



**Village of El Portal
Planning & Zoning Committee Meeting
Date: 03/29/22
Meeting Start: 6:40 PM
Meeting End: 7:41 PM
Meeting Length: 01:01:25**

Chair Darian Martin: All right, good evening. Calling to order the March 29th, 2022, Planning and Zoning Committee meeting. It is currently 6:40 PM. I'm Darian Martin, the chairperson of the committee. We're going to forego the silent meditation and pledge because we've already done that. Madam Clerk can I have the roll call, please?

Village Clerk Jacobi: Roll call. Chair Martin.

Chair Darian Martin: Present.

Village Clerk Jacobi: Vice Chair Pirela.

Vice Chair Luis Pirela: Present.

Village Clerk Jacobi: Member Urban.

Member Anders Urbom: Present.

Village Clerk Jacobi: Member Nickerson.

Member Mayor Omarr C. Nickerson: Present.

Village Clerk Jacobi: Member Lightfoot-Ward.

Member Anna Lightfoot-Ward: Present.

Village Clerk Jacobi: Also present for the record, Yenise Jacobi, the village clerk, Christia Alou, village manager, and Joseph Geller, village attorney.

Chair Darian Martin: Awesome. We're going to move on to approval of the agenda. Do I have a motion to approve the agenda?

Vice Chair Luis Pirela: I'm sorry, If I may, Could you take item G4 off the agenda?

Chair Darian Martin: Okay. All right, so we will remove a G4 and move G5 up to the G4 position. Do I have a motion to approve the agenda with that amendment?

Member Mayor Omarr C. Nickerson: Madam Chair, motion to approve with the amendment with the adjustment.

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Member Anders Urbom: I'll second.

Chair Darian Martin: All right, all in favor say, "Aye."

Member Mayor Omarr C. Nickerson: Aye.

All: Aye.

Chair Darian Martin: Any opposed? All right, moving on to approval of the minutes. Do I have a motion to approve our November 9th, 2021, planning and zoning committee meeting minutes?

Member Anders Urbom: So moved.

Chair Darian Martin: Second?

Member Mayor Omarr C. Nickerson: I'll second that, Madam Chair.

Chair Darian Martin: All in favor say, "Aye."

All: Aye.

Chair Darian Martin: Any opposed? Okay, hearing none. We'll move on to good and welfare. This is the portion of the agenda where anyone in the audience can come up. You have three minutes to speak, please state your name and address when you are addressing the council. Does anybody want to come up and speak about an item that appears on the agenda? All right.

Male Speaker: I'm here for variants.

Chair Darian Martin: Oh, I'll for sure. I'll call you afterwards. Yes, we're coming up, we're rolling along. Okay, so seeing no one for our first good and welfare, we'll move on to agenda items. The first one being G1, garage conversion variants for 411, North West, 87th Street. Can I have City staff come up and also--

Vice Chair Luis Pirela: North East.

Chair Darian Martin: Oh, North East, so it's not North West.

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Vice Chair Luis Pirela: North East.

Chair Darian Martin: Okay.

Vice Chair Luis Pirela: It's actually a [unintelligible 00:02:29] from here.

Chair Darian Martin: Okay, awesome. I guess that is an amendment, it's for 411, North East, 87th Street. All the documents are correct, it just appears incorrect on the agenda. Can I have the city staff come up and also the applicant, please? Thank you so much. The city staff is going to give us a bit of a rundown, but I did speak to Camilla earlier and though the suggestion is denial, it's only because there are no windows and I think the applicant is willing to cure that. Is that correct, Camilla?

Camilla: Hi, yes. Good evening committee members. Yes, that is correct.

Chair Darian Martin: Awesome. As the applicant, I just wanted to make sure that you understand that the recommendation for tonight is denial based on the lack of windows, but you are amenable to adding the windows and maybe have some new plans to show us as well?

Male Speaker: Correct. Originally, I didn't want to put windows. It is costly, but since you guys wanted the windows so we will be putting windows. I have drawings here, what it will look like.

Chair Darian Martin: Awesome, I'd love to see that, and I think you'll love the windows. You let the light in. All right, here you go.

Vice Chair Luis Pirela: We have beautiful streets.

Chair Darian Martin: There you go, you want to see them.

Vice Chair Luis Pirela: We actually have the peacocks passing by on the property all the time.

Male Speaker: We can have a large bay window on the west side.

Chair Darian Martin: Yes, I think that sounds absolutely lovely and there seems like there's a middle ground. Staff has recommended denial, I think that with this amendment, Camilla, the plan is to bring them back to the next council meeting with the amendment?

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Camilla: Yes, then in the next council meeting, they can present the application and the plans incorporating this amendment. For the record, our recommendation comes from the design guidelines that we recently adopted, and having openings facing the public street is highly recommended.

Chair Darian Martin: Awesome, so at this point, I'll go ahead and open up the public hearing just in case anyone in the audience wants to speak on this item. Do I have anyone that wants to come on up? All right, seeing none, I'll go ahead and close public hearing, but I'll open the conversation up to the council members and village staff to see whether or not we have any additional comments and if anyone is moved to move the item, though denied, move to the regular council meeting. Does anyone on the council have a comment about this?

Member Mayor Omarr C. Nickerson: Madam Chair, if I may?

Chair Darian Martin: Sure, sure, sure.

Member Mayor Omarr C. Nickerson: Madam Chair, I move that we move this to the council meeting with the adjustment for approval with the recommendation from Plusurbia and I have complete faith that by the council meeting, that we'll see those adjustments rightfully so. I make a motion to move this to the full council meeting with the changes that are due to take place.

Chair Darian Martin: Perfect, do I have a second?

Vice Chair Luis Pirela: I'll second it.

Chair Darian Martin: Awesome. Madam Clerk, can I have a roll call?

Village Clerk Jacobi: Roll call. Member Lightfoot-Ward.

Member Anna Lightfoot-Ward: Yes.

