

**CITY OF HIALEAH**  
**SPECIAL PLANNING AND ZONING BOARD VIRTUAL MEETING**  
**July 29<sup>th</sup>, 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

**HIALEAH PLANNING AND ZONING BOARD VIRTUAL MEETING- JULY 29<sup>TH</sup>, 2020**

for public participation in the meeting is 3:00 p.m., Tuesday, July 28, 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, July 28, 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. Rodriguez, Mr. Iglesias, Mr. Horgan & Mr. O. Perez**

**Absent: Mr. Casanova**

**2. Approval of Planning and Zoning Board Summary Agenda of June 24<sup>th</sup>, 2020 as submitted.**

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

**Motion Approved: 5-0-1 with board member Mr. Casanova 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 VIRTUAL MEETING OF TUESDAY, AUGUST 25<sup>TH</sup>, 2020.**

3. **Final decision** to allow rear setback of 6 feet, where 15 feet is the minimum required for fire alarm room on ground floor. Property located at **440 East 27<sup>th</sup> Street**, Hialeah, zoned R-3 (Multiple-Family District).

**Applicant: Alejandro Vilarello, PA on behalf of 440 East, LLC**

**Planner's Recommendation: Approval**

**Motion to Approve: Mr. O. Perez; Second: Mr. Iglesias & Mr. Rodriguez**

**Motion Approved: 5-0-1 with board member Mr. Casanova absent.**

**FINAL DECISION NO. 2020-08**

*Item approved*

4. **Final decision** to allow rear setback of 17.2 feet, where 20 feet is the minimum required, for the legalization of a terrace and allow north side interior setback of 4.4 feet, where 7.5 feet are required for the legalization of a garage and playroom. Property located at **6280 West 14<sup>th</sup> Avenue**, Hialeah, zoned R-1 (One-Family District).

**Applicant: Chunilal Ramkinson**

**Planner's Recommendation: Approve with conditions**

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

**Motion Approved: 5-0-1 with board member Mr. Casanova absent.**

*Item tabled*

5. **Final decision** to allow interior north and south setbacks of 5 feet, where 5 feet 1 inch is the minimum required for existing house; allow rear setback of 14.80 feet, where 20 feet is the minimum required for an existing terrace; allow rear setback of 4.20 feet, where 7.5 feet are is the minimum required; allow interior north side setback of 5 feet, where 5 feet 1 inch is the minimum required for an existing utility room to be legalized and allow distance separation between existing utility room and existing terrace of 0 feet, where 10 feet is the minimum distance separation required. Property located at **4561 East 8<sup>th</sup> Court**, Hialeah, zoned R-1 (One-Family District).

**Applicant: Jose Chico**

**Planner's Recommendation: Approve with conditions**

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

**Motion Approved: 5-0-1 with board member Mr. Casanova absent.**

**FINAL DECISION NO. 2020-09**

*Item approved with the condition that the terrace remains open on 3 sides, accessory building cannot exceed 103.5 square feet, lush landscaping will be provided along the rear (east) property line and remove south side exterior door.*

6. **Final decision** to allow interior east side setback of 5 feet, where 6 feet is the minimum required for existing addition and allow rear setback of 5 10 feet, where 20 feet is the

minimum required for existing wood terrace to be legalized. Property located at **841 East 15<sup>th</sup> Place**, Hialeah, zoned R-1 (One-Family District).

**Applicant: Roberto Caseres and Lazaro Roberto Gonzalez**

**Planner's Recommendation: Amend application and approve with conditions**

**Motion to Approve as Amended: Mr. O. Perez; Second: Mr. Rodriguez**

**Motion Approved: 5-0-1 with board member Mr. Casanova absent.**

**FINAL DECISION NO. 2020-10**

*Item approved as amended with the condition that 3 sides of the terrace remain open, that the master bedroom will not be utilized as an independent living unit and that the legalization is completed within 180 days.*

**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, AUGUST 11<sup>TH</sup>, 2020.**

- 7. Rezoning** from R-1 (One-Family District) to R-3-5 (Multiple-Family District) and variance permit to allow 23 feet front setback for staircase, where 25 feet are required; interior east side setback of 5.16 feet for building corridor on the second floor and interior west side setback of 6 feet for staircase, where 10 feet interior side setback is required and allow 39.7% lot coverage, where 30% is the maximum allowed. Property located at **381 East 50<sup>th</sup> Street**, Hialeah, zoned R-1 (One-Family District).

