

CITY OF HIALEAH
SPECIAL PLANNING AND ZONING BOARD VIRTUAL MEETING
June 24th, 2020
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, which apply to today's Planning and Zoning Board Meeting, have been set by Mayor Carlos Hernandez through the execution of an Order on Emergency Public Meeting Guidelines and Procedures Using Communications Media Technology In Response To COVID-19:

- Pursuant to emergency management powers as set forth in F.S. §§252.31-252.90, Governor Ron DeSantis issued Executive Order 20-69 on March 20, 2020, as amended, suspending the "Florida's Government in Sunshine Laws" requirement that a quorum of the legislative body holding a public meeting be met in-person and 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 as a result of the COVID-19 pandemic affecting the State of Florida. Executive Order 20-69 allows local governments to use communications media technology to hold public meetings during the public health emergency as a result of COVID-19, in order to protect the health, welfare and safety of the public, including public officials, from being exposed to COVID-19 and meet the requirements of the Sunshine Law.
- The following Procedures for Virtual Public Meetings of the Planning and Zoning Board using Communications Media Technology in Response to COVID-19 have been adopted as minimum procedures for all emergency public meetings of the Planning and Zoning board of the City of Hialeah effective the execution of **Order on Emergency Public Meeting Guidelines and Procedures using Communications Media Technology in Response to COVID19**, signed by Mayor Carlos Hernandez on April 8, 2020.
- The virtual public meeting shall be broadcast live for members of the public to view on the City's Facebook page. A Facebook account is not required in order to view this virtual public meeting. In addition, members of the public may hear the meeting live through telephonic conferencing. You can join the meeting via 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.
- Members of the public wishing to participate in the virtual public meeting will be able to participate by registering with the Planning and Zoning Division. To speak on an item a Public Speaker Registration Card must be submitted. The deadline to register

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for public participation in the meeting is 3:00 p.m., Tuesday, June 23, 2020.

- Members of the public may participate by submitting the Public Speaker Registration Card with comments or questions by email to yirodriguez@hialeahfl.gov prior to the meeting taking place. The Public Speaker Registration Card must be e-mailed in advance and must be received no later than 3:00 p.m. on Tuesday, June 23, 2020. 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. D. Perez, Mr. Casanova, Mr. Iglesias, Mr. Horgan & Mr. O. Perez

Absent: Mr. Rodriguez

2. Approval of Planning and Zoning Board Summary Agenda of February 26th, 2020 as submitted.

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

Motion Approved: 5-0-1

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 VIRTUAL MEETING OF ~~TUESDAY, JULY 28TH, 2020~~ MONDAY, JULY 27TH, 2020.

3. **Final decision** to allow interior south side setback of 5 feet on the western 57 feet of the lot, where 15 feet setback is required for properties developed under the NBD (Neighborhood Business District) regulations when abutting low density residential districts. Property located at **4260 Palm Avenue**, Hialeah, zoned C-1 (Restricted Retail Commercial District) located in NBD (Neighborhood Business District) Area 1.
Applicant: Alejandro Vilarello, PA on behalf of 4260 Palm Ave, LLC
Planner's recommendation: Approval
Motion to Approve: Mr. Casanova; Second: Mr. Iglesias & Mr. O. Perez
Motion Approved: 5-0-1
FINAL DECISION NO. 2020-07

Item approved

THE PLANNING AND ZONING BOARD RECOMMENDATIONS FOR THE FOLLOWING PUBLIC HEARING REQUESTS WILL BE HEARD BY THE CITY COUNCIL, AT ITS SCHEDULED VIRTUAL MEETING OF ~~TUESDAY, JULY 14TH, 2020~~ MONDAY, JULY 13TH, 2020.

4. **Request to close and abandon** from public use the public streets and alleys located between E 19th Street and E 20th Street, east of E 11th Avenue and west of the railroad tracks. Streets located between blocks 125 B and 124 B and between blocks 124B and 117B and alleys located on blocks 117B and 124B on Plat Book 34-26 recorded in the Miami Dade County Public Records, and folio number 04-3108-002-5675.
Applicant: Michael Osman on behalf of BBE Builders, LLC
Planner's recommendation: Approval
Motion to Approve: Mr. O. Perez; Second: Mr. Iglesias
Motion Approved: 5-0-1

Item approved

5. **Rezoning** property from GU (Interim District-MDC zoning designation) to MH (Industrial District) and variance permit to allow block width of 371 feet, where 330 feet is the maximum block width allowed. Property generally located on the **north side of NW 138th Street and south side of NW 142nd Street between NW 102nd Avenue and NW 107th Avenue in Hialeah Heights**, with folio numbers 04-2020-001-0130 and 04-2020-001-0110.
Applicant: Alejandro J. Arias, Esq. on behalf of Annex Industrial Park, LLC
Planner's recommendation: Approval
Motion to Approve: Mr. Casanova; Second: Mr. O. Perez
Motion Approved: 5-0-1

Item approved

6. **Rezoning** property from GU (Interim District-MDC zoning designation) to MH (Industrial District); Special Use Permit (SUP) to allow a gas station, where gas stations are not a permitted use in the MH district, and variance permit to allow 16.2 feet landscape buffer along the north side abutting a water body, where 21 feet is the minimum required. Property located at **10300 NW 142nd Street, (eastern 79,000 square feet portion of the parcel)** Hialeah, zoned GU (Interim District-MDC zoning designation).