Village Clerk Jacobi: Member Nickerson?

Member Mayor Omarr C. Nickerson: Yes.

Village Clerk Jacobi: Member Urbom?

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Member Anders Urbom: Yes.

Village Clerk Jacobi: Vice Chair Pirela?

Vice Chair Luis Pirela: Yes.

Village Clerk Jacobi: Chair Martin.

Chair Darian Martin: Yes.

Village Clerk Jacobi: Motion passes, five to none.

Chair Darian Martin: Awesome, awesome. Thank you so much.

Male Speaker: Thank you, so next time we meet and I'll have to bring you the drawings. Is that correct?

Chair Darian Martin: Perfect, yes. That is exactly it, just with some windows.

Male Speaker: Okay. Thank you very much.

Chair Darian Martin: Yes, and you're good to go.

Member Mayor Omarr C. Nickerson: Just remind him of the exact date. Just remind him of the date.

Village Clerk Jacobi: The second time I would let them know through you because it has to be [crosstalk]

Chair Darian Martin: Madam Clerk, could you remind him of the date of the meeting?

Village Clerk Jacobi: I have to see because it's based on the advertisement. Based on the advertisement, I will send Camilla and then she will send you that information when you have to be here for the next week.

Chair Darian Martin: Either way you will know.

Male Speaker: Yes.

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Chair Darian Martin: Okay, awesome. Have a good one. All right, let's move on over to G2, garage conversion for 488, hopefully, North East, 90th Street. Can I have the applicant come up, please? Thank you.

Member Mayor Omarr C. Nickerson: Madam Chair, if I may real quick, Madam Chair?

Chair Darian Martin: Sure you can.

Member Mayor Omarr C. Nickerson: Madam Chair, I just like to say most likely just a tentative date, most likely that meeting is going to be on Tuesday, April 26th which is the fourth Tuesday of April when we have our full council meeting. All right, thank you.

Chair Darian Martin: Awesome, you have a good one. I'll ask you to state your name and your address for the record although I've stated your address but just go ahead.

Female Speaker: The address is 488, North East, 90th Street, El Portal.

Chair Darian Martin: Okay, and Camilla, you guys are recommending approval of this. If you could just give us a brief background as to why you're recommending approval and then we can move on.

Camilla: Yes, absolutely. This garage conversion, well, I don't know if we allow the applicant to present the application, but our recommendation is just based on the removal of the garage door and they're going to be installing windows that are consistent with the existing windows in the facade. The space is going to be converted into partially, a fitness room and partially, a Terrace facing the rear of the property. Based on these changes we think that it's comparable and consistent with the village and we can support this garage conversion.

Chair Darian Martin: Awesome, does the applicant have anything that you would like to add?

Female Speaker: No, that was everything within it.

Chair Darian Martin: Okay, sounds awesome. I'll open a public hearing, if anyone in the audience has something that they would like to add or comment on, now's the time. Okay, hearing none of that, we will go ahead and close public hearing and open up the discussion to the council members and village staff. If anyone has a motion to go ahead and accept?

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Vice Chair Luis Pirela: You could say I'll hate the garage door to go because it's so nice, but I understand that the windows matches. Now what I saw was they're talking about moving the brick of the garage to another second parking on the house? What is it?

Camilla: Yes, thank you. When there's a garage conversion, we need to make sure that there's enough space within the site to park at least two vehicles or have at least two parking spaces. In this case, there is an existing driveway in which the driveway, the approach is 17 feet I believe.

Female Speaker: Yes.

Camilla: Which is greater than what is permitted. However, they're not changing the driveway, they're moving the pavers in front of the garage to fill in and repair portions of the existing driveway which already accommodates two parking spaces.

Vice Chair Luis Pirela: Two parking spaces?

Camilla: Two, yes.

Vice Chair Luis Pirela: They're not modifying the parking space, they're staying the way it is?

Camilla: Yes, correct.

Vice Chair Luis Pirela: Yes, okay.

Chair Darian Martin: Look out for your doors, Councilman Pirela wants your doors.

Vice Chair Luis Pirela: Yes.

Chair Darian Martin: He wants your doors. Guard them.

Female Speaker: We stayed within context of the Mediterranean style.

Chair Darian Martin: It looks beautiful, it's amazing. Your house is lovely. Do we have a motion to go ahead and accept staff's recommendation?

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Member Mayor Omarr C. Nickerson: Madam Chair, I have a motion to approve and move to the full council meeting, Madam Chair.

Chair Darian Martin: Awesome, second?

Vice Chair Luis Pirela: I'll second.

Chair Darian Martin: Madam Clerk, can I have a roll call, please?

Village Clerk Jacobi: Roll call. Member Lightfoot-Ward?

Member Anna Lightfoot-Ward: Yes.

Village Clerk Jacobi: Member Nickerson?

Member Mayor Omarr C. Nickerson: Yes.

Village Clerk Jacobi: Member Urbom?

Member Anders Urbom: Yes.

Village Clerk Jacobi: Vice Chair Pirela?

Vice Chair Luis Pirela: Yes.

Village Clerk Jacobi: Chair Martin?

Chair Darian Martin: Yes.

Village Clerk Jacobi: Motion passes. Five to none.

Chair Darian Martin: Well, thank you so much.

Female Speaker: Thank you.

Chair Darian Martin: I want to visit your fitness studio eventually. It looks lovely.

Female Speaker: Thank you.

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Chair Darian Martin: All right, we'll move on to item G3. Change of use for 190, North East, 90th Street. Can I have the applicant come up, please? Would also love staff to give us a briefing on this. I think we all know that it is currently a multi-family, I think five or six units.

Camilla: Six units, yes.

Chair Darian Martin: Six units. The applicant is seeking to convert this into an inn, so Camilla, could you just give us some background?

