

CITY OF HIALEAH
PLANNING AND ZONING BOARD MEETING
January 9th, 2019
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. Iglesias, Mr. O. Perez, Mr. Suarez, Mr. Casanova, & Mr. Sanchez
Absent: Mr. Rodriguez

2. Approval of Planning and Zoning Board Summary Agenda of December 12th, 2018 as submitted.
Motion to Approve: Mr. Suarez; Second: Mr. Casanova
Motion Approved: 6-0-1

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, FEBRUARY 12TH, 2019.

3. **Final decision** to allow front setback of 14.05 feet, where 30 feet are required and allow east side setback of 2.35 feet, where 5.1 feet is the minimum required. Property located at 510 East 10th Street, Hialeah, zoned R-1 (One-Family District).

Applicant: Romel Reyes Castillo and Barbara Y Sierra Astiazarain

Tabled item from November 14th, 2018 meeting

Planner's recommendation: Remain tabled as per applicant's request

NO ACTION

4. **Final decision** to allow rear setback of 10 feet, where 15 feet is the minimum required. Property located at 402 East 41st Street, Hialeah, zoned B-1 (Highly Restricted Retail District).

Applicant: Barbara De la Caridad Hernandez Navarro

Planner's recommendation: Approve with conditions

Motion to Approve with Conditions: Mr. O. Perez; Second: Mr. Suarez

Motion Approved: 6-0-1

Item Approved with Conditions

5. **Final decision** to allow rear setback of 17.6 feet, where 20 feet is the minimum required, and allow side setbacks of 5 feet, where 5 feet 1 inch are required. Property located at 4734 East 8th Lane, Hialeah, zoned R-1 (One-Family District).

Applicant: Yohamni Diaz

Planner's recommendation: Approve with conditions

Motion to Approve with Conditions: Mr. Suarez; Second: Mr. Casanova

Motion Approved: 6-0-1

Item Approved with Conditions

6. **Final decision** to allow interior west side setback of 3.20 feet and east side setback of 4.32 feet, where 6 feet is the minimum required, and to allow rear setback of 5 feet, where 7.5 feet is the minimum required for existing accessory buildings to be legalized. Property located at 770 East 56th Street, Hialeah, zoned R-1 (One-Family District).

Applicant: Eliseo Cruz and Mireya Cruz

Planner's recommendation: Denial

Motion to Table Item: Mr. Sanchez; Second: Mr. Suarez and Mr. Iglesias

Motion Approved: 6-0-1

Item Tabled

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, JANUARY 22ND, 2019.

7. **Request to close, vacate and abandon** for public use the 16-foot alley extending approximately 138.24 feet north of West 33rd Street, running between properties located at 35 West 33rd Street and 3320 Palm Avenue and adjacent to the south property line of the property located at 3368 Palm Avenue.

Applicant: Virtual Imaging Investments, Inc., Juan Puig

Tabled item from December 12th, 2018 meeting

Planner's recommendation: Approve with conditions

Motion to Remove from Table: Mr. Suarez; Second: Mr. O. Perez

Motion Approved: 6-0-1

Motion Approved

Motion to Approve with Conditions: Mr. Casanova; Second: Mr. Sanchez

Motion Approved: 6-0-1

Item Approved with Conditions

8. **Rezoning** property from R-1 (One-Family District) to P (Parking). Property located at 35 West 33rd Street, Hialeah, zoned R-1 (One-Family District).

Applicant: Virtual Imaging Investments, Inc., Juan Puig

Tabled item from December 12th, 2018 meeting

Planner's recommendation: Approval

Motion to Remove from Table: Mr. Suarez; Second: Mr. Sanchez and Mr. Iglesias

Motion Approved: 6-0-1

Motion Approved

Motion to Approve with Conditions: Mr. O. Perez; Second: Mr. Sanchez

Motion Approved: 6-0-1

Item Approved with Conditions

9. **Rezoning** from M-2 (Industrial District) to M-3 (Industrial District) and Special Use Permit to allow an indoor electronic recycling facility. Property located at 5501 NW 36th Avenue, Hialeah, zoned M-2 (Industrial District).

