



**Village of El Portal
Planning and Zoning Committee meeting
Date: 09/13/22
Meeting Start: 7:32 PM
Meeting End: 8:14 PM
Meeting Length: 00:42:13**

Councilwoman Darian Martin: All right guys, calling to order the planning and zoning meeting for the Village of El Portal on Tuesday, September 13th. The time is now 7:32 PM. I am Councilwoman Darian Martin, and I'll be chairing this meeting. We're going to go ahead and forego our solemn meditation and pledge because we just did that. We'll move on to the roll call. Madam clerk, can I have a roll call?

Village Clerk Yenise Jacobi: Roll call. Chair Martin.

Councilwoman Darian Martin: Here.

Village Clerk Yenise Jacobi: Vice Chair Pirela.

Councilman Luis Pirela: Here.

Village Clerk Yenise Jacobi: Member Urbom.

Vice Mayor Anders Urbom: Present.

Village Clerk Yenise Jacobi: Member Nickerson.

Mayor Omarr C. Nickerson: Here.

Village Clerk Yenise Jacobi: Member Lightfoot-Ward.

Councilwoman Dr. Anna E. Lightfoot-Ward: Here.

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

Councilwoman Darian Martin: It looks like I do have a quorum. We'll move on to subsection D, which is approval of the agenda. Can I have a motion to approve the agenda?

Councilwoman Dr. Anna E. Lightfoot-Ward: So moved.

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

Councilwoman Darian Martin: Awesome. All in favor, say aye.

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Members: Aye.

Councilwoman Darian Martin: Any opposed say nay? We'll move on to approval of the minutes. We're approving the minutes from the July 12th 2022 Planning and Zoning Committee meeting. Can I have a motion to approve the minutes?

Councilwoman Dr. Anna E. Lightfoot-Ward: So moved.

Councilwoman Darian Martin: A second.

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

Councilwoman Darian Martin: All in favor, say aye.

Members: Aye.

Councilwoman Darian Martin: Any opposed say nay. We're moving on to good and welfare. Just as in the previous meeting, this is a time for you to step up to the podium and state any comments that you have about the items that appear on this agenda. Before you step up to the podium, please state your name and address for the record. Does anyone want to come up and participate in our first good and welfare this evening? There will be another one. Hearing none, we'll move on to the agenda items G1, which is the site plan review for new construction for 8545 Northeast 4th Avenue Road. Can I have both the applicant and Camila step up to the podium?

[pause 00:01:54]

Councilwoman Darian Martin: I'll have the applicant state their name and address for the record and then Camila, you can give us just a brief synopsis of this item. I know that you guys are recommending approval. Could you please state your name and address?

Gregory Borgia: My name is Gregory Borgia.

Attorney Joseph Geller: Madam Chair.

Councilwoman Darian Martin: Oh, sure.

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Attorney Joseph Geller: I'm sorry to interrupt, but just for a moment. Anybody that's going to give testimony, please raise your right hand. Anybody that's going to offer testimony.

Councilwoman Darian Martin: That'd be the applicant for 9001 as well.

Attorney Joseph Geller: I think probably, yes. Just repeat after me. I and state your name. I and then say your name.

Gregory Borgia: I Gregory Borgia-

Attorney Joseph Geller: -do hereby solemnly swear-

Applicants: -do hereby solemnly swear-

Attorney Joseph Geller: -that the testimony I will give-

Applicants: -that the testimony I will give-

Attorney Joseph Geller: -is the truth,

Applicants: -is the truth-

Attorney Joseph Geller: -the whole truth-

Applicants: -the whole truth-

Attorney Joseph Geller: -and nothing but the truth-

Applicants: -and nothing but the truth.

Attorney Joseph Geller: So help me God or you may affirm it.

Applicants: So help me God and I may affirm it.

Attorney Joseph Geller: Thank you

Councilwoman Darian Martin: Nice, nice, nice.

Attorney Joseph Geller: Sorry to interrupt.

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Councilwoman Darian Martin: No worries. Now we're all sworn and ready to go. If you could go ahead, the applicants, if you could give us your name and your address, and then we'll head on with Camila.

Gregory Borgia: My name is Gregory Borgia. The address is 8545 Northeast 4th Avenue Road.

Councilwoman Darian Martin: Awesome, and I'll have Camila give a brief synopsis and recommendation.

Camila Zablah: Yes, good evening committee members. This site plan review application is for the construction of a new addition at the property with address 8545 Northeast Fourth Avenue Road. The approximately 1,760 square foot addition consists of a new garage to the northeast side of the house, and a conversion of the existing rear open terrace into a new master bedroom. The applicant also proposes a detached two-story rear addition containing a new gym and an office.

The additions comply with the zoning requirements and site development standards for zone three. The proposed plan is consistent with the comprehensive plan and the intent of the use in the district in which it is located. The approval of the site plan will not have an adverse impact on the village. The design of the addition is of a different architectural style yet it is consistent with the scale and composition of the existing house as well as the materials. Therefore, staff recommends approval because the applicant is showing good cause for a proposal of the construction of the new additions. Thank you.

