



**Village of El Portal
Planning and Zoning Meeting
Date: 02/08/23
Meeting Start: 6:40 PM
Meeting End: 7:34 PM
Meeting Length: 0:54:32**

Councilwoman Darian Martin: Calling to order the Planning and Zoning Committee Meeting for Wednesday, February 8th, 2023. The time right now is 6:40 PM. For those who do not know me in the audience, I am Darian Martin, and I will be presiding over this meeting. Let's go ahead into the silent meditation and pledge.

Councilmembers: 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.

Councilwoman Darian Martin: All right. We can all be seated. Madam Clerk, can I have the roll call?

Village Clerk Yenise Jacobi: Roll call. Chair Martin.

Councilwoman Darian Martin: Present

Village Clerk Yenise Jacobi: Vice Chair Pirela.

Vice Mayor Luis Pirela: Here.

Village Clerk Yenise Jacobi: Member Urbom.

Councilman Anders Urbom: Present.

Village Clerk Yenise Jacobi: Member Nickerson will not be in today. Member Lightfoot-Ward. Also present for the record, Yenise Jacobi, Village Clerk, Christia Alou, Village Manager, and Joseph Geller, Village Attorney. You have a quorum.

Councilwoman Darian Martin: Thank you so much. We'll go ahead and move over to item D, approval of the agenda. Can I have a motion? Can I have a second?

Vice Mayor Luis Pirela: Second.

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Speaker 1: All in favor say, aye.

Councilmembers: Aye.

Councilwoman Darian Martin: Any opposed say, nay. All right. We'll move on to subsection E, approval of minutes. Item E1 is approval of the minutes for the December 13th, 2022 Planning and Zoning Committee meeting. Do have a motion to approve the minutes? A second.

Councilman Anders Urbom: Second.

Councilwoman Darian Martin: All favor?

Councilmembers: Aye.

Councilwoman Darian Martin: Any opposed? All right. We'll move on to good and welfare. There will be two good and welfares in every meeting in the Village of El Portal. The first good and welfare allows you to step up to the podium and speak for three minutes on any of the items appearing on the agenda. If there's anyone that would like to take advantage of this first good and welfare, please step up to the podium, state your name and address for the record, and you'll have three minutes to speak. Do we have anybody in the audience that wants to step forward? All right. Hearing none, I'll go ahead and move to subsection G, which are the actual agenda items dealing with subsection item G1 first. There is a slight correction to the address. The official address of the property is 400 Northwest 87th Street. It appears as Northeast 87th Street on the agenda. Just stating that for the record. Can I-- Mr. Attorney, would you like to swear everyone in? If you are going to be speaking on either subsection G1 or G2, if you could stand up now for the attorney to swear you in, that would be awesome.

Attorney Joseph Geller: Please raise your right hand and repeat after me. I.

Speakers: I. [unintelligible 00:01:44]

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Attorney Joseph Geller: State your name. Do hereby solemnly swear.

Speakers: Do hereby solemnly swear.

Attorney Joseph Geller: That the testimony I will give tonight.

Speakers: Testimony I give tonight.

Attorney Joseph Geller: Will be the truth.

Speakers: Will be the truth.

Attorney Joseph Geller: The whole truth.

Speakers: The whole truth.

Attorney Joseph Geller: Nothing but the truth.

Speakers: Nothing but the truth.

Attorney Joseph Geller: So help me God.

Councilwoman Darian Martin: Awesome. Awesome. Now that we are all sworn in and ready to go, can I please have city staff approach the podium for item G1, and also any representatives for the applicant or the actual applicant can step up to the other podium. Awesome. When you get to that podium, sir, could you please state your name and address for the record? Your name and address for the record, and then you'll stop, and then we'll have the city staff report.

Speaker 1: My name is [unintelligible 00:03:52]. My address is 8510 Northwest Third Lane, Miami, Florida 333126.

Councilwoman Darian Martin: Thank you.

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Village Manager Alou: I'm here on behalf of the owners.

Councilwoman Darian Martin: Thank you. Mr. [unintelligible 00:04:05]. Can I have city staff report on item G1, please?

Village Staff: Yes. Thank you. Good evening committee members. This site plan review application is for the construction of a new residence at the property with address 400 Northwest 87th Street. This new construction is for an approximately 5,000-square-foot two-story house, and we have found that it complies with the zoning requirements and site development standards for zone three. The proposed plan is consistent with the comprehensive plan as well and the intent of the use of the district in which it is located. We believe that the approval of the site plan will not have an adverse impact on the village. The design of their new residence is consistent and compatible in terms of the designs of the composition and the materials. Due to the site's location, we want to note that is within a flood plain and the construction must follow requirements that require elevating the house to a minimum elevation per FEMA. While elevating the house is, in this case, is a good example of a resilient design strategy, especially for the houses budding the canal.

