

**CITY OF HIALEAH**  
**PLANNING AND ZONING BOARD MEETING**  
**November 18<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 apply to today's Planning and Zoning Board Meeting:

- Pursuant to emergency management powers as set forth in F.S. §§252.31-252.90, Governor Ron DeSantis issued Executive Order 20-69 (March 20, 2020), suspending the "Florida's Government in the Sunshine Laws" requirement that a quorum of the legislative body holding a public meeting be met in-person and that 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 (EO20-52) as a result of the COVID-19 pandemic affecting the State of Florida. The nation and the State of Florida remain in a state of emergency. The Governor has extended the declaration every 60 days, as required by law, since the execution of Executive Order 20-52. The latest extension made through the execution of Executive Order 20-276 (November 3, 2020).
- Notwithstanding the continuing statewide threat of COVID-19 to the health, safety and welfare of our citizens, Executive Order 20-69, issued specifically to allow local governments to use communications media technology to hold public meetings during the public health emergency, has expired as of 12:01 a.m. November 1, 2020 (EO 20-246). As such, all public meetings in this City of any deliberative body must comply with the in-person quorum requirement of the Sunshine Law. This means, all Planning and Zoning board members must be present in-person.
- A limited number of members of the public will be allowed to be present at the location of the meeting considering the physical spacing limitations of the location to observe social distancing. As such, only 15 members of the public will be allowed to attend in person any scheduled meeting of the Planning and Zoning Board held in the Chambers on a first-come-first serve basis. Based upon anticipated in-person attendance of any meeting, the City will provide additional space at City Hall to accommodate the public and provide both viewing and participation capabilities. In addition, all public meetings continue to be broadcast live for members of the public to view on the City's Facebook page. As an additional alternative, members of the public may hear the meeting live through telephonic conferencing.
- Any person of the public wishing to participate via the web platform, telephonic conferencing or physical presence at City Hall, who is interested in making comments or posing questions on any item on the agenda may do so during the meeting. The person

**HIALEAH PLANNING AND ZONING BOARD MEETING- NOVEMBER 18<sup>TH</sup>, 2020**

interested in joining the meeting to participate for this purpose may register with the Planning and Zoning Division by completing a registration form, providing the information required and submitting the completed form to the Planning and Zoning Division no later than 3:00 p.m. Tuesday, November 17<sup>th</sup>, 2020. All registered participants will be muted during the meeting until called upon to be heard. Participation through Zoom requires a computer or smart mobile device with a microphone and web camera. The participant may elect to participate in the meeting using audio only or appear through both audio and video. The video function of all participants appearing through video will be turned off until called upon to be heard.

- Members of the public must submit the Public Speaker Registration Card with comments or questions by email to [yirodriguez@hialeahfl.gov](mailto:yirodriguez@hialeahfl.gov) prior to the meeting taking place. 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. Horgan & Mr. Casanova**

**Absent: Mr. O. Perez & Mr. Iglesias**

2. Approval of Planning and Zoning Board Summary Agenda of October 14<sup>th</sup>, 2020 and October 28<sup>th</sup>, 2020 as submitted.

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

**Motion Approved: 4-0-2 with board member Mr. O. Perez & Mr. Iglesias 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 MEETING OF TUESDAY, ~~DECEMBER 22<sup>ND</sup>~~- 2020 JANUARY 12<sup>TH</sup>, 2021.**

- 3. Final decision** to allow rear setback of 4.40 feet, where 7.5 feet is the minimum required and 5 feet west side setback, where 6 feet are required, for an existing accessory building to be legalized. Property located at **1100 West 33<sup>rd</sup> Street**, Hialeah, zoned R-1 (One-Family District).

**Applicant: Noelio Almaguer Calzadilla**

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

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

**Motion Approved: 4-0-2 with board member Mr. O. Perez & Mr. Iglesias absent.**

**FINAL DECISION NO. 2020-18**

*Item approved with the condition that the completion of the legalization not only of the shed, but also of all other illegal additions 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 MEETING OF TUESDAY, DECEMBER 8<sup>TH</sup>, 2020.**

- 4. Rezoning** properties from R-1 (One-Family District) to P (Parking). Properties located at **4935 and 4950 East 1<sup>st</sup> Court**, Hialeah, zoned R-1 (One-Family District).

