

MINUTES
Planning and Zoning Minutes
October 5, 2021
6:30 P.M.
Government Center
6601 Main Street, Miami Lakes, FL 33014

1. Call to Order:

Chairperson Julia called the meeting to order at 6:30 p.m.

2. Roll Call:

The Deputy Town Clerk, Ashley Shepple, called the roll with the following Board Members being present: Juan Carlos Fernandez, Raul De La Sierra, Avelino Leoncio, Vice Chairperson Lynn Matos, and Chairperson Robert Julia were all present. Board Member Fred Senra was absent.

3. Pledge of Allegiance/Moment of Silence:

Chairperson Julia led the Pledge of Allegiance and the Invocation.

4. Approval of Minutes:

- September 7, 2021, Planning and Zoning Meeting minutes

Board Member De La Sierra motioned to approve the minutes and Board Member Leoncio seconded the motion. All were in favor.

5. Public Comments:

There were no public comments via zoom or in-person in council chambers.

6. Business Requiring Board Action:

A. APPLICANT: MARIO DAVILA
FOLIO: 32-2015-017-0470
LOCATION: 8500 NW 166 Ter
MIAMI LAKES, FLORIDA 33016
ZONING DISTRICT: RU-1

Deputy Town Attorney, Lorenzo Cobiella, read the quasi-judicial rules and variance into the record.

Deputy Town Clerk, Ashley Shepple, swore in individuals that would be providing testimony, Principal Town Planner Susana Alonso, and the applicant, Mario Davila and his wife, Gloria Davila.

The Board did not have any ex-parte communications.

The Principal Town Planner, Susana Alonso, explained the applicant is requesting A variance from Section Sec. 13-1512 to allow a swimming pool with a rear setback of 5.5 feet where 7.5 feet are required. The backyard is consistent with the required 25-foot rear setback of the RU1 residential district.

The applicant, Mario Davila, explained he is proposing the pool at 5 feet from the main residence and is requesting a variance for a rear setback of 5 feet 6 inches to increase the width of the pool from 13 feet to 14 feet.

The Deputy Town Clerk, Ashley Shepple, stated there was a letter and petition from eight of the applicant's neighbors approving this request.

After discussion and the Board questioning the applicant and Town Principal Planner, Board Member De La Sierra motioned to approve 6.5 feet setback from the property line and Board Member Board Member Yanes seconded. The Deputy Town Clerk Ashley Shepple called the roll, and all were in favor, 6-0. Board Member Senra was absent.

7. Ordinances

A. Short Term Rentals (Fernandez)

John Brier, the Town of Miami Lakes Planning Intern, shared the presentation on Short Term Rentals previously shown for the Council at the September 23, 2021, workshop. The presentation explained the issues. The Deputy Town Attorney Lorenzo Cobiella explained how short-term rentals can be regulated and how other local municipalities are regulating short-term rentals.

The Board discussed the following changes to the ordinance: make sure the definition of a bedroom is defined; max occupancy will be two people per bedroom and 2 for common areas; Transient occupant rebuttal presumption clarification; violations fee clarification;

calcification if the property owner will need to submit Department of Revenue certificate and tourist development tax copies; and clarification of pool safety requirements.

Chairperson Julia motioned to approve the ordinance keeping in mind the changes and clarifications that need to be made. Board Member Fernandez and Board Member De La Sierra seconded the motion. All were in favor, 6-0. Board Member Senra was absent.

B. Green Building (Dieguez)

Chairperson Julia read the ordinance into the record. The Principal Town Planner, Susana Alonso, explained the ordinance and its changes. The correct version of the ordinance was distributed to all Board Members.

Principal Planner Alonso stated the following changes: adding definition for green roofs; removed language regarding funds to operate the program; adding mandatory provisions as per the Board's discussion during the last hearing of this ordinance regarding requirements of more significant buildings; requiring all new construction above 20,000 sq. feet where public hearings are necessary whether it be commercial or residential with 20 or more units will have specific requirements such as provided a green roof over minimum 60% of the flat roof areas (gable roofs do not need to provide the green roof); water conservation methods as appropriate including high efficiency plumbing and fixtures and non-portable water for irrigation and toilet flushing; rainwater capture and recalcination systems for irrigation purposes; and all projects that require parking variance and all parking lots with 60 spaces or more whether new construction or repaving must allocate 50% permeable pavers; removing some requirements for LEED rating systems to maintained on file; some incentives added are expediated site plan review, reduced mobility fees to be determined by the council, up to 10% FAR and/or additional story up to a maximum of seven stories in order accommodate additional 10,000 square feet or ten additional units.

Mauritius Acosta, Miami Lakes Middle School Legal Studies Member, spoke about the benefits of providing permeable pavers in parking areas. He asked for the Board for this provision to strongly be considered.

Board Member Yanes asked for the following changes: incentives portion language should change "shall be eligible" but should say "may and/or be eligible" for of the incentives; FAR should be defined in the definition; administration under section 2 needs to add guidelines the administer should follow; and the provision should also state that the administrator would determine the eligibility and the council would determine the decision.

Board Member Del La Sierra asked under mandatory provision section B the language needs to change to “for irrigation and cooling towers.”

After the Board asked questions to Principal Town Planner Alonso and made changes to the ordinance, Chairperson Julia motioned there be the following changes: where the ordinance states “shall” that the language should state “may”; the administer can suggest eligibility, but the final decision lies with the council; with regards to language about LEED certification the ordinance is vague, and there should be specific criteria; correct the typo of subsection 2 (E) needs to state subsection four where the incentives are; in 3 (B) section taking out the nonportable water for the toilet flushing; commentary of Board Member Yanes in respect to “shall” change to “may” or “and/or.” Board Member Yanes seconded the motion. All were in favor, 6-0. Board Member Senra was absent.

8. Director’s Report:

There was no director’s report.

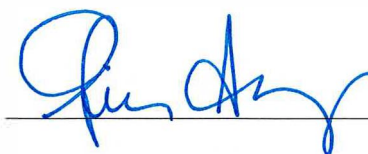
7. Adjournment:

There being no further business to come before the Board, the meeting adjourned at 9:45 p.m.



Robert Julia
Chairperson

Attest:



ON BEHALF
OF

Ashley Shepple
Deputy Town Clerk