

CITY OF HIALEAH
PLANNING AND ZONING BOARD MEETING
March 24th, 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

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posing questions on any item on the agenda may do so during the meeting. The person 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 23rd, 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. Iglesias

Absent: Mr. Casanova & Mr. Horgan

2. Approval of Planning and Zoning Board Summary Agendas of March 3rd, 2021 and March 10th, 2021 as submitted.

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

Motion Approved: 4-0-2 with board member Mr. Casanova and Mr. Horgan 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, APRIL 13TH, 2021.

- 3. Small Scale Amendment** from Low Density Residential to Commercial. Property located at **782 East 37th Street**, Hialeah, zoned R-1 (One-Family District).
Applicant: Ceasar Mestre, Esq. on behalf of New Land Opportunities, Inc.
TABLED ITEM FROM MARCH 10TH, 2021 MEETING
Planner's recommendation: Denial

NO ACTION

- 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.
TABLED ITEM FROM MARCH 3RD, 2021 MEETING
Planner's recommendation: Denial

Motion to Remove Item from Tabled: Mr. Rodriguez; Second: Mr. O. Perez
Motion Approved: 4-0-2 with board member Mr. Casanova and Mr. Horgan absent.

Item removed from tabled

***REPORT: Maira Cosio, 710 East 33rd Street, Hialeah, addressed the Planning and Zoning Board in opposition to the approval of this item.**

***REPORT: Idalia Santos, 575 East 19th Street, Hialeah, addressed the Planning and Zoning Board in favor to the approval of this item.**

***REPORT: Rick Santos, 575 East 19th Street, Hialeah, addressed the Planning and Zoning Board in favor to the approval of this item.**

***REPORT: Roberto Morales, 2205 NE 123rd Street, North Miami, addressed the Planning and Zoning Board in favor to the approval of this item.**

***REPORT: Linet Rivera (Tenant of Hiram Collazo, owner of 707 East 32nd Street), 4360 East 10th Avenue, Hialeah, addressed the Planning and Zoning Board in favor to the approval of this item.**

Motion to Approve: Mr. Iglesias; Second: No board member seconded
Motion Failed

Motion to Table Item: Mr. Rodriguez; Second: Mr. O. Perez
Motion Approved: 4-0-2 with board member Mr. Casanova and Mr. Horgan absent.

Item tabled

- 5. Repeal and rescind** City of Hialeah, Florida Ordinance 93-01 and related DOR for properties located at 4915 and 4935 East 1st Court for proposed new site plan and then rezone 4935 East 1st Court from R-1(One-Family District) to P (Parking) for proposed surface parking to serve a proposed addition to the building located at 145 East 49 Street; rezone 4915 East 1st Court from R-1 (One-Family District) to RO (Residential Office) for existing building to remain and variance to allow rear setback of 41 feet, where 45 feet are required for existing building at 4915 East 1st Court and allow one accessible parking space at the front setback , where parking has to be located at the back of the building. Rezoning from R-1 (One-Family District) to P (Parking) for property located at 4950 East 1st Court to provide parking for a proposed addition to the building located at 145 East 49th Street that will expand into 4935 East 1st Avenue; allow 0 feet rear setback at 4935 East 1st Avenue and at 145 East 49th Street, where 15 feet are required; variance permit to allow 56 parking spaces where 58 are required for properties located at 4915 East 1st Court, 145 East 49th Street and building addition proposed at 4935 East 1st Avenue and allow a total 15% pervious area on the proposed shared development of the properties located at 125 East 49th Street, 145 East 49th Street, 4935 East 1st Avenue and 4950 East 1st Court, where 20% is the minimum required. Properties located at **4915 East 1st Court, 4935 East 1st Court, 125 East 49th Street, 145 East 49th Street, 4950 East 1st Court and 4935 East 1st Avenue.** Properties zoned RO (Residential Office), R-1 (One-Family District) and B-1 (Highly Restricted Retail District).

Applicant: Charles Millar

Planner's recommendation: Approval

***REPORT: Dayren Suarez, 4970 East 1st Court, Hialeah, addressed the Planning and Zoning Board in opposition to the approval of this item.**

Motion to Approve with Conditions: Mr. Iglesias; Second: No board member seconded
Motion Failed

Motion to Approve with Conditions: Mr. O. Perez; Second: Mr. Iglesias
Motion Approved: 3-1-2 with board member Mr. Rodriguez voting NO and Mr. Casanova and Mr. Horgan absent.