Councilwoman Darian Martin: Thank you so much. First, Mr. Attorney.

Attorney Joseph Geller: Madam Chair, just very quickly. Without objection, you should accept the staff report into evidence because it does constitute competent substantial evidence.

Councilwoman Darian Martin: I accept that report into evidence. I will move forward with opening the conversation up to the council first. After that, I'll close it to the council and open it up to the general public. Does anyone on the council have a comment or question about item number G1.

Councilwoman Dr. Anna E. Lightfoot-Ward: I do.

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Councilwoman Darian Martin: Councilwoman Lightfoot-Ward.

Councilwoman Dr. Anna E. Lightfoot-Ward: You're going to tell us later off shortly why you said approve it.

Camila Zablah: Why we recommend approval?

Councilwoman Dr. Anna E. Lightfoot-Ward: Yes.

Camila Zablah: Because-

Councilwoman Darian Martin: She just did. All those reasons?

Camila Zablah: -it complies with the zoning requirements and it is consistent with what the comprehensive plan of the village calls for. While it is a different architectural style, it does have a flat roof. For example, in the existing house is more of a traditional style. However, the materials, the height complies with the requirements, and the composition of, for example, the two-story addition, which is in the rear is consistent with the design guidelines that were adopted by the village.

However, you can also note that from the public right of way of this addition, the addition to the side for the new garage, the rear addition for the new master bedroom, and the detached ancillary unit, the only element that will be visible will be the garage entrance, which will be attached to the side of the house. Really, everything else that will be added to the house will not be visible from the street. That's just a comment, yes separate. Just to keep in mind.

Councilwoman Dr. Anna E. Lightfoot-Ward: That's so that everyone would understand it more fluently like you just said because that is the issue and you just covered it. Thank you.

Camila Zablah: Thank you.

Councilwoman Darian Martin: Councilman Pirela, do you have a comment?

Councilman Luis Pirela: Yes. The comment, or the question I had, I didn't know that you could do actually two full bathrooms and then detach. There's been so many questions about in-laws and stuff like that and why would an office and a gym will have double vanity bathrooms. Is that legal? Obviously, you recommended the approval. Is that within the code?

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Camila Zablah: No, actually it's permitted.

Councilman Luis Pirela: It's permitted.

Camila Zablah: There's nothing explicitly prohibiting overall.

Councilman Luis Pirela: That's the whole question.

Camila Zablah: I don't know if the applicant would like to add to--

Gregory Borgia: I'm in the construction industry, and that's normal. Every gym has a bathroom. You don't need to get out of the gym to go to the main house to use the bathroom.

Councilman Luis Pirela: It's a cabana?

Gregory Borgia: The same thing in your office. If you're in your office, you don't need to go to the main house.

Councilman Luis Pirela: Got it. Thank you.

Councilwoman Darian Martin: Vice Mayor Urbom, did you have a comment?

Vice Mayor Anders Urbom: No, I think Camila answered most of my questions, I believe. I think I'm good.

Councilwoman Darian Martin: Sounds good. I'll go ahead and close the conversation to the council. Does anyone else who's attending in the audience have a comment about item G1? Hearing none, I will bring it back to the council and ask whether or not anybody would like to move to accept the staff's recommendation to approve this item.

Mayor Omarr C. Nickerson: Madam Chair, I'll make the motion.

Councilwoman Darian Martin: Do I have a second?

Vice Mayor Anders Urbom: I'll second.

Councilwoman Darian Martin: Is this a roll call? All right, may I have the roll call, please?

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

Councilwoman Dr. Anna E. Lightfoot-Ward: Yes.

Village Clerk Yenise Jacobi: Member Nickerson.

Mayor Omarr C. Nickerson: Yes.

Village Clerk Yenise Jacobi: Member Urbom.

Vice Mayor Anders Urbom: Yes.

Village Clerk Yenise Jacobi: Vice Chair Pirela.

Councilman Luis Pirela: Yes.

Village Clerk Yenise Jacobi: Chair Martin.

Councilwoman Darian Martin: Yes.

Village Clerk Yenise Jacobi: Motion passes five to none. You have to come to our next hearing, which would be a hearing. There's a second hearing.

Gregory Borgia: Oh, there's a second.

Village Clerk Yenise Jacobi: Yes.

Gregory Borgia: When?

Village Clerk Yenise Jacobi: I don't have the data as of now because I have to see advertisement. Depending on the advertisement, we'll be in touch.

Gregory Borgia: Okay. Thank you.

Councilwoman Darian Martin: Perfect. We'll move on to Item G2, which is a offense variant for 9001 Northeast 1st Avenue. Can I have the applicant up to the podium? Please state your name and address for the record.

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Alberto Fernandez: Hi, Alberto Fernandez address 9001 Northeast 1st Avenue.

Councilwoman Darian Martin: Camila, can you give us just a synopsis and staff recommendation on this item?

