



**Village of El Portal
Planning and Zoning Committee Meeting**

Date: 2/6/24

Meeting Start: 6:12 PM

Meeting End: 8:28 PM

Meeting Length: 2:16:00

Councilperson Darian Martin: Thank you for your patience, everyone. I know we're starting a little bit later than anticipated, but everything happens right on time. Thank you for joining us today for the February 6, 2024 Planning and Zoning Committee meeting. I'm going to call this meeting to order at 3:00-- this is not the correct time, at 6:12 PM. First thing on the agenda is for us to have our silent meditation pledge. If you could join me for silent meditation 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.

Councilperson Darian Martin: Thank you. You can have a seat. Madam Clerk, may I please have the roll call?

Village Clerk Yenise Jacobi: Roll call. Chair 1.

Councilperson Darian Martin: Present.

Village Clerk Yenise Jacobi: Member Nickerson.

Mayor Omarr C. Nickerson: Here.

Village Clerk Yenise Jacobi: Also present for the record, Yenise Jacobi village clerk, Christia Alou, village manager, Joseph Gelle, village attorney, [unintelligible 00:01:12] Fitz from Code Enforcement, and Scarlet from the Corradino Group.

Councilperson Darian Martin: Okay. We're going to skip forward a bit and go to our presentation of our item F1, which is the launch at Little River. Can we have you step up to the podium and give us that presentation, please? Thank you so much. Could you please state your name and address for the record?

Mr. Brumund: Absolutely. Good evening, Madam Chair, member, village staff. My name is Brett Brumund with the Goldstein Environmental Law Firm. We have offices at 2100 Ponce de Leon Boulevard in Coral Gables. I'm here today on behalf of the launch at Little River LLC. Thank you for having me here this evening. This is intended to be just a broad overview presentation of a request that the launch at Little River LLC made back in November of 2023 to request that their property be designated as a green reuse area pursuant to Florida's Brownfields Redevelopment Act for the purpose of assessing environmental conditions and addressing contamination caused by the property's historical uses.

I'll keep this presentation very brief and have an opportunity for you to ask any questions towards the end. The applicant owns property located at the end of Northeast 4th Place, right

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next to the Little River, near the Kavista project, near the former mobile home park. Just to start, this is a request to participate in Florida's brownfield redevelopment program. Some key definitions here are what a brownfield site and a brownfield area are. A brownfield site is defined as real property, the expansion, redevelopment, or reuse of which is complicated by actual or perceived environmental contamination, and a brownfield area is a creation of the statute, it means a contiguous area of one or more brownfield sites, some of which may not be contaminated, that is created by local government by resolution.

In practice, a brownfield area, which is what the applicant has requested the village council create, is a mini economic development area in which property owners can access incentives from the state that come at no cost to the village to clean up the contamination that they found there when they purchased the property. This property, in particular, is an area of the village that has a long environmental history, particularly former agricultural uses and commercial uses. If you're familiar with the area near the former mobile home park, that area had formerly cultivated row crops. It also had a poultry farm and a plant nursery.

Also in the area were some dry-cleaning facilities, so that has led to environmental contamination from those historical uses. There's a lot of environmental data from the surrounding properties, including the Kavista Project directly across the street from this site, which was designated as a Florida brownfield area by the village several years ago, as was the former mobile home park. The Kavista project has successfully addressed their contamination nearly to the end state. There's still some ongoing groundwater monitoring there post-construction, but that is a Florida brownfield redevelopment project success story. The applicant is hoping to achieve that same goal here through the redevelopment project.

In particular, at the site, the applicant did identify in their early site assessment activities some arsenic, soil, and groundwater that exceed the criteria for residential use. This contamination will be addressed during the redevelopment process under the oversight of Miami-Dade County DERM. The redevelopment plan here is an eight-story mixed-use development with 152 residential units and a roughly 2,500-square-foot restaurant space. We expect 10 permanent full-time jobs to be created at the property, and will include on-site amenities including water access, a fitness center, a pool deck, and 193 parking spaces.

Of course, the redevelopment is still subject to approval by the village, and that'll be coming at a future date. The process we're going through now is just to continue to assess and address the contamination at the property. We expect construction to start in the first quarter of 2025 and wrap up in 2026.

Then, taking a step back, looking at the program more generally, it was created in 1997 as a tool for local governments to work with private property owners to address contamination they found at their property that was caused by somebody else in the past. It's equally

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available to both public and private property owners and it comes with financial, legal, and regulatory incentives that ultimately reduce the cost of cleanup and make it a little bit easier for the property owner to move forward.

Statewide, it's a very popular program. There are nearly 600 designated brownfield areas across the state, many in Miami-Dade County. Actually, this property is the only property that is not designated as a Florida brownfield area in that area of the Village. As I mentioned, the former mobile home park, the Kavista project, and then the City of Miami has designated much of the City of Miami as a brownfield area as well, as a way to allow property owners to access these incentives without coming to request a resolution from the local government every time.

The process is relatively simple. It's governed by statute. It requires adoption of a resolution by the Village Council following two advertised public hearings. This is not one of those public hearings. This is just an informational session. We also held a community meeting on December 14th as part of the process, but it really just requires notice to the public, conducting those two public hearings, and then considering five objective criteria for designation. Those criteria, I won't go into them in depth today because there are still two public hearings coming up, but I'll point them out.

The first is that the designation must be requested by someone who owns or controls the property, they must have a redevelopment plan, and they must agree to address any contamination that they find, in this case under the oversight of Miami-Dade County DERM. Second, the project must result in economic productivity in the area and create at least five jobs. Third, redevelopment must be consistent with local comprehensive plan and be generally permissible in the city. The fourth is that notice must be provided through posting and publication, and the applicant must give those receiving notice an opportunity to comment and ask questions.

Finally, the applicant must provide reasonable assurances they have financial resources to complete cleanup and redevelopment of the project. That was just a brief overview. We will be back for two public hearings. I believe February 26th and March 27th are the next two village council meetings. If you have any questions, I'm available. Thank you.

Councilperson Darian Martin: Thank you so much for that presentation. I'll first ask my colleagues if they have any questions. I do want to note that Councilman Pirela is in the meeting. Perfect, we have a quorum. I just wanted to know if Councilman Pirela or Mr. Mayor, if you guys have any questions.

Mayor Omarr C. Nickerson: No question, but just want to make a quick comment, Madam Chair, if I may. Just want to say very quickly that I appreciate them coming here. This is a

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testament to the respect that they have for you, Madam Chair, and your planning and zoning committee, and for the village as a whole because past day statute, they only had to present this at the two council meetings, but them coming to a committee meeting to take it through planning and zoning and present to us is important, and I think shows the respect that Village El Portal deserves. The planning and zoning committee deserves, and Madam Chair, you deserve, and I just appreciate them being here. Thank you very much.

Councilperson Darian Martin: Thank you very much. Mr. Attorney.

Village Attorney Joseph Geller: Yes, ma'am. Thank you, Madam Chair. Mr. Brumund had a lot to say, but I just want to say to you the bottom line here is brownfield, that our village gets cleaned up and has environmental issues that have existed for a long time, taken care of, and dealt with by DERM. The money comes from the state, and I think some of it is a pass-through from the federal government, too. It's not our money, but it cleans up this village. It's kind of a win-win for the village. There's not a downside. That's all I wanted to throw in. Thank you, Madam Chair.

Councilperson Darian Martin: Thank you so much for the comment. Definitely, a win-win. Thank you for the presentation. We appreciate you. I am going to rewind us a little bit to subsection D so that we can have a motion to approve the agenda.

Mayor Omarr C. Nickerson: Madam Chair, motion to approve the agenda.

Councilperson Darian Martin: Do I have a second?

Councilperson Luis Pirela: Second.

Councilperson Darian Martin: All in favor say "Aye".

All: Aye.

Councilperson Darian Martin: Any opposed say "Nay". I'm hearing none. It seems like the agenda is approved. We'll move on to subsection E, which is approval of the minutes. Is there a motion to approve the minutes for the October 17th planning and zoning committee meeting?

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

Councilperson Darian Martin: Is there a second?

Councilperson Luis Pirela: Second.

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

All: Aye.

Councilperson Darian Martin: Any opposed say "Nay." All right, I'm hearing none. It seems like that motion is approved. Now, we can go ahead and move forward to subsection G, because we just did subsection F and heard that great presentation. Thank you again for that. Moving on to G1, which is 360 Northeast 85th Street. Can I have the applicant and also city staff join me at the podium? If you could both state your name and address for the record?

Adam Simon: Sure. I'm Adam Simon, 360 Northeast 85th.

Councilperson Darian Martin: Okay.

Scarlet Hammons: Scarlet Hammons with the Corradino Group.