We must insist and our approval is contingent on the requirement that the site, the Stormwater Management, and Drainage is contained within the site, and that it doesn't- there's no run-up to the neighbor's properties or the street. We wanted to make that note that that's a condition for the approval of this house. Since it is in flood zone AH with a minimum elevation of six feet, the code requires that it be constructed at the minimum elevation plus one foot of free boarding, which is why in the drawings you see that the house, the finished floor elevation is at seven feet. That is why the house may seem that it is out of scale because it is constructed at a much higher elevation than its neighbors when they were constructed back in-- I think this house- we noted here- in 1948, it's neighbors- the houses were built in, and if they were to do a significant alteration or any construction, the neighbors will also have to comply with that requirement and will have to raise the house. Either the house itself or the property, as this applicant is doing with this house. We wanted to make note of that.

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Councilwoman Darian Martin: Thank you so much. I'll open it up to the council for questions. Councilwoman Lightfoot-Ward.

Councilwoman Dr. Anna E. Lightfoot-Ward: This is the house, right? The first house coming off of North Miami Avenue and going to 87th, right?

Village Clerk Yenise Jacobi: No, this house is on-- It's on 87th.

Vice Mayor Luis Pirela: It's almost at the end [unintelligible 00:07:15] school.

Village Clerk Yenise Jacobi: The end of the Village on the west--

Vice Mayor Luis Pirela: On the west side of-

Village Clerk Yenise Jacobi: South of the school.

Vice Mayor Luis Pirela: -[unintelligible 00:07:18]

Councilwoman Dr. Anna E. Lightfoot-Ward: Okay, I see it. Well, I missed that one. I had a question, so, okay.

Councilwoman Darian Martin: Any other questions? I do have one. I know we're doing approval with conditions.

Village Staff: Yes.

Councilwoman Darian Martin: I think this is the first time I've seen it, so I want to make sure that I just emphasized. Do you see any issue with them complying with the mitigation strategies that you guys have talked about with stormwater?

Village Staff: The conditions, we included them so that any comment that's proper during this meeting or even in between this meeting and the council meeting, that they comply with

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it in order to receive approval at the council meeting. We would like to see a more detailed plan of drainage and stormwater management within the site.

Speaker 1: We have that.

Village Staff: Okay.

Speaker 1: We didn't get it in time to send it in advance to the committee, but we do have a drainage plan that will keep the water within and also to provide for a slow drainage into the ground while the water is within a retaining wall on the property line.

Councilwoman Darian Martin: You will get a chance to see that plan and make sure that it applies.

Village Staff: Yes. We also recommend showing it to the engineer, the representative towards civil engineer from CAP who works with the Village to also- to ensure a more seamless process into building--

Speaker 1: We do have that plan already and we will submit it for review.

Councilwoman Darian Martin: Okay. Councilwoman Lightfoot-Ward.

Councilwoman Dr. Anna E. Lightfoot-Ward: Are we talking about rainwater drainage runoff?

Village Staff: Yes.

Councilwoman Dr. Anna E. Lightfoot-Ward: Okay. We want it to stay within the property, not go into the canal.

Village Staff: The canal, the neighbors, or even the street because-

Councilwoman Dr. Anna E. Lightfoot-Ward: Oh, that's right.

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Village Staff: -the property has- because it will be raised to comply with requirements.

Councilwoman Dr. Anna E. Lightfoot-Ward: Okay. Look forward to seeing the site.

Councilwoman Darian Martin: Councilman Urbom.

Councilman Anders Urbom: Good evening. Thank you for being here. May I ask what the primary use of the residences will be?

Speaker 1: Well, this is a pretty large family and this is a very heavy entertaining family. This family, they do a lot of vacation and a lot of entertainment. That's the principal use of the property to-- There are about 12 siblings.

Councilman Anders Urbom: Okay. Throughout the year there'll be different family members.

Speaker 1: Different family members just living back and forth here. They have homes in different locations and they just move back and forth.

Councilman Anders Urbom: Okay. I have a neighbor who operates similarly.

Speaker 1: That's what they do.

Councilman Anders Urbom: Yes. Okay, very good. I was looking at a lot of amenities.

Speaker 1: Yes, absolutely. Yes.

Councilman Anders Urbom: I'm definitely satisfied with the proportions of the development on the property. In the notes, how close are we to thinking that this is the design that will be submitted? Forgive me, there's one note that says, in the condition that we-- Yes, as long as this is the plan that is ultimately submitted. How confident are we that this is--

Village Staff: The final design for the house?

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Councilman Anders Urbom: At least as close to it is in terms of nothing surprising, radical. By that I mean something that would be outside the code, last minute. Are we feeling confident that this is okay?

Speaker 1: Absolutely. We've been doing this for a year with this owner. [unintelligible 00:11:22] a hundred variations of these.

Councilman Anders Urbom: For example, there's the renderings, which are lovely. In the description, it's like the landscaping will be primarily around the exterior. I'm sure for privacy. Then the renderings, you can see there's landscaping mostly up close to the house. I don't disregard the renderings. [laughs] I try to look at the plans more than anything else. There you have it. Then I would ask just a follow up question not to beat it, but in terms of the elevation and grading of this property to prepare for this construction, what kind of change in the topography of that lot are we talking about?

Village Staff: I believe it's four feet, because the current property is at three feet above- at an elevation of three feet sea level.

Councilman Anders Urbom: Yes.