**Applicant: Michael Osman on behalf of Alaim Apartments, LLC**

**Planner's Recommendation: Approval**

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

**Motion Approved: 4-1-1 with board member Mr. Horgan voting NO and board member Mr. Casanova absent.**

*Item approved*

- 8. Rezoning** from R-1 (One-Family District) to R-2 (One-and Two-Family Residential District) and variance permit to allow a duplex on a substandard lot having a frontage of 40 feet and total lot area of 5,443 square feet, where 75 feet frontage and 7,500 square feet are required; allow lot coverage of 48.1%, where 30% is the maximum allowed; allow interior east and west side setbacks of 5 feet, where 7.5 feet is the minimum required respectively and allow rear setback of 16 feet, where 25 feet is the minimum required. Property located at **752 East 33<sup>rd</sup> Street**, Hialeah, zoned R-1 (One-Family District).

**Applicant: Luminous Builders, LLC**

**Planner's Recommendation: Table the item**

**\*REPORT: Beatriz Marrero 664 East 29 Street, Hialeah in opposition.**

**\*REPORT: Walquiria Pino 730 East 33 Street, Hialeah in opposition.**

**\*REPORT: Mabel Leon 710 East 33 Street, Hialeah in opposition.**

**\*REPORT: Elsa Leon 720 East 33 Street, Hialeah in opposition.**

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

**Motion Approved: 5-0-1 with board member Mr. Casanova absent.**

*Item tabled*

9. **Rezoning** from R-1 (One-Family District) to R-2 (One-and Two-Family Residential District) and variance permit to allow a duplex on a substandard lot having a frontage of 40 feet and total lot area of 5,443 square feet, where 75 feet frontage and 7,500 square feet are required; allow lot coverage of 48.1%, where 30% is the maximum allowed; allow interior west side setback of 5 feet, where 7.5 feet is the minimum required respectively and allow rear setback of 16 feet, where 25 feet is the minimum required. Property located at **7XX East 33<sup>rd</sup> Street**, Hialeah, zoned R-1 (One-Family District).

**Applicant: Lumination Homes, LLC**

**Planner's Recommendation: Table the item**

**\*REPORT: Beatriz Marrero 664 East 29 Street, Hialeah in opposition.**

**\*REPORT: Walquira Pino 730 East 33 Street, Hialeah in opposition.**

**\*REPORT: Mabel Leon 710 East 33 Street, Hialeah in opposition.**

**\*REPORT: Elsa Leon 720 East 33 Street, Hialeah in opposition.**

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

**Motion Approved: 5-0-1 with board member Mr. Casanova absent.**

*Item tabled*

10. **Repeal and rescind** City of Hialeah, FL Ordinance 88-04 and variance permit to allow the conversion of a residential unit on the second floor of the rear portion of an existing building into 2 units with approximate area of 733 square feet each, where 750 square feet is the minimum required; allow the addition of a two-story building at the rear of the back portion of an existing building including one residential unit of 530 square feet on each floor, where 750 square feet is the minimum required; allow 71.67 feet front setback, where 10 feet are required; allow interior east side setback of 2.14 feet for the staircase of the proposed addition and 4.49 feet for the existing building, where 5 feet are required; allow 5.62 rear setback, where 10 feet are required; allow 14.4% pervious area, where 30% is the minimum required and allow parking on the front setback, where no parking in front setbacks is allowed. Property located at **225 East 6<sup>th</sup> Street**, zoned R-3-D (Multifamily District).

**Applicant: Rafael Molina**

**Planner's Recommendation: Approve with conditions**

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

**Motion Approved: 5-0-1**

***Item approved with the condition that that proposed bedrooms and living rooms windows on the north side wall get relocated to the east and west sides of the building.***

11. **Repeal and rescind** City of Hialeah, FL Ordinance 98-100 and rezoning from R-1 (One-Family District) to R-2 (One- and Two-Family Residential District); variance permit to allow a duplex on a substandard lot having a frontage of 40 feet and total lot area of 5,644 square feet, where 75 feet frontage and 7,500 square feet are required. Property located at **586 East 28<sup>th</sup> Street (Lot 13)**, Hialeah, zoned R-1 (One-Family District).