Camilla: Yes. This application, as you just mentioned, is an existing six-unit, one-story building, which currently counts on the parking within the village right away to satisfy requirements and the applicant will continue to do so. Because it's a lodging use, it requires half a space for every two units and there are five parking spaces, which is sufficient to fulfill the-- there's one additional space to fulfill the requirement, and the use is permitted by right in Zone 4, which is 2nd Avenue and so we can support this change of use request.

Chair Darian Martin: This change of use, is it only supported because they can do this by right? When we think about where we see the village going, do we see or do we desire to have a string of inns popping up? Does that conform with what the charrette says and what our plans are for growth?

Camilla: The charrette calls for 2nd Avenue to be a commercial mixed-use main street and it does permit lodging uses with, at most, 12 lodging units of this use to be permitted in this quarter. In that regard, in a sense, that it's-

Chair Darian Martin: It's permitted.

Camilla: -permitted and it's consistent with the commercial vision for this street, yes, but if the applicant would like to add more of your intent with the inn, it would help clarify the use.

Male Speaker 2: Yes. The reason we actually purchased this building is we had that vision in mind, to turn it into an inn and have some potential corporate housing and we're actually in the process of making it a lot nicer at the moment.

Chair Darian Martin: Wait. I drove past today. I saw that there's a lot of work.

Male Speaker 2: Did you see the roof? [chuckles]

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Chair Darian Martin: There's a lot of work happening. Do you have any renderings of exactly what it is that you think this might look like at the end?

Male Speaker 2: I do on my phone. I did not print those out if that's something that you want to see.

Chair Darian Martin: Okay. I'll give you a minute. I'll open it up to public hearing if anybody else wants to speak on this item. Hearing none, I'll go ahead and close public hearing, open the conversation up to the council members and village staff. Does anyone else have any input on this?

Member Mayor Omarr C. Nickerson: Madam Chair, if I may?

Chair Darian Martin: Sure.

Member Mayor Omarr C. Nickerson: Yes, I was thinking I'm on the same line as you, Madam Chair, because I do want our Northeast 2nd, just like I want our annexation area on the Biscayne Corridor, I do want those areas-- they're our business corridor, so I do want businesses to be in there and to flourish. I would like to see renderings of how it's going to look because I do remember a long time ago, many years ago-- The cottages are beautiful. In El Portal on Northeast 2nd, it's probably our most beautiful property, but I do want to see that that property is also going to upgrade its look if we're going to do this.

Male Speaker 2: In a big way, in a big way.

Member Mayor Omarr C. Nickerson: Yes. If we're going to do that, I do want to see that it's going to upgrade its look on Northeast 2nd, because I do want to make Northeast 2nd beautified and make it look better.

Chair Darian Martin: Okay. Does anyone else on the council have a comment?

Member Anders Urbom: Yes, just a comment. In light of what we're trying to do with short-term rental ordinances, I would say that this is exciting and wonderful that there's a proper lodging entity coming into the village.

Male Speaker 2: Thank you.

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Member Anders Urbom: I think this is a great addition and exactly in the right direction for what we're trying to do in El Portal and I wish you luck in it. I think it's going to be great.

Male Speaker 2: Thank you.

Chair Darian Martin: Does anyone else have a comment? I don't know that I share your optimism about it. I really would love to see what the outside of this looks like.

Male Speaker 2: It's in there as well.

Chair Darian Martin: Okay. Maybe when it comes around, you could just show me because we all know that there's a wide scope variation of what inns look like. Even if we take a look along the Biscayne Corridor, you have some that have been renovated that look amazing and others that are not so amazing and I don't know whether or not that conforms with what I think in my mind when I look at that charrette about where the villagers want the village to go, so I have trepidations about that.

Vice Chair Luis Pirela: Yes, I also have comment about that because--

Chair Darian Martin: Go ahead Councilman Pirela.

Vice Chair Luis Pirela: I also have mixed feelings about it, because even though we're trying to entice people to come into the commercial corridor. What I see is, it doesn't really add to the village as far as residents enjoying the commercial aspect of Northeast 2nd Avenue and just because there's no shops, there's no bakeries or coffees and that's what I want to see come into that area and so the benefits are solely for the owner of the property.

Now the other concern I have is with the parking. I didn't see the plans there and also I don't see what you have in plans for because that parking area is actually not paved.

Male Speaker 2: Right, which we're willing to do, and this was actually on the--

Vice Chair Luis Pirela: I don't know if you know this, but based on our engineers and all of that, so it has to be a permeable material that goes in place instead of regular paving.

Male Speaker 2: Okay.

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Vice Chair Luis Pirela: I don't know if it's something that Plusurbia will have to address with the applicant, but that's my concern. Like Vice Mayor Anders pointed out, what we're trying to do with Airbnbs or short-term rentals, this is kind of a good option, but I don't see an actual benefit to the commercial aspects of the residents or the village.

Chair Darian Martin: Vice Mayor Urbom.

Member Anders Urbom: I definitely appreciate what you're saying. However, I will say that if you have an established lodging business, there will be a demand for things like shops and places for them to be able to go and travel to on foot. While certainly those places we want for the direct benefit of the residents, a business like this can help subsidize essentially some of those local businesses like a coffee shop and things like that.

You might have a certain group of regulars and residents who attend all the time, but in a village as small as ours, even just a few people going on vacation could affect that business. The freebie is another aspect of a business like this would help the ridership on something like the freebie.

In addition to that, a crowd draws a crowd, so if you have guests at a lodging place like this using things like the nature trail or parks in the village, I do think that that would actually encourage residents to [snaps fingers]-- it kind of clicks, "Oh, there's people using the park. I should use the park, too." I actually think that there is a benefit to having a business like this, even on that corridor, because I do think that it will help with patronage and visibility of residents seeing the people are using those services, too, so I would say that.

Male Speaker 2: We will also be definitely marketing those businesses around us, such as the restaurants and coffee shops.

Vice Chair Luis Pirela: I'm sorry. You're planning to, of course, utilize all the units as bedrooms or to rent them, but there's no offices in place?

