Homes, LLC)*

<i>Item was approved by the City Council on first reading on November 8, 2016. Second reading and public hearing was scheduled for November 22, 2016.</i>
<i>The recommendation of denial of the Planning and Zoning Board was overturned by the City Council on October 25, 2016. First reading was scheduled for November 8, 2016.</i>
<i>Item was tabled, per the request of the applicant’s representative, on October 11, 2016 until October 25, 2016, due to a full City Council not being present.</i>
<i>Item was denied by the Planning and Zoning Board on September 28, 2016.</i>
<i>Planner’s Recommendation: Approval with conditions</i>
<i>Property owner: Lumination Homes, LLC, 1474-A West 84 Street, Hialeah, FL 33014</i>

PZ 2. Second reading and public hearing of proposed ordinance rezoning property from M-1 (Industrial District) to R-3-5 (Multiple Family District). **Property located at 7925 West 2 Court, Hialeah, Florida.** Providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *(Applicant: Hugo Arza, Esq. on behalf of Amelia Hialeah Holdings, LLC)*

<i>Item was approved by the City Council on first reading on November 8, 2016. Second reading and public hearing was scheduled for November 22, 2016.</i>
<i>Planner’s Recommendation: Approval</i>

<i>Item was approved by the Planning and Zoning Board on October 26, 2016.</i>
<i>Property owner: Amelia Hialeah Holdings, LLC, 16400 NW 59 Avenue, Miami Lakes, FL 33014</i>

- PZ 3. Second reading and public hearing of proposed ordinance repealing and rescinding Ordinance No. 2013-88 (December 16, 2013) that rezoned property from R-1 to R-3-2; rezoning from R-3-2 (Multiple Family District) to R-3-3 (Multiple Family District), and granting a variance permit to allow a pervious area of 21.9%, where a minimum of 30% is required, a total lot coverage of 38.25%, where a maximum of 30% is allowed; to allow 24 off-street parking spaces, where 27 spaces are required; waiving a portion of the City of Hialeah Landscape Manual requirements to allow a 5-foot landscape buffer between the off-street parking and the right-of-way, where a 7-foot buffer is required, and eliminate the landscape island, where a landscape island is required at a minimum every 10 parking spaces for shade distribution, and to allow the a rear setback of 10 feet, where 20 feet are required, a corner side setback abutting the street of 13.3 feet, where 15 feet are required, contra to Hialeah Code §§ 98-2056(1), 98-590, 98-591, 98-2189(19)(b), 98-2197(a). **Property located at 1120 West 37 Street, 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: Alejandro Vilarello, P.A., on behalf of Hialeah 10 Townhomes, LLC*)

<i>Item was approved by the City Council on first reading on November 8, 2016. Second reading and public hearing was scheduled for November 22, 2016.</i>
<i>Planner’s Recommendation: Approval</i>
<i>Item was approved by the Planning and Zoning Board on October 26, 2016.</i>
<i>Property owner: Hialeah 10 Townhomes, LLC, 16400 NW 59 Avenue, Miami Lakes, FL 33014</i>

- PZ 4. First reading of 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*)

<i>Planner’s Recommendation: Approval as requested.</i>
<i>Item was approved by the Planning and Zoning Board on November 9, 2016.</i>
<i>Property owner: Henry Pernas, 7190 West 12 Avenue, Hialeah, Florida.</i>

PZ 5. First reading of proposed ordinance rezoning 287.70 acres of land from GU (Interim District) to RDD (Residential Development District), requiring a minimum of 25% developed as RH-1 (One Family District), minimum of 20% and maximum of 30% developed as R-4 (Townhouse), maximum of 20% developed as RH-3-M (Multiple Family District) and maximum of 10% developed as RH-3-MM (Multiple Family District, 15 to 24 units per acre); substituting the requirements of the residential development district by approving the site plan dated 10-5-16 and pattern book, prepared by Pascual Perez Kiliddjian & Associates Architects and approving the landscape plan dated 10-5-16, prepared by Witkin Huts Design Group; granting a variance permit to allow the following variances for the respective residential components of the project: (a) minimum building site with (R-4), to allow building site 23’ wide (25’ required) contra to § 98-687, Hialeah Code of Ordinances; (b) minimum lot width to allow RH-1 LOT widths of 32’ (40’ required) contra to § 98-1604(c), Hialeah Code of Ordinances and RH-3-M lot widths of 18’4” and 21’ 4” (75’ required) contra to § 98-1606(d) Hialeah Code of Ordinances; (c) maximum lot coverage (RH-1 and R-4) to allow lot widths in excess of 50% for a number of the RH-1 and R-4 units contra to § 98-1604(i), Hialeah Code of Ordinances; (d) open space per unit (R-4), to allow less open space than the required 400 square feet per unit contra to § 98-694 Hialeah Code of Ordinances; and front yard (RH-1, RH-3-M, and R-4), contra to §§ 98-1604(e)(1), 98-1606(d) and 98-687, Hialeah Code of Ordinances, side street (RH-3-M) contra to § 98-1606(f)(2), Hialeah Code of Ordinances, corner lot (R-4) contra to § 98-689, Hialeah Code of Ordinances, and rear yard (RH-1 and R-4) setbacks contra to §§ 98-1604(e) (4) and 98-689 Hialeah Code of Ordinances; properties **located on the SE corner of NW 170 Street and NW 97 Avenue**, Hialeah, Florida; repealing ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Hugo P. Arza, Esq. on behalf of Two Lakes Lennar, LLC and Atlas Hialeah Heights, LLC*)

