



**Village of El Portal
Planning and Zoning Committee Meeting
Date: 10/25/22
Meeting Start: 6:06 PM
Meeting End: 6:28 PM
Meeting Length: 00:22:50**

Councilwoman Darian Martin: All right, calling to order the Tuesday, October 25th Planning and Zoning Committee meeting. It is now 6:06 PM. I'm Darion Martin and I will be the chair presiding over this meeting. Let's go ahead and move on to the silent meditation and pledge.

All: I pledge allegiance to the flag of the United States of America, and to the republic for which it stands. One nation under God, indivisible, with liberty and justice for all.

Attorney Joseph Geller: All right, Madam Clerk, can I please have the roll call?

Village Clerk Yenise Jacobi: Roll call. Chair Martin.

Councilwoman Darian Martin: Present.

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, is running a little late.

Councilwoman Darian Martin: All right. Thank you, Madam Clerk. Moving on to the approval of the agenda. Do I have a motion to approve the agenda?

Mayor Omarr C. Nickerson: I'll make a motion. Or I'll second, Madam Chair.

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

Council Members: Aye.

Councilwoman Darian Martin: Any opposed say nay. All right, moving on to subsection E, approval of minutes. Do I have a motion to approve the minutes from the September 13th, 2022, Planning and Zoning Committee meeting?

Mayor Omarr C. Nickerson: I'll move for approval, Madam Chair.

Councilwoman Darian Martin: Do I have a second?

Vice Mayor Anders Urbom: I'll second.

Councilwoman Darian Martin: All in favor say aye.

Council Members: Aye.

Councilwoman Darian Martin: Any opposed say nay. All right, hearing none, we'll move on to subsection F, which is Good and Welfare. At this point, anyone in the audience, if you have anything to say concerning the items on the agenda, now will be the time that you can come up and speak freely for three minutes. The only rule is that you have to state your name and address for the record. Is there anyone that would like to come up? All right, hearing none, we'll move on to subsection G1, 150 Northeast 88th Street, site plan review addition.

Can I have the applicant and city staff approach the podiums, please? I guess it's on the city staff. The city staff. Oh, you can get to this podium, please. When you get to the podium, you can state your name and address for the record.

Juan Colaro: Hello. Juan Colaro, 150 Northeast 88th Street.

Councilwoman Darian Martin: Nice to meet you, Mr. Colaro. We'll start with Camilla if you can give us what the recommendations are.

Camilla: Sure. Thank you. Good evening committee members. This application is for the site plan review for the construction of a 1400-square-foot addition to the existing residence that is 1600 square feet with the address at 150 Northeast 88th Street. The addition consists of a two-car garage, a new master suite, and a covered rear terrace, and it complies with the zoning

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requirements and site development standards for Zone 3. The proposed plan is consistent with the comprehensive plan and the intent of the use in the district in which it is located, again, Zone 3, and the approval of site plan will not have an adverse impact to the Village.

The design of the addition is consistent with the architecture and details of the existing house and it is compatible with the surrounding neighborhood and scale composition and materials. The applicant shows good cause with the proposal of the construction of the new residents, and therefore, staff recommends approval for this site plan application.

Councilwoman Darian Martin: Okay, thank you so much. First, we'll open up comments to anyone in the audience that would like to make a comment about this item. Is there anyone that would like to step up to the podium? All right, hearing none, I'll close it off to the attendees and open it up to the council members. Does anyone have a comment or question concerning this item?

Vice Mayor Anders Urbom: I'll just say I'm glad.

Councilwoman Darian Martin: G1. Oh, Vice Mayor.

Vice Mayor Anders Urbom: I'll just say I'm glad someone's building a garage instead of converting one.

[laughter]

Councilwoman Darian Martin: That is a departure for sure.

Camilla: May I also add something in addition. Sorry.

Councilwoman Darian Martin: Go ahead. Sure.

Camilla: If you look at the site plan, in order to comply with the zoning requirements, they're removing part of the pavement in the front yard because in order to access the two-car garage. They're still complying with the width of the driveway approaches; however, the paved area inside the front yard was exceeding one-third, which is the maximum that is permitted, and so they're removing part of the walkway that was in the front yard in order to accommodate what they would like to add in order to access the two-car garage. It's in compliance with the zoning code. Thank you.

