



TOWN OF MIAMI LAKES, FLORIDA

MINUTES
PLANNING & ZONING BOARD MEETING
December 15, 2009
6:30 PM
Miami Lakes Middle School
6425 Miami Lakeway North
Miami Lakes, Florida 33014

1. **Call to Order:** Chairman Tom McGrath called the meeting to order at 6:30 p.m.
2. **Roll Call:** Town Clerk, Marjorie Tejeda, called the roll with the following Board Members present: Raul De La Sierra, Ameli Padron-Fragetta, Pedro Carballo, Humberto Garcia, Armando Valdes, and Chairman Tom McGrath. Vice Chairman Sean Schwinghammer was absent.
3. **Pledge of Allegiance/Moment of Silence:** Chairman McGrath led the Pledge of Allegiance and called for a moment of silence.
4. **Approval of Minutes**
 - (1) Zoning Meeting, November 17, 2009

Board Member De La Sierra amended the minutes to reflect Board Member Padron-Fragetta voting in opposition to item 6(4).
Chairman McGrath made a motion to approve the minutes as amended. The motion received a second from Board Member De La Sierra and all were in favor. Vice Chairman Schwinghammer was absent.
5. **Old Business:** No old business.
6. **Business Requiring Board Action**
 - (1) Workshop on Sunshine and Quasi-Judicial Procedures

Kathy Mehaffey, Town Attorney, gave a presentation on Sunshine Laws and quasi-judicial procedures.

Town Attorney, Kathy Mehaffey, read the quasi-judicial proceedings.
Town Clerk, Marjorie Tejada, swore in anyone wishing to speak.

QUASI-JUDICIAL PUBLIC HEARINGS – Please be advised that the following items on the Board's agenda are quasi-judicial in nature. An opportunity for persons to speak on each item will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you do not wish to be either cross-examined or sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Board to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. Any person presenting documents to the Board should provide the Town Clerk with a minimum of 10 copies. Further details of the quasi-judicial procedure may be obtained from the Clerk.

- (2) **Hearing Number:** PZHA-09-12
Applicant: Alexis Alba
Folio: 32-2021-014-0150
Location: 9062 NW 146 Terrace, Miami Lakes, FL 33018

The applicant requested that this item be deferred.

- (3) **Hearing Number:** PZHA-09-14
Applicant: Carmen M. Montilla
Folio: 32-2016-003-0900
Location: 8984 NW 168 Terrace, Miami Lakes, FL 33018

Planning, Zoning and Code Enforcement Director, David Ofstein, presented staff's recommendation and answered questions posed by the Board.

Board Member Padron-Fragetta asked to be excused from the meeting at 7:10 p.m.

Carmen Montilla, the applicant, explained her request.

Cesar Botero, representative from the architectural firm, answered questions posed by the Board.

Chairman McGrath opened the public hearing.

There being no one wishing to speak, the Chairman closed the public hearing.

Board Member Carballo made a motion to approve the variance with staff's conditions. The motion received a second from Board Member Garcia. The motion failed 2-3 with Board Members Pedro Carballo and Humberto Garcia voting in favor. Board Members Armando Valdes,

Raul De La Sierra and Chairman Tom McGrath voted in opposition. Board Member Padron-Fragetta and Vice Chairman Schwinghammer were absent.

Board Member De La Sierra made a motion to reconsider. Chairman McGrath seconded the motion. Town Attorney, Kathy Mehaffey, explained that the motion to reconsider will bring the previous motion back on the table for discussion. Town Clerk, Marjorie Tejada, called the roll and the motion passed 4-1 with Board Member Valdes voting in opposition. Board Member Padron-Fragetta and Vice Chairman Schwinghammer were absent.

Board Member De La Sierra amended the motion to approve the variance with staff's conditions, and to include in the conditions that the canopy cannot be enclosed. The motion passed 4-1 with Board Member Valdes voting in opposition. Board Member Padron-Fragetta and Vice Chairman Schwinghammer were absent.

7. **Director's Report:** No report.

8. **Future Meetings**

January 19, 2010 Planning & Zoning Board Meeting, 6425 Miami Lakeway N, 6:30 PM
February 16, 2010 Planning & Zoning Board Meeting, 6425 Miami Lakeway N, 6:30 PM


9. **Adjournment:** There being no further business to come before the Board, the meeting adjourned at 7:45 p.m.

Approved this 16 day of February, 2010.



Thomas McGrath, Chairman

Attest:



Marjorie Tejada, Town Clerk