Camila Zablah: Yes, certainly. This variance application is for the construction of a fence with a height of 4 feet with horizontal spaced aluminum sets and concrete posts spaced at 9 feet on center within the primary front setback of the property at 9001 Northeast 1st Avenue. The fronting Northeast 1st Avenue of this property consists of a 25-foot setback, a 5-foot sidewalk, and a 15.5 foot parkway. Staff finds that this fence will not detract from the pedestrian experience along this right of way because of the height of 4 feet. It conserves a sight line from the house toward the street.

Also, important to notice that this street currently is a dead end or is closed toward the neighboring Miami shores. While that could be open in the future and it's important to consider currently there's moderate foot traffic and almost no vehicular traffic. Also, important to note that this is solely for the proposed 4-foot fence along the primary front yard. There is an existing 6-foot fence along the secondary front yard that is legally nonconforming because it was built beforehand. Because they have not proposed a fence in this secondary frontage, this approval is solely for the 4-foot fence proposed for the primary frontage of the house. Therefore, we recommend approval for this fence.

Councilwoman Darian Martin: All right. Thank you so much. I guess we're accepting this evidence in as competent substantial evidence. I will go ahead and first open the conversation to my fellow councilmembers. Does anyone have a question or comment for Camila or the applicants Councilwoman Lightfoot-Ward?

Councilwoman Dr. Anna E. Lightfoot-Ward: I noticed that there was a comment in the printout about the safety of the children.

Camila Zablah: I believe that was in the letter of intent from the applicant. That was one of the reasons that they're requesting this variance is to enclose-- I don't want to speak for the applicant.

Alberto Fernandez: Yes, I have two little kids and we just were about to move. We originally acquired the house, we're doing a whole renovation in the house. The space in front of the house is quite large, that's why I wanted to enclose it. I live on a corner next to a main avenue,

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and I don't want any of my kids to have the front door just right off the street. That's why I think the 4 feet is visible if it is approved, but privacy and more than anything security. That was my biggest concern.

Councilwoman Dr. Anna E. Lightfoot-Ward: May I?

Councilwoman Darian Martin: Sure?

Councilwoman Dr. Anna E. Lightfoot-Ward: You don't have room in the back for the children?

Alberto Fernandez: Say that again?

Councilwoman Dr. Anna E. Lightfoot-Ward: You don't have room in your backyard for the children?

Alberto Fernandez: Oh, no, definitely. I have-

Councilman Luis Pirela: 12,000 [unintelligible 00:12:24].

Alberto Fernandez: Yes, I have the backyard, but I would like to use the front yard.

Councilwoman Dr. Anna E. Lightfoot-Ward: When they get older, will you be changing it?

Alberto Fernandez: When I be older?

Councilwoman Dr. Anna E. Lightfoot-Ward: When the children get older, will you be changing it back?

Alberto Fernandez: The fence?

Councilwoman Dr. Anna E. Lightfoot-Ward: Yes.

Alberto Fernandez: I don't think so.

Councilwoman Dr. Anna E. Lightfoot-Ward: Okay.

Alberto Fernandez: I might have more kids.

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Councilwoman Dr. Anna E. Lightfoot-Ward: That's the right answer right there.

Councilwoman Darian Martin: [unintelligible 00:12:46]

Councilwoman Dr. Anna E. Lightfoot-Ward: That's the right answer.

Councilwoman Darian Martin: Two is a good number. Do we have any other comments on the council?

Vice Mayor Anders Urbom: Yes, I have-- Camila, so as I'm looking at the diagram, I guess I was under the impression that it was going to be along both sides. This is just on the 90th Street side?

Camila Zablah: Yes.

Vice Mayor Anders Urbom: Okay.

Camila Zablah: We would encourage if the applicant decides in the future to have--

Vice Mayor Anders Urbom: Set back from that is another 6-foot fence that I saw in the picture that's going around. Is that right?

Camila Zablah: Yes. There's an existing 6-foot fence fronting 90th.

Vice Mayor Anders Urbom: This 4-foot fence is proposed for 90th only.

Camila Zablah: Oh, no. Sorry. No, the 4-foot fence it's for 1st Avenue.

Vice Mayor Anders Urbom: It's only for 1st avenue.

Camila Zablah: Fronting 1st Avenue.

Vice Mayor Anders Urbom: Oh.

Camila Zablah: Yes.

Vice Mayor Anders Urbom: The dead-end side.

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Camila Zablah: I guess you could consider the most--

Vice Mayor Anders Urbom: The dead-end side.

Camila Zablah: It's a dead-end side. It's just the heavy traffic is along 90th, but the primary frontage in this property is toward 1st Avenue.

Vice Mayor Anders Urbom: I guess in my mind I'm thinking it would be more aesthetic if it actually consistently wrapped around. How is the fence going to end? Where is the fence going-- is it just going to end?

Alberto Fernandez: On the edge of the house. It's only going to be on the--

Vice Mayor Anders Urbom: On the one side.