Councilperson Darian Martin: Awesome. Scarlet, can I have staff report on this item, please?

Scarlet Hammons: Yes. [silence] Sorry.

Councilperson Luis Pirela: Where's everybody else today?

Councilperson Darian Martin: Hmm?

Adam: Where's everybody else today?

Councilperson Darian Martin: You got everybody you need.

Adam: All right. If you say so. If you say so.

Scarlet Hammons: Good evening.

Councilperson Darian Martin: All right, Scarlet.

Scarlet Hammons: This is an application by Mr. Adam Simon, who is present. He is requesting a variance to install a new underground pool and also to have a fence and screen around that in his front yard. The request really has to do with the requirement for a front setback of 45 feet. The pool would not meet that setback where he's proposing to locate it. He's requesting that it be located about 34 feet from the front yard. It would be for the pool and also for pool equipment. He's going to exceed maximum lot coverage by a few

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percentage points increasing just slightly over from what it is today from 43% to 44%. Just to note that this would be basically because of the counting of the equipment for the pool. That is the increase of the lot coverage.

He has presented a justification for his variance, is that his rear yard is really much too small to have a pool in. It's only about 7 feet from the river location. We spoke with him and reviewed this per the code and found that it meets the requirements for a variance, for the lot coverage, and for the setback reduction. This is in harmony with the general intent of the zoning code and also the comprehensive plan. Our recommendation is that this be approved.

We do have a few conditions that we would like to bring to your attention for your consideration. One is that the existing concrete pad on the east side of the property be removed. That is also noted on his plans that he's submitted. I know that he's planning to do that, but just wanted to put that on the record. The property is located in archeologically significant location, and so therefore, we have a condition to address that, basically that he will comply with the county's designation and comply with all the regulations that go along with any digging or excavating in this property.

Also, prior to the building permit, that the applicant submit an application for the safety barrier to enclose the pool just so that we're ensured that he will put a fence around the pool since it's located in a location and on the lot that can be accessible.

Councilperson Darian Martin: Thank you so much.

Scarlet Hammons: That concludes.

Councilperson Darian Martin: Thank you. Mr. Simon, just before I open it up to my colleagues, I just want your confirmation that you're aware of, I suppose, those additional criteria that Scarlet has set forth and you're willing to comply with those three things; the enclosure, respecting of the excavation site rules, and the first one was the removal of that concrete slab.

Adam: Yes.

Councilperson Darian Martin: Perfect.

Village Attorney Joseph Geller: Madam Chair, I'd ask then that the record reflect that the applicant has accepted the conditions on the record.

Councilperson Darian Martin: Okay. Thank you so much keeping us clean, and I appreciate that. Now I will open it up to my colleagues. Does anyone have a question for either Scarlet or for Mr. Simon about this item?

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

Councilperson Darian Martin: Sure.

Mayor Omarr C. Nickerson: Not really a question, but Sherwood Forest-- and I know where Mr. Simon's house is, I hang flyers on it frequently. Just so people can picture it or understand because, through the description, what you can't see from the description that's being given is the amount of foliage that's in front of his property. When you're walking down, his property is right by the Native American Tequesta mound. It's directly south of that, and a couple of houses down.

From the street, as you're walking past it, you really don't even know if there's a house there. You really can't even tell there's a house there unless you make a choice to turn up, notice the small amount of concrete, go down the driveway, and go down a very large hill until you get down to his house. You have to walk down a long way. I saw where he's planning on putting the pool.

I just want people to understand that you're not talking about as you're walking or driving past his property, that you're going to be able to look over and see kids splashing in the pool, or that it is even close to where the front of his property is. There is a large group of trees and plants and thick foliage before you even get to that area that he's planning on putting in the pool, which is directly north of the entrance of his property.

I remember when we had the storms, and I was doing the sandbags and all that type of stuff, I went to the back of his property. Even at that point, I remember saying to Mr. Simon, I was like, "Man, your sea wall is-- and the floodings coming up." The back of the property, there's no room back there.

Adam: No.

Mayor Omarr C. Nickerson: Not at all. As soon as you pass where his physical house is, it's like from here to-- there's no room in the back at all. I just want to give people a sense because I don't want people to think that you're talking about walking past, it's just an open front yard, and people sun tanning and running around the pool. It's not like that. You don't even know if there's a house there unless you really look forward.

Adam: And the design of the pool will fit the environment. I put 600 plants on my property when I moved in 12 years ago. It was a lawn that sloped down. It's no longer that. It's natural. It basically looks part of the environment. The pool obviously, we recently had a son. It's for him. We want to make sure that, obviously, the safety functions are involved, but as the mayor said, you're not going to be able to see the pool at all. Even if you come down the driveway, you won't even be able to see the pool.

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Mayor Omarr C. Nickerson: Even the pool can't be a large pool because of all the foliage and all the plants and things that are there. The area for the pool is not that large for that area. It's not like an Olympic-sized pool or a huge pool. From the way his property is, the pool will be like a tropical enclave amongst a tropical forest. That's how it's going to look. Absolutely because it's surrounded by thick trees and plants. It's beautiful back there. Absolutely.

Councilperson Luis Pirela: I'm sorry, let me-- the property, the reason why the pool is proposed to be placed in that frontage is because of also the septic tank. It's in the front.

Adam: That's correct, yes.

Councilperson Luis Pirela: And you have the drain field there. Now, this question is for staff. You said the frontage is how much?

Scarlet Hammons: The required setback?

Councilperson Luis Pirela: The required setback?

Scarlet Hammons: 45 feet.

Councilperson Luis Pirela: 45 feet?

Scarlet Hammons: Yes, so it's [unintelligible 00:19:35]

Councilperson Luis Pirela: And we are at 33.7?

Scarlet Hammons: Right.

Councilperson Luis Pirela: Okay. When you talk about screening required by the county, the screening is the screen that goes around the pool?

Adam: Yes. There's going to be a safety screen-

Councilperson Luis Pirela: Safety screen around the pool.

Adam: -for kids, obviously.

Councilperson Luis Pirela: But then when we're talking about the fence, the fence has to be in front of the house, not back, right?

Scarlet Hammons: Correct. Because the pool is slightly in front of the house.

Councilperson Luis Pirela: So there is another variance for that that has to--

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Scarlet Hammons: It's combined, yes, but with the--

Councilperson Luis Pirela: This is combined?

Scarlet Hammons: Yes.

Councilperson Luis Pirela: But it's not in the paperwork. I don't see the elevation for how the fence is going to look.

Scarlet Hammons: Oh, no, he hasn't applied for that.

Councilperson Luis Pirela: Or what type of material.

Scarlet Hammons: He has not applied for the fence yet.

Councilperson Luis Pirela: Okay.

Scarlet Hammons: No. That'll be a separate building permit when he has the plans for the fence. The requirement right now, and it's actually part of the conditions of approval, before he's able to apply for his building permit for the pool, he's got to apply for the fence permit.

Councilperson Luis Pirela: I remember Juan from [unintelligible 00:20:37], our urban planner talking about, technically, if he has space, actually, he has room, to bring the house up to how many feet? If the house will be up to the front a little more, then the pool will be basically-

Scarlet Hammons: Behind it.

Councilperson Luis Pirela: -behind it.

Scarlet Hammons: Around the side, yes.

Councilperson Luis Pirela: By law, he's allowed to actually extend the house all the way to the front, so certain setback.

Scarlet Hammons: I think 25 feet is a setback.

Councilperson Luis Pirela: Right. 25 feet.

Scarlet Hammons: Yes. His house is much more set back than that.

Councilperson Luis Pirela: It's much more set back than that.

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Scarlet Hammons: Yes.

Councilperson Darian Martin: All right. Does that conclude our comments? If so, I'll close the comments from the body and open it up to any of those attending if they would like to speak on this item. Hearing none, I'll close public comment, bring it back to the body. I personally had a lot of questions, especially as it relates to this becoming an attractive nuisance with having a pool in the front of a property. In addition to that, I do believe that with every variance we approve, we're also setting precedent that this is something that is allowable in the village. I can take the council. I do remember that we had an extensive conversation about this at the previous I think planning and zoning committee meeting or one of the council meetings.

I do understand that your property is unique and because of the uniqueness of that property, I do believe that maybe a variance in this situation might not set as unfortunate of a precedent as I am envisioning. I think we have a good handle on what the issues are and the pros and cons of the issue. We might be ready to take a vote on this item. Does anyone want to move to approve or accept staff's recommendation?

Mayor Omarr C. Nickerson: Madam Chair, I'll accept staff recommendation and the motion to approve.

Councilperson Darian Martin: Okay. Do we have a second?

