

CITY OF HIALEAH
PLANNING AND ZONING BOARD MEETING
January 12th, 2022
Summary Agenda- Minutes

HIALEAH CITY HALL
501 PALM AVENUE-3RD FLOOR

6:00 P.M.
HIALEAH

Call to order.

REPORT: Planning and Zoning Board Chairman, Diego Perez called the meeting to order at 6:05 P.M.

Invocation and pledge of allegiance

REPORT: Planning and Zoning Board member, Michael Lee Morrison, led the invocation and pledge of allegiance.

MEETING GUIDELINES

The following guidelines apply to today's Planning and Zoning Board Meeting:

- Any person, whether participating via the web platform, telephonic conferencing or physical presence at City Hall, interested in making comments or posing questions on any item on the agenda, may do so during the meeting.
- Members of the public may hear the meeting live through 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.
- All persons participating via the web platform 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.

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. Casanova, Mr. Iglesias, Mr. D. Perez, Mr. Ulloa, Mr. Gamon & Mr. Morrison

Absent: Mr. O. Perez

2. Approval of Planning and Zoning Board Summary Agenda of December 8th, 2021 as submitted.

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

Motion Approved: 6-0-1 with board member Mr. O. Perez absent

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, CONTACT A MEMBER OF THE CITY CLERK'S OFFICE TO OBTAIN A COPY OF THE FINAL DECISION AND RESOLUTION. 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 8TH, 2022.

3. **Final decision** to allow north side setback of 2.6 feet, for an existing covered terrace to be legalized and 6.1 feet for an accessory building to be legalized, where 6.4 feet are required and allow street side setback of 9.2 feet, where 15 feet are required for an additional metal covered terrace to be legalized. Property located at **361 West 48th Street**, Hialeah, zoned R-1 (One-Family District).

Applicant: Leanis Ruiz

Planner's recommendation: Approve with conditions

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

Motion Approved: 6-0-1 with board member Mr. O. Perez absent

FINAL DECISION NO. 2022-01

Item approved with the conditions that the Florida Room interior improvements (bathroom and closet) get legalized and the exterior door of said room removed to eliminate the possibility of conversion into an additional living quarter, subject to the condition that the demolitions and legalizations get completed within 180 days.

4. **Final decision** to allow rear setback of 4.2 feet, where 7.5 feet are required, for a gazebo to be legalized; allow 5 feet distance separation between the gazebo to be legalized and existing terrace, where 10 feet are required. Property located at **375 West 62nd Street**, Hialeah, zoned R-1 (One-Family District).

Applicant: Jael Ortola

Planner's recommendation: Approve with conditions

Motion to Approve with Conditions: Mr. Iglesias; Second: Mr. Casanova
Motion Approved: 6-0-1 with board member Mr. O. Perez absent
FINAL DECISION NO. 2022-02

Item approved with the condition that the gazebo remains open on its 4 sides and the terrace remains open on three sides.

5. **Final decision** to allow rear setback of 8 feet, where 20 feet are required. Property located at **125 East 11th Street**, Hialeah, zoned R-1 (One-Family District).
Applicant: Johanna Catalina Dona
Planner's recommendation: Approve with conditions

Motion to Approve with Conditions: Mr. Ulloa; Second: Mr. Morrison
Motion Approved: 6-0-1 with board member Mr. O. Perez absent
FINAL DECISION NO. 2022-03

Item approved with the condition that the proposed side door on the den is eliminated.

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 25TH, 2022.

6. **Rezoning** property from GU (Interim District a Miami-Dade County Zoning Designation) to MH (Industrial District). Property located **4220 West 91st Place**, Hialeah, zoned GU (Interim District a Miami-Dade County Zoning Designation).
Applicant: Javier L. Vazquez, Esq.
Planner's recommendation: Approval

Motion to Approve: Mr. Iglesias; Second: Mr. Ulloa
Motion Approved: 6-0-1 with board member Mr. O. Perez absent

Item approved

7. **Variance** permit to allow a duplex in a substandard lot with frontage of 50 feet and lot area of 6,750 square feet, where 75 feet and 7,500 square feet are required; allow east side setback of 4 feet and west side setback of 3 feet for the main house, where 7.5 feet is the minimum required; allow 5.50 feet east side setback and 6.10 feet west side setback for a 438 square feet accessory building, where 7.5 feet is the minimum required and allow 38% lot coverage, where 30% is the maximum allowed. Property located at **359-361 East 13th Street**, Hialeah, zoned R-2 (One- and Two-Family Residential District).
Applicant: Maria C. Valdez
Planner's recommendation: Approve with conditions

Motion to Approve with Conditions: Mr. Iglesias; Second: Mr. Casanova
Motion Approved: 6-0-1 with board member Mr. O. Perez absent

Item approved subject to completing the legalization process within 180 days and immediately vacating the accessory building.

8. **Variance** permit to allow 6 parking spaces, where 11 parking spaces are required and variance to allow a waiver of minimum landscape requirements, allowing 2 feet landscape buffer, where 7 feet are required, and allowing the mitigation of two trees as provided by Sec. 98-2233. Property located at **223 West 27th Street**, Hialeah, zoned M-1 (Industrial District).

Applicant: Orlando Carballosa

Planner's recommendation: Approve with conditions

Motion to Approve with Conditions: Mr. Ulloa; Second: Mr. Casanova & Mr. Gamon

Motion Approved: 6-0-1 with board member Mr. O. Perez absent

Item approved with the condition that the proffered improvements get built within 90 days and the proposed business hours proffered in a Declaration of Restrictive Covenants.