**Applicant: Charles Millar**

**TABLE ITEM AS PER APPLICANT'S REQUEST**

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

**Motion Approved: 4-0-2 with board member Mr. O. Perez & Mr. Iglesias absent.**

*Item tabled*

- 5. Variance** permit to allow three flagpoles of 37 feet in height, where 30 feet is the maximum allowed. Property located at **3990 West 108<sup>th</sup> Street**, Hialeah, zoned BDH (Business Development District).

**Applicant: Gary Edwards on behalf of Chill Build Miami I, LLC**

**Planner's recommendation: Approval**

**Motion to Approve: Mr. Casanova; Second: Mr. Rodriguez**  
**Motion Approved: 4-0-2 with board member Mr. O. Perez & Mr. Iglesias absent.**

*Item approved*

6. **Variance** permit to allow a single family home on a substandard lot having a frontage of 40 feet and total lot area of 5,442.8 square feet, where 75 feet and 7,500 square feet is the minimum required. Property located at **740 East 33<sup>rd</sup> Street**, Hialeah, zoned R-1 (One-Family District).

**Applicant: Lumination Homes, LLC**  
**Planner's recommendation: Approval**

**\*REPORT: Mabel Leon, 710 East 33<sup>rd</sup> Street, Hialeah, addressed the Planning and Zoning Board in favor to the approval of this item.**

**\*REPORT: Elsa Leon, 720 East 33<sup>rd</sup> Street, Hialeah, addressed the Planning and Zoning Board in favor to the approval of this item.**

**Motion to Approve: Mr. Casanova; Second: Mr. Rodriguez**  
**Motion Approved: 4-0-2 with board member Mr. O. Perez & Mr. Iglesias absent.**

*Item approved*

7. **Variance** permit to allow a single family home on a substandard lot having a frontage of 40 feet and total lot area of 5,443.2 square feet, where 75 feet and 7,500 square 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: Approval**

**\*REPORT: Mabel Leon, 710 East 33<sup>rd</sup> Street, Hialeah, addressed the Planning and Zoning Board in favor to the approval of this item.**

**\*REPORT: Elsa Leon, 720 East 33<sup>rd</sup> Street, Hialeah, addressed the Planning and Zoning Board in favor to the approval of this item.**

**\*REPORT: Walquiria Pino, 730 East 33<sup>rd</sup> Street, Hialeah, addressed the Planning and Zoning Board in favor to the approval of this item.**

**Motion to Approve: Mr. Casanova; Second: Mr. Horgan**  
**Motion Approved: 4-0-2 with board member Mr. O. Perez & Mr. Iglesias absent.**

*Item approved*

8. **Variance** permit to allow a duplex on a substandard lot having a frontage of 50 feet and total lot area of 6,000 square feet, where 75 feet and 7,500 square feet is the minimum required and to allow north and south side setbacks of 5 feet, where 5 feet 1 inch is the

minimum required. Property located at **2455 West 5<sup>th</sup> Court**, Hialeah, zoned R-2 (One- and Two-Family Residential District).

**Applicant: Austin Homes, LLC**

**WITHDRAW ITEM TO BE RE-ADVERTISED**

**NO ACTION**

9. **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 40<sup>th</sup> Street**, Hialeah, zoned R-1 (One-Family District).

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

**TABLED ITEM FROM JUNE 24<sup>TH</sup>, 2020 MEETING**

**Planner's recommendation: Approval**

**Motion to Remove Item from Tabled: Mr. Casanova; Second: Mr. Rodriguez**

**Motion Approved: 4-0-2 with board member Mr. O. Perez & Mr. Iglesias absent.**

*Item removed from tabled*

**Motion to Approve: Mr. Casanova; Second: Mr. Horgan**

**Motion Approved: 3-1-2 with board member Mr. Rodriguez voting NO and Mr. O. Perez & Mr. Iglesias absent.**

*Item approved*

10. **Conditional Use Permit (CUP)** to allow the sale and consumption of alcohol within the facility located on the Alwod Artist Live/Work Overlay District, "Leah Art District". Property located at **901 East 10<sup>th</sup> Avenue, Bay # 24**, Hialeah, zoned M-1 (Industrial District).