Village Attorney Joseph Geller: Excuse me for interrupting, Mayor. Mayor, is your motion when you say staff recommendation to approve it, staff recommendation to approve it with the conditions [unintelligible 00:22:47]

Mayor Omarr C. Nickerson: Yes. When I set the staff recommendation, that comes with the conditions because the staff recommendation came with the conditions, right?

Councilperson Darian Martin: Do I have a second?

Councilperson Luis Pirela: It's a tough one.

Councilperson Darian Martin: You'll second?

Councilperson Luis Pirela: No.

Councilperson Darian Martin: Okay. I'll second it. Madam clerk, can I have a roll call, please?

Village Clerk Yenise Jacobi: Roll call. Member Nickerson?

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Mayor Omarr C. Nickerson: Yes.

Village Clerk Yenise Jacobi: Member Pirela?

Councilperson Luis Pirela: Yes.

Village Clerk Yenise Jacobi: Chair Martin?

Councilperson Darian Martin: No.

Village Clerk Yenise Jacobi: Motion passes two to one.

Councilperson Darian Martin: All right.

Councilperson Luis Pirela: Your son can have a pool.

Councilperson Darian Martin: Have a good one.

Adam: There you go.

Councilperson Darian Martin: Enjoy your pool.

Mayor Omarr C. Nickerson: This is 10 years only, so he needs to come to the full--

Scarlet Hammons: You need to come to the hearing for more info.

Councilperson Darian Martin: Perfect.

Mayor Omarr C. Nickerson: You need to see the clerk in the back.

Councilperson Darian Martin: See the clerk afterward and she'll let you know what the follow-up steps are, but we'll move along to item G2. Can I have the applicant for 1 Northeast 87th Street step up to the podium and please state your name and address for the record?

Jorge: Jorge [unintelligible 00:23:56] 1 Northeast 87th Street.

Councilperson Darian Martin: Thank you for joining us. Can I have staff's report on this item, please?

Scarlet Hammons: Yes. The applicant is requesting a variance. He has already planted hedges, so this would be an after-the-fact variance. The hedges surround the property on the principal setback and also in the side yard setback. This property is located at 1 Northeast

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87th Street and the hedges that he has planted are podocarpus. Just to note, it's on the Florida landscaping approved list and it's a non-invasive type of plant.

The primary justification for this location of the hedges is that it is needed for a visual barrier to screen the home. It's located on quite a busy corner North Miami Avenue and Northeast 87th Street. These are two quite busy streets. Headlights and other kind of nuisance activity could be seen from the house, so this is considered a screening for that purpose.

For the variance, the code has limitations on where the hedges can be and how tall they can be in the front yards and side yards, and not permitted to be taller than 4 feet in height. Except if they were in the side yard, they could be approximately 15 feet from the side property line. These are located on the property line, so that's the reason for the variance.

The grant was reviewed per the code and found one condition that this variance approval would be in harmony with the general intent of the comprehensive plan and harmonious with the village, and also, would be compliant with the zoning code. Therefore, staff is recommending this approved, but we also have one suggested condition that the owner maintains that these hedges are no taller than 4 feet because they can grow to be approximately 20 feet in height, this type of plant.

Councilperson Darian Martin: Is it 4 feet or 6 feet? No taller than 4 feet is your recommendation?

Scarlet Hammons: Yes, it is my recommendation to be considered.

Councilperson Darian Martin: Noted. Thank you for the report. I will open it up to the body. Mr. Mayor, Vice Mayor Pirela, any comments, Mr. Mayor?

Mayor Omarr C. Nickerson: Madam Chair, if I may. Thank you very much.

Councilperson Darian Martin: Yes.

Mayor Omarr C. Nickerson: Just want to say really, really quickly, met him when I was passing flyers around. You might want to touch on what happened with your daughter a couple of times. I just want everybody to understand, so this house is at the corner of 87th Street and North Miami Avenue. It's that new really big, nice house that was redone. Part of the problem is that since this house is new and he's moved into it not very long ago, for such a long time nobody lived there while it was being redone, built, and things like that.

A couple of times, we would have squatters in there, and so I think that part of the issue in a small way might be that since there used to be squatters in there-- a couple of times we found squatters in there, or homeless people, you could go around there when it was being built,

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people were used to that property not being occupied. I think some of this is the remnants of that. Now, that there's people in there, I think at first, they didn't really know once the house was done that there was a family in there. Even after the family got in there, he's had a couple of scary occasions with his young daughter, which he can talk about.

The way I see it is, whether it's the hedges-- and I don't know on the other side if he's even contemplated a fence or not, but I think on that corner, the way it is, the fence wouldn't be that high also. I'm not sure about that, on the corner, how things would work, but something is definitely needed on that corner with his property. That's for sure. Thank you, Madam Chair.

Councilperson Darian Martin: No worries. Do you have a comment about the topic?

Jorge: No, no, not really. What the mayor said once, like at 3:00 AM in the morning, I see people knocking in my daughter's room. That's what's really scary about it. Also, like at 7:00 AM in the morning, going to my work, I found a guy sleeping in the grass. That happened twice. My main concern is safety. I have an alarm, I have cameras, but even if I don't have the hedges, the people is going to walk through around. That's my main concern.

Councilperson Darian Martin: Okay. Thank you for that comment. Vice Mayor Pirela, do you have a comment on this item?

Councilperson Luis Pirela: Yes, I do have a comment about hedges because there's the hedges and all of that because it's not the first one. There's a lot in the neighborhood being planted without permits and all of that. The issue is about maintaining the height like you just said. Most people already know that it shouldn't be more than 4 feet high, at least in the front of the house, on the front setback. Then, all of a sudden, you see them too, you see the hedges all the way to 6 or 8 feet high.

Now we have a code enforcement, they can pass around, go around, and incite people for that, but it's a constant issue with people planting hedges, especially the clusias, or those huge-- podocarpus take time to grow and they're nicer in shape. Other than that, I don't have any other comments.

Jorge: Just to clarify with you, the hedges are plant in the secondary front edge, not in the front. The front in the house is open.

Councilperson Luis Pirela: Is open, yes.

Jorge: Is just in the secondary. The problem is that my house is a corner. I have a principle frontage and a secondary frontage.

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Councilperson Luis Pirela: Right. I'm sorry. Yes, I know exactly where your house is located, and it is not something that is obstructing the view and traffic light in that corner or anything like that, right?

Jorge: No.

Scarlet Hammons: Oh, no. No, no, it's not. No.

Councilperson Luis Pirela: Okay, perfect.

Councilperson Darian Martin: I take your point though, Vice Mayor Pirela. I do think what we've been asking for and what we do need is to get a comprehensive handle on what it is we're going to do about hedges because, at this point, it just seems like we're just approving everything and anything based on whatever might be perceived as an inconvenience to the property owner.

I do think that those things need to be considered, but we also need to attack it in a comprehensive way, make sure that, for sure, we want to honor the owner's desires, but we want to make sure that whatever safety risks are proposed or detriments as it relates to perceived unsafety of the neighborhood if we have these tall hedges surrounding every house, that those things are addressed too. I know with podocarpus, they stay really thin and lean. I'm familiar with your house, so they're not really obstructing that walkway at all.

If someone were to plant something like clusia, there are properties where those things have definitely presented hazards to those who might have mobility issues or may have small children trying to navigate the few sidewalks that we do have. I do want us to really take a look at maybe coming up with something more comprehensive. I know we've said that a million times, and not really sure what the sticking point is, but the fact that we have two hedge variances on tonight's agendas, I think it highlights the necessity for us to look at this really expeditiously.

I do take note that your house is unique. If we are to look for a purpose to vary from the norm, you are on two busy streets, and I understand how headlights and environmental factors might make it such that you do need some sort of variance. What I will say is that it is imperative to not let those hedges grow to 8, 10 feet, or to grow so wide that it impedes that walkway that's next to your home. Are you willing to accept that condition on the record?

Jorge: Yes, I do.

Councilperson Darian Martin: Of keeping it at the 4 feet?

Scarlet Hammons: 4 is what's suggested.

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Councilperson Darian Martin: 4 feet?

Scarlet Hammons: Yes.

Councilperson Darian Martin: Is that a yes? Can you just say that into-- do you accept that condition?

Jorge: Yes.

Councilperson Darian Martin: Okay. Awesome to hear. I think that concludes the comments from the body. I do want to open it up to those who are attending as guests to see if there are any comments on this particular issue. Let me see. How do I want to work this? Yes, I see you, Mr. Pulliam. I'm just thinking of which podium to direct you to. I'll go ahead. Can they share that podium or this one? Okay. Mr. Pulliam, if you could step up to Scarlet's podium and state your name and address for the record?

