

CITY OF HIALEAH
SPECIAL PLANNING AND ZONING BOARD MEETING
March 3rd, 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, March 2nd, 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 yirodriguez@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 & Mr. Casanova

2. Approval of Planning and Zoning Board Summary Agenda of February 10th, 2021 as submitted.

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

Motion Approved: 6-0

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 9TH, 2021.

- 3. Rezoning** property from M-1 (Industrial District) to C-1 (Restricted Retail Commercial District); Conditional Use Permit (CUP) to allow a Prescribed Pediatric Extended Care (PPEC) with a maximum of 30 patients and 8 staff employees and variance permit to allow 33 parking spaces, where 98 parking spaces are required. Property located at **700 West 29th Street**, Hialeah, zoned M-1 (Industrial District).

Applicant: World of Crystal PPEC, Corp.

Planner's recommendation: Approval with conditions proffered in a Declaration of Restrictions

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

Motion Approved: 6-0

Item approved with the condition that the property owner commits to restrict uses at the site, improve the site as described above, and control outdoor work, and the commitment of the PPEC operator to transport a significant number of attendees to and from the facility.

- 4. Rezoning** property from R-1 (One-Family District) to R-2 (One-and Two-Family Residential District) and variance permit to allow the construction of a duplex on each substandard lot; allow Lot 30 to have 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; allow Lot 29 to have a frontage of 40 feet and total lot area of 5,440.8 square feet, where 75 feet and 7,500 square feet are required; allow front setback of 25 feet, where 30 feet are required and allow lot coverage of 32.9%, where 30% is the maximum allowed. Property located at **707 East 32nd Street**, Hialeah, zoned R-1 (One-Family District).

Applicant: Ceasar Mestre, Esq.

Planner's recommendation: Denial

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

Motion Approved: 6-0

Item tabled

- 5. Variance** permit to allow the re-platting of two properties into three substandard lots and to allow the construction of a single family home on each substandard lot having approximately a frontage of 40 feet and total lot area of 5,475 square feet, where 75 feet and 7,500 square feet are required respectively and to allow interior side setbacks of 5 feet, where 5 feet 1 inch are required. Properties located at **728 East 23rd Street, 736 East 23rd Street and 7XX East 23rd Street**, Hialeah, zoned R-1 (One-Family District).

Applicant: Ceasar Mestre, Esq.

Planner's recommendation: Approval
Motion to Approve: Mr. Casanova; Second: Mr. Iglesias
Motion Approved: 6-0

Item approved

6. **Variance** permit to allow the expansion of a legal nonconforming use and to allow a rear setback of 1.08 feet, where 20 feet are required for a proposed storage addition and to allow interior west side setback of 9.79 feet, where 10 feet are required for an existing storage building. Property located at **815 West 75th Street**, Hialeah, zoned R-1 (One-Family District).

Applicant: Hialeah Housing Authority
Planner's recommendation: Approval
Motion to Approve: Mr. Iglesias; Second: Mr. O. Perez
Motion Approved: 6-0

Item approved

7. **Variance** permit to allow a temporary waiver of plat provided that the property will be platted within 18 months of the approval of this ordinance. Property located at **9715 NW 138th Street**, Hialeah, zoned RH-CD (Mixed Use Multiple Family District) and CDH (Commercial Development District).

Applicant: Alejandro J. Arias, Esq. on behalf of Atlas Fam II, LLC
Planner's recommendation: Approval
Motion to Approve: Mr. Casanova; Second: Mr. Iglesias
Motion Approved: 6-0

Item approved

8. **Special Use Permit (SUP)** to allow the expansion of the Neighborhood Business District Overlay. Variance permit to allow a single use, multifamily residential building, where a vertical mix of uses is required; allow residential use on ground floor, where residential use is allowed above ground floor level; allow all units with an area of 600 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 front setback of 15 feet, where 10 feet build-to-line are required; allow rear setback of 10 feet and interior east side setback of 7 feet, where 15 feet are required; allow surface parking on the front setback, where surface parking is not allowed on front setback; allow 19 parking spaces, where 34 parking spaces are required and allow 23.9% pervious area, where 30% is the minimum required. Property located at **241 East 6th Street**, Hialeah, zoned R-3-D (Multifamily District).

Applicant: Hugo P. Arza, Esq. on behalf of Jorge and Olinda Perez
Planner's recommendation: Approval
Motion to Approve: Mr. Rodriguez; Second: Mr. O. Perez
Motion Approved: 6-0

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 23RD, 2021.

9. **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: Nicolas Hernandez

Planner's recommendation: Approve as recommended

TABLED ITEM FROM JANUARY 27TH, 2021 MEETING

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

Motion Approved: 6-0

Item removed from tabled

Motion to Approve as Amended and Recommended: Mr. Casanova; Second: Mr. Iglesias & Mr. O. Perez

Motion Approved: 6-0

FINAL DECISION NO. 2021-04

Item approved as amended and recommended

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.

MISCELLANEOUS ITEMS NOT REQUIRING ADVERTISING:

10. **TENTATIVE PLAT OF THE SHOPPES OF HIGHLAND**

Planer's recommendation: Approval

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

Motion Approved: 6-0

Item approved

11. Old Business. **None.**

12. New Business. **Planning and Zoning Director, Debora Storch informed the board members that on March 10th, 2021 only Land Use Amendment applications will be heard and all members must be present.**

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.

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