

MINUTES
Planning and Zoning Minutes
August 2, 2022
6:30 P.M.
Government Center
6601 Main Street, Miami Lakes, FL 33014

1. Call to Order:

Chairperson Mariam Yanes called the meetings to order at 6:36 p.m.

2. Roll Call:

The following Board Members were present: Avelino Leoncio, Fred Senra, Raul De La Sierra, Robert Julia, Juan Carlos Fernandez Vice Chairperson Lynn Matos, and Chairperson Mariam Yanes.

3. Pledge of Allegiance/Moment of Silence:

Chairperson Mariam Yanes led the Pledge of Allegiance and Moment of Silence.

4. Approval of Minutes:

- July 5, 2022, Planning and Zoning Board Meeting Minutes

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

5. Public Comments:

Mayor Manny Cid came to the Planning and Zoning Board Meeting and participated in in-person public comments. He spoke in regard to Item 6c, the Workshop on Board Storage in Single Family Districts. He explained that boats already exist within the Town because when the Town incorporated, 81 boats were grandfathered in and after that the previous Planning and Zoning Board approved 19 variances allowing boats on properties. As well, houses within the Town have liens on them for having boats on their property. Therefore, Mayor Cid asked the Planning and Zoning Board to take a deep dive into this item and see if there is some common ground.

6. Business Requiring Board Action

a. VARH2022-0388

HEARING NUMBER: VARH2022-0388
APPLICANT: Growing Days Daycare
FOLIO: 32-20000024-015-0190
LOCATION: 5969 NW 151 Street
Miami Lakes, Florida 33014
ZONING DISTRICT: IU-C Industrial Condition

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

Board Member De La Sierra has no ex-parte communications to disclose however, he stated he knows both the architect and the applicant.

Board Member Fernandez disclosed his ex-parte communication in which he spoke to the applicant.

Deputy Town Clerk, Victoria Martinez, swore in the individuals that would be providing testimony which include Principal Town Planner, Susana Alonso, the applicant, and the architect.

Principal Town Planner, Susana Alonso explained that daycares providing education first grade and above changed their occupancy from daycare to educational which creates a new range of requirements for the applicant. One change being the requirement that children below first grade are required to have 45 square feet per child of open space and children in first grade require 500 square feet per child of open space. The applicant has room for the children below first grade however, the space no longer meets the requirements if he has first graders. Therefore, the applicant is requesting a variance on the open space requirement to be able to operate one classroom of seven (7) first graders at his daycare facility. The applicant is proposing to stagger the shifts of when children come outside so that the first graders can come out by themselves and utilize the entire space. Ms. Alonso stated that as per the code, the applicant requires the space for the smaller children plus the space for all seven first graders. She added that Town Staff finds the applicants request to be adequate as long as the number of children is strictly seven and there are no more classrooms of second grade and above open in the future.

Board Member De La Sierra then asked if this was only for a playground area for a classroom of seven children. Ms. Alonso then stated that they are taking an existing classroom and converting it into a first-grade classroom with students already on the roster. She also added

that the conversion requires a conditional use in order to operate the classroom however because it is for less than 400 square feet, he does not require a public hearing. Therefore, if the variance is approved, the conditional use will be processed after.

Mr. Carlos Cardoso with Design Tech International introduced the applicant, Mr. Lazaro Menendez, owner of Growing Days Daycare. Mr. Cardoso then showed how the daycare will be providing the outdoor requirement for the first graders. He went on to explain the daycare currently has an outdoor area of about 4000 square feet and the seven first graders would require 3500 square feet. It was stated that Mr. Menendez never intends to have all daycare children and first graders outside at the same time, therefore they are asking for the consideration to use shifts for all children to meet the requirements.

Board Members then posed questions to the applicant regarding the required space, total enrollment, and potential increase in the number of first graders. Mr. Menendez stated he will keep the number of first graders at seven because he needs to work with the outdoor space allowed as well as the total number of students the Department of Children and Families, DCF, allows him to enroll. Vice Chairperson Matos then clarifies that regardless of the total number of students, the variance states not to exceed seven first grade students.

Mr. Cobiella and Ms. Alonso explained that conditional uses are renewed on a yearly basis therefore, the applicant must provide proof that there are only seven first grades as outlined in the conditional use, if approved.

Board Member Fernandez then stated that with the allotted square feet, the applicant could have requested eight students. He then asked is it possible for the applicant to move those seven students next year to another grade; for example, can the applicant have 4 second graders and 3 first graders. Ms. Alonso stated the technically yes depending on the wording of the conditional use. She also added that the number of square feet per child changes once they get to middle school. The applicant, Mr. Menendez then asked if it allowed, he would like the leniency of capping out at eight students rather than seven, he also added that does not mean he will have eight enrolled.

After further discussion, Board Member Senra made a motion to approve the recommendations by the Town Planner with a change to allow up to eight first grade students. Board Member Julia seconded the motion.

Board Member Matos then asked for clarification on what grade these students are allowed to go up to given the square footage and Ms. Alonso stated up to fifth grade.

Chairperson Yanes made an amendment to the motion to include within the conditional use will allow a maximum of eight students up to 6th grade.

Board Member De La Sierra made a motion to reopen questions to the applicant and Board Member Fernandez seconded. All were in favor and the motion passed unanimously.

