

**MINUTES
PLANNING & ZONING BOARD MEETING
December 16, 2014
6:00 p.m.
Government Center
6601 Main Street, Miami Lakes, FL 33014**

1.Call to Order

Chairwoman Ameli Padron-Fragetta called the meeting to order at 6: 14 p.m.

2.Roll Call

The Assistant Town Clerk, Ysabely Rodriguez, called the roll and the following Board Members were present: Fred Senra, Carol Wyllie, Homero Cruz, Avelino Leoncio, Robert Julia, and Chairwoman Ameli Padron-Fragetta. Vice Chairman Edric Valdes was absent.

3.Pledge of Allegiance/Moment of Silence

Chairwoman Padron-Fragetta led the Pledge of Allegiance and called for a moment of silence.

4.Approval of Minutes

A.Minutes for 11/18/2014 P&Z Meeting

Board Member Wyllie made a motion to approve the minutes. The motion was seconded by Board Member Julia and the motion passed 6-0. Vice Chairman Valdes was absent.

5.Old Business

A.HEARING NUMBER: VARH2014-0011

APPLICANT: Ileana Cea

FOLIO: 32-2023-008-0760

LEGAL DESCRIPTION: Lot 30, Block 31, Miami Lakes Section 7, PB 84, PG 34

LOCATION: 7307 Sabal Dr., Miami Lakes, Florida 33016

The Town Attorney, Raul Gastesi, read the quasi-judicial procedures.

The Assistant Town Clerk swore in anyone wishing to speak.

Brandon Schaad, Senior Planner of the Town of Miami Lakes, presented the item and answered questions posed by the Board.

Chairwoman Padron-Fragetta opened the public hearing.

The applicant's architect, Teresita Vasquez, spoke in favor of the item and offered alternatives.

As no one else wished to speak, the public hearing was closed.

Board Member Julia made a motion to approve the variance request, thereby subject to the conditions recommended by staff and for the top of pool to not exceed 9 inches. The motion received a second from Board Member Wyllie. The Assistant Town Clerk called the roll and the motion failed 2-4. The following Board Members voted in opposition: Avelino Leoncio, Fred Senra, Ameli Padron-Fragetta, and Homero Cruz. Vice Chairman Valdes was absent.

Board Member Senra made a motion to approve the variance request, thereby subject to the conditions recommended by staff and subject to the removal of the swim-out portion of the pool and the lengthening of the infinity pool edge. The motion received a second from Board Member Cruz. The Assistant Town Clerk called the roll and the motion passed 5-1. Board Member Leoncio voted in opposition and Vice Chairman Valdes was absent.

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.

A. HEARING NUMBER: VARH2014-0007

APPLICANT: Arturo and Diana De La Nuez

FOLIO: 32-2023-010-0190

LEGAL DESCRIPTION: Lot 5, Block 34, Miami Lakes - Lake Martha Section

**LOCATION: 7243 Dade Pine Court
Miami Lakes, Florida 33014**

Brandon Schaad, Senior Planner of the Town of Miami Lakes, presented the item and answered questions posed by the Board.

The Assistant Town Clerk swore in anyone wishing to speak.

Chairwoman Padron-Fragetta opened the public hearing.

Applicant, Arturo De La Nuez, spoke in favor of the item.

Applicant, Diana De La Nuez, spoke in favor of the item.

As no one else wished to speak, the public hearing was closed.

Board Member Wyllie made a motion to approve the variance request with staff recommendations and subject to the following condition: the deck must not exceed 39 feet wide. The motion received a second from Board Member Julia. The motion was seconded by Board Member Julia. The Assistant Town Clerk called the roll and the motion passed 4-2. The following Board Members voted in opposition: Avelino Leoncio and Ameli Padron Fragetta. Vice Chairman Valdes was absent.

B.HEARING NUMBER: VARH2014-0012

APPLICANT: Emontes Investments, LLC

FOLIO: 32-2015-017-0610

LEGAL DESCRIPTION: Lot 6, Block 29, Miami Lakes - Eighth Addition to Royal Oaks

**LOCATION: 8512 NW 168th Terrace
Miami Lakes, Florida 33016**

The Assistant Town Clerk swore in anyone wishing to speak.

Brandon Schaad, Town Planner, presented the item and answered questions posed by the Board.

APPLICANT: Anais Cortes

FOLIO: 32-2014-004-0240

LEGAL DESCRIPTION: Lots 24 and 25, Block 1, Miami Lakes - Loch Lomond
Section

LOCATION: 7245 Gleneagle Drive
Miami Lakes, Florida 33014

The Assistant Town Clerk swore in anyone wishing to speak.