Village Staff: They had to raise it four feet to meet the minimum finished floor at seven feet. The elevation of the finished floor. In many other jurisdictions or municipalities, you're even permitted to go even higher above, just one foot above the minimum, just because of the anticipated sea level rises, and water, storm surge. They're proposing one foot, which is what the code requires. That means that the ground terrain will be elevated four feet, in this case,

Councilman Anders Urbom: Okay. Then this drainage system that we're talking about is something that's an established system that is used elsewhere, proven to work, et cetera, et cetera?

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Speaker 1: Well, we are consulting with the recommended engineer. Our engineer designed this system right now. The calculations show that based on the 100 years of rainfall, that the water will be able to drain into the property.

Councilman Anders Urbom: You just need a little time-

Speaker 1: Yes.

Councilman Anders Urbom: -with the water. Yes, exactly. If you buy yourself some time, then you can handle volumes of water.

Speaker 1: Yes. Absolutely.

Councilman Anders Urbom: Okay.

Speaker 1: We will forward this to the consultant engineer for [unintelligible 00:13:29].

Councilman Anders Urbom: Okay. Then I'll say I know it's an extra expense and certainly something- it's definitely more than what anyone else would have to do with- not in such a location.

Speaker 1: The owners have considered that.

Councilman Anders Urbom: Yes, but considering that this would work and be effective would honestly be wonderful and amazing.

Speaker 1: Absolutely.

Councilman Anders Urbom: It sounds like it's exactly what is needed for any property near canal or in a flood zone going forward. Any other concerns regarding code specifically?

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Village Staff: No. Not the code but I'll add a note to the change in design, we're not expecting a change in the design of the house. The landscape might change by the time it is-- the house goes on to an approval, is constructed--

Councilman Anders Urbom: They might decide they want to keep a tree there and move the thing there.

Village Staff: They might even add more landscape, but definitely we made it clear not to enclose the front yard with any obstruction. No hedges, or palms, or rather more of an organic cluster of [unintelligible 00:14:39]

Councilman Anders Urbom: On that note, I will say that you will see other grandfathered properties around the village that have such things and it is going to be our job for the next 15 years probably to get all of that to where it does conform to the code, but you'll see that there are certainly other properties that have such things. Okay, very good. I thought I might have had one more question but it might've just escaped me. I will--

Councilwoman Darian Martin: All right. It sounds great. Do we have any other questions for the Council? All right. Hearing none-- Vice Mayor Pirela.

Vice Mayor Luis Pirela: I don't see any on the renderings or the plants. I don't see where the septic tank is located here.

Speaker 1: Yes. It's on the [unintelligible 00:15:33]

Vice Mayor Luis Pirela: Okay. Also the size of pickleball court. Is that part of the coverage area that they're supposed to--

Village Staff: Yes. There is a minimum of the 25% green space. The court doesn't--

Vice Mayor Luis Pirela: Interfere with anything.

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Village Staff: -interfere with achieving the minimum green space. Yes.

Vice Mayor Luis Pirela: This question will be for their architects. You are the architect?

Speaker 1: We are the engineers.

Vice Mayor Luis Pirela: Engineers.

Speaker 1: Yes.

Vice Mayor Luis Pirela: I see also in the renderings that you guys doing- are you guys doing a railing on the seawall?

Speaker 1: Yes.

Vice Mayor Luis Pirela: You're creating like a decking? Are you replacing the seawall? You're doing something or it's just--

Speaker 1: We're not replacing. We're not touching the seawall.

Vice Mayor Luis Pirela: Okay.

Speaker 1: I just wanted to mention that the the septic tank and the drain field is on SB1. It's going to be towards the rear of the building.

Vice Mayor Luis Pirela: Oh, we didn't get the whole package. We just got a few.

Speaker 1: My apologies for that [unintelligible 00:16:48].

Vice Mayor Luis Pirela: SB1, okay. Oh, okay. Right before the mini golf course.

Speaker 1: Yes.

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Vice Mayor Luis Pirela: Okay. Perfect. I'm very pleased with the renderings and the façade and all the work they've been doing. It's been a lot of back and forth with the design. I know I've been asking a lot of questions [chuckles] and making a lot of suggestions to that. [laughs]

Speaker 1: We appreciate that. It helps us to zero in on what is good-

Vice Mayor Luis Pirela: Coming in prepared.

Speaker 1: -for the client and what is suitable for the Village.

Councilwoman Darian Martin: Very true. Very true.

Speaker 1: We wanted it to reach to that best situation.

Vice Mayor Luis Pirela: Perfect.

Councilwoman Darian Martin: Well, thank you so much. Hearing no further questions, does anyone want to make a motion to accept staff recommendation and move this to the greater Council? All right. Do we have a second?

Councilman Anders Urbom: I'll second.

Councilwoman Darian Martin: All right. Now I'm going to open it up to the public. Does anyone else have a comment or question concerning item G1, now will be the time to approach the podium. All right. Seeing no questions, I will then close it to the public, bring it back to the Council. Madam Clerk, can I please have the roll on this item?

Village Clerk Yenise Jabobi: Roll Call. Member Lightfoot-Ward?

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

Village Clerk Yenise Jabobi: Member Urbom?

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Councilman Anders Urbom: Yes.

Village Clerk Yenise Jabobi: Vice Chair Pirela.

Vice Mayor Luis Pirela: Yes.

Village Clerk Yenise Jabobi: Chair Martin.

