

CITY OF HIALEAH
SPECIAL PLANNING AND ZONING BOARD VIRTUAL MEETING
August 26th, 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, August 25, 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, August 25, 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

Absent: Mr. Casanova & Mr. O. Perez

2. Approval of Planning and Zoning Board Summary Agenda of July 29th, 2020 as submitted.

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

Motion Approved: 4-0-2 with board members Casanova and O. Perez 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

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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, SEPTEMBER 22ND, 2020.

- 3. Final decision** to allow rear setback of ~~5.7~~ 10.7 feet, where 20 feet is the minimum required for a proposed new terrace. Property located at **631 East 14th Street**, Hialeah, zoned R-1 (One-Family District).

Applicant: Anaelys Rodriguez

Planner's recommendation: Approve with conditions

TABLED ITEM FROM FEBRUARY 26TH, 2020 MEETING

Motion to Remove from Tabled: Mr. Rodriguez; Second: Mr. Iglesias

Motion Approved: 4-0-2 with board members Casanova and O. Perez absent.

Item removed from tabled

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

Motion Approved: 4-0-2 with board members Casanova and O. Perez absent.

FINAL DECISION NO. 2020-11

Item approved with the condition that the terrace remains open on 3 sides and lush landscaping is installed along south (rear) property line.

- 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 14th Avenue**, Hialeah, zoned R-1 (One-Family District).

Applicant: Chunilal Ramkimson

Planner's recommendation: Approve with conditions

TABLED ITEM FROM JULY 29TH, 2020 MEETING

NO ACTION

- 5. Final decision** to allow north side setback of 5.8 feet, where 7.5 feet is the minimum required for the legalization of a covered terrace and allow rear setback of 14.5 feet, where 20 feet is the minimum required for the legalization of a second covered terrace. Property located at **5390 West 6th Avenue**, Hialeah zoned R-1 (One-Family District).

Applicant: Jose A. Martinez

Planner's recommendation: Approve with conditions

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

Motion Approved: 4-0-2 with board members Casanova and O. Perez absent.

Item tabled

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, SEPTEMBER 8TH, 2020.

6. **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%~~ 47.5%, where 30% is the maximum allowed and 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 33rd Street**, Hialeah, zoned R-1 (One-Family District).

Applicant: Luminous Builders, LLC

Planner's recommendation: Approval

TABLED ITEM FROM JULY 29TH, 2020 MEETING

Motion to Remove from Tabled: Mr. Rodriguez; Second: Mr. Iglesias

Motion Approved: 4-0-2 with board members Casanova and O. Perez absent.

Item removed from tabled

***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 Deny: Mr. Rodriguez; Second: Mr. Horgan

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

Item denied

7. **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%~~ 47.5%, where 30% is the maximum allowed and 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 33rd Street**, Hialeah zoned R-1 (One-Family District).

Applicant: Lumination Homes, LLC

Planner's recommendation: Approval

TABLED ITEM FROM JULY 29TH, 2020 MEETING

Motion to Remove from Tabled: Mr. Rodriguez; Second: Mr. Iglesias

Motion Approved: 4-0-2 with board members Casanova and O. Perez absent.

Item removed from tabled

***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 Deny: Mr. Rodriguez; Second: Mr. Horgan

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

Item denied

- 8. Rezoning** property from GU (Miami-Dade County Zoning Designation) to MH (Industrial District). Property located on the **east side of NW 102nd Avenue and north of NW 142nd Street, Hialeah with folio number 04-2020-002-0020.**

Applicant: Ceasar Mestre, Esq. on behalf of Gimrock Property, LLC

Planner's recommendation: Approval

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

Motion Approved: 4-0-2 with board members Casanova and O. Perez absent.

Item approved

- 9. Variance** permit to allow a single family home on a substandard lot having a frontage of 25 feet and total lot area of 3,125 square feet, where 75 feet and 7,500 square feet are required and allow interior north and south side setbacks of 5 feet, where 5 feet 1 inch is the minimum required. Property located at **2190 West 4th Court**, Hialeah zoned R-3 (Multiple-Family District).

Applicant: Gilberto Aguila

Planner's recommendation: Approval

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

Motion Approved: 4-0-2 with board members Casanova and O. Perez absent.

Item approved

- 10. Repeal and rescind** City of Hialeah, FL Ordinance 87-39; consider a Conditional Use Permit (CUP) to allow a pet grooming school; variance permit to allow 18 parking spaces, where 36 parking spaces are required; allow 7.8% pervious area, where 18% pervious area is the minimum required and allow a 3 feet landscape buffer in the front for a distance of 30 feet, where 7 feet is the minimum required. Property located at **1415 West 49th Street**, Hialeah zoned C-2 (Liberal Retail Commercial District).

Applicant: PGSA, LLC (Eduardo Hernando)

Planner's recommendation: Table the item and supplement the application

APPLICANT WAS NOT PRESENT AT THE TIME THE ITEM WAS READ INTO THE RECORD.