Thomas Pulliam: Good evening, everyone. My name is Thomas Pulliam, 205 Northeast 86th Street. My comment is that my direct neighbor on my west side has areca plants that are 20 feet high planted on the property line, on the swale. Also, the front setback of the property. I reported that to code enforcement months ago because, per our code, it has to be maintained-- first of all, it's not supposed to be there, but it has to be 4 feet if it's up against the driveway.

When I reported it, code enforcement didn't do anything with it, so it's curious for me. I would like to know. I thought I heard at the beginning of this, these were plants that are already planted, and now it's a posthumous variance. My question is how did that come about? Was that through code enforcement or some other means? Thank you.

Mayor Omarr C. Nickerson: Sir, who informed you that you had to get a variance? Was it code enforcement?

Jorge: The code enforcement.

Mayor Omarr C. Nickerson: Yes, because when I stopped and talked to you, you said, "Mayor, code enforcement came by."

Jorge: I came to the city before plant them. We have a misunderstanding. They said, "Go ahead," but I suppose not to. Then code enforcement swing by for my house and impose the variance.

Councilperson Darian Martin: Thank you for that. I'm sure Mr. Pulliam, the code enforcement officer's here. Maybe you can get with him and give him that address.

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Enforcement Officer: No, I have, and he decided [crosstalk]

Councilperson Darian Martin: Okay. Well, I'll speak to you afterwards. Let's not call out, just so we're all on the mic and it's very clear. I'll talk to you afterwards about this particular item. Is there any other comments from the guests on this item, 1 Northeast 87th Street? Seeing none, I'll go ahead and close public comment, bring it back to the body. Does anyone have a motion to approve staff's recommendation on this item?

Councilperson Luis Pirela: Madam Chair, if I may, before the motion.

Councilperson Darian Martin: Sure. Go ahead, Vice Mayor Pirela.

Councilperson Luis Pirela: That was something that you touch on, what I said about keeping the hedges at the right size.

Councilperson Darian Martin: Height.

Jorge: Height.

Councilperson Luis Pirela: Height. Thank you. Anyway, this goes to the lawyer if he can wake up.

[laughter]

Councilperson Darian Martin: Let's all calm down for a second.

Councilperson Luis Pirela: There's any way after, or actually code enforcement, I don't know who can answer this. There's any way that it's not in our code, whether after certain citations about the hedge height, can the city actually go ahead and order to have those removed? Like right now, we are proving this with a condition to keep them at the height that they're supposed to after two or three citations. That should be enough to say, "You know what, you're not complying. You should remove them," and that's it.

Village Attorney Joseph Geller: There could be an order to bring them into compliance. If they don't comply with the zoning conditions that are set, there can be an order to bring them into compliance. Now, that doesn't necessarily mean removal, and there could be some consequence to removing them entirely if that's not what the violation is. I think I heard 4 feet is what's permitted. If they're at 6, you could order them cut back to 4 feet. Now, if you yank them out entirely, there could be adverse consequences to that, and I wouldn't recommend that. Yes, they could be cut back. The village could hire people to cut them back, and the cost of doing that would be imposed as a lien on the property.

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

Councilperson Darian Martin: Mr. Mayor.

Mayor Omarr C. Nickerson: Remember, you guys, we now have the special magistrate hearing, so if somebody doesn't comply, it's just like if somebody doesn't comply against a code violation in the special magistrate hearings-- oh, the special magistrate hearings happen every month, and so every month, you guys, you have people going to the special magistrate for being out of compliance. If you don't adhere to the conditions, you're out of compliance, then you can get cited and go to the special magistrate hearing and pay a large, hefty fee.

Jorge: Thank you.

Councilperson Darian Martin: All right. Thank you so much for that clarification. Hearing no other questions, does anyone have a motion to go ahead and approve staff's recommendation on item G2?

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

Councilperson Darian Martin: Awesome. Do I have a second?

Councilperson Luis Pirela: I'll second.

Councilperson Darian Martin: Awesome. Madam Clerk or Madam Manager, can I have a roll?

Village Manager Christia Alou: For the acceptance of--

Councilperson Darian Martin: Item G2.

Village Manager Christia Alou: Okay. You know I'm not versed on this. I'm not the court.

Councilperson Darian Martin: I already know, but you're doing it.

Village Manager Christia Alou: I am. I'm going to do it though. To accept the staff recommendation for the approval of the variance after the fact for property located at 1 Northeast 87th Street, with the staff conditions of maintaining the property or maintaining those hedges at 4 feet or below at all times, for that, I will go through the roll call. Member Lightfoot-Ward, who by the way, just joined us. Okay. Member Mayor Omarr Nickerson?

Mayor Omarr C. Nickerson: Yes.

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Village Manager Christia Alou: Vice Chair Luis Pirela?

Councilperson Luis Pirela: Yes.

Village Manager Christia Alou: Okay. And chairperson Martin?

Councilperson Darian Martin: Yes.

Village Manager Christia Alou: Okay. You have a unanimous zero to four vote for the recommendation.

Councilperson Darian Martin: Awesome.

Jorge: Thank you.

Councilperson Darian Martin: See the clerk and she'll let you know what the next steps are. We'll move on to item G3. Can I have the applicant for 485 Northwest 89th Street step up to the podium, and please state your name and address for the record?

Mordechai Feinstein: Hello. I'm Mordechai Feinstein for 485 Northwest 89th Street.

Councilperson Darian Martin: Welcome. Thank you for joining us. Can I have staff's recommendation report on this item, please?

Scarlet Hammons: Yes. This is again another variance for hedges on the side and front yards. The hedges exist and the applicant is again requesting a variance for after the fact. The hedges in the front yard are approximately 6 feet tall. The hedges in the side yard are about that tall as well. These two rows of hedges are clusia. Again, this, similar to the other plant, is Florida-friendly landscape plant. This house is located on a corner lot as well. The reason for this variance is that the location and the height of the hedges exceed what is allowed by code.

The primary justification, similar to the other applicant, is to create a visual screen from the neighbors. This lot is basically on the border of El Portal and another jurisdiction. The west side of this house has views directly of neighboring properties, which if you have been to this property, you can see that the-- I also included some photos in the staff report that the neighbors' homes are not very well-maintained and there's some spillage of cars in the swales, and also very large overhead power lines that would be visible on this west view from the home.

However, the front of the house does face a street in El Portal, and that is not the case on that, in that view. For my recommendation, it's two parts. One is to approve the variance for the hedges on the side yard, which would be on that west side, that west view, but not in the front

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yard hedges. Again, he's not experiencing that need for visual screening on there. That is staff's opinion though. Just wanted to say that there's also one condition, and in this case, to maintain the hedges at no higher than 6 feet because, again, this is a type of plant that can grow pretty tall, up to 25 feet. That's staff's recommendation.

Councilperson Darian Martin: Thank you so much for that. I'll go ahead and open comments up to the body. Does anyone on the council have a comment about item G3? Mr. Mayor?

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

Councilperson Darian Martin: Yes.

Mayor Omarr C. Nickerson: This is partly what you're going to ask him, Madam Chair, but why does he feel like he needs the hedges in the front? This would be part of when you ask if they're going to accept the conditions, which is what she recommended, the hedges on the side, but not in the front. Do you feel like you need the hedges in the front? If so, why do you feel like you need the hedges in front?

Mordechai Feinstein: Yes. Actually, the hedges on the west side which faces I think unincorporated, or there's a bunch of dilapidated houses, that was there already, and I think it's been there for years. That I don't think needs to be--

Mayor Omarr C. Nickerson: That she was okay with. I think the hedges that were in the front is what she was speaking against.

Mordechai Feinstein: To that point, we put them there specifically because of the issue, as you drive by, you see the dilapidated houses right there. It's visible from the front. We've had multiple cop cars dealing with issues relating to the properties across the street, so it just felt unsafe. This adds to the safety component. We have weird trash baggies, different stuff that we've seen. Again, mostly on the west side, but even coming around to the front. It just creates that barrier or protection from that. You can see all of it straight from the front, which is essentially why we put it there.

Mayor Omarr C. Nickerson: Thank you, Madam Chair.

Councilperson Darian Martin: All right. Noted. Councilman Pirela, do you have any questions? Also, for the gallery, for the guest-- excuse me, Mr. Pulliam, we can hear you up here, definitely. You guys can step outside and have the conversation or keep it a little quiet. Thank you so much. Councilman Pirela, do you have a comment on the item?

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Councilperson Luis Pirela: Madam Chair, not really. I understand the hedges on the west side of the property, like you guys are mentioning about to actually block the view from that other side of the street, which is not pretty at all. Those are the brand-new hedges that have been planted there, the ones in the front.

Mordechai Feinstein: The front. It's been there.

Councilperson Luis Pirela: No. From west side are also new?

Mordechai Feinstein: No, the west side has been there--

Councilperson Luis Pirela: The clusias?