Male Speaker 2: No offices, right.

Vice Chair Luis Pirela: It's the same thing. If you're renting to a couple that's a little cuckoo, then there's nobody from the hotel or the inn that's actually in authority there that they can address the issue. It will have to be the village sending the police? You're not going to have a security in place?

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Male Speaker 2: We won't. However, my property manager is here and he would be taking care of that. We have noise monitors in each location, so if it goes above a certain decibel level, he's notified

of it and he notifies the guest, "If it continues, we've got to kick you out." We're not going to accept any, rowdy guests.

Vice Chair Luis Pirela: You're not going to have any type of security around? Not on any time of the day.

Male Speaker 2: Security cameras outside.

Vice Chair Luis Pirela: Only security but not security person or anything?

Male Speaker 2: Yes, correct.

Vice Chair Luis Pirela: Like a hotel wolf? Okay.

Chair Darian Martin: I see the economic development argument you're making, I think at this scale, it's hard to support that. I don't know if it's the driving--

Male Speaker 2: It's impossible.

Chair Darian Martin: Yes, I don't think the driving force on someone locating their coffee houses in these six units. I also want to make it clear to the residents that are out there, Camilla. Correct me if I'm wrong, and Attorney Geller as well. There's nothing we can do to stop them from using it as an inn because this is an allowed use?

Camilla: Correct?

Chair Darian Martin: Yes. By nature of it being zoned for multifamily.

Camilla: Yes, it's permitted by right.

Chair Darian Martin: Okay. I have a question for Attorney Geller. I noticed that in the report, I think the parking or the setback was one of the things that were not compliant, or not conforming?

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Camilla: Because it's existing?

Chair Darian Martin: Yes. Because existing. I was wondering, does the change of use impact that aspect. That when you're changing the use, do they now, that they are changing the use have to abide by that? I think it's a 20-foot setback?

Camilla: 20-foot setback?

Chair Darian Martin: Yes.

Camilla: Generally, if there is a change to the structure, you would have to abide by or come closer in compliance to the code.

Chair Darian Martin: Not a change of use?

Camilla: Not a change of use, because the building's existing and they used to be-- will be converted within the existing structure. As far as we understand, you will not be altering the structure itself. For this change.

Chair Darian Martin: Attorney Geller, that's correct?

Village Attorney Joseph Geller: It would seem to me, and again, I didn't prepare the staff report. It would seem to me that if the change of use implicates different regulations, for instance, if there is a different parking requirement, because of the use, then that would have to be complied with. Now, if there is no alteration to the structure, and the other requirements are the same, that's not a problem.

If for instance, it was just moving from like a single-family residence to a multi-family, and because of that, it was requiring more parking then yes, you would have to comply with that. I don't see from what's in front of me that there is a change in that. If there's not, that's fine. If the more intensive parking or anything like that--

Chair Darian Martin: It was the rear setback. There needs to be a rear setback of a minimum of 20 feet.

Village Attorney Joseph Geller: The rear setback, I don't see why that's-- I don't understand why that would be impacted by a change of use. The setback should be the same regardless of the use. Anytime there is a change, if the new use has different requirements, then the

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requirements associated with the new use would have to be met. I'll look to our planning consultant, is there a difference in the rear setback, based on the use that's being changed? I don't know why there would be but is there?

Camilla: Just based on the zoning district or the zoning transect? There's a different setback for zone four, but this building was there before adopting the new code? That's the issue here.

Village Attorney Joseph Geller: Again let me say that, depending on the purpose that's associated with it, if the new use is more intensive, whether or not the old was grandfathered in before we adopted the new zoning code. If it's a change of use, and there is a different requirement for the new use, I don't know that the grandfathering would necessarily apply. It is something I probably have to do a little more research on.

Chair Darian Martin: That is super helpful to know because there are I think three or four items that I just really want personally, to wrap my head around exactly. When I hear the inn, what is going to be used as the frequency that you expect of your residents or reservations to come out and whether or not those things are actually impacted. I think I would need more time to get some more information from Camilla and from Attorney Geller on those points, but I'll let my colleagues.

Village Attorney Joseph Geller: Let me just say, chairperson that, again, I don't see why a rear setback would have a different need because of a change in the use. Something like parking. If there's an increase in the requirement for parking because of a change in the use, I would think, again, without subject to doing some specific research on not just the change that we've made. It would seem that in deciding whether to allow a change of use, compliance with the regulations that apply to the new use is something that the Council could seek to have done. I hope that's an answer to your question.

Chair Darian Martin: No. That's definitely an answer to my question.

Male Speaker 2: Can I ask a question?

Chair Darian Martin: For sure you can.

Male Speaker 2: It's not like there's going to be more people in that building than There currently are. The parking right now, people are parking right in front of the building. The only

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thing we've asked to do differently is to pave it or use whatever material you mentioned before. I'm not sure what it is, but we'll do it.

Member Anders Urbom: For the purposes of flood mitigation so that water can drain. If it's just asphalt or just concrete, there's nowhere for the water to drain. Permeable materials that allow the water to drain is what we're talking about.

Male Speaker 2: Got you. What I'm asking is related to the number of parking spaces, meaning right now, I think you can park more cars there than if you pave it and mark them the way that we're or that the city requires. It's not like we're really changing the number of people that can park there, it's just that we're actually marking it as a prerequisite to be able to--

Chair Darian Martin: I definitely understand. I understand what you're saying. To me, it's not just about the parking, it's the transiency. It's how often you're going to have new people coming in and out, whether or not the persons that live next door or around this area, I guess it will be a personal preference of mine to live next to a multi-family unit that was rented to six people for a long period of time, instead of those residents changing very frequently.

I think we might run into the same issue that we've seen with Airbnbs in the village, and I just really want to make a thoughtful decision. I don't think what you're doing is a negative thing. I just want to make sure that I appreciate all of the negatives and the positives. I make a thoughtful decision as to whether or not those positives definitely outweigh the negatives.