Applicant: ERC Warehouse 5501 LLC, Eduardo Rodriguez

Tabled item from September 26th, 2018 meeting

Planner's recommendation: Denial

Motion to Remove from Table: Mr. Iglesias; Second: Mr. Casanova

Motion Approved: 6-0-1

Motion Approved

Motion to Deny: Mr. Sanchez; Second: Mr. Iglesias

Motion Approved: 6-0-1

Item Denied

10. **Rezoning** from C-1 (Restricted Retail Commercial District) and R-1 (One-Family District) to TOD (Transit Oriented Development District) and variance permit to allow 10 stories, where 8 stories is the maximum allowed. Property located 955 East 25th Street, Hialeah, zoned C-1 (Restricted Retail Commercial District).

Applicant: Jorge Navarro, Esq. on behalf of Hialeah Evocative LLC

Planner's recommendation: Remain tabled as per applicant's request

Motion to Approve: Mr. O. Perez; Second: Mr. Iglesias

Motion Approved: 6-0-1

Item Approved

- 11. Rezoning** from R-1 (One-Family District) to TOD (Transit Oriented Development District). Property located at 980 East 26th Street, Hialeah, zoned R-1 (One-Family District).

Applicant: Hialeah East 10, LLC, Michael Osman

Item tabled until January 9th, 2019 meeting

Planner's recommendation: Remain tabled as per applicant's request

NO ACTION

- 12. Variance** permit to allow an existing single family home to remain on a substandard lot (lot 9) with frontage of 40 feet, where 75 feet are required and area of 5,440 square feet, where 7,500 square feet are required; allow interior west side setback of 0 feet, where 5'1" is the minimum required and allow existing oversized carport with area of 564 square feet, where 400 square feet is the maximum allowed. Also requesting variance permit to allow the construction of a new single family home on adjacent lot 8 with frontage of 40 feet, where 75 feet are required and area of 5,440 square feet, where 7,500 square feet are required. Property located at 7XX East 33rd Street, Hialeah, zoned R-1 (One Family District).

Applicant: Lumination Homes LLC, Michael Osman

Item tabled until January 9th, 2019 meeting

Planner's recommendation: Remain tabled as per applicant's request

NO ACTION

- 13. Variance** permit to allow a duplex on a substandard lot having a frontage of 50 feet and lot area of 5,000 square feet, where 75 feet is the minimum frontage required and 7,500 square feet is the minimum lot area required; allow lot coverage of 41.8%, where 30% is the maximum lot coverage allowed; allow interior north and south side setbacks of 5 feet, where 7.5 feet is the minimum required and allow rear setback of 13.9 feet, where 25 feet is the minimum required for an existing addition to be legalized; allow distance separation of 8.30 feet and 13.80 feet, where 20 feet is the minimum required, for gazebo to be legalized. Property located at 4820-4822 East 10th Avenue, Hialeah, zoned R-2 (One- and Two-Family residential District).

Applicant: Margie Izquierdo

Planner's recommendation: Approve only substandard lot and side setback variances. Legalization shall be completed within 180 days.

Motion to Approve as Recommended: Mr. Suarez; Second: Mr. O. Perez

Motion Approved: 6-0-1

Item Approved as Recommended

- 14. Conditional Use Permit (CUP)** to allow an elementary school. Property located at 3100 West 76th Street, Hialeah, zoned C-2 (Liberal Retail Commercial District).

Applicant: Cesar Mestre, Esq. on behalf of Villaverde Properties Inc.

Planner's recommendation: Withdraw and re-advertise

WITHDRAWN

- 15. Special Use Permit (SUP)** to allow a research center; variance permit to allow 16 parking spaces, where 47 parking spaces are required; allow rear setback of 6 feet, where 15 feet is the minimum required; allow height of 50 feet, where 40 feet is the maximum allowed and allow 6% pervious area, where 18% is the minimum required. Property

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located at 425 West 51st Place, Hialeah, zoned C-1 (Restricted Retail Commercial District).