Councilwoman Darian Martin: Yes.

Village Clerk Yenise Jabobi: Motion passes four to none.

Councilwoman Darian Martin: All right. Congratulations.

Speaker 1: Thank you.

Councilwoman Darian Martin: All right. Moving on to item G2, the amendments to fence regulations for zone three. Camila, can I please have the staff report on this item?

Village Staff: Yes, certainly. This item requests the Planning and Zoning Committee's consideration to amend the regulations for walls and fences within the primary front setback to eliminate the language that allows the construction of four foot masonry walls in a front yard via variance application. Staff recommends approval of the amendments, eliminating the language that states that in Chapter 24, Appendix B, Article Six, suburban residence walls, fences, and hedges, standard location front yard, that states that a four foot masonry wall can be permitted within the front yard with a variance application. We're requesting an amendment to remove that language based on our discussion that we had in the previous Planning and Zoning Committee meetings.

Councilwoman Darian Martin: Okay.

Attorney Joseph Geller: [inaudible 00:19:36]

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Village Staff: At the previous Planning and Zoning Committee meeting that we had in 2022.

Councilwoman Darian Martin: Yes, 2022. For sure. I remember that instruction clearly. I will open that conversation up to the Council in case anyone has a question or comment about it. I sense a comment. Councilman Urbom.

Councilman Anders Urbom: All right. It is a comment. I just want to say I think this is-- I'm for this. This is a good thing. It eliminates ambiguity. It eliminates an avenue for an endless stream of variances. It eliminates arguing between neighbors. It eliminates a lot of problems. There'll be a few wishes. Oh, man, I wish I could put a fence in the front yard, but the number of problems eliminated versus the number of wishes that might be refused, I'm satisfied.

Councilwoman Darian Martin: Thank you for that comment. Any other comments from the Council? Councilwoman Lightfoot-Ward.

Councilwoman Dr. Anna E. Lightfoot-Ward: I commend Camila and the Planning and Zoning people for moving forthwith because you're our agent. When they brought it to our attention, Madam Chair, we all recognized the need for this to become an agenda item. Because of [unintelligible 00:21:01], we have denied anyone that wanted to do that, because of what the neighbors had been saying, because what it takes away from the aesthetics of the building. I just want to commend the company for making this a priority and bringing it to us just as quickly as we said we wanted it to happen. Thank you so much.

Councilwoman Darian Martin: Thank you so much, Councilman Lightfoot-Ward. Any other comments from the Council? All right. I will say that Camila, thank you so much. I do think that makes our code tighter and cleaner, and I think that's the goal in the first of many things that we're tackling. Kudos to you. I do think that in addition to what Councilman Urbom rightfully stated, I think there are a lot of mobility issues, and access issues that are resolved from this kind of taking away this avenue. I think the perception of safety, all of those items, the Village will be better served by having that language removed from the code. With that being said, do I have a motion to--

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[crosstalk]

Councilwoman Darian Martin: No. No need to call out but we're going to just have the motion and then open it up. You will have an opportunity before we do a final roll call, okay? All right. Do I have a motion to accept staff's recommendation on the item?

Councilman Anders Urbom: Yes.

Councilwoman Darian Martin: Do I have a second of that?

?Vice Mayor Luis Pirela: I'll second.

Councilwoman Darian Martin: Awesome. Now I will close the conversation to the Council and open it to the public. I'm sensing that you have a comment on the item. Please step up to the podium and state your name and address for the record.

Thomas Pulliam: Thank you, everyone. I'm Thomas Pulliam, I live at 205 North East 86th Street. I wasn't here for the October conversation and granted that was about four months ago now. I would love a little bit of the rationale coming and hearing all the support for it. I'm here today because of the property I bought and moved here a year ago to live in full time, I've been planning an entire time to put a four-foot concrete or masonry fence up. I've been in conversation with Plusurbia, Camilla specifically, about this.

I've even had conversations with the Mayor about should I go ahead and apply for the permit and the variance so I can get this done or should I wait and do it after I do my home renovation, which will be completed at the end of this year. I'm here today because my intention for over 16 months now has been to put a wall. I'm not sure why now it's being taken out as an option at all. I would like to know what the process is for grandfathering in properties around this. For instance, my property is from 1936.

I know the Village was incorporated in '37, as well as the codes provide for unusual dimensions of locks and whatnot exceptions. My house is very much setback on my property

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here in Sherwood Forest. I only have 10-feet in the backyard. Most of it's occupied by oak tree. The only outdoor space I would have to enjoy is the front. My intention is to put a four-foot masonry or coral fence there, which is very expensive, by the way- about 20,000- and then be able to enjoy that space blocked off with myself and my family. I would love to know the rationale where this came from and then also what the recommendation is for me moving forward.

Councilwoman Darian Martin: Okay. Oh, Councilman Urbom, I'll let you get that first.

Councilman Anders Urbom: All right. I'll take a shot at it first here. All right. I've been on the Council now for about four years, and this has been an issue almost since right about the time that I come on. For about four years, this has been in discussion. The way it first came up was Plusurbia help put together a-- We did a survey of residents. They put together a bunch of data. At the end of this, what was determined was that maintain the village with as much open space like in front yards, as much unobstructed space between the properties as frontage actually elevated the value of the properties.

