

CITY OF HIALEAH
SPECIAL PLANNING AND ZONING BOARD VIRTUAL MEETING
September 9th, 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- SEPTEMBER 9TH, 2020

for public participation in the meeting is 3:00 p.m., Tuesday, September 8th, 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, September 8th, 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. O. Perez & Mr. Horgan

Absent: Mr. Casanova

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

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

Motion Approved: 5-0-1 with board member 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, OCTOBER 13TH, 2020.

- 3. 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 Ramkissoon

TABLED ITEM FROM JULY 29TH, 2020 MEETING

Planner's recommendation: Approve with conditions

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

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

Item removed from tabled

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

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

FINAL DECISION NO. 2020-12

Item approved with the condition that the garage keeps it use as a garage and does not get converted into a living space, that the adjacent playroom will not include plumbing, that the garage and playroom side wall will remain as a blank wall without openings, that the shed will be removed and that the required legalizations will get completed within 18 months of the approval of these adjustments by City Council.

- 4. 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

TABLED ITEM FROM AUGUST 26TH, 2020 MEETING

Planner's recommendation: Approve with conditions.

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

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

Item removed from tabled

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

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

FINAL DECISION NO. 2020-13

Item approved with the condition that the terraces remain open on 3 sides, the side door is blocked or the additional bathroom removed, lush landscaping is provided at the closest property lines and the legalization of all the violations gets completed within 180 days.

5. **Final decision** to allow interior east side setback of 5.5 feet and rear setback of 1 foot, where 7.5 feet is required on both setbacks, for a 290 square foot accessory building to be legalized; allow 4.5 feet rear setback, where 7.5 feet are required, for a 232 square foot gazebo to be legalized and allow 18 feet front setback where 20 feet are required, for existing porch. Property located at **834 West 72nd Street**, Hialeah, zoned R-1 (One-Family District).

Applicant: Guillermo J. Vazquez

Planner's recommendation: Approve adjustments excluding 1-foot rear setback and 5.5 side setback for 290 square foot shed, with conditions.

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

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

FINAL DECISION NO. 2020-14

The rear setback adjustment for the 290 square foot accessory building should not be approved since it is too close to the adjacent property to the south and is completely encroaching into the utility easement; it is recommended to the applicant to relocate it further north since there is enough space to do so, in compliance with setback requirements. The other requested adjustments could be approved with the condition that the lateral door on the new addition is removed since it will be directly connected to the backyard through the Florida Room, the condition that the gazebo remains open on 4 sides and that all other improvements built without the benefit of a building permit are legalized within 6 months. It is also important to point out that only one kitchen is allowed on single family homes and additional living units are not permitted.

6. **Final decision** to allow street side setback of 14 feet, where 15 feet is the minimum required, for existing house and proposed two-story addition at the rear. Property located at **395 West 55th Street**, Hialeah, zoned R-1 (One-Family District).

Applicant: Maria I. Gomez

Planner's recommendation: Approval

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

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

FINAL DECISION NO. 2020-15

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.

7. **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)

TABLED ITEM FROM AUGUST 26TH, 2020 MEETING

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

NO ACTION

8. **Conditional Use Permit (CUP)** to allow an existing K-5 school with an enrollment of 88 students with a facility that also includes a daycare with an enrolment of 60 students; ~~variance permit to allow 20 on-site parking spaces , where 24 parking spaces are required.~~ Property located at **1265 West 66th Street**, Hialeah, zoned R-3 (Multiple-Family District).

Applicant: Javier Vazquez, Esq. on behalf of Escar Corporation

Planner's recommendation: Approval

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

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

Item approved

9. **Special Use Permit (SUP)** to allow welding in a property zoned M-1 (Industrial District), where welding is not a permitted use in the M-1 (Industrial District) zoning classification. Property located at **8000 West 24th Avenue, Unit 1**, Hialeah, zoned M-1 (Industrial District).

Applicant: Leonel Gonzalez

Planner's recommendation: Approval

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

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

Item approved

10. **Special Use Permit (SUP)** to allow a research facility and variance permit to allow 17 parking spaces, where 24 parking spaces are required. Property located at **490 West 84th Street**, Hialeah, zoned M-1 (Industrial District).

Applicant: Stone Blacka

Planner's recommendation: Approval subject to Declaration of Restrictive Covenants.

Motion to Approve Subject to Declaration of Restrictive Covenants: Mr. Rodriguez; Second: Mr. Iglesias

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

Item approved subject to Declaration of Restrictive Covenants.

11. **Special Use Permit (SUP)** to allow the expansion of the NBD (Neighborhood Business District) overlay for the adaptive re-use of an existing hotel; variance permit to allow 100% of the residential units with areas ranging from 340 to 599 square feet, where 850 square feet is the minimum required for 90% of the units and 600 square feet is the minimum allowed for 10% of the units; allow front and street side setbacks ranging from 17 feet to 72 feet, where 10 feet built-to-line is required; allow surface parking on the front and side setbacks , where surface parking is not allowed on front and side setbacks; allow pedestal height of 41 feet, where 40 feet is the maximum allowed; allow 500 parking spaces, where 603 parking spaces are required and allow 7% pervious area, where 30% is the minimum required. Property located at **1950 West 49th Street**, Hialeah, zoned C-2 (Liberal Retail Commercial District) and C-3 (Extended Liberal Commercial District) and City of Hialeah, Fla Ordinances 2327, 2373 and 2780.

Applicant: Alejandro J. Arias, Esq. on behalf of 1950 Hialeah Holdings, LLC

Planner's recommendation: Approval

***REPORT: Juan Diaz, 1975 West 44th Place Apt # 106, Hialeah addressed the applicant with concerns and questions about the proposed project.**

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

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

Item approved

- 12. 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.

TABLED ITEM FROM AUGUST 26TH, 2020 MEETING

Planner's recommendation: Denial

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

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

Item removed from tabled

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

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

Item approved

- 13. ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING SECTION 98-1607.3 RH-CD-MIXED USE MULTIPLE FAMILY DISTRICT OF THE CODE OF ORDINANCES OF THE CITY OF HIALEAH, IN CHAPTER 98 ENTITLED "ZONING", ARTICLE V. "ZONING DISTRICT REGULATIONS", DIVISION 29. HIALEAH HEIGHTS; AMENDING ITS PURPOSE TO APPLY TO PROPERTIES WITHIN ONE-QUARTER MILE OF THE HIALEAH HEIGHTS COMMERCIAL DISTRICT; AMENDING DEVELOPMENT STANDARDS TO PROVIDE THAT RESIDENTIAL DEVELOPMENTS WITHIN A QUARTER MILE OF THE DISTRICT ARE SUBJECT TO APPROVAL BY CONDITIONAL USE PERMIT; AND AMENDING THE PARKING FOR PROPERTIES WITHIN A QUARTER MILE RADIUS OF THE HIALEAH HEIGHTS COMMERCIAL DEVELOPMENT DISTRICT; REPEALING; AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

Item approved

MISCELLANEOUS ITEMS NOT REQUIRING ADVERTISING:

14. TENTATIVE PLAT OF WEST AVENUE SUBDIVISION

Planner's recommendation: Approval

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

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

Item approved

15. TENTATIVE PLAT OF CORDOVES SUBDIVISION

Planner's recommendation: Approval

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

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

Item approved

16. Old Business. None.

17. 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.

**NEXT PLANNING AND ZONING BOARD VIRTUAL MEETING:
WEDNESDAY, SEPTEMBER 23RD, 2020 AT 6:00 P.M.**