Mordechai Feinstein: On the west side, they've always been there.

Councilperson Luis Pirela: They've always been there?

Mordechai Feinstein: Yes.

Councilperson Luis Pirela: That was just to block there.

Mordechai Feinstein: Yes.

Councilperson Luis Pirela: And not the ones in the front. The ones in the front are the ones you planted. They're on the property line?

Scarlet Hammons: Yes, they're on the property line.

Councilperson Luis Pirela: [unintelligible 00:46:12] allow hedges.

Scarlet Hammons: There are some around-the-corner hedges that are in the front as well. Then there's the road that's directly in front of the house.

Councilperson Luis Pirela: I don't know about these enclosures of the people. A lot of people wanted to enclose the front of their houses. I think that is actually not a safety issue, a safety device or any kind of safety measures. As a matter of fact, without fence, anybody can actually hide behind the bushes, the hedges, and when you come and park, somebody's inside your front yard. I really don't see that as a deterrent of people crossing or-- other than that, I have no comments.

Councilperson Darian Martin: Okay. Thank you so much. Councilwoman Lightfoot-Ward, any comments on this item?

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Councilperson Dr. Anna E. Lightfoot-Ward: Yes. Thank you, madam. The area that is very bad to the site, do you think the hedges is going to change any of that?

Mordechai Feinstein: Yes. We see trash outside. I actually wanted the hedges closer to the street because I wasn't aware of the ordinance, and our landscaper said, "Oh no, this is good. You need to be back over here." We see pieces of trash and weird stuff outside. We don't see anything behind the hedges. In theory, someone can go sleep there. We haven't had that. It definitely adds also to the perception of safety within the property, which impacts the quality of living there.

Councilperson Dr. Anna E. Lightfoot-Ward: Madam Chair, can I ask a question too?

Councilperson Darian Martin: Sure, you can. Do whatever you would like.

Councilperson Dr. Anna E. Lightfoot-Ward: Hi.

Scarlet Hammons: Hello.

Councilperson Dr. Anna E. Lightfoot-Ward: Always good to see you. Is that on the county side or on our side?

Scarlet Hammons: The other side of the street on the west side is the county.

Councilperson Dr. Anna E. Lightfoot-Ward: It's the county?

Scarlet Hammons: Correct.

Councilperson Dr. Anna E. Lightfoot-Ward: Have you ever reported it to the county?

Mordechai Feinstein: The other side?

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

Mordechai Feinstein: I imagine that they know about it. I went about my business, didn't mind.

Councilperson Dr. Anna E. Lightfoot-Ward: Your answer is, "No, I have never contacted the county"?

Mordechai Feinstein: I have not, no.

Councilperson Dr. Anna E. Lightfoot-Ward: It is not Portal County ordinance to have a property be what you're describing. My first thought is, alienating it with your grove, that is

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your-- you have the right to do that, but to not do anything about it is what I'm concerned with because, just as sure as you put up those hedges, you're inviting more junk on that side, and it's going to affect your property.

Mordechai Feinstein: On the Miami-Dade side?

Councilperson Dr. Anna E. Lightfoot-Ward: Yes. It's going to affect it.

Mordechai Feinstein: That's a reasonable suggestion. I've never called code enforcement, but that makes sense.

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

Councilperson Darian Martin: Sure.

Councilperson Dr. Anna E. Lightfoot-Ward: I suggest that you do that because when I was having that problem, the county said, "Why didn't you call?" No, I didn't have the problem. I ushered the problem with someone else who brought it to my attention, and the county said they had no idea that there was a problem. Let me encourage you doing that because just as sure as you put up those hedges don't mean that they're not going to come down because you're already telling me the people are-- what's the word, everybody? Negligible. On the county side, not keeping it up.

This is just cosmetics for you, but that's not going to solve the problem. You'd be surprised how much is going to be behind those hedges. Your report said something similar that-- you said something in your report that triggered my mind. That's it. It's just for the property but it's not. Because if you're seeing it now, can you imagine they're going to be right up against your hedges? It's not curing the problem. You need the problem to be cured.

Mordechai Feinstein: I understand.

Councilperson Darian Martin: Thank you for the comment. Councilwoman Lightfoot-Ward. We appreciate that. I actually live two houses down from your property, and I don't remember seeing those Clusias on that side that faces Miami-Dade County. The side on Northwest 5th. I think there was something else because we've been there for five years.

Mordechai Feinstein: Whatever's there is still there. Maybe my engineer put in the report that there's Clusias, but it's not. It's something else. The native, whatever that was that's there is still there.

Councilperson Darian Martin: It looks rather different. I will say this. If you plant it too far out, because there is no sidewalk there, you end up creating a heck of an obstruction to

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someone who is trying to pull out of that street. Where your hedges are now-- I happen to have two small kids that I use that street all the time to traverse back and forth to get them to school. If you don't maintain that, it can become a heck of a obstruction. That is what this hedge conversation. One thing that I am so sensitive to is people who have young children who are in strollers who walk on these streets.

People who have mobility issues that have wheelchairs, and people who are driving who are trying to not be obstructed by random hedges. Which happens to me all the time as a short person who happens to be in a car that is way too big for me. I have these kids and I need to transport them, but anyway, I digress. I understand the reason to vary from the norm is because there is something that is very unique. I take staff's recommendation that in this case, a portion of your house is facing houses that belong to a completely different municipality and is not subject to our rules and regulations as far as how you should maintain the house. I get that.

As far as the front of your property is concerned, the front of your property does not suffer from the same issues as that side. I understand the bifurcation of your approval saying to approve that portion on the side facing Miami-Dade County, and not approving those hedges that are in the front of the property. Because sometimes when you do have these properties that are walled off by hedges, though the person inside of the house may feel safer, it gives the appearance externally of it being an unsafe neighborhood. There being a reason to have to wall these houses off.

If anybody wants to, I'm sure there are tons of studies that you can easily access that shows that that is definitely the outward perception when you come into a neighborhood and everyone's house is behind these little fortresses. I do take staff's recommendation, and I do understand why you bifurcated it in that way. With that being said, I will close the comments for the body and open it up to any of the guests. Does anyone in the audience have a comment on this item? Mr. Pulliam, can you step up to Scarlet's podium? State your name and address again for the record and let us know what you think.

Thomas Pulliam: Thank you. Thomas Pulliam, 205 Northeast 86th Street. I have the same point of inquiry as the previous one. How did this after-the-fact violation come about?

Councilperson Darian Martin: The same way, probably, most likely. Mr. Mordecai, did you receive a notification from the code enforcement officer?

Mordechai Feinstein: Yes.

Councilperson Darian Martin: Yes, the same way.

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Thomas Pulliam: My other comment is someone who moved from California and has lived in Los Angeles and San Francisco. Some of the highest property values in the entire country is entirely common in the expensive neighborhoods like West Hollywood, Beverly Hills, et cetera, that the properties are totally enclosed in the front.

Councilperson Darian Martin: Yes, the lot sizes are a little bigger though, right?

Thomas Pulliam: Not in West Hollywood.

Councilperson Darian Martin: Okay. Well, it's a different-- I don't want to say different strokes for different folks, but everyone has different rules in different municipalities. This is the one that exists here. I get that.

Thomas Pulliam: Sure. I just wanted to make that comment.

Councilperson Darian Martin: No, I appreciate the comment. Thank you so much.

Mordechai Feinstein: Can I make another comment?

Councilperson Darian Martin: Sure, you can.

Mordechai Feinstein: I have another property on 87th Street, and there's properties right next door to me which seem to have hedges grandfathered in. I always thought in line with Coconut Grove and some places and other nice areas and El Portal is getting nicer, hence why I'm here. Where to your point about West Hollywood, I found that it actually increases the beauty, of course, beauty is in the eyes of the beholder. I appreciate your assessment of the situation.

Being at that property fairly regularly and seeing some of the activity on the other side from the front, I never hang out on the west side. Seeing some of that spill over and pulling up to the property and having that-- there's one ugly one right down 89th Street, just across-- I'm sure you know which one I'm talking about. It just looks awful. It impacts the value, it impacts the quality of living at the property.

Councilperson Darian Martin: You are referring to the house that is all the way down the street?

Mordechai Feinstein: Yes.

Councilperson Darian Martin: Let me just gather what you're saying. You're saying that you can see that from inside of your house. You can see that one. Oh, when you're driving.

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Mordechai Feinstein: No, when you're pulling up-- when you're in the front yard, like by the driveway. Mind you, the hedges on the west side were there. Again, they weren't Clusias, I guess they got mixed up in the report. If that wasn't there, I don't know what we would do. The only reason why we added in the front is because pulling up there and being there at the property, of course, once you're inside the house, you're inside the house. Most of the house orients towards the backyard anyways. Pulling up there, being there, especially at night, having that right there is very uncomfortable.