It made neighborhoods more inviting, and overall was a more pleasant place to be. It was essentially what this survey boiled down to as a result of that. Now out of that, then we started looking at the language within the code, and looking at what might be acceptable as variance or not. Then once the language was boiled down to what you see now that's being discussed tonight, in terms of what we're talking about eliminating, that final piece of remaining language was the final piece of ambiguity that had clearly demonstrated that we're going to start having an endless stream of variance application specifically on this issue.

Then the question finally became, okay, do we want to completely change what is allowed and allow some fencing in the front or do we just want to take this off the table and move forward? In the discussion, it came down to-- It wasn't just a discussion, this isn't just opinion. There was quite a bit of data and research that went into this. It came down to the most sensible thing to do to stay within the guidance of the charter, specifically, and then matched with the data that was presented. It became a very clear option to hey, let's eliminate

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this as an option and move forward. Anyone is more than welcome to correct me on any of those points. In a nutshell, that has been my experience going back about four years with this.

Thomas Pulliam: Can I ask one question on that?

Councilman Anders Urbom: Of course.

Thomas Pulliam: In that history, has the Council been declining people who say, "Oh, I want to put a four-foot fence like the ordinance says,"-

Councilman Anders Urbom: For the most part, yes.

Thomas Pulliam: -and it's still getting declined?

Councilman Anders Urbom: Recently, absolutely. Going back, yes.

Thomas Pulliam: Before, what type of reasons?

Councilman Anders Urbom: I don't want to-- I got to go back probably more than two years before I find one that was accepted. That, I cannot just recall memory and be like, "Oh, yes." I don't want to say, but it's been a while. We have been very decisively moving in this direction now for over a year, close to two years. In addition, I wanted to say that we have had actually, I think two town halls on this, specifically, when that time around the survey come out and then they were collecting data from other municipalities, from similar municipalities around the country. There were two town halls as well with a lot of input from residents on this issue, specifically.

Thomas Pulliam: Do we know what percentage of the walls were approved and what were not? Was it like majority of them were with the variance? I was told it was specifically had to be that material.

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Councilman Anders Urbom: We're talking about any fence of any kind at all. You will see-- Now, this goes back before I was on the Council. Part of the reason we're in this cycle right now of updating the code, it's because the code has not meaningfully been updated since 1984. It's only in the past few years that Plusurbia has been helping us to--

Thomas Pulliam: Modern the charter. It should be upgraded every 10 years.

Councilman Anders Urbom: Correct. Certainly, but we can't go back and redo it. All we can do is move forward and try-- The goal right now is to get to a place where a code can be applied uniformly. That honestly, we're looking at 15 years before we feel like everyone's got everything uniformly because of the amount of-- With the grandfather situation it's piece by piece. It's not just the property is 1936. It's do you have an existing fence in your front yard right now? If you do, you could repair that fence ad infinitum, but if you were ever to change that fence or do something different, that fence would have to be eliminated. That's how grandfathering works. It's not just specific to the entire property. It's specific to--

Thomas Pulliam: Sure. I understand. It's just I've had one-on-one conversations with Camilla for months about this. Now I'm finding out that I'm not going to be able to- possibly won't be able to do what my plan was all along and I would've applied for the variance before.

Councilman Anders Urbom: Sure. She's in a bit of a catch-22 on that because she has to work with whatever the code currently is. I'm sure she would be reluctant to say what will happen with something like a vote among the Council on changing the code. I would say that she will certainly speak to that herself but I would think that that might be the background on that. Yes.

Thomas Pulliam: Sure, but I'm sharing that so you get my perspective as a resident [unintelligible 00:31:12] the highest tax rate here since I just moved here. [unintelligible 00:31:16] I can't do what I need to do to live comfortably.

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Councilwoman Darina Martin: We definitely get that. I know that you had the follow-up question. I think Councilman Urbom definitely touched on grandfathering for you but I'd love Camilla to tell you exactly about grandfathering or the process of seeking a variance. I think those were his two questions.

Village Staff: Yes. Well grandfathering or legally nonconforming fences or structures, if there would have already have been a fence or wall in your property for it to be grandfathered. When you purchased the property there was no fence or wall along the front yard. We did note in the previous discussion in October. Thank you for the record. The meeting was in October, not in November. We did mention that we would eliminate the language with the exception of masonry walls but a resident may still apply for a variance if they have an extenuating circumstance that can be brought up to the Council.

Your house is setback. We could evaluate the possibility. However, you may still construct a fence at the 25 foot line. You may still have privacy just not-- What this would be doing is eliminating a possibility of having an obstruction within the 25 feet or on the sidewalk, if there is no sidewalk on the property line.

Thomas Pulliam: Yes. Do all the lots have swales? My property has about 15 feet of public swale that I do not know him but get to maintain for the benefit of the Village.

Councilwoman Anders Urbom: Mr. Pulliam, I think you've two options here, right. Camilla just stated to you. One is that variance. There are unique elements to your property that you can then illuminate that might change the--

Thomas Pulliam: Even though the variance would be taken out here, there are still other variances is what I'm understanding.

