

CITY OF HIALEAH
PLANNING AND ZONING BOARD MEETING
January 27th, 2021
Summary Agenda- Minutes

HIALEAH CITY HALL
501 PALM AVENUE-3RD FLOOR

6:00 P.M.
HIALEAH

Call to order.

Invocation and pledge of allegiance

MEETING GUIDELINES

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

- Pursuant to emergency management powers as set forth in F.S. §§252.31-252.90, Governor Ron DeSantis issued Executive Order 20-69 (March 20, 2020), suspending the "Florida's Government in the Sunshine Laws" requirement that a quorum of the legislative body holding a public meeting be met in-person and that the meeting be held at a physical location accessible to the public for the duration of the State's Declaration of Emergency issued on March 9, 2020 (Executive Order 20-52) as a result of the COVID-19 pandemic affecting the State of Florida. The nation and the State of Florida remain in a state of emergency. The Governor has extended the declaration every 60 days, as required by law, since the execution of Executive Order 20-52. The latest extension made through the execution of Executive Order 20-276 (November 3, 2020).
- Notwithstanding the continuing statewide threat of COVID-19 to the health, safety and welfare of our citizens, Executive Order 20-69, issued specifically to allow local governments to use communications media technology to hold public meetings during the public health emergency, has expired as of 12:01 a.m. November 1, 2020 (Executive Order 20-246). As such, all public meetings in this City of any deliberative body must comply with the in-person quorum requirement of the Sunshine Law. This means, all Planning and Zoning board members must be present in-person.
- A limited number of members of the public will be allowed to be present at the location of the meeting considering the physical spacing limitations of the location to observe social distancing. As such, only 15 members of the public will be allowed to attend in person any scheduled meeting of the Planning and Zoning Board held in the Chambers on a first-come-first serve basis. Based upon anticipated in-person attendance of any meeting, the City will provide additional space at City Hall to accommodate the public and provide both viewing and participation capabilities. In addition, all public meetings continue to be broadcast live for members of the public to view on the City's Facebook page. As an additional alternative, members of the public may hear the meeting live through telephonic conferencing.
- Any person of the public wishing to participate via the web platform, telephonic conferencing or physical presence at City Hall, who is interested in making comments or posing questions on any item on the agenda may do so during the meeting. The person

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interested in joining the meeting to participate for this purpose may register with the Planning and Zoning Division by completing a registration form, providing the information required and submitting the completed form to the Planning and Zoning Division no later than 3:00 p.m. Tuesday, January 26th, 2021. All registered participants 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.

- Members of the public must submit the Public Speaker Registration Card with comments or questions by email to dstorch@hialeahfl.gov prior to the meeting taking place. Public Speaker Registration Cards with comments and questions received by the deadline will be read into the record.
- Participants are reminded to maintain decorum in their comments and appearance throughout their participation as the whole meeting will be recorded and published on the City's Facebook page and retained pursuant to the Florida Public Records Law.
- If during the course of the meeting, technical problems develop with the communications network that prevent interested persons from attending, the meeting shall be adjourned until the problems have been corrected.

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. O. Perez, Mr. D. Perez, Mr. Rodriguez, Mr. Horgan & Mr. Iglesias
Absent: Mr. Casanova

2. Approval of Planning and Zoning Board Summary Agenda of January 13th, 2021 as submitted.

Motion to Approve: Mr. O. Perez; Second: Mr. Iglesias
Motion Approved: 5-0-1 with board member Mr. Casanova 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 23RD, 2021.

- 3. Final decision** to allow interior east side setback of 1.32 feet, where 2 feet is the minimum required for an existing carport to be legalized and allow interior west side setback of 2.46 feet, where 6 feet is the minimum required for an aluminum terrace to be legalized. Property located at **550 SE 1st Street**, Hialeah, zoned R-1 (One-Family District)

Applicant: Nicholas Hernandez

Planner's recommendation: Approve only 1.32 feet east side setback provided that west side roof area is reduced, the exterior door at the rear is blocked and the metal trailer with the attached metal roof is removed from the backyard.

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

Motion Approved: 5-0-1 with board member Mr. Casanova absent.

Item tabled

- 4. Final decision** to allow rear setback of 3.07 feet, where 7.5 feet is required for an existing accessory building. Property located at **5970 West 12th Lane**, Hialeah zoned R-1 (One-Family District)

Applicant: Yaremi Lezcano

Planner's recommendation: Approve 6 feet rear setback, where 7.5 feet are required for an accessory building with the condition that all other improvements are legalized within 180 days.

***REPORT: Denia Mesa, 9200 W Calusa Club Drive, Miami, addressed the Planning and Zoning Board in favor to the approval of this item.**

***REPORT: William D. Garzia, 5835 West 12 Court, Hialeah, addressed the Planning and Zoning Board in favor to the approval of this item.**

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

Motion Approved: 5-0-1 with board member Mr. Casanova absent.

FINAL DECISION NO. 2021-01

Item approved with the condition that the accessory building is strictly used as storage and no plumbing is installed.

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 9TH, 2021.

5. **Rezoning** property from R-1 (One-Family District) to C-1 (Restricted Retail Commercial District) and variance permit to allow landscape buffer of 2.8 feet along East 36th Street, where 7 feet landscape buffer is required and allow 8 parking spaces, where 9 parking spaces are required. Property located at **3581 East 4th Avenue**, Hialeah, zoned R-1 (One-Family District)

Applicant: Kenny Niebla

Planner's recommendation: Approval of rezoning and landscape buffer reduction to 2.8 feet width for a length of 20 feet.

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

Motion Approved: 5-0-1 with board member Mr. Casanova absent.

Item approved

6. ~~**Rezoning** property from R-1 (One-Family District) to R-3-3 (Multiple-Family District) and variance permit to allow frontage of 50 feet, where 75 feet is the minimum required; allow street side setback of 12 feet, where 15 feet is the minimum required and allow lot coverage of 37% where 30% is maximum allowed. - Property located at **902 SE 8th Street**, Hialeah, zoned R-1 (One-Family District).~~

~~**Applicant: Leonel Diaz & EZ Construction Investment, Corp.**~~

~~**Planner's recommendation: Item to be withdrawn and re-advertise since a parking variance did not get advertised.**~~

WITHDRAWN

MISCELLANEOUS ITEMS NOT REQUIRING ADVERTISING:

7. Old Business. **None.**

8. 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.

**NEXT PLANNING AND ZONING BOARD MEETING:
WEDNESDAY, FEBRUARY 10TH, 2021 AT 6:00 P.M.**