This is not saying that what you're doing is a bad thing, I just want to get it. I just want to understand it and make sure that I'm entering my voice and my vote in a way that settles right with me. Right. This is just the fact-finding process. With that being said, I'll open it up to Mayor Nickerson, I know that you had a comment.

Member Mayor Omarr C. Nickerson: Thank you very much, Madam Chair. I appreciate that. A few minutes ago, Clerk Jacobi came up to me. She said, "Mayor, Isn't this change to you--?" She said, "Isn't it that we have to have two hearings for this?" I said, "No. I think you're right." I went back and I pulled up our last change of use. That was a change in use in the business district. That was when the school was going to come into the sanctuary. Right here in that document, this is from May 2020. It says, approval of disagreement at two public hearings.

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The difference is that everything that we did before like all the homes that we did, it was this hearing, which is a committee, and then we moved it to the full Council. This needs two public hearings at minimum at this committee level. Even if it passes today, it would need to come to the next committee planning zoning meeting and pass there then go to a full council meeting after that. If it doesn't pass there, then it has to go to the next two Planning and Zoning Committee meetings whenever they take place and then a council meeting after that, Madam Chair.

Chair Darian Martin: Thank you so much for that.

Chair Darian Martin: Just so that we know how long or short of a process this is. I appreciate that context, Mayor Nickerson. With that being said, does anyone else on the council have a comment? Go ahead, Vice Mayor Urbom.

Member Anders Urbom: On the issue of the setback, five feet is a setback. Is that correct?

Camilla: Existing.

Male Speaker 2: Right now, yes.

Member Anders Urbom: I mean current code. Current code says--

Camilla: Oh, no. 20, because the current code for Second Avenue, it calls for a building on the front and then parking in the rear to accommodate the usually large parking [crosstalk].

Member Anders Urbom: I was on the wrong reference [crosstalk].

Camilla: This building also faces north. If this were a completely new building, it would be ideal to engage Second Avenue. This is an existing building that is facing the north.

Vice Chair Luis Pirela: It's a residential area building.

Camilla: Exactly, it's a residential building.

Member Anders Urbom: I have one question for you would be, at any point in looking at the property to purchase and then purchasing and then with the plan you have in mind, at any point, do you believe that you would be going up in terms of addition building up?

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Male Speaker 2: I would love to, but it's obviously not something that we can do right now--

Member Anders Urbom: In terms of cost and things like that.

Male Speaker 2: Yes.

Member Anders Urbom: Also keep in mind that if or when that did happen in the future, additionally, that would be another trigger for bringing any grandfathered situations up to compliance with current [crosstalk].

Male Speaker 2: That would be a trigger, meaning I would have to [crosstalk]--

Member Anders Urbom: Yes, all your grandfathers would expire at that point. Just keep that in mind as well.

Male Speaker 2: Basically, we'd have to tear down the entire building and start over.

Member Anders Urbom: It's at least 20 feet of it.

Camilla: If I may Councilperson Martin.

Chair Darian Martin: Sure.

Camilla: This use is permitted by right, which is different than the special exception uses that do require additional hearings, because they're not permitted by right, and so that's why this is different in that regard. Also, you had mentioned that you will not be altering the existing structure. And so essentially, the change that you are going to make is what has been submitted now. If there are additional changes this definitely needs to be-- any intent beyond the parking area to enhance and beautify the site is encouraged, and that can be addressed further and reviewed further.

Male Speaker 2: Of course.

Chair Darian Martin: I think that is the takeaway of what I want everybody to know that this is a use by right that's included in our definition of what is allowed in Zone four, multifamily. I also think that we should think about what we allow in Zone four, as far as what we see this corridor becoming, and whether or not this falls in line with that vision. Does anyone else have a comment about this or a motion on this item? Vice Mayor Urbom?

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Member Anders Urbom: One last thing. In the keys, you have a lot of boutique hotels that are high-end to the luxury end of things that really-- I'm trying to think of an example of where I see lodging as small as this and the keys is what comes to mind. I would just let the council know that I do think that a lodging business like this in a small scale does have a potential to elevate the Northeast Second Corridor and an upward tower. That's my last comment, I promise.

Chair Darian Martin: I will also say to that that the key route is a tourist destination and El Portal is a bedroom community. It's people single-family houses, multifamily, long term like rentals. There's just something different about that. I just want us to be thoughtful about how expansive that definition is of multifamily. We definitely know high-end inns, but we know the converse of that.

We know what enns look like that are dilapidated and used for purposes that you don't want in your communities. We need to think about both ends, and I'm sure from the renderings that you show, it looks snazzy, it looks great. Just want to make sure that it continues to look like that and we think about whether or not we want to see a ton of enns popping up along that corridor.

Vice Chair Luis Pirela: I was going to just say that because next to that property, you have another three buildings that are exactly like that.

Chair Darian Martin: Exactly.

Vice Chair Luis Pirela: It's not suitable for lodging. There's one across the street with 14 units that just came up to the market for \$1.7 million. It has 14 units.

Chair Darian Martin: I don't want it to be keys.

Vice Chair Luis Pirela: I don't want to see that in Northeast Second.

Chair Darian Martin: With that being said, does anyone else have a comment, or would anyone like to move for the approval of the staff suggestions, so we can move this along to the next meeting?

Member Mayor Omarr C. Nickerson: Madam Chair, if I may.

Chair Darian Martin: Sure.

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Member Mayor Omarr C. Nickerson: Where we're at right now, they're due to an approval by right. The first question we have to ask ourselves is, and this might be something for attorney Geller, even if we're not comfortable with this, if they're rightfully due for an approval--

Chair Darian Martin: No, I think they have to get it.

Member Mayor Omarr C. Nickerson: Yes, I'm saying but we're not comfortable with it, then for it to even come before us is merely a discussion, in a sense, because if they're rightfully due for an approval, then we must approve. I still would like to stick to change of use, should deserve two hearings prior to moving to a full council.