Brandon Schaad, Town Planner, presented the item and answered questions posed by the Board.

Chairwoman Padron Fragetta requested a five minute recess. The meeting resumed at 8:20 p.m.

Chairwoman Padron-Fragetta opened the public hearing.

Eugene Fernandez spoke in favor of the item.

As no one else wished to speak, the public hearing was closed.

Board Member Leoncio made a motion to approve the variance in accordance with staff recommendations. The motion died as it did not receive a second.

Board Member Julia made a motion to deny the variance. The motion was seconded by Board Member Senra. The Assistant Town Clerk called the roll and the motion passed 5-1. Board Member Leoncio voted in opposition. Vice Chairman Valdes was absent.

E. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING THE OFFICIAL ZONING MAP TO REZONE A 2.59 +/- ACRE PROPERTY LOCATED ON THE EAST SIDE OF NORTHWEST 77TH AVENUE, APPROXIMATELY 1,465 FEET SOUTH OF NW 154TH STREET, FROM THE RM-23, LOW MEDIUM DENSITY RESIDENTIAL DISTRICT, TO THE RO-13, LOW DENSITY RESIDENTIAL/OFFICE DISTRICT; APPROVING THE PARTIAL MODIFICATION AND/OR PARTIAL ELIMINATION OF CONDITIONS AND/OR COVENANTS OF THE RESTRICTIVE COVENANT RECORDED IN THE OFFICIAL RECORDS OF MIAMI-DADE COUNTY, FLORIDA AT OFFICIAL RECORDS BOOK 10844 PAGE 1427 ON AUGUST 19, 1980; PROVIDING FINDINGS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR DIRECTION TO THE ADMINISTRATIVE OFFICIAL; PROVIDING FOR

REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Rey)

The Town Attorney, Raul Gastesi, read the title of the Ordinance into the record.

The Assistant Town Clerk swore in anyone wishing to speak.

Brandon Schaad, Town Planner, presented the item and answered questions posed by the Board.

Chairwoman Padron-Fragetta opened the public hearing.

As no one wished to speak, the public hearing was closed.

Board Member Julia made a motion recommending the Town Council to adopt the Ordinance as recommended by staff. The motion received a second from Board Member Senra. The Assistant Town Clerk called the roll and the motion passed 5-0. Board Member Wyllie was recused and Vice Chairman Valdes was absent.

F. HEARING NUMBER: VARH2014-0006

APPLICANT: Jose Luis Pereda

FOLIO: 32-2024-003-2170

LEGAL DESCRIPTION: Lot 3, Block 9, Miami Lakes Section One

**LOCATION: 6521 Lake Blue Drive
 Miami Lakes, Florida 33014**

The Assistant Town Clerk swore in anyone wishing to speak.

Brandon Schaad, Town Planner, presented the item and answered questions posed by the Board.

Chairwoman Padron-Fragetta opened the public hearing.

Cynthia Rodriguez spoke in favor of the item.

Mirtha Mendes spoke in favor of metal roofing.

Jose Luis Pereda spoke in favor of the item.

As no one else wished to speak, the public hearing was closed.

Board Member Leoncio made a motion to approve the variance in accordance with staff recommendations. The motion was seconded by Board Member Cruz. The Assistant Town Clerk called the roll and the votes were tied 3-3. The following Board Members voted in opposition: Fred Senra, Carol Wyllie, and Chairwoman Padron Fragetta. Vice Chairman Valdes was absent. Therefore, pursuant to Subsection 13-301(i)(4) of the Town of Miami Lakes' Land Development Code, the variance is to be deferred to the next scheduled meeting.

Chairwoman Padron Fragetta amended the aforementioned motion to approve the variance, thus subject to staff recommendations with the exception of the roof color approvals made by staff. The motion was seconded by Board Member Cruz. The Assistant Town Clerk called the roll and the motion passed 4-2. The following Board Members voted in opposition: Fred Senra and Carol Wyllie. Vice Chairman Valdes was absent.

7. Director's Report

There was no Director's Report.

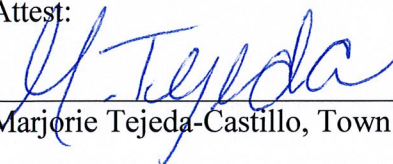
Adjournment

There being no further business to come before the Board, the meeting adjourned at 9:22 pm.
Approved this 20th day of January, 2015.

Approved this 17th day of February, 2015.


Ameli Padron-Fragetta, Chairwoman

Attest:


Marjorie Tejada-Castillo, Town Clerk