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Councilwoman Darian Martin: Any other comments from the council concerning item G1? All right, do I have a motion to accept staff's recommendation?

Councilwoman Dr. Anna E. Lightfoot-Ward: I'll move.

Councilwoman Darian Martin: Do I have a second?

Councilman Luis Pirela: I'll second.

Councilwoman Darian Martin: All right, Madam Clerk, do we need a roll call on this?

Village Clerk Yenise Jacobi: Yes.

Councilwoman Darian Martin: Okay.

Village Clerk Yenise Jacobi: Roll call. Member Lightfoot-Ward. 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. They would need to come to the next hearing, which I would be in touch with you guys regarding that.

Councilwoman Darian Martin: Awesome. Congratulations.

Councilman Luis Pirela: Thank you.

Councilwoman Darian Martin: The plans look great.

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Juan Colaro: Thank you guys very much.

Councilman Luis Pirela: Yes, it's going to be a beautiful house. [laughs]

Councilwoman Darian Martin: I know. Awesome. Moving on to item G2. Do we have the applicant for 160 Northeast 89th Street here as of yet? No? Okay, so I'll just go ahead and skip on to item G3. If we are able to get through that before they arrive, then I don't know, we'll see what happens, but hopefully, they get here before we're done. G3 is staff report for fencing the front yard. Just, in a nutshell, I know that you guys remember the last Planning and Zoning meeting. We spoke about the frequency within which we've been seeing a variance request for fencing in the front yard. I just wanted to have staff just take a comprehensive look and give us their recommendations, so Camilla.

Camilla: Yes, thank you. As was discussed at the last committee meeting, we evaluated the code and the previous code and as you can see in the staff report, we've compiled information that shows how the vision for the Village is to maintain open front yards as was discussed in a previous meeting. As such, residents are not permitted to construct fences in the front yard except for masonry or coral rock walls, the other process of variance so that the design can be vetted in a public hearing. There have been previous applications, there have been numerous, which is why this item has come up, in which some residents wish to enclose their front yard.

Some due to specific circumstances such as the location of their main residence or for a safety barrier for their children, for example. However, we've also noted that most houses do have a rear yard for this very purpose. Moving forward, staff recommends that the only application proposed for the front yard that we'll recommend approval for is for a coral rock or masonry wall as was in the previous code before the adoption of the front base code. That element was carried over.

That is our recommendation to continue with that, and therefore, any other fence with any other material with four feet high, I'm not sure if I mentioned that, I'm sorry, any other proposal with any other material, we recommend that we will not be supporting. They are still permitted to come to apply for a variance and speak before the council and express their hardships and their reasoning, but as staff, reviewing the applications, we recommend that moving forward, approval will not be given for these fences unless directed or otherwise, or if you feel otherwise.

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Our other recommendations were that you prohibit completely the fences in the front yard, including walls. Of course, as I just said, residents can always apply for a variance, but their recommendation would not be favorable, or to permit fences in the front yard. We did some research on neighboring jurisdictions and some permit fences up to three and a half feet.

Mayor Omarr C. Nickerson: Three and a half feet, yes.

Camilla: Which is half a foot lower than what we've been seeing proposed. That would be permitted by right without having the need to come for variance. However, we would like to mention that the variance process does deter most residents from going for this. If more residents do decide to construct a fence in their front yard, it is our belief that it will change the character and the feel of the Village. This is why our recommendation stands to leave the regulations as they are.

Councilwoman Darian Martin: I have just a supplementary question on that. How do you think that it would change the character of the Village and what benefits are there to promoting this open yard space as opposed to fencing off the residences?

Camilla: Mostly for the experience of the pedestrian, for example, and not feeling that you're closing off the right of way, the public right of way as you're walking next to these, especially the existing lots that already had legally non-conforming fences or grandfathered as we also mentioned, it's not a good thing for the pedestrian.

Councilwoman Darian Martin: Exactly.

Camilla: Also, it gives a perception of lack of security in the neighborhood when you see that everyone needs to close off their yard as opposed to keeping it open. It gives a different perception. Rather than thinking, "Oh, this neighborhood is really safe because there's walls," it's the opposite, "They need these walls to feel safe." It gives the opposite feeling as you're driving or walking by the neighborhood. Those are the main reasons I would say.