Councilperson Darian Martin: You're talking about that particular house that is down the street and maybe four houses down from yours?

Mordechai Feinstein: On the Miami-Dade side.

Councilperson Darian Martin: Oh, on the Miami-Dade side?

Mordechai Feinstein: Yes.

Councilperson Darian Martin: Okay, got it.

Mordechai Feinstein: The shutters are hanging. El Portal, none of the houses there are found to be too--

Councilperson Darian Martin: I thought you were talking about the one on 89th Street.

Mordechai Feinstein: They're all pretty okay. Some are nicer than others, but the ones right across the street are just treacherous. It looks like a rough neighborhood. For what El Portal is today, that doesn't jive with that.

Councilperson Darian Martin: Those houses were there when you purchased it?

Mordechai Feinstein: The Miami-Dade side?

Councilperson Darian Martin: Yes.

Mordechai Feinstein: Yes, those houses were there.

Councilperson Darian Martin: Oh, okay.

Councilperson Dr. Anna E. Lightfoot-Ward: Yes, those were there.

Mordechai Feinstein: My hope was-- my dream, I guess, a little bit childish was that some guy would come in-- I actually reached out to try to buy them and no one answered. I think

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it's someone that rents it out and lives wherever, so there was no one to really speak to on the other side of that. I was hoping it would beautify, but that hasn't happened.

Councilperson Darian Martin: You knew those houses were there when you purchased the house?

Mordechai Feinstein: Yes. That's what the plan was to put in. I didn't know and that's again the conversation I had with my landscaper. If I knew-- I actually reached out to Officer Fitzgerald Simmons on another property I was looking at in the area to confirm now that I know about the hedges and the setbacks. I didn't buy the property because I knew I'd run into an issue with that and I'd have to come up with variants.

That over there I would have-- it's hard to see myself buying a property across the street from those without having the ability to put some form of buffer between where we're at and where that is. Especially, again, I don't think that it's patrolled as well as El Portal is and it's enforced as well. Your recommendation's on point and I will reach out to the County. Hopefully that you know leads to something, but yes, this is where we're at.

Councilperson Darian Martin: Noted. All right, is there any other comments from the audience on this item? Hearing none I'll go ahead and close public comment and bring it back to the body. Councilwoman Lightfoot-Ward

Councilperson Dr. Anna E. Lightfoot-Ward: Before you close it, are we talking about 5th Avenue?

Councilperson Darian Martin: Yes.

Councilperson Dr. Anna E. Lightfoot-Ward: You live right on 5th Avenue?

Mordechai Feinstein: Yes.

Councilperson Dr. Anna E. Lightfoot-Ward: It's always been a problem. You're not the first person to come in here and say, "The houses across the street from El Portal," which is Miami-Dade County. That's always been a problem. It's not that we haven't called it in, it's not that I haven't reported it, because I drive down that street to get to my house too. You're on the same page.

Councilperson Darian Martin: Noted. Do we have a motion to approve staff's recommendation on item G3 at 485 Northwest 89th Street?

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Mayor Omarr C. Nickerson: Madam Chair, is he willing to accept the staff's recommendation? When I hear he was still talking about, he still wanted something in the front. Is he willing because the staff recommendation was not the front just the side.

Councilperson Darian Martin: Well, you can go ahead and ask the applicant.

Mordechai Feinstein: If I may, I don't think the side one should even be in the variance because it's been there for years. It's not something that I put in. I think it was there before 2018. You live in the area, I don't know, I think it's been there.

Councilperson Darian Martin: I will trust staff's recommendation.

Mordechai Feinstein: Okay. Do you know if it's been there for years?

Scarlet Hammons: Oh, no. I have no idea when those plants were planted, but right it's still a violation of the code.

Mordechai Feinstein: Even if it's in there before ordinance was put in.

Scarlet Hammons: We don't know the dates, but unless if you have- [crosstalk]

Councilperson Luis Pirela: If I may, the reason I'm asking you is because I drove by yesterday, and I saw that the portion on the west side and the front, which is slanted towards the driveway those look brand new. Just the ones in the front. Those are the ones that we're referring to.

Mordechai Feinstein: Oh, you're not referring to the oldest--

Councilperson Luis Pirela: No, to the ones.

Mordechai Feinstein: Okay, sorry. My bad.

Councilperson Darian Martin: So are they new?

Mordechai Feinstein: Those there, yes, those houses are new. The ones all the way on 5th Avenue are the ones I was saying.

Councilperson Luis Pirela: Those require variance and that's where-- you know.

Councilperson Darian Martin: Those are the ones we're talking about.

Mordechai Feinstein: You're just talking about the Clusias there and there. Got it. Okay, understood. My bad.

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Mayor Omarr C. Nickerson: Are you willing to accept the staff's recommendation with not having the front but just on the side?

Mordechai Feinstein: Can I say no?

Councilperson Dr. Anna E. Lightfoot-Ward: No, we should vote.

Councilperson Darian Martin: it might be nothing.

Councilperson Dr. Anna E. Lightfoot-Ward: It might be nothing.

Mordechai Feinstein: Okay, I've never done this process before. I'm not familiar with all of these.

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

Councilperson Darian Martin: Sure.

Mayor Omarr C. Nickerson: What we're about to do is we're about to-- she's going to ask for a motion. One of us is going to make a motion, and then she's going to ask for a second, somebody will make a second. If we get a second, then we're going to vote on it. Now, what we're trying to decide right now is what exactly we are voting on. Her staff's recommendation was that you can keep the ones in the west side, but she doesn't recommend the ones in the front.

If you're willing to accept her staff recommendation, then the motion will be for the staff recommendation of not in the front, but yes in the side. If you're not willing to accept the staff recommendation, anyone up here cannot recommend anything for you, or anyone up here can recommend the side and the front or whatever it is. Before we even get to that point, we just want to know if you're willing to accept the staff recommendation.

Mordechai Feinstein: I got it. Rock and a hard place. [laughter] Well, it sounds like you've made up your mind, so I guess I have to accept. It seems sensible to accept that.

Village Attorney Joseph Geller: So we just point out that by accepting the conditions on the record you do agree that you'll be bound by them moving forward. That does not mean you could never ask to have a further change made. Unless and until something else is approved you've agreed that you'll be bound by the staff conditions moving forward for any enforcement during the purposes.

Mordechai Feinstein: I understand, yes.

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Mayor Omarr C. Nickerson: Or you want to accept staff recommendation?

Mordechai Feinstein: Yes.

Mayor Omarr C. Nickerson: Madam Chair for the record, he's willing to accept staff recommendations.

Councilperson Darian Martin: Noted. Do I have a motion to accept staff recommendation on the item G3?

Councilperson Dr. Anna E. Lightfoot-Ward: So move.

Councilperson Darian Martin: Do I have a second?

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

Councilperson Darian Martin: All right. Madam Clerk, can I have a roll, please?

Village Clerk Yenise Jacobi: Rollcall. Member Lightfoot-Ward.

Councilman Lightfoot-Ward: Yes.

Village Clerk Yenise Jacobi: Member Nickerson.

Mayor Omarr C. Nickerson: Yes.

Village Clerk Yenise Jacobi: Member Luis Pirela.

Councilperson Luis Pirela: Yes.

Village Clerk Yenise Jacobi: Chair Martin.

Councilperson Darian Martin: Yes.

Village Clerk Yenise Jacobi: Motion passes.

Councilperson Darian Martin: Awesome. If you could see the clerk with the next steps, that will be great. We can move forward to item G4. [unintelligible 01:02:28] applicant at 176 Northwest 88th Street. Please step to the podium and state your name and address for the record.

Scott Kitchen: Hello. Scott Kitchen, 176 South Northwest 88 Street.

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Patricia Hernandez: Patricia Hernandez, same address.

Councilperson Darian Martin: Thank you and welcome. Can I have staff's recommendation on this item?

Scarlet Hammons: Yes, this is an application for a lot split to separate one lot into two. The current lot that they are looking at is located at 176 Northwest 88 Street. Today, it is close to 20,000 square feet, it's 19,600 square feet in size. Their proposal is to have two lots that will be consistent with what is the surrounding lots in the area, which are approximately 9,800 square feet each. This exceeds the minimum required for lot size in this district.

The current property is occupied by one home which is a house built in 1946 and is about 3,000 square feet in size. It's located in the center of the property, and the intent is that this house would be demolished and there would be two new homes built on the two new lots. This review was done per the plat submittal and preparation for the code in Section 2445, and the applicant has shown good cause for compliance with the land use regulations and the developments under is based on this chapter.