Councilwoman Darian Martin: Yes. You can apply. By right, you wouldn't be able to be if the code changes. If you wanted to seek a variance, then Camila is stating to you how you could possibly go about doing that or the other alternative is to be within that 25 foot setback. There are still two things that you can possibly do. The grandfathering option is extinguished

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for you because there is not a currently existing fence on your structure, but there are two ways that you could possibly seek the outcome that you desire.

I think Councilman Urbom did do a good job stating historically what the climate is that brought about this decision. In addition to that, a lot of our streets don't have sidewalks but we do have a lot of children, a lot of disabled residents that find it difficult to maneuver through the Village with some of the existing fences and whatever shrubbery has been left to grow beyond those fences. It poses a hazardous situation for them. That was one of the reasons, in addition to what Councilman Urbom stated, that was persuasive for me to say, "Hey, maybe we do need to look at this fencing issue." In addition to that, I think Camila and Plusurbia brought forth really persuasive research about the perception of safety. That having these open, inviting, frontages is just more appealing and the perception of safety is improved and therefore, the property value improves once that happens.

Thomas Pulliam: One note on that. There might be a perception of safety, but actually part of the reason why I really need the fence is because I've been victimized multiple times at that property.

Councilwoman Darian Martin: I'm sorry to hear that.

Thomas Pulliam: My off leash dog who attacked and killed my cat, Bobby, and bit my finger. Who my cat would've been protected when and if I can put a fence up. Then also the second week I moved here, homeless coming off 2nd Avenue knocking on my front door asking for work. I've never experienced that before, and I've lived in cities with lots of homeless populations. That made me feel really unsafe.

Councilwoman Darian Martin: For sure. Well, I am so saddened to hear about your cat. In addition to that the fact that you probably don't feel as safe as you should because I do feel pretty safe in the Village. I hope that you get to that point as well. As far as the relief that you're seeking, I think Camila stated two really good routes for you to pursue to see whether or not those work for you.

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Thomas Pulliam: Okay. It's what? A special circumstance variance and that goes through Planning and Zoning or--

Village Staff: Any variance application is for an applicant that wishes to deviate from what the code allows. That process is always an option for any situation. Sometimes whether it's the driveway, the fence, the garage, I don't know. We've seen the garage conversions which are the most common. In this case the code stated that masonry walls would have to go to a variance application mostly to vet the design and the materials, but that would generally be granted approval.

This is what sparked the conversation that Councilperson Urbom and Chair Martin just described, the reasons behind why if the decision was made to eliminate that language so that if the variance will be granted and considered only for extenuating circumstances and not the norm.

Thomas Pulliam: Got it. The language is superfluous in the ordinances to begin with.

Councilwoman Darian Martin: It's just a variance. You'd just be seeking a variance. That's one option. The other option is to be within that 25-foot. I don't know if that works for you as well but just two things that you can pursue.

Thomas Pulliam: No. That's a third of my property. A third of my lot.

Councilwoman Darian Martin: Well, thank you so much.

Thomas Pulliam: I would also question, why would this need to be passed tonight? What the urgency of this is as well. That's also on my mind.

Councilwoman Darian Martin: It goes to the Council. We've been discussing it for a while, and maybe it's been discussed in a little choppy fashion so it seems really quick. What we're doing it for tonight is just moving it to the regular Council meeting. We're just saying Hey this is something that we should discuss in the more official setting that we have which is our

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council meeting. Thank you so much. I appreciate your input on the item, and I'll definitely take that under consideration. Does anyone else in the audience have a comment about this item, item G2?

Speaker 2: I will.

Councilwoman Darian Martin: Sure. Step up to the podium and please state your name and address for the record.

Speaker 2: Yes. my name is Luis [unintelligible 00:37:57]. I live at 330 Northeast 86th Street. I do know Tom. I do know his house. I do know the hassle that he went when the dog actually attacked his cat because I was walking my dog probably 10 minutes before with a leash, when I saw a dog a very big dog off leash in the street. Tried to find who he was, and then 10, 50 minutes later, this terrible thing happened. I'm sorry, Tom. I understand his property. I'm siding with him that his property-- It's a beautiful property but it's so [unintelligible 00:38:38] on the back that he really cannot enjoy his yard even though he has quite a sizable lot. I don't understand. I would like Camila probably to pay attention on this. Why is the setback that was mentioned on Tom's house 25 feet setback, and can also can this have a variance to be applied for and not being 25 feet?

Village Staff: To construct the wall-

Speaker 2: The wall we're talking about.

Village Staff: -closer than 25 feet?

Speaker 2: Why the option would be to throw a possible variance--

Village Staff: That's what the code requires to not build anything in the front setback. The primary front setback is 25 feet from zone three.

Speaker 2: It's 25 feet From where?

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Village Staff: From the property line.

Speaker 2: You have 15 feet for the city. You're talking about probably 40 feet from the street.

Village Staff: Yes, but the 15 feet belongs to the city.

Speaker 2: Yes, I understand.

Village Staff: In the future there may be sidewalks that are constructed that would be- it's in the plans for maybe 10, 20 years. That is why no resident can construct on the soil.

