

CITY OF HIALEAH
PLANNING AND ZONING BOARD MEETING
May 15th, 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. Rodriguez, Mr. Iglesias, Mr. O. Perez, Mr. Suarez, Mr. Casanova, Mr. Sanchez

Absent: Mr. D. Perez

2. Approval of Planning and Zoning Board Summary Agenda of April 24th, 2019 as submitted.

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

Motion Approved: 6-0-1

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, JUNE 11TH, 2019.

HIALEAH PLANNING AND ZONING BOARD MEETING- MAY 15TH, 2019

3. **Final decision** to allow rear setback of 14.5 feet, where 20 feet is the minimum required for an existing addition to be legalized. Property located at 8260 West 18th Lane, Hialeah, zoned R-1 (One-Family District).

Applicant: Janet Pis

Planner's recommendation: Approval

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

Motion Approved: 6-0-1

Item approved

4. **Final decision** to allow west side setback of 4.6 feet, where 5.1 feet is the minimum required; allow rear setback of 5.4 feet, where 7.5 feet is the minimum required and allow distance separation of 17 feet, where 20 feet is the minimum required between an existing accessory building and existing metal covered terrace. Property located at 324 West 15th Street, Hialeah, zoned R-1 (One-Family District).

Applicant: Lionel Diego and Daimy Mesa

Planner's recommendation: Approval

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

Motion Approved: 6-0-1

Item approved

5. **Final decision** to allow distance separation of 13.55 feet, where 20 feet is the minimum required for an existing accessory building. Property located at 7460 West 14th Avenue, Hialeah, zoned R-1 (One-Family District).

Applicant: Juan Mendoza and Yanelkis Sarmiento

Planner's recommendation: Approval

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

Motion Approved: 6-0-1

Item approved

6. **Final decision** to allow rear setback of 16 feet, where 20 feet is the minimum required for an existing terrace. Property located at 5835 West 12th Lane, Hialeah, zoned R-1 (One-Family District).

Applicant: MB & CB Investments, LLC, Modesto Fernandez

Planner's recommendation: Approve with conditions

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

Motion Approved: 6-0-1

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

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 28TH, 2019.

7. Closing, vacating and abandoning for public use the right-of-way located on East 28th Street, east of East 11th Avenue and west of the railroad tracks.

Applicant: MBM Developments Group Corp

Planner's recommendation: Approval

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

Motion Approved: 6-0-1

Item approved

8. **Rezoning** properties from C-1 (Restricted Retail Commercial District) and C-2 (Liberal Retail Commercial District) to C-3 (Extended Liberal Commercial District) and variance permit to allow 11 parking spaces, where 13 parking spaces are required; allow 5 feet rear setback, where 15 feet is the minimum required and allow 13.46% pervious area, where 18% is the minimum required. Properties located at 975 & 995 Hialeah Drive, Hialeah, zoned C-1 (Restricted Retail Commercial District) and C-2 (Liberal Retail Commercial District).

Applicant: Urbietta Westar Holdings, Inc.

Planner's recommendation: Approval

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

Motion Approved: 6-0-1

Item approved

9. **Conditional Use Permit (CUP)** to allow a private school. Property located at 930 East 9th Street, Hialeah, zoned C-1 (Restricted Retail Commercial District).

Applicant: JM and MZ Properties LLC, Juditt Milian

Tabled item from March 27th, 2019 meeting.

Planner's recommendation: Approve with conditions and Declaration of Restrictive Covenants.

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

Motion Approved: 6-0-1

Item removed from tabled

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

Motion Approved: 6-0-1

Item approved with the condition that the site is improved in substantial consistency with the submitted site plan and the traffic is managed in accordance to the submitted traffic circulation plan. In addition, the applicant should be required to take responsibility for the improvement and maintenance of the portion of the alley that will be used daily for egress and that is subject to the Streets Department approval.

10. **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 52 and 23 students respectively; 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

Tabled item from February 27th, 2019 meeting.

Planner's recommendation: Approve with no school expansion and with conditions.

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

Motion Approved: 6-0-1

Item removed from tabled

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

Motion Approved: 6-0-1

The increase on the number of students and staff is not recommended and the CUP for the existing 23 student school could be granted with the condition that a 2 feet landscape buffer be provided at the edge of the property line to prevent improper parking encroaching into the sidewalk and that no less than 2 employees for traffic circulation control be on site at drop-off and pick-up hours daily.

The parking variance could be approved with the condition that 3,460 square feet of the building remain utilized by a daycare operation which requires 50% parking spaces less than other commercial uses, that the substandard spaces at the rear be exclusively used by compact cars and that a minimum of 5 parking spaces be available at the times that the existing medical clinic is in operation.

The pervious area variance could be approved with the condition that adequate drainage be provided through a drainage system, the 2 feet landscape buffer should be approved since there is no space to provide a wider buffer and the waiver of the landscape requirement could be approved with the condition that the 8 trees and 80 shrubs be mitigated in accordance to Sec. 98-2233.

11. ORDINANCE CHAPTER 98 ZONING; ARTICLE V ZONING DISTRICT REGULATIONS; DIVISION 3. R-1 ONE FAMILY DISTRICT; SECTION 98-502 REAR YARD REQUIRED; REDUCING THE DISTANCE SEPARATION BETWEEN A SINGLE FAMILY HOME AND AN ACCESSORY BUILDING FROM 20 FEET TO TEN FEET; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Motion Approved: 6-0-1

Item approved

MISCELLANEOUS ITEMS NOT REQUIRING ADVERTISING:

12. Old Business. **None**

13. 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.