

**CITY OF HIALEAH**  
**PLANNING AND ZONING BOARD MEETING**  
**April 13<sup>th</sup>, 2022**  
*Summary Agenda- Minutes*

HIALEAH CITY HALL  
501 PALM AVENUE-3RD FLOOR

6:00 P.M.  
HIALEAH

Call to order.

**REPORT: Planning and Zoning Board Chairman, Diego Perez called the meeting to order at 6:02 P.M.**

Invocation and pledge of allegiance

**REPORT: Planning and Zoning Board Chairman, Diego Perez led the invocation and pledge of allegiance.**

**MEETING GUIDELINES**

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

- Any person, whether participating via the web platform, telephonic conferencing or physical presence at City Hall, interested in making comments or posing questions on any item on the agenda, may do so during the meeting.
- Members of the public may hear the meeting live through telephonic conferencing using any telephone or cellular phone service. A smart device or computer are not necessary to participate in the meeting if you join by phone.
- All persons participating via the web platform 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.

**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. Jimenez, Mr. D. Perez, Mr. Ulloa, Mr. Gamon, Mr. Iglesias & Mrs. Henriquez**

**Absent: Mr. Casanova**

2. Approval of Planning and Zoning Board Summary Agenda of March 23<sup>rd</sup>, 2022 as submitted.

**Motion to Approve: Mr. Ulloa; Second: Mr. Iglesias**

**Motion Passed: 6-0-1 with board member Mr. Casanova being 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, MAY 10<sup>TH</sup>, 2022.**

3. **Final decision** to allow interior north side setback of ~~6.4~~ 6.9 feet, where 7.5 feet are required for an existing terrace to be legalized. Property located at **5958 West 13<sup>th</sup> Court**, Hialeah, zoned R-1 (One-Family District).

**Applicant: Felipe Perez**

**Planner's recommendation: Approve with conditions.**

**Motion to Approve with Conditions: Mr. Gamon; Second: Mr. Iglesias**

**Motion Passed: 6-0-1 with board member Mr. Casanova being absent.**

**FINAL DECISION NO. 2022-06**

*Item approved with the condition that the terrace remains open on its three sides.*

4. ~~**Final decision** to allow street side setback of 3 feet, where 15 feet are required for existing terrace to be legalized. Property located at **2692 West 8<sup>th</sup> Lane**, Hialeah, zoned R-1 (One-Family District).~~

~~**Applicant: David I. Oliva and Isabel Oliva**~~

~~**Planner's recommendation: Denial**~~

**WITHDRAWN**

5. **Final decision** to allow interior east side setback of 3.13 feet, where 5 feet 1 inch is the minimum required for existing storage to be legalized. Property located at **517 East 10<sup>th</sup> Street**, Hialeah, zoned R-1(One-Family District).

**Applicant: Osiris Machado, Ana L. Valdez and Ailin Machado**  
**Planner's recommendation: Approve with conditions.**

**Motion to Approve with Conditions: Mr. Jimenez; Second: Mr. Ulloa**  
**Motion Passed: 6-0-1 with board member Mr. Casanova being absent.**  
**FINAL DECISION NO. 2022-07**

***Item approved with the condition that a 6-foot concrete wall shall be erected on the east side property line to protect the privacy of the adjacent home to the east.***

**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 26<sup>TH</sup>, 2022.**

- 6. Variance** permit to allow the re platting of the property into two substandard lots, Lot 1 having a frontage of 40.01 feet and total lot area of 5,399.87 square feet, where 75 feet and 7,500 square feet are required and Lot 2, having a frontage of 40.01 feet and total lot area of 5,399.91 square feet, where 75 feet and 7,500 square feet are required. Once platted allow the construction of a single-family house on each platted substandard lot. Property located at **1140 West 32<sup>nd</sup> Street**, Hialeah, zoned R-1 (One-Family District).