Speaker 2: Perfect. Then I would have a question I think of the Village of El Portal. Even though we're quite small, I have a feeling that it cannot be painted with a same paintbrush. This would be metaphorically speaking, if you have a neighborhood where you have beachfront houses and then you have houses through to the inside, they should have a different set of rules that affect them. What I would probably ask and like to be informed is, is there a specific different rules that would be applied to Sherwood Forest?

Then I would mention a conversation I had the other day with Mr. Fitz, which was about the house that I live that needs to have sod on the front. Then there's a gorgeous house very close to mine, which has a gorgeous forest of beautiful native plants. It fits so beautiful with the whole purpose of Sherwood forest. It basically looks like a forest. I've asked, is it by code, this owner will have to chop down this gorgeous, beautiful vegetation to put sod, which will not actually work under those shady conditions.

Village Staff: No. Thank you for bringing that up, and that actually is a third option for Mr. Pulliam, because we definitely encourage natural landscape as a privacy option for people who desire it without having, for example-- The difference is having a wall or a barrier, which is why hedges are not allowed because you obstruct the visibility. This natural landscape and we see it along 87th, we see it in Sherwood Forest, it's more of a natural

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clustered native species, plants, trees that have been on the property, and that's permitted and that is even encouraged.

Landscape is always going to be encouraged, by zoning at least. The code has for zone three, very limited landscape requirements or restrictions really. It requires actually to include shade trees, to include more landscape, just not blocking off- especially the walking along the sidewalks, to have a six foot wall or even a four foot wall just begins to enclose--

Speaker 2: You mean a a wall- an actual buildable wall.

Village Staff: Something that obstructs the visibility entirely. Whereas, if it's a more organic arrangement or-- These houses that have- I use your word- forest, especially in some circular driveways, you see a lot growing in the center, they have trees and plants and that is definitely encouraged. It's a more--

Speaker 2: For instance, when I leave-- It might be a parent thing. Every time I leave my daughter and I open my blinds on my living room every day in the morning. Then I make sure I close it down because anybody from the street- the distance is probably right between here and the window, and if the blinds are open, you can see the seasoning I'm using on my kitchen inside. I thought for myself, I'm going to have to block-- I would love to block a tiny little bit with some higher plants. Right now I have this question mark, if I would be able to do it or not.

Councilwoman Darian Martin: I think Camila's saying you would be able to do it, and I love that we're being solution-oriented on this one because that is a third option for Mr. Pulliam as well. I think you're getting that you would be able to do that, and what you said about there being specific-- There are specific elements to Sherwood Forest. There needing to be some code that's specific to that. I don't know if we can vary the code as much per little area, but I do know that the variance process that we spoke about earlier is a reasonable means by which to pursue that. To get in front of a body and say, "Hey, there are things that

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are very unique about my area and my property that need to be considered as it relates to this particular provision in the code."

I think the variance process is a way in which you can say, "Hey, look at me. There's something very different here and I need to be treated differently." I hope that you are comforted by what Camila is saying about your desire to put forth vegetation as well.

Speaker 2: The streets on Sherwood, there might be thinner and there are trees in between, which might, even for the future, once you're thinking about sidewalks and so on, it might be a harder thing to plan or to do around certain areas.

Councilwoman Darian Martin: For sure. We just need to keep the lines of communication open. We're listening and what we're doing now is definitely trying to make a leaner code and trying to make it so that we don't have this influx of variances, but for properties that are unique, there is an avenue by which you can say, "Hey, this doesn't really apply to me." I think we have a comment from Vice Mayor Pirela. I'll let you get the floor.

Speaker 2: Thank you.

Councilwoman Darian Martin: No problem. Thank you.

Vice Mayor Luis Pirela: Thank you. Madam Chair. The only comment I have, it's actually-- Sherwood Forest, it's a distinct area and we just learned through the park renovations and all of that is it actually has a little more restrictions as digging and all of that goes. We didn't even know that Sherwood Forest Park, thought it was only the Mount, that it's the whole area.

Even just as simple as digging to put a mailbox pole and stuff like that. That area there are restriction that has. It's a unique in that sense. They might think there'll still be a lot of ancestors, remainings, or artifacts, and stuff like that all throughout that area. It actually has a little more restrictions for sure, as a matter of fact.

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Councilwoman Darian Martin: It's definitely unique and also uniquely gorgeous. You would have to get back onto the mic. I was going to open it one more time for final round, but I see that you have another comment.

Speaker 2: It's just because of the foliage.

Councilwoman Darian Martin: Could you state your name and address again, just so we know the speaker.

Speaker 2: Luis [unintelligible 00:47:00], 330 Northeast 86th Street. I would say in terms of vegetation and the sod up front, which I love. I would have as much green as I can in my house, but because of the coverage of the beautiful heavy coverage that the forest brings, some alternatives are impossible. I've been begging, find me a soil that will work and I'll invite you for dinner because my dog goes onto the dirtiest spot inside of the house because there's no way that I can get sod to grow inside, on the backyard. because there is a huge tree in there.

This is maybe something to look for to create a different rule or something on Sherwood Forest, because the sod on the front, which is something I mentioned to Officer Fitz yesterday. It's like, I wish I could put, it's just not-- I don't think. It's not only a lack of water. I can put a irrigation system in there. I talked to a lot of landscape people who said, forget about it. No, but I heard there's a guy that has this specific one that- it's a lab engineer. Forget about it.