**Applicant: Ceasar Mestre, Esq. on behalf of Soy Guajiro Restaurant**

**TABLED ITEM FROM FEBRUARY 26<sup>TH</sup>, 2020 MEETING**

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

**Motion to Remove Item from Tabled: Mr. Casanova; Second: Mr. Rodriguez**

**Motion Approved: 4-0-2 with board member Mr. O. Perez & Mr. Iglesias absent.**

*Item removed from tabled*

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

**Motion Approved: 4-0-2 with board member Mr. O. Perez & Mr. Iglesias absent.**

*Item approved with the condition that alcohol for consumption on premises will only be sold with full meals and that improvements will be made to the façade of the subject bay to reflect consistency with the ALWOD district, prior to applying for the alcoholic beverages license.*

- 11. Special Use Permit (SUP)** to allow the expansion of the Neighborhood Business District Overlay at an activity node area fronting the Hialeah Metrorail Station for a multifamily building including 90 residential units. Variance to allow a single use, multifamily residential building, where a vertical mix of uses is required; allow 36 units with area of less than 850 square feet , where only 9 units may have a minimum area of 600 square feet; allow front setbacks for buildings of 6.75 feet along East 21<sup>st</sup> Street, 2.10 feet along East 1<sup>st</sup> Avenue and 2.10 feet and 15 feet along Curtiss Drive, where front setbacks of 10 feet built-to-line are required; allow front setbacks for terraces on the ground floor and balconies above the ground floor of 2 feet along East 21<sup>st</sup> Street, East 1<sup>st</sup> Avenue and Curtiss Drive, where 10 feet built-to-line are required ; allow 125 parking spaces where 203 are required and allow 12.4% pervious area, where 30% is required. Property located at **102 East 21<sup>st</sup> Street**, Hialeah zoned CBD (Central Business District).

**Applicant: Hugo P. Arza, Esq. on behalf of East 21<sup>st</sup> St, LLC**

**Planner's recommendation: Approval**

**\*REPORT: Jacqueline Pulido, 2020 Curtiss Drive, Hialeah, addressed the Planning and Zoning Board in opposition to the approval of this item.**

**\*REPORT: Sonia Pulido, 2030 Curtiss Drive, Hialeah, addressed the Planning and Zoning Board in opposition to the approval of this item.**

**\*REPORT: Norma Mirabal, 2040 Curtiss Drive, Hialeah, addressed the Planning and Zoning Board in opposition to the approval of this item.**

**\*REPORT: Jorge Pulido, 2030 Curtiss Drive, Hialeah, addressed the Planning and Zoning Board in opposition to the approval of this item.**

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

**Motion Approved: 3-1-2 with board member Mr. Horgan voting NO and Mr. O. Perez & Mr. Iglesias absent.**

*Item approved*

- 12. Rezoning** property from R-2 (One- and Two-Family Residential District) to CBD (Central Business District) and Special Use Permit to allow the expansion of the Neighborhood Business District Overlay at an activity node area fronting the Hialeah Metrorail Station for a mixed-use building including 12 residential units and 2,710 square feet of commercial area. Variance permit to allow 12 units with area of less than 850 square feet, where only 1 unit may have a minimum are of 600 square feet; allow 50 feet high building pedestal, where 40 feet is the maximum allowed; allow front setbacks for building of 4.5 feet along East 21<sup>st</sup> Street and 5 feet and 6 feet along East 1<sup>st</sup> Avenue, where 10 feet built-to-line are required; allow front setback for staircase and entrance hallway of 1-foot along East 1<sup>st</sup> Avenue, where 10 feet built-to-line are required; allow front setbacks of 3.83 feet for building's walls above the ground floor, where 10 feet built-to-line are required; allow 25 parking spaces; where 38 parking spaces are required and allow 8% pervious area, where 30% is required. Property located at **XX East 21<sup>st</sup> Street**, Hialeah, zoned R-2 (One- and Two-Residential District).

**Applicant: Hugo P. Arza, Esq. on behalf of East 21<sup>st</sup> St, LLC**

**Planner's recommendation: Approval**

**Motion to Approve: Mr. Casanova; Second: Mr. Rodriguez**  
**Motion Approved: 4-0-2 with board member Mr. O. Perez & Mr. Iglesias absent.**

*Item approved*

**MISCELLANEOUS ITEMS NOT REQUIRING ADVERTISING:**

**13. Old Business. None.**

**14. New Business. Planning and Zoning Director, Debora Storch announced that the next and final Planning and Zoning Board meeting for 2020 will be on Wednesday, December 9<sup>th</sup>, 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.**

**NEXT PLANNING AND ZONING BOARD MEETING:  
WEDNESDAY, DECEMBER 9<sup>TH</sup>, 2020 AT 6:00 P.M.**