

MINUTES
Planning and Zoning Minutes
May 2, 2023
6:30 P.M.
Government Center
6601 Main Street, Miami Lakes, FL 33014

1. Call to Order:

Chairperson Mariam Yanes called the meeting to order at 6:34 p.m.

The Deputy Town Clerk Victoria Martinez called the roll, and the following Board Members were present: Juan Carlos Fernandez, Fred Senra, Vice Chairperson Lynn Matos, and Chairperson Mariam Yanes. Board Member Raul De La Sierra, Board Member Robert Julia, and Board Member Avelino Leoncio were absent.

2. Pledge of Allegiance/Moment of Silence:

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

3. Approval of Minutes:

- April 4, 2023, Planning and Zoning Board Meeting Minutes

Board Member Senra motioned to approve the minutes and Vice Chairperson Matos seconded. The motion passed 4-0; Board Member De La Sierra, Board Member Julia, and Board Member Leoncio were absent.

4. Public Comments:

None.

5. Business Requiring Board Action

Deputy Town Attorney, Lorenzo Cobiella, read the quasi-judicial rules for all items coming before the Planning and Zoning Board.

The Deputy Town Clerk, Victoria Martinez, swore in the individuals that would be providing testimony for any of the quasi-judicial items being presented.

a. VARH2023-0082

HEARING NUMBER: VARH2023-0082
APPLICANT: Miami Lakes HY RE LLC
FOLIO: 32-2013-039-0010
LOCATION: 6200 NW 167th Street
Miami Lakes, Florida 33014
ZONING DISTRICT: IU-C

Deputy Town Attorney, Lorenzo Cobiella, read the hearing number into the record.

Mr. Juan Carlos Planas, the attorney representing the applicant, Miami Lakes HY RE LLC, asked for a deferral until the August meeting.

Chairperson Yanes made a motion to further table the item to the next meeting and Board Member Fernandez seconded. The motion passed 4-0; Board Member De La Sierra, Board Member Julia, and Board Member Leoncio were absent.

b. ZONE2023-0126

HEARING NUMBER: ZONE2023-0126
APPLICANT: Miami-Dade County Library
Department
FOLIO: 32-2013-004-2420
LOCATION: 6699 Windmill Gate Rd
MIAMI LAKES, FLORIDA 33014
ZONING DISTRICT: RU-TH

Deputy Town Attorney, Lorenzo Cobiella, read the hearing number into the record.

Transportation Coordinator, Ms. Olivia Shock presented the staff report on behalf of the Town and explained that the applicant is requesting an amendment to the official zoning map to rezone from a residential townhouse designation to a special business district. She stated the applicant is seeking a rezoning as part of a larger development they have planned to remodel and expand the library. She stated that Town Staff recommends in favor of rezoning.

The applicant, Mr. Angel Lopez, architect on the project, stated that the library is requesting a rezoning. Currently the library is zoned at RU-TH, residential townhouse district and they would like to rezone it to BU-2, special business district. Board Member Matos asked if they have been in communication with the Windmill Gate Association or board and Mr. Eric Myers, also working on the project, stated they have not yet however they plan to do a public outreach at the library to show the size, scope, and nature of what will happen.

The Board Members posed questions to the applicant and Town Staff regarding the proposed zoning map, the library's park area, communications with Windmill Gate, and what would the zoning status change. Deputy Town Attorney, Lorenzo Cobiella emphasized that what the library's future plans are is not before the Board today, all the Board is seeing today is a change in zoning to change what is already a nonconforming use and make the library's zone correct.

Vice Chairperson Matos asked if something could take the library's place and what is the protection for that to not happen? Principal Town Planner Susana Alonso stated there is a deed restriction on the property privately enforced by the Graham Companies which prevents anything from happening on that land other than a library. Chairperson Yanes clarified that the library has essentially been operating as a BU-2 and the change in zoning is to correct it.

Vice Chairperson Matos then added to the recommendation that communication on this project needs to include Windmill Gate and the association and also recommended that the Town Council is made aware of the Board's concerns.

After further discussion, Chairperson Yanes made a motion to go with the Town's recommendation to approve the proposed rezoning to a BU-2 and Board Member Fernandez seconded.

Vice Chairperson Matos made a friendly amendment to also recommend the things discussed as far as communications with the association and making sure the use continues as a library along with the approval to the Town Council. Board Member Senra seconded.