Alberto Fernandez: Yes, on one side, because on the other sides, we have the 6 feet fence, which is grandfathering, we're not touching that.

Councilwoman Darian Martin: Are you done, Vice Mayor?

Vice Mayor Anders Urbom: No.

Councilwoman Darian Martin: Okay.

Vice Mayor Anders Urbom: Does the 4-foot fence then come into contact with the house?

Alberto Fernandez: No.

Councilman Luis Pirela: With the existing fence.

Camila Zablah: With the existing fence.

Vice Mayor Anders Urbom: It does.

Councilman Luis Pirela: Yes.

Vice Mayor Anders Urbom: Okay.

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Camila Zablah: We encourage in the future if there were to be a replacement of the fence to continue the 4-foot fence, which actually if the 6-foot fence, if there was an intent to replace it, it would have to comply with the code because they intend on keeping the fence that was built before the code was adopted, it can remain as is at this time.

Vice Mayor Anders Urbom: Am I guessing that your original idea was to put a 6-foot fence, and then you were informed that a 4-foot fence was only allowed?

Alberto Fernandez: No, no, no, no. Initially, what we applied for, it's all over the house. It was a 6-foot fence.

Vice Mayor Anders Urbom: Sure.

Alberto Fernandez: We applied to replace that to do a new one, but the side that is facing the main avenue on the sidewalk-- I guess that's 90th Street or that's 1st Avenue?

Vice Mayor Anders Urbom: 90th Street.

Alberto Fernandez: Yes, 90th Street. Camila explained to us that we cannot. Otherwise, we have to go 15 feet. It's in good conditions. The most that we could do is repair. That's what we did. We already passed inspections. Then after that, that's when we applied for the small fence in the front of the house just to have that enclosed and also have the [unintelligible 00:15:59] inside.

Now, if you look at the pictures, there are two small 6 feet fence in that dead end. Actually, the one on the left, I'm going to take it off. Once it's approved, the 4 feet fence, I'm not going to have anything there because that's going to be like my driveway. It's going to be the 4 feet fence and you're going to see through almost half of the entire backyard. I'll have a 6 feet fence way back in the middle of my patio.

Vice Mayor Anders Urbom: Then final question, Camila. The design of this fence meet standards for like wind can pass through it. I'm thinking of hurricanes, things like this. We're satisfied with the way the construction is proposed and how this fence is going to be put up.

Camila Zablah: In terms of materials, we actually appreciate the concrete posts. I think it adds an aesthetic value, but after this, you will have to pass the building permit approval. They will make sure that it can withstand and is secure.

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Alberto Fernandez: That makes sense.

Vice Mayor Anders Urbom: Be aware of that, that fence designs are designed to allow some wind to be able to pass through so it's not just a solid wall of fence so that tropical storms, whatnot, the fence is more durable because it allows some of that wind to pass through. Be aware of that as you're talking with contractor and things like that.

Alberto Fernandez: Oh, no, definitely. Definitely. Again, my goal, my biggest concern was to just to get something there at least 4 feet. I think the design for what my architect and my contractor put together, it's feasible within the code, but any recommendation will change it. I think the concrete blocks was a good idea like Camila is saying, and my GC recommended that. Any other recommendation from the city to adjust that, we will do it.

Vice Mayor Anders Urbom: Be aware that-- I know we're just talking about a fence and it seems like a lot to go through just for a fence, but we've been through a lot getting our code updated and everything like that. The fences was a real big deal and so we just want to make sure that we know exactly what we're talking about with the variance to essentially a new code that we have in place.

Councilwoman Darian Martin: Perfect. To button this up, Camila, he can have a 4-foot fence in the front of his property by code. The only variance that we're doing is for the material, is that it?

Councilman Luis Pirela: No.

Camila Zablah: No. The front yard requires a variance for any fence. However, the code does say that masonry coral rock and fence it-- As long as it's not a privacy fence, like no spacing or-- although we understand that masonry wall doesn't have any spacing, but it adds to the character. Recently, the requests to enclose the front yard have increased. We will be working in the near future as part of the code amendments to see if we can come up with-- we will propose something that can work for the front yard because the goal of the village is to keep the front yards open. Anything greater than 4 feet is something that as planners, we would not recommend or stand behind.

Councilwoman Darian Martin: Definitely. I just feel like we've been getting a lot of fence variances over and over again. The staff recommendation consistently has been approval, approval, approval. Is what we have in the code sufficient, does it contemplate all the variations

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of the materials people want to use, or where they want to place fences? Do we need to just as a body look at this again and see whether or not we want to completely alter this section so we're not causing everyone to come to us, piecemeal for these variances? Would you recommend that?

Camila Zablah: Yes, we would. It's not material, it's mostly the location.

Councilwoman Darian Martin: Maybe that's something that we can look at for the next Planning and Zoning Committee meeting. Just maybe a recommendation as far as what's happening in greater Miami Dade County when you think about safety, durability, wind, and all of these things. Just give us something where it's contemplative of those things and maybe can remove the step of the applicants having to come to us multiple times.