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

Motion Approved: 4-0-2 with board members Casanova and O. Perez absent.

Item tabled

APPLICANT WAS AMITTED INTO THE MEETING.

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

Item removed from tabled

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

Item tabled

- 11. 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); Special Use Permit (SUP) to allow the expansion of the NBD (Neighborhood Business District) Overlay; 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 30 units with area of 600 square feet, where area of 850 square feet is the minimum required for 90% of the units; ~~allow 23-foot 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'-4" 8" setback for building and 0 1'8" feet front setback for balconies above the ground floor, fronting SE 6th Avenue, where 10 feet built-to-line setback is required; allow a 5 foot front setback, E. Okeechobee Road, where 10 feet is the minimum required; allow 5 foot secondary front setback abutting residential uses, SE Park Drive, where 10 feet is the minimum required; allow 4'-8" no front setback for privacy parapets, E. Okeechobee Road, where 10 feet is the minimum required; allow 34 32 parking spaces, where 68 parking spaces are required; allow 2'-8" 1'8" landscape buffer at SE Park Drive, where 7 feet landscape buffer is required; allow 23.4% pervious area (5,800 square feet), where 30% (7,407 square feet) is the minimum required; allow 26.4% (6,520 square feet) of open space, where 30% (7,407 square feet) is the minimum required; and allow a metal fence where a concrete wall is required between dissimilar land uses. Property located at **601 E. Okeechobee Road, 604 and 610 Park Drive**, Hialeah, zoned P (Parking) and R-3 (Multiple-Family District).~~

Applicant: Hugo Arza, Esq. on behalf of LeJeune Airport Park Suites, Inc

Planner's recommendation: Approve as recommended

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

Motion Approved: 4-0-2 with board members Casanova and O. Perez absent.

Item approved as recommended

- 12. 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 49th 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 47th

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Place; allow 10.6% pervious area, where 18% is the minimum required. Property located at 1290 and 1300 West 49th Street, zoned C-2 (Liberal Retail Commercial District).

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

Planner's recommendation: Approve with conditions

TABLED ITEM FROM JULY 29TH, 2020 MEETING

Motion to Remove from Tabled: Mr. Rodriguez; Second: Mr. Iglesias

Motion Approved: 4-0-2 with board members Casanova and O. Perez absent.

Item removed from tabled

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

Motion Approved: 4-0-2 with board members Casanova and O. Perez absent.

Item approved with the condition that the shopping center generally preserves the current tenant mix (8,000 square feet of retail at 1290 West 49th Street; and at 1300 West 49th Street: 40,000 square feet of self-storage, 1,700 square feet of limited service restaurant, 1,500 square feet of retail and 11,757 square feet of daycare/school).

- 13. Conditional Use Permit (CUP)** to allow the expansion of an existing K-2 school with 23 students operated in conjunction with a 97-student daycare, to a K-5 school with 80 students in conjunction with the existing 97-student daycare and variance permit to partially waive the City of Hialeah landscape manual to allow 5 feet landscape buffer, where 7 feet are required, allow no landscape islands every 10 parking spaces and allow the mitigation of trees and shrubs as provided in Section 98-2233. Property located at **585 East 49th Street and 590 East 50th Street**, Hialeah, zoned C-1 (Restricted Retail Commercial District).

Applicant: Ceasar Mestre, Esq. on behalf of International Children's Academy, Inc.

Planner's recommendation: Tabled item

Motion to Withdraw Item: Mr. Rodriguez; Second: Mr. Iglesias

Motion Approved: 4-0-2 with board members Casanova and O. Perez absent.

Item withdrawn

- 14. Conditional Use Permit (CUP)** to allow an existing K-6 grade school with an enrollment of 105 students within a facility that also includes a daycare with an enrollment of 59 students and variance permit to allow 6 on-site parking spaces, where 19 parking spaces are required. Property located at **891 West 29th Street**, Hialeah, zoned C-2 (Liberal Retail Commercial District).

Applicant: Ceasar Mestre, Esq. on behalf of Chanty Learning Center, Inc.

Planner's recommendation: Table item

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

Motion Approved: 4-0-2 with board members Casanova and O. Perez absent.

Item tabled

MISCELLANEOUS ITEMS NOT REQUIRING ADVERTISING:

- 15. FINAL PLAT OF BRIDGE HIALEAH WEST**

Planner's recommendation: Approval

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

Motion Approved: 4-0-2 with board members Casanova and O. Perez absent.

Item approved

16. Old Business. **None.**

17. New Business. **Planning and Zoning Director, Debora Storch announced that the following Planning and Zoning Board meetings for the month of September will continue to be held virtually.**

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 VIRTUAL MEETING:
WEDNESDAY, SEPTEMBER 9TH, 2020 AT 6:00 P.M.**