Chair Darian Martin: Sure.

Member Mayor Omarr C. Nickerson: If they're due for right to approval, I don't know-- Madam Chair.

Chair Darian Martin: I think that this also highlights an issue though, do we want to look at that multifamily definition-

Member Mayor Omarr C. Nickerson: That was going to be my second point.

Chair Darian Martin: -to preempt these keys in the village? Do we want that and if not, then we probably need to look at that. Attorney Geller, if you can give us more direction, I am not the attorney for the village, so I can't speak as to them being afforded this change of use by right. I'll let Attorney Geller speak to that.

Village Attorney Joseph Geller: I'll certainly look to our zoning consultants as well. As a general rule, unless there's something here that's unusual, a special exception, which this is a special exception and those are not typically by right. A special exception, unless there's something else at play, is discretionary with the village, and it's not a use that is allowed as of right, it's a use that's allowed if the village council, in its discretion sees fit to grant it. Is that what we're talking about here?

Camilla: Yes, we need to clarify because like you said, there's two things at play here. The use is permitted by right based on the Article Three Uses Table in the form-based code. However, recently we approved an application to modify how all the applications requiring

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council approval were processed in the village. That is what specified that any change of use. We can share this application, it's actually up in the village website, which is what every applicant uses when they need an extensive zoning review.

It can just be a quick site improvement, new uses or changes of use are to be processed as special exceptions. Which is why, even if in Article Three Uses Table, an inn is permitted by right. These applications that are changing the use within Second Avenue and East of the tracks in zone five, they will come before the council and will require approval after planning and zoning and the council hearing, and an opportunity to appeal should there be denial in the council meeting.

Village Attorney Joseph Geller: The other thing I want to clarify besides the fact that this is - The application itself says it's a special exception. You really have three options not two. Yes, you can vote to approve, which would pass it to the next reading. You still have the right at that reading to deny. If you vote to approve, it passes it to a second reading as a change of use based on what I've heard here, or you could vote to deny but you do have a third option which is to defer.

You could defer it until the next planning and zoning meeting if you feel there's an unreadiness. I can tell you people that want to develop don't love deferrals because you come in, you want to make your investment, you want to either know that you can move ahead with it or know that you can't if that's possible. While that is a valid consideration for the developer who wants to invest in your village, you have not two, you have three options. Again, if there's an unreadiness, you have the right to move to defer the action until your next meeting. I'll be happy to answer other questions, but I just wanted to be clear. Those are your range of options and it is a special exception and that implies that there is a certain degree of discretion which you get to apply.

Chair Darian Martin: Good to know. With that being said-- Oh, Vice Mayor Urbom?

Member Anders Urbom: Do we still have a lasting question regarding whether or not the existing setback is allowable? Are we saying that is--

Chair Darian Martin: I think that can be answered by Camilla sometime within this meeting or the next one.

Village Attorney Joseph Geller: [unintelligible 00:40:51]

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Chair Darian Martin: I believe that Camilla was going to give us some definitive information between this meeting and the next one.

Vice Chair Luis Pirela: I guess grandfathered in [unintelligible 00:41:02]

Camilla: Yes, sorry. Yes, just the structure isn't changing and so the setback-- This is why the setback and the frontage on 2nd Avenue, we require a certain percentage of the frontage to be storefront or to address, especially if you're facing 2nd Avenue because you're not altering the structure in any way, it's grandfathered. However, as Attorney Gellar said, the parking requirements, they comply but since they're changing the site and the use, those are the elements of the code that we need to come into compliance with this change.

Chair Darian Martin: Okay. All right, with that being said, does anyone have a motion that they want to put out there? Anyone?

Member Anders Urbom: I'll move to advance this to the second hearing.

Chair Darian Martin: You're moving to accept staff's recommendation?

Member Anders Urbom: That's correct.

Chair Darian Martin: Okay. Do I have a second on that? [silence] All right. I guess the motion fails because there's no second. Okay, all right. I'll go ahead to move to not accept staff's recommendation and deny the motion. Do I have a second? Deny the application. Do I have a second?

Member Anna Lightfoot-Ward: You don't have to do anything because there's no session. It's already there.

Chair Darian Martin: No, this is the new one.

Member Anna Lightfoot-Ward: You don't have to do anything. You didn't get a second so it's already dead.

Chair Darian Martin: The second was to approve to accept staff recommendation for approval, Vice Mayor Urbom's.

Village Attorney Joseph Geller: I'm sorry. Did you get a second for that?

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Member Anna Lightfoot-Ward: No, she did not.

Chair Darian Martin: Both of them didn't--?

Village Attorney Joseph Geller: Then you have the [unintelligible 00:43:13]

Chair Darian Martin: Defer it? Okay.

Member Mayor Omarr C. Nickerson: Madam Chair, may I make a motion to defer this so we can gather more information? We'll come back to the next planning and zoning hearing, whenever it's going to be scheduled.

Chair Darian Martin: That sounds great. Do I have a second for that?

Member Anna Lightfoot-Ward: Second.

Vice Chair Luis Pirela: One of the two that put some--

Chair Darian Martin: Oh, [unintelligible 00:43:31] Mid motion.

Village Attorney Joseph Geller: [unintelligible 00:43:33] and I want to defer one but just understand the motion in front of you, deferring it defers it for another first reading.

Member Mayor Omarr C. Nickerson: Yes.

?Village Attorney Joseph Geller: I'm sorry, [unintelligible 00:43:44]

Juan: Good evening, council. Juan Mullerat, Plusurbia. Just in case I can shed a little bit of light. The fact that this is a reuse of an existing building, the setbacks really don't change. I'm going to give you the big picture of planning. You won't start to get your assets moving or at least activating generally, especially because for the last seven years that we've worked with you, we've been wanting 2nd Avenue to move forward. I'm neither for or against. I'm just giving you the big picture.