**Applicant: Andre Vazquez, Esq. on behalf of H 586, LLC**

**Planner's Recommendation: Approve rezoning and lot size variance subject to parking area redesign.**

**\*REPORT: Public Speaker Registration Card was received from Jose M. Rodriguez 603 East 28 Street, Hialeah in opposition. Unfortunately, Mr. Rodriguez was not able to attend the virtual meeting.**

**Motion to Deny Item: Mr. Rodriguez; Second: Mr. Iglesias**

**Motion Approved: 3-2-1 with board members Mr. D. Perez and Mr. O. Perez voting NO and board member Mr. Casanova absent.**

*Item denied*

- 12. Repeal and rescind** City of Hialeah, FL Ordinance 98-100 and rezoning from R-1 (One-Family District) to R-2 (One- and Two-Family Residential District); variance permit to allow a duplex on a substandard lot having a frontage of 40 feet and total lot area of 5,638 square feet, where 75 feet frontage and 7,500 square feet are required. Property located at **586 East 28<sup>th</sup> Street (Lot 14)**, Hialeah, zoned R-1 (One-Family District).

**Applicant: Andre Vazquez, Esq. on behalf of H 586, LLC**

**Planner's Recommendation: Approve rezoning and lot size variance subject to parking area redesign.**

**\*REPORT: Public Speaker Registration Card was received from Jose M. Rodriguez 603 East 28 Street, Hialeah in opposition. Unfortunately, Mr. Rodriguez was not able to attend the virtual meeting.**

**Motion to Deny Item: Mr. Rodriguez; Second: Mr. Horgan**

**Motion Approved: 3-2-1 with board members Mr. D. Perez and Mr. O. Perez voting NO and board member Mr. Casanova absent.**

*Item denied*

- 13. Repeal and rescind** City of Hialeah, FL Ordinance 98-100 and rezoning from R-1 (One-Family District) to R-2 (One- and Two-Family Residential District); variance permit to allow a duplex on a substandard lot having a frontage of 40 feet and total lot area of 5,634 square feet, where 75 feet frontage and 7,500 square feet are required; allow street side setback of 9.5 feet, where 15 feet is the minimum required and allow interior side setback of 5.5 feet, where 7.5 feet is the minimum required. Property located at **586 East 28<sup>th</sup> Street (Lot 15)**, Hialeah, zoned R-1 (One-Family District).

**Applicant: Andre Vazquez, Esq. on behalf of H 586, LLC**

**Planner's Recommendation: Approve rezoning and variances as requested**

**\*REPORT: Public Speaker Registration Card was received from Jose M. Rodriguez 603 East 28 Street, Hialeah in opposition. Unfortunately, Mr. Rodriguez was not able to attend the virtual meeting.**

**Motion to Deny Item: Mr. Rodriguez; Second: Mr. Iglesias**

**Motion Approved: 3-2-1 with board members Mr. D. Perez and Mr. O. Perez voting NO and board member Mr. Casanova absent.**

*Item denied*

- 14. Repeal and rescind** City of Hialeah, FL Ordinance 92-26 and release related Declaration of Restrictions recorded in Book 15484 Pages 2652-2657 of the Miami-Dade County Public Records and then rezone the property located at 11 East 12th Street to R-3-3; 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 6 feet front setback for balconies above the ground floor encroaching into the Palm Avenue front setback, where 10 feet built-to-line are required; allow 6 feet for balconies above the ground floor encroaching into the East 12th Street front setback and allow 7.66 feet front setback for building wall facing East 12th Street, where 10 feet built-to-line are required; allow north side setback of 10 feet, where 15 feet are required; allow 30 parking spaces, where 68 parking spaces 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 and Hugo Arza Esq., on behalf of 1105 Palm Ave, LLC**