<i>Registered Lobbyists: Hugo P. Arza, Esq., Alejandro J. Arias, Esq., Juan J. Mayol, Esq., and Michael Freire, Land Use Consultant, Holland &amp; Knight LLP, 701 Brickell Avenue, Suite 3300, Miami, Florida 33131.</i>
<i>Planner’s Recommendation: Approval subject to Declaration of Restrictions acceptable to the City as per Section 98-1608 of the City of Hialeah Code and future amendment of Ordinance No. 2016-26.</i>
<i>Item was approved as recommended by the Planning and Zoning Board on November 9, 2016.</i>
<i>Property owners: Lennar Homes, LLC, 730 NW 107 Avenue, 4<sup>th</sup> Floor, Miami, Florida and Atlas Hialeah Heights, LLC, 336 East Dania Beach Boulevard, Dania Beach, Florida 33004.</i>

PZ 6. First reading of proposed ordinance granting a variance permit to allow a front setback of 8.9’ (25’) required contra to § 98-589, Hialeah Code of Ordinances and rear setback of 10’ (20’ required) contra to § 98-591, Hialeah Code of ordinances; **property located at 1295 West 69 Street, Hialeah, Florida**; repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Alejandro Vilarello, P.A., on behalf of Hialeah Lake Investments, LLC*)

*Planner’s Recommendation: Approval*

<i>Item was approved by the Planning and Zoning Board on November 9, 2016.</i>
<i>Property owner: Hialeah Lake Investments, LLC, 16400 NW 59 Avenue, Miami Lakes, Florida 33014.</i>

- PZ 7. First reading of proposed ordinance approving a final plat of Villas de las Palmas. **Property located at 3500 West 9<sup>th</sup> Avenue, Hialeah, Florida.** Accepting all dedication of avenues or other public ways, together with all existing and future planting of trees; 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>Item was approved by the Planning and Zoning Board on November 9, 2016.</i>
<i>Property owner: Les Chalets Investments, LLC and Hialeah 10.1 Acres, LLC d/b/a Villas de las Palmas LLC</i>

- PZ 8. First reading of proposed ordinance rezoning property from M-1 (Industrial District) to TOD (Transit Oriented Development District); **property consists of vacant land lying north of SE 12 Street, between SE 9 Court and SE 9 Terrace, Hialeah, Florida.** Providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *(Applicant: Apogean Pointe, LLC c/o L. Michael Osman, Manager)*

<i>Planner’s Recommendation: Approval.</i>
<i>Item was approved by the Planning and Zoning Board on November 16, 2016.</i>
<i>Property owners: Interland, LLC, 7767 NW 146 Street, Miami Lakes, Florida; NuView IRA f/b/o, L. Michael Osman, 1474-A West 84 Street; Miguel Recalde, 6900 Bay Drive #8-I, Miami Beach, Florida 33141; Maurice Costa, 6843 Main Street, Miami Lakes, FL.</i>

- PZ 9. First reading of proposed ordinance rezoning property from M-1 (Industrial District) to TOD (Transit Oriented Development District); **property located at 2701-2765 East 11 Avenue Hialeah, Florida.** Providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *(Applicant: Hugo P. Arza, Esq. on behalf of A & B Investment 2701, LLC)*

<i>Planner’s Recommendation: Approval</i>
<i>Item was approved by the Planning and Zoning Board on November 16, 2016.</i>
<i>Property owner: A &amp; B Investment 2701, LLC, 2701 Investment, LLC, 2650 East 11 Avenue, Hialeah, Florida 33013.</i>

**NEXT CITY COUNCIL MEETING: Tuesday, December 13, 2016 at 7:00 P.M.**

**NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, February 28, 2017 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, 3<sup>rd</sup> 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 seven (7) 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).