The Deputy Town Clerk, Victoria Martinez called the roll and the motion passed 4-0; Board Member De La Sierra, Board Member Julia, and Board Member Leoncio were absent.

c. VARH2023-0121

HEARING NUMBER: VARH2023-0121
APPLICANT: Manuel Llavore Jr
FOLIO: 32-2015-023-0090
LOCATION: 7771 NW 160th Terrace
MIAMI LAKES, FLORIDA 33016
ZONING DISTRICT: RU-1

Deputy Town Attorney, Lorenzo Cobiella, read the hearing number into the record. He also explained that this variance is a modification of an existing variance.

Transportation Coordinator Ms. Olivia Shock presented the staff report on behalf of the Town and explained that the applicant is seeking modification of conditions for the variance adopted via Resolution 06-481Z to allow a replacement of a registered boat of 25'6" with a 26' boat, where an equal of smaller boat was specified beyond the 180-day interval. She provided a background on boat storage in the Town and stated that Town Staff recommends in denial for this proposal as it does not comply with 6 out of 7 factors.

The applicant, Mr. Manuel Llavore presented the situation and asked the Board to please make an exception for this case.

Chairperson Yanes then asked if the deed restriction allowed him to have the boat and Mr. Llavore stated he was not sure. Vice Chairperson Matos then asked for clarification on the timeline. Mr. Llavore stated the following timeline of events: he purchased a boat in 1998 and failed to grandfather and register it within the timeline of the town. He then received a violation for having the boat without a permit and then got a variance for it. Mr. Llavore then stated he sold the boat and purchased a new one within the 26' town limit. He failed to register it and received another citation in 2020 so he came to register the boat. In 2023, he then received

another violation because the boat was not registered. Board Member Fernandez asked the applicant when the boat was purchased, and Mr. Llavore stated around September 2018. Chairperson Yanes asked the applicant why he did not ensure he was compliant in 2018 and Mr. Llavore stated he didn't think he had to register.

More individuals from the public joined the meeting in person and was sworn in by the Deputy Town Clerk, Victoria Martinez, to provide testimony.

Ms. Adele Llavore, wife to the applicant then clarified and stated that in 2020 they received a violation for not registering but it was closed because the file stated the case was open in error and a boat was already registered.

Ms. Amanda Ibarra was then sworn-in to provide testimony and translate for Mr. Jose Ibarra. Through Ms. Ibarra's translation, Mr. Ibarra stated that Mr. Llavore has always had the boat, and no one has complained about the boat. He also added he is the front door neighbor to Mr. Llavore and is in support of having the boat.

Deputy Town Attorney, Lorenzo Cobiella provided clarification as far as the code compliance case and stated that the 2023 violation was only a warning. He added that the warning was issued on March 7, 2023.

Mr. and Ms. Ibarra then provided a copy of the 2020 code case violation to the clerk as evidence. Deputy Town Attorney Cobiella stated that it appears in 2020 the town initiated a warning which was corrected to state the case was opened in error because a boat was registered in 2012 however, the boat was larger, so he believes that the new 2023 warning is regarding the larger boat.

Deputy Town Attorney Cobiella stepped out to contact Building Director, Daniel Angel. After a few minutes, he came back and stated that there are reasons why they were issued another warning in 2023 however, if he explains what Mr. Angel told him, then he is testifying, and he cannot do so. This requires Building Director, Daniel Angel to come and testify. Deputy Town Attorney Cobiella suggested the Board to table this item to allow for Mr. Angel to be present and provide testimony as to what happened with this case.

Board Member Fernandez asked if there are any other residents that have expressed interest in modifying their variance and Principal Town Planner Alonso stated there is interest in new variances, not modifications to existing ones.

Chairperson Yanes made a motion to table the item and have it be addressed the next board meeting where hopefully Building Director, Daniel Angel can be present.

After further discussion, Board Member Senra seconded. The Deputy Town Clerk, Victoria Martinez called the roll and the motion passed 4-0; Board Member De La Sierra, Board Member Julia, and Board Member Leoncio were absent.

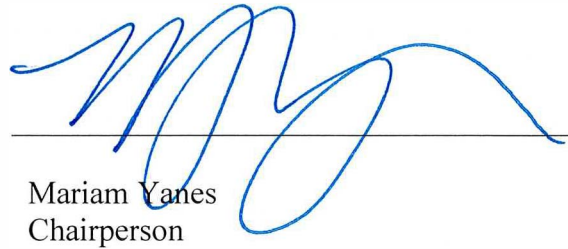
6. Director's Report

Principal Town Planner Susana Alonso stated there will be no June or July Planning and Zoning Board Meetings, they will be meeting again on August 1st.

7. Adjournment


There being no further business to come before the Board, the meeting adjourned at 7:51 p.m.

Approved this 7th day of November 2023.



Mariam Yanes
Chairperson

Attest:



Victoria Martinez
Deputy Town Clerk