

## **MINUTES**

**CITY OF HIALEAH GARDENS  
TUESDAY, February 19, 2019  
CITY COUNCIL CHAMBERS  
10001 NW 87 AVENUE**

- 1. Call to Order:** Chairman Luciano Garcia called the meeting to order at 7:30 p.m.
- 2. Roll Call:** Present were Councilman Elmo Urra, Councilman Jorge Gutierrez, Councilman Jorge Merida, Councilman Rolando Piña, Chairman Luciano Garcia, and City Attorney Charles Citrin. Mayor Yioiset De La Cruz was absent.
- 3. Invocation:** Chairman Garcia gave the invocation.
- 4. Pledge of Allegiance:** City Attorney Citrin led the pledge of allegiance.
- 5. Deletions/Emergency Additions:** None were offered. Mr. Citrin switched the order of items B and C.
- 6. Review of Minutes: February 5, 2019** Chairman Garcia made a motion to approve the minutes of February 5, 2019, seconded by Councilman Merida. The motion was unanimously approved.
- 7. Public Comments:** None were offered.

**8. First Reading for consideration of the following ordinances:**

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HIALEAH GARDENS APPROVING THE REZONING OF 148,442 SQUARE FEET MORE OR LESS OR 3.408 ACRES APPROXIMATE LOCATED AT WEST SIDE OF NW 112TH AVENUE AND BETWEEN NW 140TH STREET AND THEORETICAL NW 141ST STREET, HIALEAH GARDENS, FLORIDA, FROM IN-1 (LIGHT INDUSTRIAL USE) TO HEAVY INDUSTRIAL (IN-2). FOLIO #: 27-2019-001-0395; DECLARING THIS ZONING MAP AMENDED TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF HIALEAH GARDENS PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE. (TRC Vote: 6-0; P&Z Vote: 4-0)

Mr. Citrin read the item into the record. Mr. Javi Vasquez, law offices at 1450 Brickell Avenue, came forward on behalf of the applicant. This is a first reading; an opportunity for public input would be afforded upon second reading. The Chair made a motion to approve the item upon first reading, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(5-0)**

- B) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SITE PLAN FOR WAWA NW 103RD STREET AND NW 79TH AVENUE, CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACTS 3, 4, AND 5, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION OF THE NORTHEAST 1/4 OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHWEST CORNER OF THE LANDS DESCRIBED AS PARCEL 1 IN OFFICIAL RECORDS BOOK 30408, PAGE 874, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. THENCE RUN SOUTH 01°47'11" EAST, ALONG THE WEST LINE OF SAID LANDS, A DISTANCE OF 593.13 FEET TO A POINT ON THE NORTH LINE OF PARCEL 19 AS DESCRIBED IN OFFICIAL RECORDS BOOK 28960, PAGE 4044, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE DEPARTING SAID WEST LINE, RUN SOUTH 89°46'52" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 187.81 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF NORTHWEST 79TH

AVENUE (A 50.00 FOOT WIDE PUBLIC RIGHT-OF-WAY PER OFFICIAL RECORDS BOOK 5346, PAGE 288, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA); THENCE DEPARTING SAID NORTH LINE, RUN NORTH 01°45'34" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 675.36 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF NORTHWEST 103RD STREET (STATE ROAD NO. 932, A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 87260-2589), SAID POINT BEING A POINT ON A 1945.08 FOOT RADIUS NON-TANGENT CURVE CONCAVE TO THE NORTHEAST WHOSE RADIUS POINT BEARS NORTH 26°15'17" EAST; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE, RUN SOUTHEASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 06°05'39" AN ARC DISTANCE OF 206.88 FEET TO THE POINT OF BEGINNING. SAID LANDS CONTAINING 2.723 ACRES, MORE OR LESS. FOLIOS: 27-3003-001-0046 AND 27-3003-001-0031, APPROXIMATE LOCATION: S. E. CORNER INTERSECTION OF N.W 103RD STREET AND N.W 79TH AVENUE, HIALEAH GARDENS, FLORIDA, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote 6-0; P&Z Vote: 3-1)

Mr. Citrin waived reading the title as it was the same as Item C. Ms. Amanda Naldjieff, with the law firm of Holland & Knight, came forward on behalf of the applicant. This is also a first reading; an opportunity for public input would be afforded upon second reading. The Chair made a motion to approve the item upon first reading, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(5-0)**

**\*ITEM C READ BEFORE ITEM B\***

- C) ORDINANCE OF THE CITY OF HIALEAH GARDENS, FLORIDA, APPROVING A SPECIAL EXCEPTION USE FOR ALCOHOL LICENSE (2 APS) FOR WAWA NW 103RD STREET AND NW 79TH AVENUE LIQUOR PACKAGE STORE, CONCERNING PROPERTY LEGALLY DESCRIBED AS: A PORTION OF TRACTS 3, 4, AND 5, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION OF THE NORTHEAST 1/4 OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 40 EAST, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING

MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHWEST CORNER OF THE LANDS DESCRIBED AS PARCEL 1 IN OFFICIAL RECORDS BOOK 30408, PAGE 874, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. THENCE RUN SOUTH 01°47'11" EAST, ALONG THE WEST LINE OF SAID LANDS, A DISTANCE OF 593.13 FEET TO A POINT ON THE NORTH LINE OF PARCEL 19 AS DESCRIBED IN OFFICIAL RECORDS BOOK 28960, PAGE 4044, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE DEPARTING SAID WEST LINE, RUN SOUTH 89°46'52" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 187.81 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF NORTHWEST 79TH AVENUE (A 50.00 FOOT WIDE PUBLIC RIGHT-OF-WAY PER OFFICIAL RECORDS BOOK 5346, PAGE 288, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA); THENCE DEPARTING SAID NORTH LINE, RUN NORTH 01°45'34" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 675.36 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF NORTHWEST 103RD STREET (STATE ROAD NO. 932, A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 87260-2589), SAID POINT BEING A POINT ON A 1945.08 FOOT RADIUS NON-TANGENT CURVE CONCAVE TO THE NORTHEAST WHOSE RADIUS POINT BEARS NORTH 26°15'17" EAST; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE, RUN SOUTHEASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 06°05'39" AN ARC DISTANCE OF 206.88 FEET TO THE POINT OF BEGINNING. SAID LANDS CONTAINING 2.723 ACRES, MORE OR LESS. FOLIOS: 27-3003-001-0046 AND 27-3003-001-0031, APPROXIMATE LOCATION: S. E. CORNER INTERSECTION OF N.W 103RD STREET AND N.W 79TH AVENUE, HIALEAH GARDENS, FLORIDA, PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE. (TRC Vote 6-0; P&Z Vote: 3-1)

Mr. Citrin read the item into the record. Ms. Amanda Naldjieff, with Holland & Knight came forward on behalf of the applicant. This is also a first reading; an opportunity for public input would be afforded upon second reading. The Chair made a motion to approve the item upon first reading, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(5-0)**

**9. Second Reading / Public Hearing for consideration and final adoption of the following ordinance:**

- A) ORDINANCE OF THE CITY OF HIALEAH GARDENS AMENDING SECTION 78-156(e) OF THE LAND DEVELOPMENT REGULATIONS IN THE CODE OF ORDINANCES OF THE CITY OF HIALEAH GARDENS, FLORIDA, BY PROVIDING THAT APPLICATIONS BY MICRO WIRELESS AND SMALL WIRELESS TELECOMMUNICATIONS FACILITIES (AS DEFINED IN AMENDED SECTION 78-156(e)) FOR INSTALLATION OR CONSTRUCTION IN RIGHT OF WAYS OR PUBLIC ROADS UNDER FLORIDA STATUTES 337.401(3)(a) ARE NOT REQUIRED TO OBTAIN SITE PLAN REVIEW OR APPROVAL FROM THE CITY, SETTING FORTH THOSE CONDITIONS; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR EFFECTIVE DATE.

This is a City sponsored item. Mr. Citrin swore in those intending to give testimony on the item and proceeded to read the item into the record. Mrs. Mirtha Gonzalez, Chief Zoning Official, came forward and detailed the need to provide language in the code that allows micro wireless facilities and small wireless facilities to be approved without requiring the site plan review process. Instead, they can apply for building permits and go through that process. A large tower, however, would still require a site plan because those are huge structures over 100 feet tall. This is new technology that only involves placing small network-connected boxes on existing power or telephone poles. Councilman Gutierrez asked if there would be any language that would limit the number of boxes they could install in the City. Chairman Garcia and Mrs. Gonzalez answered that they only would have to go through the permitting process. Mr. Citrin asked about application fees. Mrs. Gonzalez responded that there is a regular building permit fee and a new antenna fee at this time. Mr. Citrin added that the City is limited in their rights but because they can charge fees, a review will determine what that fee would be. Chairman Garcia opened the public hearing at 7:45 p.m.; no comments were offered, public hearing closed at 7:45 p.m. No further questions or comments from the Councilmembers. The Chair made a motion to approve the item, seconded by Councilman Merida. The motion was approved unanimously by individualized voice vote. **(5-0)**

**10. City Attorney's Report:** No comments

**11. Mayor's Report:** No comments

**12. Council Members Concerns / Reports / Board Appointments:**

**Water & Sewer Board Appointments:**

Councilman Jorge Merida

**13. Adjournment:** The meeting was adjourned at 7:46 p.m.

Respectfully submitted by:

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Maria L. Joffe  
City Clerk

Any person desiring to appeal any decision made by the Council with respect to any matter considered at this meeting will need a record of the proceedings, and it will be their responsibility to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

**SCHEDULE OF MEETINGS**

**CITY COUNCIL**

Tuesday, March 19, 2019, 7:30 P.M.

**PLANNING AND ZONING BOARD**

Monday, March 11, 2019, 7:30 P.M.

**TECHNICAL REVIEW COMMITTEE**

Thursday, March 7, 2019, 11:30 A.M.

**WATER AND SEWER BOARD**

Wednesday, March 27, 2019, 7:00 P.M.

**POLICE PENSION BOARD**

Tuesday, May 7, 2019, 5:30 P.M.