Board Member Fernandez then asked if more space can be acquired in the future and come forth the Board again to allow for more students. Mr. Menendez stated they are very comfortable where they are at and the do not have any plans to go any higher.

Board Member De La Sierra then seconded Chairperson Yanes' amendment.

The Deputy Town Clerk, Victoria Martinez called the roll and the motion passed unanimously.

b. Sign Ordinance (Dieguez)

Principal Town Planner, Susana Alonso read the title of the Ordinance into the record.

Ms. Alonso explained this ordinance is the product of the Planning and Zoning Workshop in May and has passed in first reading by the Town Council.

Board Member De La Sierra made a motion to recommend approval for the Town Council and Board Member Senra seconded. All were in favor and the motion passed unanimously.

c. Workshop on Boats Storage in Single Family Districts (LPA)

Chairperson Yanes clarified for the public that the Planning and Zoning Board will not be voting on anything today regarding boat storage in single family districts as this item is a workshop.

Chairperson Yanes then opened public comments for this item and the following participated in public comments:

Mr. Carlos Duque came to the Planning and Zoning Board Meeting and participated in in-person public comments. He expressed that he was under the impression that boats could be stored in houses within Miami Lakes. He then put his ideas on the record to implement a yearly registration fee and restrictions in order to allow boats on properties.

Mr. Michael Pavelo came to the Planning and Zoning Board Meeting and participated in in-person public comments. He stated that Miami-Dade County code allows boats behind the fence and does not find it fair that neighbors grandfathered in have boats, and he is not allowed. He also feels as though boats should be allowed on properties in the West Lakes area.

Ms. Mariana Oran came to the Planning and Zoning Board Meeting and participated in in-person public comments. She spoke in regard to an article published by the Miami Laker in 2014 which referred to the boat issue. She feels as though the issue has been going on too long and asked the Planning and Zoning Board for action on this matter.

Having called for further public comments and no one coming forth, Board Member De La Sierra then motioned to close Public Comments and discuss amongst themselves. There was a lack of a second because more individuals came up to speak.

Mr. Richard came to the Planning and Zoning Board Meeting and participated in in-person public comments. He spoke about boats and the aesthetics of a home. He explained what aesthetics are and thinks it does not have to do with boats on a property.

Mr. Manuel Diego came to the Planning and Zoning Board Meeting and participated in in-person public comments. He asked the Board to work together with the community of Miami Lakes to address the boat issue. He would like for boats to be parked on properties and to follow certain restrictions.

Chairperson Yanes then made a motion to close Public Comments and Board Member Julia seconded. All were in favor and the motion passed unanimously.

The Board Members and Principal Town Planner, Susana Alonso then discussed deed and HOA restrictions as it applies to boats on properties. They also spoke about the areas townwide, in which boats would be allowed if anything were to pass. Chairperson Yanes then added that as a Board they should make recommendations and look at options as it pertains to boat regulations. Ms. Alonso then explained the registration process and regulations of grandfathered boats and she also added that a few more people came in through the variance process to allow boats on properties.

Board Member Senra and Board Member Julia touched upon the fact that most lots in Miami Lakes are not big enough to store boats on properties and have them remain hidden. Board Member Julia proposed having a straw ballot referendum on this issue and leave it to the residents to decide. His second suggestion would be for the Town to buy property to create a boat yard.

Vice Chairperson Matos stated this is a broad-spectrum issue which led the Board Members to also discuss the enforcement not only for boats but RVs. Board Members then discussed potential areas for a boat storage and Ms. Alonso clarified that certain areas would not be able to work for such a service.

Seeing as the Board Members had many questions, Ms. Alonso suggested that the Board Members let her know their questions so she can get back with more information at the next meeting.

Town Manager, Edward Pidermann came to the Planning and Zoning Board Meeting and explained that this topic is a point of interest because his Town Staff members would have to be the ones to enforce anything. Therefore, he explained he wants to make sure that whatever gets adopted is something that is enforceable. Mr. Pidermann then touched upon a list of open

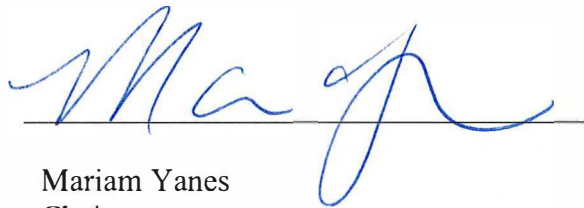
cases regarding boats on properties and explained the process in which these cases were placed on the list. He also added that the code enforcement team is working on a list of the properly registered boats, both grandfathered in and through variances, to go out and see if the same boat and property owner is still there and therefore the number of boats allowed is more accurate. Mr. Pidermann then stated that Town Staff can bring back a quote to the Board Members outlining how much it would cost to conduct a scientific survey of residents and how they feel about this issue. Mr. Pidermann and the Board Members then discussed a possible area to place a boat storage however, the Town is pending a license agreement.

7. Director's Report

None.

8. Adjournment

There being no further business to come before the Board, the meeting adjourned at 8:32 p.m.



Mariam Yanes
Chairperson

Attest:



Victoria Martinez
Deputy Town Clerk