The granting of the lot split approval as presented is in harmony and general intent of the comprehensive plan, and considering the minimum lot size requirements and the other platted lots within the village. The staff recommendation is for approval with one condition that within one year of this approval of the plat that the existing single-family home will be demolished. That is basically because it will be located right across two properties and it wouldn't comply with setbacks.

Councilperson Darian Martin: Thank you so much for that. Before we go ahead I would like to know from the applicant if you're willing to accept the condition that Scarlet just set forth on the record, are you willing to accept that on the record as well?

Scott Kitchen: Yes.

Councilperson Darian Martin: Awesome. Good to know. Now go ahead and open the conversation up to the body. Does anyone have a comment or question for the applicant to prescribe it? Mr. Mayor, I see no. Councilwoman Lightfoot-Ward, go ahead.

Councilperson Dr. Anna E. Lightfoot-Ward: You want to split lot. There's a single-family house already on it. You want to split the lot for what reason?

Scott Kitchen: To provide two single-family residences one on each parcel.

Councilperson Dr. Anna E. Lightfoot-Ward: Anybody living on it right now?

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Scott Kitchen: Yes.

Councilperson Dr. Anna E. Lightfoot-Ward: They agree with you or that's you all?

Scott Kitchen: They agree with us. They're actually here.

Councilperson Dr. Anna E. Lightfoot-Ward: Well, Madam Chair, it must be me. It must be me. I'm seeing a lot cleared, a house demolished, two houses going up, and the people that are there, they're not related to you?

Patricia Hernandez: There is no relation, but there is a partnership.

Councilperson Darian Martin: It's a double lot though, they're on the double [unintelligible 01:06:37].

Councilperson Dr. Anna E. Lightfoot-Ward: Yes, I'm familiar. A lot split, oh boy, okay. Can I ask the attorney a question?

Councilperson Darian Martin: Sure.

Councilperson Dr. Anna E. Lightfoot-Ward: Attorney Geller, is this common? In your line of work is this common splitting a lot to facilitate a change in housing?

Village Attorney Joseph Geller: I've seen it. I wouldn't say it occurs a lot because double or triple lots are not typical, but where they exist I've seen it before, it's not unheard of. Common, it's not a situation that exists often. Mostly when properties are divided, they are divided to be-- if not the minimum size, may be bigger than that but typically they're even, but where there's a double lot--

I've seen it go the other way too where people want to acquire the property next to them and do a unity of title. I'm dealing with one right now where somebody is doing that because they want to have, I don't know if it's a tennis court or some kind of paddle board court or something like that. Where double or sometimes even triple lots do exist, it's not uncommon. That's just a kind of uncommon situation to have the base factual pattern.

Councilperson Dr. Anna E. Lightfoot-Ward: Last question, will you be living on the lot?

Scott Kitchen: No.

Councilperson Dr. Anna E. Lightfoot-Ward: Thank you, Madam Chair.

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Councilperson Darian Martin: Okay. I don't think we have any more comments from the body, so I'll go ahead and close our discussion and open it up to the audience. Does anyone have a comment on item G4? Hearing none, I'll close it to public comment and bring it back to the body. Does anyone have a motion to accept staff's recommendation on item G4 for the property located 176 Northwest 88 Street? We have a motion.

Councilperson Luis Pirela: I just hope that the two houses are not identical. The houses that you're going to build in those lots.

Patricia Hernandez: They will be.

Scott Kitchen: There will be some variation in the two with respect to the pool. We are going to put a pool in each property and so we want to work the sun with the solar path and-

Councilperson Luis Pirela: The facade is going to be identical.

Scott Kitchen: It's going to be similar. It's going to be tasteful and be well done.

Councilperson Luis Pirela: Because I don't know if you guys noticed but the one across the street on North Miami Avenue where you have two houses, I've got a lot of people and relative and they have come to my house and said, "Oh, they build two new--"

Patricia Hernandez: They're twins.

Councilperson Luis Pirela: Whether they're like duplexes or something like that, it looks horrible, and it doesn't go with the character of our beautiful village. I could've bought a house in Doral where all the houses are the same, anywhere else. We actually took our time, two years to actually live in this beautiful neighborhood because all the houses were different, unique.

Now you have all the investors coming in demolishing all beauty of our neighborhood and building these modern blocks that are not appealing to at least my taste. That's my only comment. I wish we could have actually a restriction where the architecture of the village could be maintained, but unfortunately we can't. We went over that with Plusurbia, and it's not something that we can actually do.

Scott Kitchen: It's our full intent to have well-designed homes. The frontage is a concern of ours, and we will address that to be different.

Councilperson Darian Martin: Point well taken, and now you have a challenge. We look forward to see what it is that you come up with if this item is approved. Can I have someone

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move to accept staff's recommendation on this item or not? Maybe I should be asking another question.

Councilperson Luis Pirela: It's more lot coverage, but the size of property is huge. Each property is going to have a frontage of about 75 feet, right?

Scott Kitchen: Yes.

Councilperson Darian Martin: Maybe, well, someone wants to make another motion to not accept staff's recommendation. I'll let you guys have it.

Mayor Omarr C. Nickerson: My concern is the same thing as the vice mayor, which is once-- I was all gung-ho, but once Councilperson Lightfoot-Ward asked them if they were going to be living there, they said no, I was like, aargh. It kind of took the wind out of the sails because El Portal, for a lot of reasons that people have no idea about. As a matter of fact, the Native American Indian mound back here, a lot of people don't know this, was the very first, very first archaeological site recognized in Miami-Dade County history. We have Native American caves back there dated back 3,000 years. It was 3,000 years old in people's backyards over here.

Scott Kitchen: We're familiar with the mounds.

Mayor Omarr C. Nickerson: When you have-- just what he's saying, I'm good friends with Mayor Fraga in Doral, I'm good friends with Mayor Vogel in Hialeah, I'm good friends with Mayor "Pepe" Diaz in Sweetwater. As a matter of fact, we meet once a month, but El Portal cannot turn into a cookie-cutter type of neighborhood. El Portal had the houses look different. I like when I walk through, the houses look different, and they don't look the same. That's my only concern when it comes to that. Madam Chair, we'll put them up for a vote. She's going to say something.

Councilperson Darian Martin: I think the applicant has a comment.

Patricia Hernandez: May I?

Councilperson Darian Martin: Sure. It might help. It might not, but go ahead.

Patricia Hernandez: May I propose that a condition be placed that upon the approval of this that perhaps that is the challenge, that we would be able to provide different architecture for both parcels?

Councilperson Darian Martin: Oh. Well, okay.

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Mayor Omarr C. Nickerson: That's a wonderful condition.

Councilperson Darian Martin: Hey, hey. I like that. I like that.

Mayor Omarr C. Nickerson: Madam Chair, I'd like to make a motion, based on the staff report, added with the condition that not in an obscene way or a way that's not realistic, but that the developers also try to make both houses different and unique.

Councilperson Darian Martin: I love that. It takes a woman to solve the problem.

Mayor Omarr C. Nickerson: Very good.

Councilperson Darian Martin: I like that. [laughter] [applause] Very well played.

Mayor Omarr C. Nickerson: I make that motion, Madam Chair. I make that motion.

Councilperson Darian Martin: Awesome. Do I have a second on that motion?

Councilperson Luis Pirela: I'll second.

Councilperson Darian Martin: Awesome.

Village Attorney Joseph Geller: Madam Chair, excuse me.

Councilperson Darian Martin: Yes.

Attorney Joseph Geller: Notwithstanding that that was an offer, just let's be clear on the record that the applicants are accepting that voluntarily proffered condition on the record.

Patricia Hernandez: Yes.

Scott Kitchen: Yes.

Village Attorney Joseph Geller: Thank you.

Councilperson Darian Martin: I love it. Madame Clerk, can I have a roll call, please?

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

Councilperson Dr. Anna E. Lightfoot-Ward: Cut between two, but I'm going to give you yes because of the last statement that was made.

Village Clerk Yenise Jacobi: Member Nickerson?

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Mayor Omarr C. Nickerson: Yes.

Village Clerk Yenise Jacobi: Member Pirela?

Councilperson Luis Pirela: Yes.

Village Clerk Yenise Jacobi: Chair Martin?

Councilperson Darian Martin: Yes.

Village Clerk Yenise Jacobi: Motion passes four to none.

Scott Kitchen: Thank you.

Councilperson Darian Martin: You're welcome. Please see the clerk so that she could give you the next steps. Now, we will move on to Item G5, outdoor lighting permit. Staff's recommendation on this item. I think, Scarlet, would that be you giving us the--?

Scarlet Hammons: Yes.

Councilperson Darian Martin: Okay, Perfect. We'll just hear staff's recommendation.