In terms of how it's going to move forward, I see two.--I'm leaning on both sides. On the one hand, I would like to see 2nd Avenue to be developed with two stories, proper retail on the ground level, the vision that we've all come to love and expect since the 2012 Charette. I see

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this application as a placeholder. My fear is that it's going to be a placeholder that could remain there for a while.

Your decision should take into consideration whether or not this application is that placeholder that could become a catalyst for other properties to start being activated or should it be held to its current use until the economics are better for a better project to come along or for an assemblage with the next slot which would allow for a larger building. If this is a change of use application, you shouldn't get caught up with the setback. I do hear you. I'm always thinking about what would the neighbors, how would I feel if I was the neighbor?

The fact is that this is the corridor, so this is the Z4. If you are next door to this property, you've already bought into the fact that you're next door to a potential two to three-story commercial building. Again, just to summarize, don't get caught up with the setbacks because this is a grandfathered in structure. Do weigh in on the use whether it's appropriate or not. I think that's really what is in question. You still have a second reading so potentially, you would have the chance to see additional information if you so require from the applicant between now and that council hearing.

Chair Darian Martin: Juan, I do have a question for you.

Juan: Yes?

Chair Darian Martin: As far as just the trends in planning and zoning. Do you think that a project like this or have you seen a project like this be an anchor project that kicks off this large-scale economic development of the likes of what we would like to see in the village of El Portal? Have you seen that, and can you give us some concrete examples so we can look at those developments as well?

Juan: I think that this project is not large enough to be able to be called a catalyst, to be fair and honest. I think that we can all see that. At the same time, we haven't seen anything happening on 2nd Avenue yet. We're still waiting for the church, we're still waiting for a whole bunch of projects. In part, by the way, is because we don't have water and sewer running through 2nd, we're being held up by the county. I don't think that we're going to see big projects happening on 2nd until that is resolved.

This would be a placeholder project. I don't think that it would become the catalyst. I think it would activate, it would get you some revenue from taxes. It would be a business moving

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forward rather than a residential-use. No. To answer your question, I don't think that this is a catalytic project. I think it's a placeholder project for something bigger and better to happen, question mark, when.

Chair Darian Martin: From what you're saying, there are a lot of factors that are outside of just being open to development. The water-sewer is something that's concrete that impacts a business's bottom line and that they would look at as far as whether or not this was the location they want to locate their business at. I get that this is a solid project. I just want that to be on the record as well.

Vice Chair Luis Pirela: Exactly. That was my concern as well but if you were saying, as the lawyer is saying, it's still within a special exception, it doesn't mean, like it was said at the beginning, by right, they can go ahead and do it. It's not everybody else or we have to then approve every application that comes in and that corridor that wants to do or have the change of use to an inn or a hotel. Right?

Juan: That's correct. It's something that has become a little confusing but it's quite simple. For a change of use, if it's not allowed, you can't even come here and send an application. We won't even review it, right? It's like you're not going to put a concrete plan in the middle of the residential district. We're just not going to consider it.

For any other change of use that is allowed within the code, they have to go through a special exception. Why? Because this village and the code the way that it's written, we all chose to have a significant amount of review to make sure that we kept with the vision and to make sure that we protect the residents. That's the reason why we're doing a special exception.

Vice Chair Luis Pirela: It could be designed without any consequences?

Juan: I wouldn't call it by right. I would call it-- Again, it seems confusing, but I think it's very clear once you consider that there are uses that are allowed within each of the zones, but to change the use, you need to go through this process to make sure that whatever is

proposed instead of what exists today is compatible and it is reviewed deeply or heavily by this board and by the Commission on a second reading.

Village Attorney Joseph Geller: Right. Let me answer also if I can further answer your question Councilperson Pirela. The answer is, if you're given discretion, you have the right to

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exercise your discretion. When you say, can it be denied without consequences, the answer is, as long as you're within your discretion, yes. Now, because you have discretion, doesn't mean that you cannot abuse your discretion.

If you said, "We're going to deny this special exception because we wanted this gentleman to show up in a suit and tie and not a t-shirt," that would not be a satisfactory or sufficient reason. To deny it, you would have abused your discretion. You can abuse discretion and that can be a problem if someone takes you to court, but if you have legitimate reasons that are within your discretion and don't constitute an abuse of discretion, that's the point of requiring a special exception, so that you have the ability to exercise your judgment, that is why your neighbors put you here.

A more concrete example is the setback issue. I don't see being sufficient to be a basis for a denial, because it doesn't seem to have any practical impact when the existing building already has the existing setback. A parking issue if, I know again, I'm not saying the building does not comply with parking, but if it didn't comply with the parking that was required for this use, that would certainly be a valid reason.

Then the point of the fact that it's a change of use, if you have concerns about the change and about the new use, that's why our planning consultants wrote the code in consultation with you in the way they did to give you that discretion. I hope that answers your question.

Chair Darian Martin: This makes sense to me. Because it was seeming as though this was more of just like an FYI. You can do it, there's nothing really the council can say about it because it's allowed by right. What you're saying Attorney Geller makes complete sense. There's a reason why we wanted to make sure that it protected the villagers, that we were given that opportunity to make sure the villagers were protected because there's something that we can do at this level if we deem this to be a project because of parking and other valid reasons that might not be so desirable in there.

Village Attorney Joseph Geller: Yes, ma'am. Let me just say Madam Chair, so you have a motion by Member Nickerson, the Mayor, to defer so you should seek a second [crosstalk].

Chair Darian Martin: Do we have a second to defer?

Vice Chair Luis Pirela: I'll second.

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Chair Darian Martin: Okay, Madam Clerk, can I have the roll call?

Village Clerk Jacobi: Roll Call. Member Lightfoot-Ward?

Member Anna Lightfoot-Ward: Yes.

Village Clerk Jacobi: Member Nickerson.

Member Mayor Omarr C. Nickerson: Yes.

Village Clerk Jacobi: Member Urbom.

Member Anders Urbom: Yes.

