

CITY OF HIALEAH
PLANNING AND ZONING BOARD MEETING
February 13th, 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. Iglesias, Mr. Suarez, Mr. Casanova, Mr. Sanchez

Absent: Mr. D. Perez, Mr. Rodriguez, Mr. O. Perez

2. Approval of Planning and Zoning Board Summary Agenda of January 23rd, 2019 as submitted.

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

Motion Approved: 4-0-3

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, MARCH 12TH, 2019.

3. **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

Tabled item from January 9th, 2019 meeting

Planner's recommendation: Approve with conditions

NO ACTION

4. **Final decision** to allow east side setback of 4.36 feet, where 6 feet is the minimum required for an existing oversized accessory building and allow rear setback of 3.45 feet, where 7.5 feet is the minimum required for an existing accessory building. Property located at 723 East 30th Street, Hialeah, zoned R-1 (One-Family District).

Applicant: Catalino Milo and Jacinta V. Otero

Tabled item from January 23rd, 2019 meeting

Planner's recommendation: Approve with conditions

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

Motion Approved: 4-0-3

Motion Approved

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

Motion Approved: 4-0-3

Item Approved with Conditions

5. **Final decision** to allow west side setback of 2 feet, where 7.5 feet is the minimum required for a 1,380 square feet aluminum roof built without the benefit of a building permit. Property located at 591 East 32nd Street, zoned R-1 (One-Family District).

Applicant: Yoan Gonzalez

Planner's recommendation: Denial

ITEM WITHDRAWN BY APPLICANT'S REQUEST

6. **Final decision** to allow rear setback of 2 feet, where 5 feet is the minimum required for an aluminum roof built without the benefit of a building permit. Property located at 2834 West 71st Place, Hialeah, zoned R-1 (One-Family District).

Applicant: Marcos Guerra

Planner's recommendation: Approve with conditions

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

Motion Approved: 4-0-3

Item Approved with Conditions

7. **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 28th, 2018 meeting

Planner's recommendation: Approve with conditions

Motion to Remove from Table: Mr. Iglesias; Second: Mr. Casanova
Motion Approved: 4-0-3

Motion Approved

Motion to Approve with Conditions: Mr. Casanova; Second: Mr. Sanchez
Motion Approved: 4-0-3

Item Approved with Conditions

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 26TH, 2019.

8. **Rezoning** from R-3 (Multiple-Family District) to R-3-5 (Multiple-Family District) and variance permit to allow lot coverage of 33.2%, where 30% is the minimum allowed; allow 30 parking spaces, where 60 parking spaces are required; allow rear setback of 8 feet, where 20 feet is the minimum required; allow front setback of 20 feet, where 25 feet is the minimum required for properties 1130,1140 and 1170 West 26th Street; allow rear setback of 6 feet, where 20 feet is the minimum required and allow street side setback of 10 feet, where 15 feet is the minimum required for properties 2505 and 2595 West 12th Avenue. Properties located at 1130, 1140, 1170 West 26th Street, and 2505, 2595 West 12th Avenue, Hialeah, zoned R-3 (Multiple-Family District).

Applicant: Anthony Escarrá, Esq. of Alejandro Vilarello, P.A. on behalf of Oceanmar Park Apartments II, LLC

Planner's recommendation: Approve with conditions

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

Motion Approved: 4-0-3

Item Approved with Conditions

9. **Rezoning** of the northern 11.29 acres of the property (Lot 3) from CDH to RH-CD and variance permit to allow 455 parking spaces, where 495 are required, provided that a shared parking agreement with the adjacent commercial parcel that includes approximately 175 extra parking spaces, is recorded in the public records prior to site plan approval; allow interior edge landscape buffer of 10 feet where 20 feet are required. On remainder of the property zoned CDH allow substituting the site development requirements provided in § 98-1607.2(d)(1)(a) and (c) by approving the site plan signed and sealed by Gregory D. Wilfong, P.E. dated December 26, 2018 and pattern book prepared by Kimley-Horn and Fugelberg Koch, dated December 26, 2018; property located at the northwestern intersection of NW 97th Avenue and NW 138th Street, Hialeah, Florida, zoned CDH Hialeah Heights Commercial Development District.