**Planner's Recommendation: Table the item**

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

**Motion Approved: 5-0-1 with board member Mr. Casanova absent.**

*Item approved*

- ~~**15. Repeal and rescind** City of Hialeah, FL Ordinance 2014-02 and then rezone property at 601 E. Okeechobee Road to C-2 (Liberal Retail Commercial District); 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 34 units with area of 600 square feet, where area of 850 square feet is the minimum required for 90% of the units; allow 23 feet front setback for building wall facing E. Okeechobee Road, where 10 feet built-to-line is required; allow 3 feet setback for building wall and 0 feet for balconies above the ground floor, facing SE Park Drive, where 10 feet built-to-line is required; allow 26.8% building frontage on E. Okeechobee Road, where 100% building frontage is required; allow 42% building frontage on SE Park Drive, where 100% building frontage is required; allow 3' 1" front setback for building and 0 feet front setback for balconies above the ground floor, fronting SE 6<sup>th</sup> Avenue, where 10 feet built-to-line setback is required; allow 5 feet rear setback abutting residential uses, where 15 feet is the minimum required; allow 36 parking spaces, where 76 parking spaces are required; allow 2' 8" landscape buffer at SE Park Drive, where 7 feet landscape buffer is required; allow 16.6% 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 **601 E. Okeechobee Road, 604 and 610 Park Drive**, Hialeah, zoned P (Parking) and R-3 (Multiple-Family District).~~

~~**Applicant: Alejandro Vilarello, PA on behalf of LeJeune Airport Park Suites, Inc**  
**WITHDRAWN TO BE RE-ADVERTISED**~~

- 16. Variance** permit to allow proposed lot coverage of 34.7%, where 30% lot coverage is the maximum allowed; allow distance separation between proposed terrace and front unit of 5 feet, where 25 feet is the minimum required; allow front setback of 24.3 feet and rear setback of 24.5 feet, where 25 feet are required. Property located at **318-320 East 38<sup>th</sup> Street**, Hialeah, zoned R-2 (One- and Two-Family Residential District).

**Applicant: Julio R. Perez De Prado**

**Planner's Recommendation: Approve with conditions**

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

**Motion Approved: 5-0-1 with board member Mr. Casanova absent.**

*Item approved with the condition that the new terrace remains open on three sides and that the unit at the rear is kept as a single living unit.*

- 17. Variance** permit to allow 85% lot coverage, where 80% is the maximum allowed, provided that public open space greater than 1,300 square feet will be developed as required; allow 10 feet front setback to be developed as a widened sidewalk along the storefront area and landscape area along the parking garage frontage, where 0 feet built to line is required; allow height of 12 stories, where 8 stories is the maximum allowed, provided that art work will be incorporated into the building; allow 16 parking stalls to be provided off-site within the 36.66 feet wide portion of the railroad easement adjacent to the rear of the property and currently leased by the applicant. Property located at **2701 East 11<sup>th</sup> Avenue and 2765 East 11<sup>th</sup> Avenue**, Hialeah, zoned TOD (Transit Oriented Development District).

**Applicant: MBM Developments Group Corp, Marcelo O'Shea**

**Planner's Recommendation: Approval**

**\*REPORT: Javier Gonzalez 1090 East 27 Street, Hialeah in opposition.**

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

**Motion Approved: 3-2-1 with board members Mr. Horgan and Mr. Rodriguez voting NO and board member Mr. Casanova absent.**

*Item approved*

- 18. Consider a Conditional Use Permit (CUP)** to allow a K-5 school with 121 students and future expansion to 144 students in conjunction with an existing daycare of 22 students with a future daycare expansion to 54 students. Variance to allow the expansion of a non-conforming site in order to incorporate a K-5 school; allow 98 parking spaces, where 118 are required; allow 7.30 feet front setback on West 49<sup>th</sup> Street, where 20 feet are required and allow 3 feet rear setback for dumpster enclosure, where 10 feet are required and allow 12 feet rear setback for existing building, where 15 feet are required, on West 47<sup>th</sup> Place; allow 10.6% pervious area, where 18% is the minimum required. Property located at **1290 and 1300 West 49<sup>th</sup> Street**, zoned C-2 (Liberal Retail Commercial District).

**Applicant: America's Christian Future School, Raquel E. Valverde Sarmiento**

**Planner's Recommendation: Approve with conditions**

**Motion to Table Item: Mr. Rodriguez; Second: Mr. Iglesias**

**Motion Approved: 5-0-1 with board member Mr. Casanova absent.**

*Item tabled*

MISCELLANEOUS ITEMS NOT REQUIRING ADVERTISING:

19. Old Business. None.

20. New Business. Planning and Zoning Director, Debora Storch announced that the next Special Planning and Zoning board virtual meeting will be on August 26<sup>th</sup>, 2020 at 6:00pm.

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.**