Councilwoman Darian Martin: That makes complete sense to me. I do support everyone being able to do anything that is legally allowed in their own residence, but I do think when your enjoyment of your property starts infringing on passerbys, we've heard from people with disabilities, small children that have had issues with hedges and fences that have been allowed to really run wild and infringe upon the public right of way.

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I do think that in that situation, that's not something that we can necessarily turn a blind eye to and I would probably lean towards either keeping it as it is, and I appreciate staff would not be recommending to approve variances beyond what is currently allowed or to not allow fences at all. Either one of those would be workable options for me. I would love to know what the other council members think about the issue. Vice Mayor.

Vice Mayor Anders Urbom: I appreciate the analysis of the reason why we would want to maintain open front yards and I fully agree with that. I do believe I'm in agreement with Chair Martin that leaving it as is I think is fine with the caveat that you're explaining that variances will become for extreme or truly extenuating circumstances. I am of a mind that perhaps we should eliminate all permission for front fencing walls, et cetera, and maybe the only exception to that would be someone who would want to refurbish, rehabilitate one of these coral or mason walls that--

Councilman Luis Pirela: Already exist.

Vice Mayor Anders Urbom: Right, that already exists because I believe the last time we met about this, Councilperson Pirela had said, look, once that front fence goes up, then the hedges go in right behind it, and then now you're right back to square one in terms of losing control of what we had intended to maintain. I probably would be in favor of eliminating confusion and doing away with the front allowance completely, and then if someone did want to refurbish or rehabilitate their existing wall, that that might be something that would be allowed as a variance to take place. I certainly agree wholeheartedly that if we're going to be a gated community, then let's put gates at the entrances to the community.

Let's not have individual gated properties throughout the Village, it's outrageously uninviting and I do actually think it causes people to think, "Okay, this is not a safe place for me to be." I just feel so lucky to be on the block I'm on. All the neighbors, we all know each other. Almost 24 hours a day, there's somebody keeping an eye on the street in one way or another and a lot of that is because I can look out my window from my bedroom. I've got a desk set up right there, a standing desk, and so I can see up and down the block completely unobstructed and it's nice and it's better for my neighbors because I can help keep an eye on their property just as they can help keep an eye on mine, so that's where I'm at.

Councilwoman Darian Martin: Any other comments?

Councilman Luis Pirela: That's exactly the feeling. I'm sorry.

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Councilwoman Darian Martin: Councilman Pirela.

Councilman Luis Pirela: That's exactly the feeling that we don't want to lose. The same thing goes with me and my street, which is at one point between three houses, they have five kids. We don't have kids, they will go to our house to play with our dogs and run around up and down the street and it's just nice. For people that say, "No, for the sake of my kids and whatever, I need to fence in the front yard and whatever," I have a sad case that I can tell you right now and it happened to a very good friend of mine on Christmas day. They had a fence in front of the house, the three-year-old run out, got killed by a car and they had a front fence. That was like 10 years ago in Pembroke Pines.

Is it really to protect the kids? I think it's more to gain like that this is my property and this is what I'm allowed to use, but in reality, it doesn't give, like you guys have been saying it, the security. I don't think it goes with what we are.

Councilwoman Darian Martin: That was a morbid illustration, but yes, point well taken that definitely there are more cons than pros in this and that three-foot fence might not be as effective as you would think. Any other comments on that? Mayor.

Mayor Omarr C. Nickerson: Thank you, Madam Chair, I appreciate it. The only thing I really just want to say is, well, I have a question, first of all. Camilla, they have to go into the front office and fill out the sheet and pay for the variance, then it comes to you guys after that?

Camilla: It comes to us first and once it's complete, then they come to go to village hall.

Mayor Omarr C. Nickerson: Then they go to village hall to pay? The only thing that I would suggest is just a public consideration type of PSA from you guys going to Camilla because it comes to you guys first. You guys can tell them when they're doing this for these front fences, just tell them, "Look, you guys can go forward through with this process, but just know that for this, we recommend non-approval." You can still go for it if you want to, but just know that we recommend non-approval for this particular variance because variances are how much, Madam Manager?

Village Manager Alou: It depends on the [inaudible 00:16:57].

Mayor Omarr C. Nickerson: They run from about?

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Village Manager Alou: 700 and up.

Mayor Omarr C. Nickerson: 700 up.

Village Manager Alou: Yes.