**Applicant: Suniel Arzola**  
**Planner's recommendation: Denial**

**Motion to Deny: Mr. Ulloa; Second: Mr. Jimenez**  
**Motion Passed: 6-0-1 with board member Mr. Casanova being absent.**

***Item denied***

- 7. Special Use Permit (SUP)** to allow the expansion of the Neighborhood Business District Overlay for the development of a 27-unit multifamily building. Variance permit to allow only residential uses where mixed use is required; allow residential use on the ground floor, where residential use is allowed above ground floor level; allow 18 residential units with an area of 595 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 7 feet front setback on East 7<sup>th</sup> 10<sup>th</sup> Avenue, for encroachment of balconies above the ground floor, where 10 feet built-to-line are required; allow 32 parking spaces, where 61 parking spaces are required and allow 29.6% pervious area, where 30% is the minimum required. Property located at **40 East 10<sup>th</sup> Avenue**, Hialeah, zoned C-2 (Liberal Retail Commercial District).

**Applicant: Java Holding Group Inc.**  
**Planner's recommendation: Approval**

**Motion to Approve: Mr. Jimenez; Second: Mr. Gamon**  
**Motion Passed: 6-0-1 with board member Mr. Casanova being absent.**

***Item approved***

8. **Special Use Permit (SUP)** to allow an adult day training and care center for young people with disabilities ancillary to an existing church and school. Property located at **5800 Palm Avenue**, Hialeah, zoned R-1 (One-Family District).

**Applicant: Mayra Sanabria**

**Planner's recommendation: Approval contingent to the construction of on-street parking spaces.**

**Motion to Approve with Conditions: Mr. Gamon; Second: Mr. Iglesias**

**Motion Passed: 6-0-1 with board member Mr. Casanova being absent.**

***Item approved contingent to the construction of on-street parking spaces.***

9. ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AMENDING CHAPTER 98, ENTITLED "ZONING", ARTICLE V, ZONING DISTRICT REGULATIONS, DIVISION 16, ENTITLED "C-2 LIBERAL RETAIL COMMERCIAL DISTRICT", SECTION, 98-1112, ENTITLED "USES PROHIBITED", REMOVING OPEN AIR MARKETS AS A PROHIBITED ACTIVITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

**Motion to Approve: Mr. Iglesias; Second: Mr. Gamon**

**Motion Approved: 6-0-1 with board member Mr. Casanova being absent.**

***Item approved***

**MISCELLANEOUS ITEMS NOT REQUIRING ADVERTISING:**

10. Old Business. **None.**

11. New Business.

- **Planning and Zoning Board Chairman election.**

**Motion to Elect Diego Perez as Chairman: Mr. Iglesias; Second: Mr. Ulloa**

**Motion Passed: 6-0-1 with board member Mr. Casanova being absent.**

***Motion approved***

- **Planning and Zoning Board Vice-Chairman election.**

**Motion to Elect Lazaro Gamon as Vice-Chairman: Mr. Iglesias; Second: No board member second the motion.**

***Motion failed***

**Motion to Table: Mr. Iglesias; Second: Mr. Gamon**

**Motion Failed: 3-3-1 with board member Mr. Ulloa, Mrs. Henriquez & Mr. Jimenez voting NO, and Mr. Casanova being absent.**

*Motion failed*

**Motion to Elect John Ulloa as Vice-Chairman: Mrs. Henriquez; Second: Mr. Jimenez**

**Motion Failed: 3-3-1 with board member Mr. D. Perez, Mr. Gamon & Mr. Iglesias voting NO, and Mr. Casanova being absent.**

*Motion failed*

**Motion to Elect Lazaro Gamon as Vice-Chairman: Mr. Ulloa; Second: Mr. Jimenez**

**Motion Passed: 5-1-1 with board member Mrs. Henriquez voting NO and Mr. Casanova being absent.**

*Motion approved*

**REPORT: Planning and Zoning Board Chairman, Diego Perez adjourned the meeting at 7:50 P.M.**

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 27<sup>TH</sup>, 2022 AT 6:00 P.M.**