Councilman Luis Pirela: Definitely. Especially what you said on the last meeting about the fencing variants that we had in front of us, it's that sense of security, and what kind of security? It's the sense of the people. I've been living here for eight years. I don't feel like I need to put a fence on my front yard. That to me is more of a--

Councilwoman Darian Martin: This is a good point. Then also, we don't have an abundance of sidewalks. We have people with varying levels of abilities, people with strollers. It's the approval part. It's hard to, I guess, go against the staff recommendation, but I'm just wondering why the approvals if our position is that we do not want these front items in the front yard, and we can always not go with the staff's recommendation, but at the same time, I think that there needs to be a more comprehensive conversation on how we're dealing with this because now it's fence variance season over and over again. Mr. Mayor.

Mayor Omarr C. Nickerson: Thank you very much, Madam Chair. I just wanted to point out, I think that what you said as far as it being fence season is 100% correct. I think that coming back to the next P&Z, it would be good to look at that. Also, keep in mind though that-- I think that the fence thing should be pulled out and we should attack it right away. Remember I have them going through the entire code, and everything that contradicts, everything that seems outdated, when they look at things and they say, "Okay, you know what? This was good back in '92, but now I think we should update."

They're going through it. They're going to make a whole an entire list of everything to bring to us, that's a four-hour meeting in itself, but they're all compiling and they're going through the whole code and compiling stuff, but I think what you said is absolutely correct, Madam Chair,

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that things that we see coming up frequently, we should pull out of that comprehensive list and address it right away.

Councilwoman Darian Martin: That is a gargantuan task. I look forward to reviewing that, I think it's also going to take us some time to review all of these recommendations, but I think in the short term because we are seeing a run on the fence variance, and I just want to be mindful in treating everyone the same, but also mindful of what this means for the village going forward. I would love to carve that out now and look at it at the next Planning and Zoning Committee meeting and figure out where are we trying to go. Because right now it's a hodgepodge of things. If you could do that, that would be great.

Camila Zablah: Absolutely.

Mayor Omarr C. Nickerson: I just wanted to make that point, Madam Chair. Madam Chair, if I may.

Councilwoman Darian Martin: Sure.

Mayor Omarr C. Nickerson: I just wanted to make that point because since you said that, which is 100% correct, I didn't want people out there to think that "Okay, they're just going to pull out the fence thing, but what about other things?" I want them to know that we are compiling everything that seems outdated or contradictory, or just better practices or things like that. We are working on everything. Want everybody out there to know that? Thank you, Madam Chair.

Councilwoman Darian Martin: For sure. Does anyone else from the council have a comment on this?

Councilman Luis Pirela: I do.

Councilwoman Dr. Anna E. Lightfoot-Ward: I really do.

Councilwoman Darian Martin: Councilman Lightfoot-Ward.

Councilwoman Dr. Anna E. Lightfoot-Ward: We keep saying fence, I'm trying to visualize, you're not putting up a wall, you're putting up something you can see through, right?

Alberto Fernandez: Yes.

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Councilwoman Dr. Anna E. Lightfoot-Ward: Because I'm looking at the diagram and I'm saying, we are saying fence, or is it a wall? No, the poles are concrete.

Alberto Fernandez: Correct. Aluminum--

Councilwoman Dr. Anna E. Lightfoot-Ward: The aluminum is what we see through. Your property's not really guarded.

Alberto Fernandez: Correct.

Councilwoman Dr. Anna E. Lightfoot-Ward: That's all.

Councilman Luis Pirela: I'm sorry. If I may. It goes against the sidewalk and it's a corner lot.

Councilwoman Dr. Anna E. Lightfoot-Ward: Yes, I know exactly [crosstalk]

Councilman Luis Pirela: I've seen houses-- I drive quite a distance to go to work and I go through neighborhoods. When I see those 4-foot fences in front of the houses, to me, it doesn't appeal. It looks really like-- that's not what I want for the village. We have to look at the future. Like you said, that street right now is closed. It had been closed for what? 15 years probably, but it has a sidewalk and it's a whole street, it's 1st Ave that connects the 87 all the way to 95th Street. I don't know whether that was legally closed or not, but definitely is something that probably is not going to stay closed for much longer or probably--

Councilwoman Darian Martin: Just to add to Councilman Pirela's point, I feel you. You see the 4-foot fences, and then sometimes immediately after you see those hedges that go behind it, and those hedges grow a lot taller than 4 feet. They do create an obstructive element. Right now, I don't know that we have the staff necessary to man those hedges and their height because there are countless houses in the village who have shrubs and hedges that are a lot taller than what is prescribed in the code.

I do think that there's a trend and to a certain extent, it looks beautiful, but to another extent, it becomes an obstruction and a hazard for pedestrians and for motorists. I just want us to look at that and see where we're going, but I agree with Councilman Pirela that it's something to keep an eye on. Councilwoman Lightfoot-Ward, do you have a comment?

