

CITY OF HIALEAH
PLANNING AND ZONING BOARD MEETING
February 27th, 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: M. D. Perez, Mr. Rodriguez, Mr. Iglesias, Mr. O. Perez, Mr. Suarez, Mr. Casanova, Mr. Sanchez

2. Approval of Planning and Zoning Board Summary Agenda of February 13th, 2019 as submitted.
Motion to Approve: Mr. Suarez; Second: Mr. Casanova & Mr. Sanchez
Motion Approved: 7-0

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, MARCH 26TH, 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: Approval with conditions

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

Motion Approved: 7-0

Item Removed from Tabled

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

Motion Approved: 7-0

Item approved with the condition that the accessory building is legalized in accordance with the plans dated 2/6/19 signed and sealed by Leopoldo Bellon, R.A. within 180 days of the approval of the adjustment by City Council.

4. **Final decision** to allow interior side setback of 10 feet for the building and rear setback of 2 feet for the staircase on the north side and 1 feet for the trash chute on the north side, where 15 feet is the minimum required respectively. Property located at 497 & 499 West 23rd Street, Hialeah, zoned C-2 (Liberal Retail Commercial District).

Applicant: Alejandro J. Arias, Esq. on behalf of Sun Holdings, Inc.

Planner's recommendation: Approval

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

Motion Approved: 7-0

Item Approved

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.

5. **Rezoning** property from RO (Residential Office) to B-1 (Highly Restricted Retail District). Property located at 385 West 49th Street, Hialeah, zoned RO (Residential Office).

Applicant: Felix M. Lasarte, Esq. on behalf of SE Property Group, LLC

Planner's recommendation: Approval

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

Motion Approved: 7-0

Item Approved

6. **Rezoning** property from R-1 (One-Family District) to P (Parking). Property located at 385 West 49th Street, Hialeah, zoned R-1 (One-family District).

Applicant: Felix M. Lasarte, Esq. on behalf of SE Property Group, LLC

Planner's recommendation: Approval

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

Motion Approved: 7-0

Item Approved

7. **Rezoning** property from M-2 (Industrial District) to M-3 (Industrial District) and Special Use Permit (SUP) to allow an electronic recycling facility and variance permit to allow 5 parking spaces, where 13 parking spaces are required; allow 3.98% pervious area, where 10% is the minimum pervious area required; allow waiver of minimum landscape requirements to permit 6 site trees, where 15 trees is the minimum required; allow 0 street trees, where 9 trees are required; allow 917 square feet of landscaping area, where 2,420 square feet are required; allow no shrubs, where 80 shrubs are required; allow no perimeter landscape buffer, where a 7 feet landscape buffer is required and allow north side setback of 1.4 feet, where 5.1 feet is the minimum required. Property located at 5501 NW 36th Avenue, Hialeah, zoned M-2 (Industrial District).

Applicant: ERC Warehouse 5501 LLC, Eduardo Rodriguez

Planner's recommendation: Denial

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

Motion Approved: 7-0

Item approved with the condition that a Declaration of Restrictive Covenants be proffered and the landscaping that will not be provided be mitigated as per Sec. 98-2233.

8. **Variance** permit to allow 7 business tax receipts for doctors, where a maximum of 2 business tax receipts are allowed for an existing medical office. Property located at 135 West 49th Street, Hialeah, zoned RO (Residential Office).

Applicant: Brian S. Adler, Esq. on behalf of Gastrointestinal Center of Hialeah, LLC

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

Motion to Table: Mr. Suarez; Second: Mr. Sanchez & Mr. Iglesias

Motion Approved: 7-0

Item Tabled

9. **Variance** permit to allow loading area on the exterior of the block where loading areas shall be located in the interior of blocks; allow a 10 foot high decorative concrete wall at the perimeter of the property, where a maximum height of 8 feet is permitted; allow blank walls fronting West 40th Avenue, West 108th Street and West 104th Street, where blank walls at the street level and above ground floor of buildings are not permitted; allow 0% frontage on West 104th Street and West 108th Street, and 49.9% frontage on West 40th Avenue, where 65% is the minimum frontage required. Property located at 3850 West 108th Street, Hialeah, zoned BDH (Business Development District).

Applicant: Chill Build Miami I, LLC

Planner's recommendation: Approval

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

Motion Approved: 7-0

Item Approved

10. **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: Ceasar Mestre, Esq. on behalf of Reagan Educational Academy

Tabled item from January 9th, 2019 meeting

Planner's recommendation: Approval with conditions

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

Motion Approved: 7-0

Item Removed from Tabled

Motion to Approve with Conditions: Mr. Sanchez; Second: Mr. Casanova
Motion Approved: 7-0

Item approved subject to compliance with the submitted traffic circulation plan. Sec. 98-181 (5) provides for a Declaration of Restrictive Covenants that should incorporate conditions and limitations on the use. The condition in said Declaration should be abidance to the submitted Traffic Statement and limit on the student population as proposed.

11. **Conditional Use Permit (CUP)** to allow an elementary school for a maximum of 40 students and 4 teachers, as an expansion to an existing day care with 64 students and 7 teachers and variance permit to allow 13 parking spaces, where 23 parking spaces are required; allow 1.4% pervious area, where 18% is required and allow waiver of minimum landscape requirements to permit 2 feet landscape buffer, where a 7 foot landscape buffer is required and allow no trees and no shrubs, where 8 trees and 80 shrubs are required. Property located at 375 East 49th Street, Hialeah, zoned C-1 (Restricted Retail Commercial District).

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

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

Motion to Table: Mr. O. Perez; Second: Mr. Iglesias & Mr. Suarez

Motion Approved: 7-0

Item Tabled

12. ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING SECTION 98-1541 HIALEAH TRANSFER STATION SUBDISTRICT OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH IN CHAPTER 98 “ZONING”, ARTICLE V. ENTITLED “ZONING DISTRICT REGULATIONS”, DIVISION 26, “TOD TRANSIT ORIENTED DEVELOPMENT DISTRICT”; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Motion Approved: 7-0

Item Approved

MISCELLANEOUS ITEMS NOT REQUIRING ADVERTISING:

13. **FINAL PLAT OF HORSEBIT HIALEAH**

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

Motion Approved: 7-0

Item Approved

14. **TENTATIVE PLAT OF AXIS PARK**

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

Motion Approved: 7-0

Item Approved

15. Old Business. None

16. 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.