

TOWN OF MIAMI LAKES, FLORIDA

MINUTES PLANNING & ZONING BOARD MEETING

August 4, 2009

6:00 PM

Community Center West

15151 Montrose Road
Miami Lakes, Florida 33016

1. **Call to Order:** Chairman Tom McGrath called the meeting to order at 6:00 p.m.
2. **Roll Call:** Acting Town Clerk, Marjorie Tejeda, called the roll with the following Board Members present: Ameli Padron-Fragetta, Pedro Carballo, Armando Valdez, Humberto Garcia, Raul De La Sierra, Sean Schwinghammer, and Tom McGrath.
3. **Pledge of Allegiance/Moment of Silence:** Chairman McGrath led the Pledge of Allegiance and called for a moment of silence.

Board Member Schwinghammer arrived at 6:05 p.m.

4. **Approval of Minutes**

(1) Zoning Meeting, May 19, 2009

Board Member Valdes made a motion to approve the minutes. The motion received a second from Board Member Carballo and all were in favor.

5. **Old Business:** Director of Planning, Zoning and Code Enforcement, David Ofstein, stated that there was no old business for discussion.
6. **Business Requiring Board Action**

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.

Town Attorney, Kathy Mehaffey, read the quasi-judicial reading into the record. Acting Town Clerk, Marjorie Tejeda, swore in anyone wishing to speak.

(1) **Hearing Number:** ZH-09-06

Applicant: Crown Liquors of Broward, Inc.

Folio: 32-2013-055-0010

Location: 15507-13 N.W. 67 Avenue, Miami Lakes, FL 33014

Mr. Ofstein presented staff's recommendation and answered questions posed by the Board.

Mr. Javier Vasquez, attorney representing the applicant, asked the Board for approval and requested that the time of operation be from noon to 7:00 p.m. on Sundays and 8:00 p.m. on holidays.

Mr. Barry Rosein, the applicant, spoke in favor of the variance and answered questions posed by the Board.

Board Member De La Sierra arrived at 6:35 p.m.

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

Board Member Schwinghammer made a motion to deny the variance. The motion received a second from Board Member Padron-Fragetta. The motion failed 2-4 with Board Members Padron-Fragetta and Schwinghammer voting in favor of the motion to deny. Board Member De La Sierra abstained from voting.

Board Member Valdez made a motion to approve the variance with standard conditions, with staff monitoring and a provision to provide the Board with a report in six months, along with an operating time of noon to 7:00 p.m. The motion received a second from Board Member Carballo. The motion passed 6-0. Board Member De La Sierra abstained from voting.

(2) **Hearing Number:** ZH-09-07

Applicant: Anthony's Coal Fired Pizza

Folio: 32-2015-006-0010

Location: 15492 N.W. 77 Court, Miami Lakes, FL 33014

Mr. Ofstein presented staff's recommendation and answered questions posed by the Board.

Mr. Javier Vasquez, attorney representing the applicant, spoke in favor of the application and 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 standard conditions. The motion received a second from Board Member Schwinghammer and all were in favor.

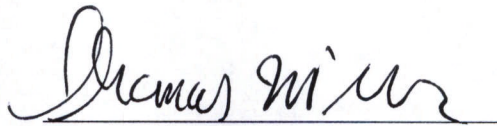
7. **Director's Report:** No report.

8. **Future Meetings**

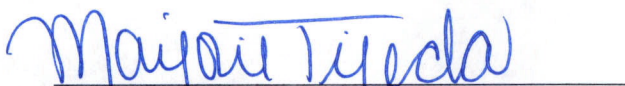
September 15, 2009 Planning & Zoning Board Meeting, 6425 Miami Lakeway N, 6:30 PM

9. **Adjournment:** There being no further business to come before the Board, the meeting adjourned at 7:30 p.m.

Approved this 15th day of Sept., 2009.


Thomas McGrath, Chairman

Attest:


Marjorie Tejeda, Town Clerk