Councilwoman Dr. Anna E. Lightfoot-Ward: Yes. You live by that street that cuts off from Miami Shores.

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Alberto Fernandez: Yes.

Councilwoman Dr. Anna E. Lightfoot-Ward: That's where you live, right? Right by you is a boundary line and you're in El Portal's side and that boundary line is what the Chair is talking about right now. See, that's really what's in my head. Just because it's in a dead-end street doesn't mean that the next person coming along, won't say, "Well, I might as well build a wall." We're watching this. Thank you.

Councilwoman Darian Martin: Anyone else on the council with the comments? Vice Mayor Urbom.

Vice Mayor Anders Urbom: A final comment. As we went through the fence ordinance, one of our primary objectives was to maintain an aesthetic as a walkable neighborhood so that the neighborhood is inviting. I think we had many discussions as well to the fact that frequently neighborhoods where you have the gates, the fences, the hedges that cover off the entire frontage of the home. Those neighborhoods feel less safe than a neighborhood where all of the yards are essentially open, visible, and accessible, but in addition to that, I know that the exception was the coral or the masonry wall lends itself to a specific aesthetic associated with carving limestone out of the ground and using that natural material to enhance the property.

I guess for me on this, this 4-foot fence is not outside the realm of what would be accepted for a coral wall. The purpose is not because the resident is afraid of the neighbors, but because he's actually trying to secure the safety of the people within the house, small children, whatnot, there is a very real consideration because I think everyone's acknowledged the ill intent of Miami Shores blocking off the street, which means that at some point, those streets will be unblocked. I've noticed that Miami Shores actually did that on the north side of their boundary as well. There's similar street closures on the Northern side of Miami Shores boundary.

I appreciate Councilperson Pirela's concerned that, you've got, "Okay, this fence is okay, goes up, but then hedges go in behind it." That's certainly something we need to talk about within enforcement in terms of the hedges around the property. This one is a challenge to be sure because there's nothing outwardly offensive about the fence. It seems to comport mostly with what our goals were in trying to keep a specific feeling in the neighborhood of welcomeness. We don't want people to feel like everyone's just hiding inside their houses. We want people to feel neighborly and welcome to--

Councilman Luis Pirela: Well, four feet, you're not precisely hiding.

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Alberto Fernandez: Actually-- I'm sorry to interrupt, but if that happens while you guys are assuming that it will happen, and that would not be a dead end, my fear is actually bigger because now it's a dead end. My kids, if they go up, they're on a dead end, straight at least on that side, even though the other one is a main avenue. If it becomes a main avenue, that's an even biggest concern for me. At that point, I would even need a fence even more because now it is a main avenue where cars are flying all along.

Councilman Luis Pirela: Excuse. I don't think that's a main avenue. 90th is not a main avenue. Main avenue is 87th. 90th and 89 and-- Like I said, I walk around the neighborhood twice a day with my dogs and whatever. I don't see high traffic to be concerned about it. You have a big backyard that is fenced in already. The front of the house is not much. You have a huge oak tree that it's-- I don't know what space you get for kids to play in that little area. Again, it's just a matter of whether-- What's the vision we have for the whole village.

Councilwoman Darian Martin: One second, if I may. I think Vice Mayor Urbom has something to say and then we'll definitely take turns. Vice Mayor Urbom.

Vice Mayor Anders Urbom: Just final comment is-- I say a lot of this for your benefit so you understand why it is that we're debating so intensely about a simple 4-foot fence that is not an obstruction to anything, that is aesthetically fine. I'm sure it's frustrating, and possibly even a little confusing as to why is this such a big deal when someone just came through with new construction, they got passed with almost no comment, right? What's the deal with the fence? In that regard, I will acknowledge that 90th is a cut-through street for-- Especially once people realize that there's a dead end, they jump up the second, cut around. I'm on 89th and that's definitely a--

Alberto Fernandez: I do it all the time.

Vice Mayor Anders Urbom: It's definitely a cut-through street. I definitely appreciate that. We'll see how the vote goes here. I guess those were my comments.

Councilwoman Darian Martin: We definitely will. I'll give you a chance to wrap it up and say what you wanted to say.

Alberto Fernandez: I was just going add that, unfortunately, I didn't take any pictures, whether it's a few houses around the block that they do have fences in the front. Not even 4 feet, 6 feet. I guess they're grandfathering, so there's nothing to do about it. Let's just keep that

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into consideration. What we're trying to accomplish is to have the same look, whether there's a bunch of houses with 6 feet in El Portal. I didn't bring any picture, but there's a bunch. I can come back--

Councilman Luis Pirela: Actually, the one across your property, it's an illegal wood fence that they put and that the manager is aware of that. They just did it like-- It's a [unintelligible 00:32:30] wall--

Alberto Fernandez: I'm not referring about that one.

Councilwoman Darian Martin: Oh, for sure. Can we disagree that that's probably nonconforming and illegal and something to deal with? For right now, what I'm going to do is try to wrap--

Alberto Fernandez: I don't want to get anyone in trouble.