Applicant: Felix Lasarte, Esq. on behalf of The Machado Family Limited Partnership No. 2

Planner's recommendation: Approve rezoning to MH and SUP to allow a gas station on the eastern 79,000 square feet portion of the parcel.

Motion to approve rezoning to MH and SUP to allow a gas station on the eastern 79,000 square feet portion of the parcel: Mr. Iglesias; Second: Mr. Casanova

Motion Approved: 5-0-1

Item approved as recommended. The requested reduced landscape buffer was not approved since the parcel is large enough to comply with the required buffer.

7. **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 (Lots 16 & 17), having a frontage of 40 feet and total net lot area of 4,920 square feet each, where frontage of 75 feet and area of 7,500 square feet are required; allow 0 feet interior west side setback for Lot 16 and 0 feet interior east side setback for Lot 17, where 7.5 feet is the minimum required; allow 12 feet street side setback for Lot 16, for balconies encroaching into east street side setback, where 15 feet are required. Property located at **991 East 20th Street**, Hialeah, zoned R-1 (One-Family District).

Applicant: Monika Entin, Esq. on behalf of Komodo Homes 2, LLC

Planner's recommendation: Approval

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

Motion Approved: 5-0-1

Item approved

8. **Variance** permit to allow the replatting of the property into a substandard lot having a frontage of 60 feet, where 75 feet is the minimum required; rezoning property from R-1 (One-Family District) to R-2 (One- and Two-Family Residential District) and variance permit to allow a new duplex on a substandard lot; allow lot coverage of 31.2%, where 30% is the maximum allowed; allow rear setback of 24 feet, where 25 feet is the minimum required. Property located at **631 East 40th Street**, Hialeah, zoned R-1 (One-Family District).

Applicant: Ceasar Mestre, Esq. on behalf of Hammer Holdings Inc.

POSTPONED UNTIL FURTHER NOTICE

9. **Repeal and rescind** City of Hialeah, FL Ordinance 92-26; ~~Special Use Permit (SUP) to allow the expansion of the NBD (Neighborhood Business District) Overlay and variance permit to allow only residential uses, where residential and commercial uses are required; allow residential use on the ground floor, where residential uses are allowed above the ground level only; allow 27 units with area of 625 square feet, where area of 850 square feet is the minimum required for 90% of the units; allow 5.58 feet front setback facing~~

~~Palm Avenue and 5 feet front setback facing East 12th Street, where 10 feet built-to-line are required; allow rear setback of 5.83 feet, where 15 feet are required; allow 30 parking spaces, where 68 parking spaces are required; allow 5 feet landscape buffer, where 7 feet are required and allow a waiver of the minimum landscape requirements provided that trees and shrubs are mitigated in accordance to Sec. 98-2233. Properties located at **1201 Palm Avenue and 11 East 12th Street**, Hialeah, zoned CR (Commercial Residential District) and R-3-2 (Multiple Family District).~~

~~**Applicant: Alejandro Vilarello, PA on behalf of 1105 Palm Ave, LLC**
ITEM WITHDRAWN TO BE READVERTISED~~

- 10. Repeal and rescind** City of Hialeah, FL Ordinance 2019-067; Special Use Permit (SUP) to allow the expansion of the Neighborhood Business District (NBD) Overlay and variance permit to allow only residential uses, where residential and commercial uses are required; allow residential use on the ground floor, where residential uses are allowed above the ground level only; allow 76 units with area of 650 square feet, where area of 850 square feet is the minimum required for 90% of the units; allow 38 feet and 112 feet front setbacks facing West 78th Road, where 10 feet built-to-line are required; allow 94 parking spaces; where 189 parking spaces are required; allow surface parking at the front setback, where surface parking is not allowed at the front; allow 18.5% pervious area, where 30% is the minimum required and allow a waiver of the minimum landscape requirements provided that trees and shrubs are mitigated in accordance to Sec. 98-2233. Property located at **340 West 78th Road**, Hialeah, zoned M-1 (Industrial District).

Applicant: Alejandro Vilarello, PA on behalf of Amelia Storage, LLC

Planner's recommendation: Approved subject to a parking management plan.