Councilwoman Darian Martin: I think that's a good point that you brought up, and something that we should think about and Camila as well. You can possibly think on.

Speaker 2: This was what I asked, I don't want a different set of rules because Sherwood for us is better or worse. It's just different plus of the uniqueness of the coverage of the tweet.

Councilwoman Darian Martin: I thank you so much for bringing that to our attention, and it's something that I think we definitely need to look to and see whether or not we know-- I

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would love a dinner. Let's see if we know of something that can grow, but we appreciate the comment. We're hearing you and listening to you more importantly, and I'll definitely keep that in my list of things that we need to figure out as it relates to Sherwood Forest. I thank you so much. I'm going to go ahead and ask the audience any other comments. Hearing none-- Mr. Pulliam. If you can state your name and address for the record.

Thomas Pulliam: Thomas Pulliam, 205 Northeast 86th Street. Just one other comment about the privacy concerns in Sherwood Forest. As y'all know, there is more pedestrian walkway there than any other area. It's basically a big park area, like Dr. Lightfoot-Ward mentioned at the parks meeting last weekend. People are very much looking at houses, into houses. That wasn't really the experience I was looking for. More of a private person. There's definitely a lot of traffic. A lot people with dogs off and on leash. There is very much a security and higher traffic pedestrian area there too that should be considered. I'd also be completely for a sidewalk. There's a partial sidewalk coming off 2nd Avenue past the first house in the dentist's office, then it just stops. This area's been here for a long time, if that is or was or is ever going to be in the plans, if not now, when? Seriously, what are we waiting for?

Councilwoman Darian Martin: Thank you so much. Thank you. I appreciate your comments and I'm listening. All right. I'm going to close a public comment and bring it back to the Council. I think we have a motion on the-- Also a comment. Councilman-- I'm tempted to call you Vice Mayor Urbom, but Councilman Urbom, your comment, please.

Councilman Anders Urbom: I just never want to miss an opportunity to remind everyone about Brazilian streets, which is something that it is an Ace card that Plusurbia has in the deck here, and I just don't want us to ever forget about it. In terms of, if not now, when, okay. Septic to sewer begins happening. Ideally, we have our gear together here and we are able to come up with Resilient Street plans. It could be laid down once the street is torn up to put in sewer. Ideally, the new Resilient Street plan is completed. We only have to replace a street once. That is part of the larger picture here.

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What is Resilient Streets? It could be a lot of things, but ideally moving towards something called biosoils. The soils actually have a lot of natural vegetation. Even compacted walkways and things like this that would be 88 compliant, which would help with flood mitigation specifically, but also be an added beautification. That is a big piece that if it could be pulled off, would be phenomenal. That's part of the calculus there.

Councilwoman Darian Martin: Thank you for reminding us-- One second. We closed it off to the public, but thank you for reminding us about that, Councilman Urbom. I think that that makes so much sense for us to be ready on all levels to really- once we do it once, do it right. I appreciate that comment as well. Do I have any other comments from anyone on the Council? Oh, [laughs] no need. Okay. Can I open it back up? I will go ahead and allow you, Mr. Pulliam, to go ahead. Just if you could restate your name and address so we know who the speaker is.

Thomas Pulliam: Thomas Pulliam, 205 Northeast 86th Street. Just also wanted to comment. Love that plan. Also, without the sidewalks and that being such a narrow street and a lot of the vegetation, everything going on is also very dangerous for citizens. The little kids, all the animals, so it's also just not a very safe situation right now either. I just want to put that on everyone's mind for emergency or whatnot.

Councilwoman Darian Martin: Thank you so much. I have two little ones of my own, and I'm constantly worried about where they're running to next. I agree with you completely. With that being said, I think we have gotten all the comments from the public. I think our council members have had a chance to participate. There is a motion on the floor to accept staff's recommendation on this item. Madam Clerk, can I have the roll?

Village Clerk Yenise Jacobi: Roll Call. Lightfoot-Ward.

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

Village Clerk Yenise Jacobi: Member Urbom.

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Councilman Anders Urbom: Yes.

Village Clerk Yenie Jacobi: Vice Chair Pirela?

Luis Vice Mayor Luis Pirela: Yes.

Village Clerk Yenie Jacobi: Chair Martin?

Councilwoman Darian Martin: Yes.

Village Clerk Yenie Jacobi: Motion passes four to none.

Councilwoman Darian Martin: All right. That sounds good. Now we're moving on to section H, which is our final good and welfare. I don't know if you gentlemen would like to step up to the podium again, but if you do, you have three minutes to discuss anything that's occurred or make comments on anything that's occurred this evening. Would you like to step up to the podium for our final good and welfare of the evening? All right. Hearing no takers, I will move on to item I, which is adjournment. Do I have a motion to adjourn the Planning and Zoning Committee meeting?

Councilman Anders Urbom: Second.

Councilwoman Darian Martin: Okay, a second and move. All in favor say, aye.

Councilmembers: Aye.

Councilwoman Darian Martin: Any opposed say, nay. All right. Adjourning the Planning and Zoning Meeting for Wednesday, February 8th at 7:34 PM. Meeting is adjourned.

[00:54:32] [END OF AUDIO]

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