Village Clerk Jacobi: Vice-Chair Pirela.

Vice Chair Luis Pirela: Yes.

Village Clerk Jacobi: Chair Martin.

Chair Darian Martin: Yes.

Village Clerk Jacobi: Motion passes five to none.

Chair Darian Martin: Okay, so what's going to happen is we've deferred it and at the next Planning and Zoning committee meeting, we'll rehash it, I guess. In the interim, I suppose will speak to Juan and Camilla about getting some supplemental information. Thank you so much for coming tonight.

Male Speaker: Thank you.

Chair Darian Martin: Okay, we will move on now to G4, which was previously G5 on our agenda that was distributed. G4 is Resilient Streets Studies Presentation and Vice Mayor Urbom if you can lead that for us.

Member Anders Urbom: Yes. We've discussed at different meetings in the past, the idea of bioswales and better ability for residents to walk, bike, things like this, and then flood mitigation as well. Through Plusurbia's efforts, they've essentially termed this whole

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overarching thing Resilient Streets. What I'd like to talk about tonight is a potential phase one of Resilient Streets. In potential phase one of Resilient Streets, we'll be looking at traffic patterns.

If I'm not mistaken, Camilla from what we had discussed was, the adjustment of traffic patterns in terms of addition of one-ways and things like this. I was saying that if, instead of having to redo all the streets to accommodate two-way traffic, we could essentially lay less asphalt if we only had to accommodate one-way traffic, essentially expanding the swales, which technically could increase the cost of the village of maintaining the swales or repairing the swales. Anyway, the right of ways all still would be there, the right of ways would not necessarily change.

The existing swales, residents' responsibility for maintaining swales would still exist. The right of way would now contain essentially non-asphalt, but the idea is that we would use native plants, low maintenance things so that there's not really a true addition of cost to the village in terms of maintenance of these areas. In addition to that, provide significant flood mitigation benefits, as well as, beautification, as well as mobility in terms of extra room for walking paths, bike paths, things like this.

In phase one here, the idea is that the traffic patterns themselves would be addressed. That would be through changing some streets to one-ways, and thereby essentially confusing outsiders. People trying to use the village as a pass-through, when traffic gets thick and things like this, the idea is that they are frustrated by the traffic pattern or confused by it, and therefore don't use residential streets as cut-throughs at high speed and everything else. In a nutshell, that's what I believe we're going to discuss tonight is that kind of phase one.

In that, I do believe something like a traffic study will come up for discussion. I know we have other issues that we want traffic studies for. Yes, there would be a cost for a traffic study but in this discussion of phase one for Resilient Streets, I think that the addition of another benefit of having a traffic study could be viewed as a cost mitigation as well, because instead of just getting a traffic study for producing the speed limit on the 87th, NE 2nd or Miami Avenue, if we do a full traffic study, we get that benefit, as well as the benefit of seeing what the traffic is like, through some of the residential streets and cut-throughs.

Camilla: Thank you, Councilperson Urbom. We are not able to connect at the moment, but we can share this presentation with you afterwards. You have hit every point that we were going to discuss. We had proposed with a full disclaimer saying that this is not a master plan,

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it's just a concept study of how especially, the residential streets, which are the ones that go east to west could be altered in the way that you've said to accommodate more greenery, more vegetation, that can help with stormwater retention and can improve safety.

Of course with this, we want to also note the disadvantages of one-way streets because of course, there are some people, there will be resident, obviously, potentially there'll be a lot of concern for people who live in the streets. You mentioned one of our points to that is that there's local knowledge about the traffic pattern. That will essentially move heavier traffic flows to the north-south streets, which is North Miami, 2nd Avenue. Actually, there's NW 2nd Ave, next to the school that's also County-maintained.

It's also harder to redesign the streets because you have to work with the county and of course, we've looked extensively at designing these streets, but in this case, because the village owns the EastWest local streets, there's potentially fewer obstacles to surpass in order to be able to propose these changes. If they're done in phases, we could work with the stormwater plan to be able to have a study and do the phases so that they could be changed as the sewer is potentially installed in these streets which will tear them apart anyway. As we reconstruct, there's an opportunity to bring back a better design, a safer design, and a design that helps with resilience, which is the main purpose of this study in the first place, and why you have brought it up. We will be happy to share this presentation and consult individually and see if we can move it forward, and what we can bring forward to the Council. The main

design intervention is a diagonal diverter which is making changes in many streets, in many cities.

One of the best examples is Portland. What they do is, you install this diverter in the intersection so that when you are going north you may only turn right, if you are going south you may only turn west. These diverters help with the directions when you convert them into one-ways. That is one of the potential solutions that we're bringing to the table and we were left to discuss that further and explore these concepts with you.

Chair Darian Martin: Awesome. Thank you so much Vice Mayor Urbom for kicking this off and I look forward to seeing that presentation. I think now we are ready to move on to a second and last. Good, and welfare. Is anyone out there that like to comment? I see a lot of empty seats so am just seeing that as a no. Were going to move on to adjournment and I am going to adjourn the-- what is today's date? March 29, 2022, Planning and Zoning committee meeting.

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**Village of El Portal
Planning & Zoning Committee Meeting
Date: 03/29/22
Meeting Start: 6:40 PM
Meeting End: 7:41 PM
Meeting Length: 01:01:25**

Member Mayor Omarr C. Nickerson: I'll make a motion to adjourn madam chair.

Chair Darian Martin: Oh, you have to make a-- Oh, good thanks. I was about to adjourn my own meeting.

[laughter]

Member Anna Lightfoot-Ward: Second.

Member Anders Urbom: I'll sag it.

Member Anna Lightfoot-Ward: You can't. I already have.

Chair Darian Martin: All in favor say aye.

Committee: Aye.

Chair Darian Martin: For the record, it is 7:41 PM.

Member Mayor Omarr C. Nickerson: Thank you very much

[01:01:25] [END OF AUDIO]

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