9. **Variance** permit to allow the construction of a single-family home on the east side of the property (Lot 29), a substandard lot, having a frontage of 40 feet and total lot area of 5,440 square feet, where 75 feet and 7,500 square feet are required. Property located at **707 East 32nd Street, Lot 29**, Hialeah, zoned R-1 (One-Family District).

Applicant: Ceasar Mestre, Esq.

Planner's recommendation: Approval

Motion to Approve: Mr. Iglesias & Mr. Ulloa; Second: Mr. Casanova

Motion Approved: 6-0-1 with board member Mr. O. Perez absent

Item approved

10. **Variance** permit to allow the construction of a single-family home on the west side of the property (Lot 30), a substandard lot, having a frontage of 51 feet and total lot area of 6,937.02 square feet, where 75 feet and 7,500 square feet are required. Property located at **701 East 32nd Street**, Hialeah, zoned R-1 (One-Family District).

Applicant: Ceasar Mestre, Esq.

Planner's recommendation: Approval

Motion to Approve: Mr. Ulloa; Second: Mr. Casanova & Mr. Iglesias

Motion Approved: 6-0-1 with board member Mr. O. Perez absent

Item approved

11. **Conditional Use Permit (CUP)** to allow a K-3rd grade elementary school with a maximum capacity of 33 students in conjunction with a 14-children daycare and a total of 5 staff members and variance permit to allow 6 parking spaces, where 9 parking spaces are required. Property located at **367 West 29th Street**, Hialeah, zoned C-2 (Liberal Retail Commercial District).

Applicant: Ceasar Mestre, Esq.

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

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

Motion Approved: 6-0-1 with board member Mr. O. Perez absent

Item tabled

- 12. Conditional Use Permit (CUP)** to allow a 96-student K-5th grade school in conjunction with an existing 78-student daycare and a total of 9 staff members and variance permit to allow 126 parking spaces, where 186 parking spaces are required. Property located at **5916 West 16th Avenue**, Hialeah, zoned C-2 (Liberal Retail Commercial District).

Applicant: Ceasar Mestre, Esq.

Planner's recommendation: Approval

Motion to Approve: Mr. Iglesias; Second: Mr. Casanova & Mr. Morrison

Motion Approved: 6-0-1 with board member Mr. O. Perez absent

Item approved

- 13. Special Use Permit (SUP)** to allow the expansion of the Neighborhood Business District Overlay. Variance permit to allow such expansion on a property that is not within an activity node area and that has an area of 6,450 square feet, where the NBD overlay regulations may extend to properties that are within activity node areas situated on sites with a minimum area of 20,000 square feet. Variance to allow single uses as a 3-story/8-unit multifamily residential development, where mixed use is required; allow front setbacks of 0 feet on West 1st Avenue and 19.83 feet on West 28th Street, where 10 feet built to line is required; allow 0 feet interior setback, where 15 feet are required; allow 14 parking spaces, where 18 parking spaces are required; allow parking on the front setback facing West 28th Street, where parking on front setbacks is not allowed; allow density increase to 55 units/acre without providing the incentives required to increase density; allow waiving all building design concept requirements set forth in Sec.98-1630.6 and allow pervious area of 0.5%, where 30% is the minimum required and variance to waive all landscaping requirements. Property located at **93 West 28th Street**, Hialeah, zoned R-3 (Multiple-Family District).

Applicant: Ceasar Mestre, Esq.

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

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

Motion Approved: 6-0-1 with board member Mr. O. Perez absent

Item tabled

- 14. Special Use Permit (SUP)** to allow the expansion of the Neighborhood Business District Overlay. Variance permit to allow only residential uses where mixed use is required; allow residential use on the ground floor, where residential use is allowed above ground floor level; allow all residential units with area ranging from 505 square feet to 517 square feet, where 850 square feet is the minimum required and only 10% of the units may have an area of 600 square feet; allow street side setback of 19.58 feet, where 5-foot built to line are required; allow 1.83 feet side setback where 15 feet are

HIALEAH PLANNING AND ZONING BOARD MEETING- JANUARY 12TH, 2022

required; allow 9 parking spaces, where 21 parking spaces are required; allow 19.58% pervious area, where 30% is the minimum required. Property located at **444 West 17th Street**, Hialeah, zoned R-3-2 (Multiple-Family District).

Applicant: Alejandro J. Arias, Esq. on behalf of Gilberto Aguila

Planner's recommendation: Approval subject to a parking management plan.

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

Motion Approved: 4-2-1 with board members Mr. Ulloa and Mr. Morrison voting NO and Mr. O. Perez absent

Item approved subject to a parking management plan and reconstruction of sidewalk, curb and gutters along West 17th Street between West 4th Lane and West 4th Avenue.

MISCELLANEOUS ITEMS NOT REQUIRING ADVERTISING:

15. TENTATIVE PLAT OF 444 LOFTS

Planner's recommendation: Approval

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

Motion Approved: 6-0-1 with board member Mr. O. Perez absent

Item approved

16. Old Business. None.

17. New Business. Board member, Michael Lee Morrison announced that he will no longer serve on the Planning and Zoning Board.

REPORT: Planning and Zoning Board Chairman, Diego Perez adjourned the meeting at 8:15 P.M.

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.

**NEXT PLANNING AND ZONING BOARD MEETING:
WEDNESDAY, JANUARY 26TH, 2022 AT 6:00 P.M.**