Councilwoman Darian Martin: Not a problem. We're going to wrap the conversation up for the council, open it up to the public. Does anyone have a comment on this item? No. All right. We'll bring it back to the council. Does anyone want to move to approve or accept the staff's recommendation to approve this item?

Mayor Omarr C. Nickerson: I'll move but I want to say a quick comment, Madam Chair, if I may.

Councilwoman Darian Martin: Oh, sure. Go ahead.

Mayor Omarr C. Nickerson: First, I want to make a motion to approve. Let me just say for the record, though, for everybody watching there. People see that a lot of times where people will say I'm coming to get something. You guys act like you guys don't want me to get it or you guys act like this is bad, but there's three other houses that I see that have or have worse. A lot of people have to understand that prior to this council in the past years, there were people that did things that weren't necessarily the right thing to do.

At that particular time, we didn't have professional services in place the way that we do now, okay? Now that we have professional services in place, we're modernizing the village, we're upgrading the village, and now they're catching things, and they're doing things the right way. Just because you see that, it doesn't mean that those people just got it last month. You see what

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I'm saying? Those people have had it, they did it the wrong way, but now we have professional services that we're correcting everything, we're doing everything the correct way. It's your taxes that pay for the correct way for things to happen also. All right? Thank you, Madam Chair.

Councilwoman Darian Martin: This is true. Do I have a second on that motion? All right. Councilwoman Lightfoot-Ward, comments? Oh, [unintelligible 00:34:11] switch up with Councilman Pirela.

Councilman Luis Pirela: I noticed that the property was purchased like a [unintelligible 00:34:20] LLC company.

Alberto Fernandez: Yes, it's my company.

Councilman Luis Pirela: Oh, okay.

Alberto Fernandez: I'm transferring to [unintelligible 00:34:25] right after the-- Hopefully before they end the whole construction is over which is in my best interest to transfer as soon as possible. My taxes jumped from \$4,000 to \$17,000. Huge. You can understand a little bit of the frustration. I was not aware of a lot of restrictions. I do construction in most of the cities. Non in El Portal. Never. I do a lot in Little River, which is very close by, but different city. You can comprehend a little bit the frustration of an owner that you acquire property, it's your property, you're paying for it. You even pay taxes to the city, to the county, and then you're not allowed to do certain things on the property.

Again, you do understand that you have to abide by certain rules. The reason that I move into a house is because I've been living in a condo for the past three years, and I have to abide by all the people's rules. I say, "Finally I'm moving to my home, and if I want to put a fence or if I want to change the color of the roof, now it's something that we're discussing here, I can do it." Again, I'm here trying to abide by the rules, but it's a little bit, again, frustrating the process and especially with the amount of tax [unintelligible 00:35:40]

Councilman Luis Pirela: Cutting trees and stuff like that, you have to-- Here, unfortunately, it's everything. Even cutting a tree. Because we're a tree city, many of the trees that we have here are Florida native and they're protected species. I understand the frustration, but unfortunately--

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Councilwoman Darian Martin: It's frustrating but it's necessary. You want someone thinking as hard about these issues and thinking about the long-term impacts. There are areas that you can go to where code enforcement is not necessarily the best, or there isn't any code, and you'll see the inconsistency among properties that hurt your property value. It also hurt your quality of life. The time that we're spending thinking about this now and the professional staff that you have thinking about it is actually a benefit of being in a village like El Portal because the alternative probably wouldn't get you the return on your investment that you're looking for, or the quality of life that you're looking for.

We're spending a long time debating a 4-foot fence, but I think you guys want that. You want somebody looking closely at these issues as we are. With that being said, I think we had a second on that motion. Did we have a second?

Councilwoman Dr. Anna E. Lightfoot-Ward: Second. We have.

Councilwoman Darian Martin: Okay. We had a second on that motion. Madam Clerk, can I have the roll call for item, I believe this is G2.

Village Clerk Yenise Jacobi: G2. Roll call. Member Lightfoot-Ward. Member Nickerson?

Mayor Omarr C. Nickerson: Yes.

Village Clerk Yenise Jacobi: Member Urbom?

Vice Mayor Anders Urbom: I will say yes.

Village Clerk Yenise Jacobi: Vice Chair Pirela?

Councilman Luis Pirela: No.

Village Clerk Yenise Jacobi: Chair Martin.

Councilwoman Darian Martin: No.

Village Clerk Yenise Jacobi: Motion passes three to two. You still have to come to a second hearing. The second hearing it's going to be October 25th because I have to advertise that.

Alberto Fernandez: All right.

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Village Clerk Yenise Jacobi: You need to pay for the advertisement. We'll speak about it, okay?

Alberto Fernandez: All right. Perfect. Thank you. Do I have to wait?

Village Clerk Yenise Jacobi: No, no, no. I'll call you.

Councilwoman Darian Martin: Pleasure to meet you. Bye-bye.