Motion to Approve subject to a parking management plan: Mr. O. Perez; Second: Mr. O. Perez

Motion Approved: 4-1-1 with Mr. Horgan voting NO.

Item approved subject to submission of a parking management plan.

- 11. Variance** permit to allow only residential uses, where residential and commercial uses are required; allow residential use on the ground floor, where residential uses are allowed above the ground level only; allow 17 units with area of 615 square feet, where area of 850 square feet is the minimum required for 90% of the units; allow 5 feet front setback for building wall facing Palm Avenue and 3 feet for the balconies above the ground floor where 10 feet built-to-line is required; allow 5.66 feet setback for building wall facing West 23rd Street and 4 feet for the balconies above the ground floor where 10 feet built-to-line is required; allow 18 parking spaces where 41 parking spaces are required; allow 13% pervious area, where 30% is the minimum required and allow a waiver of the minimum landscape requirements provided that trees and shrubs are mitigated in accordance to Sec. 98-2233. Property located at **2290 Palm Avenue**, Hialeah, zoned C-2 (Liberal Retail Commercial District) located in NBD (Neighborhood Business District) Area 1.

Applicant: Alejandro Vilarello, PA on behalf 2290 Palm Ave, LLC

Planner's recommendation: Approval with DOR.

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

Motion Approved: 5-0-1

Item approved with the condition that a Declaration of Restrictive Covenants is proffered.

12. Special Use permit (SUP) to allow the expansion of the NBD (Neighborhood Business District) regulations and variance permit to allow only residential uses, where residential and commercial uses are required; allow residential use on the ground floor, where residential uses are allowed above the ground level only; allow 27 units with area of 615 square feet, where area of 850 square feet is the minimum required for 90% of the units; allow 5.66 feet front setback for building wall facing West 23rd Street and 4 feet for the balconies above the ground floor where 10 feet built-to-line is required; allow 5 feet west interior side setback and 10 feet interior south side setback for building walls and 8 feet for balconies above the ground floor, where 15 feet are required; allow 32 parking spaces where 68 parking spaces are required; allow 17% pervious area, where 30% is the minimum required and allow a waiver of the minimum landscape requirements provided that trees and shrubs are mitigated in accordance to Sec. 98-2233. Property located at **40 West 23rd Street**, Hialeah, zoned R-3 (Multifamily District).

Applicant: Alejandro Vilarello, PA on behalf of 40 West, LLC

Planner's recommendation: Approve with west side setbacks of 7 feet for north building, and 14.83 feet for south building; south side setback of 10 feet and no balconies and subject to DOR.

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

Motion Approved: 5-0-1

Item approved as recommended

13. Special Use Permit (SUP) to allow the expansion of the Neighborhood Business District (NBD) Overlay and variance permit to allow only residential uses, where residential and commercial uses are required; allow residential use on the ground floor, where residential uses are allowed above the ground level only; allow 98 units with area of 600 square feet, where area of 850 square feet is the minimum required for 90% of the units; allow 15 feet front setback facing West 78th Road and 20 feet front setback facing West 4th Avenue, where 10 feet built-to-line are required; allow rear setback of 7 feet for balconies, where 15 feet are required; allow 122 parking spaces, where 243 parking spaces are required; allow 18% pervious area, where 30% is the minimum required; allow 5 feet landscape buffer facing West 78 Road, where 7 feet are required and allow a waiver of the minimum landscape requirements provided that trees and shrubs are mitigated in accordance to Sec. 98-2233. Property located at **7901 West 4th Avenue**, Hialeah, zoned M-1 (Industrial District).

Applicant: Alejandro Vilarello, PA on behalf of 7901 West 4th Ave, LLC

Planner's recommendation: Approval subject to submission of a parking management plan.

Motion to Approve subject to a parking management plan: Mr. Iglesias & Mr. O. Perez; Second: Mr. Casanova

Motion Approved: 4-1-1 with Mr. Horgan voting NO.

Item approved subject to submission of a parking management plan.

MISCELLANEOUS ITEMS NOT REQUIRING ADVERTISING:

14. FINAL PLAT OF COUNTYLINE CORPORATE PARK CENTRAL

Planner's recommendation: Approval

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

Motion Approved: 5-0-1

Item approved

15. FINAL PLAT OF COUNTYLINE CORPORATE PARK SOUTH

Planner's recommendation: Approval

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

Motion Approved: 5-0-1

Item approved

16. Old Business. None.

17. New Business. Planning and Zoning Director, Debora Storch announced that the next Planning and Zoning Board Special Meeting will be rescheduled from Wednesday, July 22nd, 2020 to Wednesday, July 29th, 2020 at 6:00pm and that the City Council meetings to consider the items on this agenda are rescheduled to July 13th, 2020 and July 27th, 2020.

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.