Applicant: Hugo P. Arza, Esq. on behalf of Atlas Fam II, LLC

Planner's recommendation: Approval with recommendation to explore the possibility of providing the required 20 feet interior landscape buffer

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

Motion Approved: 4-0-3

Item Approved with Conditions

10. Conditional Use Permit (CUP) to allow an elementary school. Property located at 375 East 49th Street, Hialeah, zoned C-1 (Restricted Retail Commercial District).

Applicant: Kid’s Love Day Care & Preschool, Gloria Delgado

Planner’s recommendation: Withdraw and re-advertise

NO ACTION; WITHDRAWN

11. Conditional Use Permit (CUP) and Special Use Permit (SUP) to allow a Prescribed Pediatric Extended Care facility. Property located at 7100 West 20th Avenue Suite G126, zoned GUD (Major Institutions Land Use).

Applicant: Helping Hands PPEC, Maykel Mateo

Planner’s recommendation: Approval

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

Motion Approved: 4-0-3

Item Approved

12. 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 1-29-19 signed and sealed by Edgardo Perez, R.A. and pattern book prepared by Pascual Perez Kiliddjian & Associates architects dated 1-24-19 and the landscape plan signed and sealed on 1-28-19 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: Approval

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

Motion Approved: 4-0-3

Item Approved

13. 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: Approval

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

Motion Approved: 4-0-3

Item Approved

14. AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, REPEALING HIALEAH FL., ORDINANCE NO. 2018 (MARCH 19, 2018); AND AMENDING CHAPTER 98, ENTITLED “ZONING”, ARTICLE VI, ENTITLED “SUPPLEMENTARY DISTRICT REGULATIONS”, DIVISION 5 ENTITLED “USES”, SUBDIVISION IX ENTITLED “RESIDENTIAL CARE AND TREATMENT FACILITIES”, BY REPEALING AND REPLACING §§

HIALEAH PLANNING AND ZONING BOARD MEETING- FEBRUARY 13TH, 2019

98-1986 THROUGH 98-1988, RESPECTIVELY ENTITLED “DEFINITIONS”, “LIMITED SUPERVISORY RESIDENTIAL CARE AND TREATMENT FACILITIES”, AND “SUPERVISORY RESIDENTIAL CARE AND TREATMENT FACILITIES” OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, FLORIDA, WITH UPDATED REGULATIONS §§ 98-1986 THROUGH 98-1988; AND BY ADDING NEW SECTIONS 98-1989 ENTITLED “COMMUNITY RESIDENTIAL HOMES”, 98-1990 ENTITLED “REASONABLE ACCOMMODATION”, 98-1991 ENTITLED “EMERGENCY POWER”, AND 98-1992, ENTITLED “NO USE VARIANCES”; FOR SITING OF CARE AND TREATMENT FACILITIES IN THE CITY; REPEALING ORDINANCE NO. 2018-023 AND ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

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

Motion Approved: 4-0-3

Item Approved

15. ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98, “ZONING”, ARTICLE VI, ENTITLED “SUPPLEMENTARY DISTRICT REGULATIONS”, DIVISION 5 ENTITLED “USES”, SUBDIVISION VIII, ENTITLED “ASSISTED LIVING FACILITIES” §§ 98-1956 AND 98-1957, TO REQUIRE COMPLIANCE WITH THE DISTANCE SEPARATION IN SECTION § 98-1989; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Motion Approved: 4-0-3

Item Approved

MISCELLANEOUS ITEMS NOT REQUIRING ADVERTISING:

16. FINAL PLAT OF VILLAS DEL ESTE

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

Motion Approved: 4-0-3

Item Approved

17. Old Business. **None**

18. 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.