Mayor Omarr C. Nickerson: To not tell them usually we don't recommend approval, and they're coming thinking like, "Oh, we're just doing a variance, they pass variances all the time," and then they get here and it's like, "Oh, we don't recommend approval." Then we hear that and we're like, "Oh, okay, well, not approved," and they're like, "I just paid 700, how come y'all didn't tell me you don't recommend approval?" I think just maybe some type of communication when this item particularly comes through.

You guys put a survey at first and just say, "Hey, you guys can go through with this, the council at the end has discretion, the committee and the council has discretion if they want to pass it through, but just understand, on our part, we don't recommend approval on these items."

Councilwoman Darian Martin: Point definitely well taken, and what we're trying to do is go through and find these items that were variances frequently requested, identify them, try to pinpoint what the will of the council is so that we can give people more accurate guidance on these items, but the nature of the variance is that you know that you might or might not get it. You're rolling the dice on this. We couldn't tell them. Even though we say now, "Hey, our inclination is not to do this thing," we don't know if there's going to be a situation where we are going to grant it.

I think essentially, if you're applying for this variance, you know that you're rolling the dice, but we can do an informational once we get a handle on all of the items that we're going to target, all of the language that we're cleaning up, and send it out to everyone in some sort of fashion maybe through a QR reader so we don't necessarily have to print and incur any costs just to let them know where we stand or how our stance has changed on certain items. For me, personally, I would lean towards getting rid of all of the fencing in the front,-

Councilman Luis Pirela: Me too.

Councilwoman Darian Martin: - and then having to seek a variance if you do want to do something differently. Councilwoman Lightfoot-Ward, any comments on that before I ask if we have a motion?

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Councilwoman Dr. Anna E. Lightfoot-Ward: I feel the same way. It takes away from the neighborhood and that's not just coming from a personal perspective, that's coming from time infinitum when I once was. Fences in the front yard don't seem to do much except distort the fact that I don't want to be bothered basically. I don't want to be bothered, don't come to my house, don't do anything. We're not that type of village, so no, I would not vote to have fencing in the front yard. I just wouldn't and I'm pretty private. My yard looks really good without the fence.

Councilwoman Darian Martin: It's beautiful. It's very inviting.

Councilwoman Dr. Anna E. Lightfoot-Ward: I'm on the corner. Can you imagine a corner lot with a fence? I'm on a corner lot. I'm on a big corner lot and I like it. I didn't like it at first, but I like it now. They planted the trees. I really don't want any side walls. They planted the trees and it made a whole lot of difference in my life, so no, I would say, yes, let's just not give any [unintelligible 00:20:18].

Councilwoman Darian Martin: That sounds good. I can't imagine a corner lot with a fence and that is a very dangerous intersection that everybody tries to navigate, so that's another good reason not to have fencing. Do we have a motion to instruct staff to change the language in that way?

Vice Mayor Anders Urbom: I would move to instruct staff to change the language of the ordinance to prohibit fences of any height in the front.

Councilman Luis Pirela: I'll second that motion.

Councilwoman Darian Martin: Perfect. Madam Clerk.

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: [laughs] No.

Village Clerk Yenise Jacobi: Member Urbom.

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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: Four yes, one no. Motion passes to full council.

Councilwoman Darian Martin: All right. We're back around to G2. Do we have the applicant for 160 Northeast 89th Street in attendance? Going once, going twice.

[laughter]

They're not here?

Councilwoman Dr. Anna E. Lightfoot-Ward: Councilwoman Martin, [inaudible 00:21:46] just call and see if they even remember.

Councilwoman Darian Martin: I don't know. I don't know if they would've been able to get here.

Councilwoman Dr. Anna E. Lightfoot-Ward: [inaudible 00:21:56]

[background conversation]

Councilwoman Darian Martin: All right. Alas, we'll have to wait for our applicants at 160 Northeast 89th Street for the next Planning and Zoning Committee meeting, which also means that we are moving onto subsection H, which is the last Good and Welfare of the evening. Does anyone else have a comment, question, concern. Hearing none, I will move along to adjournment. Do I have a motion to adjourn?

Councilman Luis Pirela: Motion.

Councilwoman Darian Martin: Do I have a second?

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Vice Mayor Anders Urbom: Second.

Councilwoman Darian Martin: All right, awesome. I am going to adjourn the October 25th Planning and Zoning Committee meeting at 6:28 PM. Have a good night, guys.

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