Village Clerk Yenise Jacobi: Have a good day.

Councilwoman Darian Martin: I do want to underscore the importance with Camila to look at this fence issue comprehensively by the next Planning and Zoning Committee meeting. We're just doing this in a more organized fashion. Then I'll move on to Subsection H.

Attorney Joseph Geller: Madam Chair, just as a point, what you might do if you're asking PlusUrbia to look at the issue, you might urge members of the council that want to, to send their thoughts maybe in writing to PlusUrbia so they have some sense of how the council would like to see the issue go. Otherwise, you're not giving them a lot to go on.

Councilwoman Darian Martin: I was thinking of the other way, the PlusUrbia because they're experts on this. There's a lot of public safety, those things that I do-- I am not a public safety professional. Maybe they can give us a best practice guide, we can review it, and then add the color that we need and talk about what we want to prioritize or not. For sure, we're going to have an opportunity to chime in individually and as a body, but I do want to start with the professional best practices like this is what it is. Not just the desire of Darian or Councilperson Martin.

Attorney Joseph Geller: A very thoughtful approach.

Councilwoman Darian Martin: Not a problem.

Camila Zablah: We will do that.

Councilwoman Darian Martin: All right. Awesome. Move on to Subsection H, which is another good and welfare. This is another opportunity for anyone in the audience to come up and let us know what you feel about anything at this point.

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Vice Mayor Anders Urbom: I have one comment for good and welfare if I may.

Councilwoman Darian Martin: Oh, sure.

Vice Mayor Anders Urbom: At one of the last meetings regarding fences, I had talked about this spot over here. If you go up here to 2nd Avenue, head south, take a right on 84, take the first left, at the end of that block, the high-rise apartments there. Take the right, take the left, and you're on your way to 82nd. You're bypassing 82nd and Northeast 2nd Avenue by cutting back through the little neighborhood there. There's a stop sign. I believe it's let's say 83rd and something like the equivalent of East First Court, okay? It's a two-way stop. The North-South have to stop. The East-West do not. It's always been a little bit dangerous because you have a lot of pedestrians through there as well. Narrow streets. Right there, on your right, there's always been a chainlink fence. Someone bought that property recently, renovated it, redeveloped it. It looks nice, but they put this 6-foot fence, solid on that frontage of the 83rd Street. The second that went up, I was like, "Someone is going to get killed," because to navigate that intersection, you're going to have to travel half-way into an already narrow intersection-

Councilwoman Darian Martin: It's crazy.

Vice Mayor Anders Urbom: -before you can see. Then, this morning, on my way to work-- I go that way four or five times a day sometimes. This morning, on my way to work, there it is, the street shut down, two vehicles collided, and it seemed like pretty substantially. I actually got out and talked to the public service agent and said, "Can we get code enforcement out here?" He said, "The driver didn't mention that." He goes, "but the property owner over here came over and told me the same thing. He was going to have code enforcement come out and look at that fence." There you go, anyway.

Councilwoman Darian Martin: That underscores the importance of this.

Vice Mayor Anders Urbom: It is, yes.

Councilwoman Darian Martin: It's not just about how it looks, and-

Vice Mayor Anders Urbom: The fence looks nice.

Councilwoman Darian Martin: [unintelligible 00:41:12] want kids to stay safe.

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Vice Mayor Anders Urbom: The fence looks very nice.

Councilwoman Darian Martin: Yes. It's definitely not about aesthetics. There's a point where it's about safety as well. With that being said, I don't hear anyone for good and welfare, so we will move onto my favorite part of the agenda, the adjournment portion. Do I have a motion to adjourn? Oh, one second.

Councilwoman Dr. Anna E. Lightfoot-Ward: Point of order.

Councilwoman Darian Martin: Hold your horses.

Councilwoman Dr. Anna E. Lightfoot-Ward: I thought there were two issues on this thing.

Councilwoman Darian Martin: We had G1 and G2. G1 was the brand-new construction, the two-story gym in the back,-

Councilwoman Dr. Anna E. Lightfoot-Ward: Oh, yes, yes, yes.

Councilwoman Darian Martin: -the garage. It was the only thing that would be visible. Although there were two different styles.

Councilwoman Dr. Anna E. Lightfoot-Ward: It went pew, like that.

Councilwoman Darian Martin: No worries.

Councilwoman Dr. Anna E. Lightfoot-Ward: Okay. All right.

Councilwoman Darian Martin: We did have G1 and G2, but thanks for keeping us honest. I'll move onto ask if there is a motion to adjourn the Planning and Zoning Committee meeting on tonight, September 13th?

Mayor Omarr C. Nickerson: So moved, Madam Chair.

Councilwoman Darian Martin: Awesome. Can I have a second?

Councilman Luis Pirela: I'll second.

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

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Members: Aye.

Councilwoman Darian Martin: It is adjourning at 8:14 PM. Any opposed say, "Nay." All right. Adjourned.

[00:42:13] [END OF AUDIO]

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