Item approved with conditions proffered in a Declaration of Restrictive Covenants.

6. **Conditional Use Permit (CUP)** to allow a K-3rd grade school with a maximum enrollment of 56 students in conjunction with an existing daycare with a capacity of 44 children. Property located at **3101-3141 East 4th Avenue**, Hialeah, zoned C-1 (Restricted Retail Commercial District).

Applicant: Maria Luisa Gutierrez, My World Learning Center

Planner's recommendation: Approval with conditions

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

Motion Approved: 4-0-2 with board member Mr. Casanova and Mr. Horgan absent.

Item approved with the condition that designated staff is made available to facilitate the drop-off and pick-up process and to ensure that traffic flows adequately within the site without overflowing into the right-of-ways.

7. **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 660 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 10.41 feet, where 10 feet build-to-line are required; allow 27 parking spaces, where 48 parking spaces are required; allow 9 % pervious area, where 30% is the minimum required and allow an aluminum privacy fence on the north and west property lines adjacent to dissimilar uses, where a wall is required. Property located at **425 East 8th Street and 443 East 8th Street**, Hialeah, zoned R-1 (One-Family District) with CBD (Central Business District) land use.

Applicant: Alejandro J. Arias, Esq. on behalf of East 8 ST, LLC

Planner's recommendation: Approval

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

Motion Approved: 4-0-2 with board member Mr. Casanova and Mr. Horgan absent.

Item approved

8. ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING SECTION 98-1601 MH INDUSTRIAL DISTRICT OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, IN CHAPTER 98 ENTITLED "ZONING", ARTICLE V. "ZONING DISTRICT REGULATIONS", DIVISION 29. HIALEAH HEIGHTS, § 98-1601. - MH INDUSTRIAL DISTRICT BY ELIMINATING AUTOMOTIVE USES; PROVIDING FOR VESTED RIGHTS REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Planner's recommendation: Approval

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

Motion Approved: 4-0-2 with board member Mr. Casanova and Mr. Horgan absent.

Item approved

9. ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98, "ZONING", ARTICLE I, ENTITLED "IN GENERAL", CREATING THEREIN § 98-7 "APPROVAL OF GOVERNMENTAL FACILITIES"; 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.

Planner's recommendation: Approval

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

Motion Approved: 4-0-2 with board member Mr. Casanova and Mr. Horgan absent.

Item approved

10. ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA REVISING THE HIALEAH, FLA., LAND DEVELOPMENT CODE TO REFLECT PERTINENT CHANGES TO THE HIALEAH CODE AND RELEVANT CHANGES IN STATE LAW ENACTED SINCE THE DATE OF THE LAST REVISION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN THE HIALEAH, FLA. LAND DEVELOPMENT CODE AND THE HIALEAH CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

Planner's recommendation: Approval

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

Motion Approved: 4-0-2 with board member Mr. Casanova and Mr. Horgan absent.

Item approved

11. ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE V. ENTITLED "ZONING DISTRICT REGULATIONS", DIVISION 26, TOD TRANSIT ORIENTED DEVELOPMENT DISTRICT, SECTION 98-1560 REVIEW OF REGULATIONS, SECTION 98-1560(1) SUNSET AND AMENDMENTS, OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, TO RETROACTIVELY REINSTATE THE 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; PROVIDING FOR AN EFFECTIVE DATE.

Planner's recommendation: Approval

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

Motion Approved: 4-0-2 with board member Mr. Casanova and Mr. Horgan absent.

Item approved

MISCELLANEOUS ITEMS NOT REQUIRING ADVERTISING:

- 12. FINAL PLAT OF TOM THUMB FOOD STORES SUBDIVISION I**
Planner's recommendation: Approval

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

Motion Approved: 4-0-2 with board member Mr. Casanova and Mr. Horgan absent.

Item approved

- 13. Old Business. None.**

- 14. 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, APRIL 14TH, 2021 AT 6:00 P.M.**