Applicant: Ceasar Mestre, Esq. on behalf of Direct Helpers Research Center

Item tabled until January 9th, 2019 meeting

Planner's recommendation: Remain tabled as per applicant's request

NO ACTION

16. Proposed amendment of City of Hialeah, Florida Ordinance 2016-91 to substitute the approved site plan dated 10-5-16, pattern book prepared by Pascual Perez Kiliddjian & Associates architects and the landscape plan dated 10-5-16 prepared by Witkin Huts Design Group with a new site plan dated 10-12-18 and pattern book prepared by Pascual Perez Kiliddjian & Associates architects and the landscape plan dated 1-19-18 prepared by Witkin Huts Design Group; properties located on the SE corner of NW 170 Street and NW 97 Avenue, Hialeah, FL.

Applicant: Alejandro J. Arias, Esq. on behalf of Two Lakes Lennar, LLC

Planner's recommendation: Table item as per applicant's request

Motion to Table Item: Mr. O. Perez; Second: Mr. Casanova

Motion Approved: 6-0-1

Item Tabled

17. Proposed amendment to Declaration of Restrictions proffered by Two lakes Lennar, LLC, dated April 10th 2018 and recorded on Book 31070 pages 381-391 of Miami Dade County public records, to eliminate item 1 on page 2 that allowed a maximum of one-hundred and fifty (150) of the 23 feet rear-loaded townhome units to encompass an additional living quarter; properties located on the SE corner of NW 170 Street and NW 97 Avenue, Hialeah, FL.

Applicant: Alejandro J. Arias, Esq. on behalf of Two Lakes Lennar, LLC

Planner's recommendation: Table item as per applicant's request

Motion to Table Item: Mr. Casanova; Second: Mr. Suarez

Motion Approved: 6-0-1

Item Tabled

18. ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, CHAPTER 98 ENTITLED "ZONING", ARTICLE V. ZONING DISTRICT REGULATIONS, DIVISION 29. HIALEAH HEIGHTS, BY ADDING A NEW SECTION, § 98-1607.3 ENTITLED "RH-CD-MIXED USE MULTIPLE FAMILY DISTRICT"; PROVIDING A PURPOSE; 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.

Motion to Approve: Mr. Suarez; Second: Mr. Iglesias

Motion Approved: 6-0-1

Item Approved

19. ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH BANNING THE SALE OF HEMP AND CANNABIDIOL/CBD PRODUCTS NOT PRESENTLY PERMITTED BY FEDERAL OR FLORIDA STATE

LAW AND REQUIRING PROOF OF COMPLIANCE THEREOF; AND ESTABLISHING A TEMPORARY MORATORIUM FOR A PERIOD OF ONE HUNDRED AND EIGHTY (180) DAYS ON THE PROCESSING, APPROVAL, OR ISSUANCE OF BUSINESS TAX RECEIPTS AND DEVELOPMENT PERMITS AS THE TERM IS DEFINED IN FLORIDA STATUTES 163.3164(16) OR ISSUANCE OF ANY OTHER LICENSE OR PERMIT; FOLLOWING THE EFFECTIVE DATE OF THE ENACTMENT OF FEDERAL OR FLORIDA STATE HEMP AND CANNABIDIOL/CBD REGULATIONS AS APPROVED BY THE USDA AS REQUIRED BY THE 2018 FARM BILL ALLOWING CULTIVATION AND SALES AMONG THE STATES; PROVIDING FOR AMORTIZATION; 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.

Motion to Approve: Mr. O. Perez; Second: Mr. Suarez

Motion Approved: 6-0-1

Item Approved

MISCELLANEOUS ITEMS NOT REQUIRING ADVERTISING:

20. TENTATIVE PLAT OF EXCELLENT NEW HOMES HIALEAH

Planner's recommendation: Approval

Motion to Approve: Mr. Suarez; Second: Mr. Iglesias

Motion Approved: 6-0-1

Item Approved

21. Old Business. None

22. New Business. None

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.

If you decide to appeal any decision made by the board, with respect to any matter considered at the meeting, you will need a record of the proceedings, and you 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.