Scarlet Hammons: Thank you. So--

Councilperson Dr. Anna E. Lightfoot-Ward: Oh. Whoa.

Councilperson Darian Martin: I like it. You sound different at every turn.

Technician: Go ahead.

Scarlet Hammons: This is a new proposal to address an issue that has been recently brought to staff's attention that there have been some homes that are experiencing kind of what you call light pollution with outdoor lighting. This is mostly in the single-family area. The fact that some outdoor lights in some homes can be directed in certain ways that kind of have light spillage over into other homes and create nuisances for other neighbors. To address this issue, there was some research done on staff's part to look at ways we could come up with a process.

We're planners, so we like permits. We suggested that the village would consider to have a permit process for residents wanting to add lighting to the outdoor or even make changes to their outdoor lighting. Just to note though that it is already a requirement that they receive building permits for outdoor lighting. What we would suggest is that we have a process

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where they could submit site plans and show the directions of the lighting and the lumens that would be projected from the lighting. Make a determination if that would be spilling over into other properties and review it in that sense.

Just to note that as we just saw. We just had an application for a lot split where there are going to be two new homes. These could be two-story homes, and there's a number of other applications coming through for demo and redevelopments. I know you guys are aware of this, you live here, so it's happening. There is a potential that these lights from a second story could be impacting other neighbors that are single-story. It's a little bit of a proactive way to address compatibility and not to have lighting be a nuisance between neighbors.

This is just really more of a first step at taking this to you and letting you know that this is what we've come up with in order to address this issue. In the report, there's a draft copy of what the outdoor permit would look like. Eventually, if it's agreed on, and if you would like us to move forward with this, this could be a form that is put on the website, and it will be fillable if you could type in the information and submit that electronically.

Councilperson Darian Martin: Thank you so much. Do I have a comment from the council on this item?

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

Councilperson Darian Martin: Sure.

Mayor Omarr C. Nickerson: Just for clarification for us as a committee and just like Village of El Portal as a whole. Madam Manager, so this is a permit. It's just a permit. This is not a change in code or a change in charter. Is this a change in code?

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

Village Attorney Joseph Geller: Ultimately it will be change in code, yes.

Councilperson Darian Martin: To acquire the permit.

Village Attorney Joseph Geller: Ultimately if as anticipated it would be something. We either require it or we don't, and if we require it it's part of our code. Ultimately, if you go on this path, it would be something that would lead to an adjustment in our code. I'll defer to some degree on that to the code enforcement officer as well, but yes, if you decided that this was something that you wanted to regulate, you do so through your code.

Councilperson Dr. Anna E. Lightfoot-Ward: That's right.

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Mayor Omarr C. Nickerson: Yes. Mr. Simmons, with this right now, anybody can put up the light without checking with us. Is that what it is? Now it will be a permit that they would have to go through before they put the actual light up?

Fitzgerald Simmons: Fitzgerald Simmons Code Enforcement Department, this recommendation is in addition to our regular permit packet. When it comes to the exterior and security lights, regardless of if you need a permit for installation. With this additional application, it addresses the specifications of the lighting to be in compliance with the county's ordinance in regards to light pollution.

Mayor Omarr C. Nickerson: That would be a code adjustment? Because is it just a permit where it's part of the actual code that exists now or is it changing the code?

Fitzgerald Simmons: No, no, this would be in addition to the-- we're not changing the code. What we are doing is--

Mayor Omarr C. Nickerson: That's what we're what I'm saying.

Fitzgerald Simmons: -we're just implementing the application to address the specifications of the county code.

Mayor Omarr C. Nickerson: That's what I'm trying to get at you guys. Everybody said is a code change. It's not a code change. I know what I'm talking about.

Councilperson Dr. Anna E. Lightfoot-Ward: No.

Mayor Omarr C. Nickerson: This is not a code change.

Village Attorney Joseph Geller: We would probably need to adjust our language to make clear that this is a requirement of the village. Now the thing is because there's a county code that regulates it, we're not going to be regulating the number of lumens that can spill because that's covered by the county code. To require this would probably require at least some kind of adjustment or amendment in our code. Don't you think that, Mr. Simmons?

Fitzgerald Simmons: No. Because in relation to this, it is regulated within the code. What happens is that the county code mandates that there are certain things that need to be submitted as far as from an engineer to address the amount of lumens in regards to light pollution. The light pollution is the biggest concern considering it becomes a nuisance to the adjacent properties.

Village Attorney Joseph Geller: And that's the county code.

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Fitzgerald Simmons: That's the county code. This application is the village proactively handling, regulating the county's code. Because as of right now, you install exterior lighting, you have to apply for a building permit. The electrical inspector just come out to ensure that it was done in accordance with the Florida Building Code. That's it. In regards to this application, planning and zoning will have engineers drawing that illustrates the amount-- the location, the height, the lumens to ensure that it doesn't violate the lights spillage per the county's ordinance.

Mayor Omarr C. Nickerson: Like I was saying you guys, it's not a code. It is not a new code. It's not a code change.

Village Attorney Joseph Geller: It's just a matter of semantics, mayor.

Fitzgerald Simmons: Administrative [unintelligible 01:23:11].

Village Attorney Joseph Geller: You won't say it that way you can. It's done administratively here. I think there may be an adjustment but perhaps not.

Mayor Omarr C. Nickerson: All right. Well, I'm trying to get that clear madam chair because that determines-- because if it's a code change, that's a whole different vote.

Councilperson Dr. Anna E. Lightfoot-Ward: That's right.

Mayor Omarr C. Nickerson: Like I said, I don't think it's a code change and I didn't think from the beginning. It's a different way we're looking at this. I think that the furthest that we could possibly go is all in favor aye or nay, because it's not, particularly a code change. Because what we're really looking at here, which we appreciate but what we're looking at here is an additional document for the process that already exists.

Councilperson Darian Martin: As far as how we do it, I understand what the attorney is saying, but I want to take us a step back as to like should we do this. If we already have regulations or some sort of process through which you would have your lighting approved, why exactly are we layering this additional element?

Councilperson Dr. Anna E. Lightfoot-Ward: Why are we doing it?

Councilperson Darian Martin: For what purpose? What does this serve?

Fitzgerald Simmons: Primarily to address the specifications of the ordinance. Whenever someone submits a permit for exterior lighting, it's simply just the wiring to ensure that it's done in accordance to the Florida Building Code. With this additional application, it addresses the specifications with the drawings from the engineers in relations to the lights

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spillage. The code states that light should not spill more than a half a foot-candle, which is 0.5.

With these type of concerns when I come out to conduct an inspection, the light pollution-- I take the measurement and if it exceeds that, then it's in violation. The county ordinance states that prior to installing these type of lights, this is the type of documentations that should have been submitted prior to the approval of the application. Considering that it's not a part of our process, then that's the biggest issue with regulating the code.

Village Manager Christia Alou: May I also add.

Councilperson Darian Martin: Sure. I would love your input on it, [unintelligible 01:25:32].

Village Manager Christia Alou: Chairperson Martin, our building official is here to-

Councilperson Dr. Anna E. Lightfoot-Ward: Uh-uh, can't hear.

Village Manager Christia Alou: Oh, you can't hear. Okay. Our building official Mr. Pedro Martinez is also present, so he can address that. Because we have discussed this at length internally within the administration. I know there are some things that they do look for in these applications, but if you have some more questions about what is being done presently, perhaps he can address that.

Councilperson Darian Martin: I would love to hear that.

Councilperson Dr. Anna E. Lightfoot-Ward: Me too.

Councilperson Darian Martin: What is being done, just so I understand what is being done and what is the new thing that is being proposed to be overlaid on top of that?

Mayor Omarr C. Nickerson: Pedro, please explain the process for the electrical inspector. What John looks at when he goes to inspect for a [unintelligible 01:26:21].

Pedro Martinez: Yes. I'll start by saying the building code-

Councilperson Darian Martin: Say your name and address for the record, please?

Pedro Martinez: Oh, yes. I'm sorry.

Councilperson Darian Martin: Thank you.

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Pedro Martinez: Pedro Martinez, but I don't live in the village. I'm the village building official for El Portal. My address private.

Councilperson Luis Pirela: Professional address [unintelligible 01:26:39].

Pedro Martinez: 343 Almeria Avenue in Coral Gables.

Councilperson Darian Martin: Awesome.

Pedro Martinez: First the building code requires a light to be installed on every exit door on a property. To avoid accidents at night, people need to see where they're stepping out. That is mandatory. Now, I know the number of lumens, the building code does not address light spillage, but the county code does. We have a conundrum. We must install lighting in every building per permit. The electrical inspector will inspect if somebody builds a pergola or some other thing in the patio, with lighting the electrical inspector will inspect.

Now in my opinion, the owner should sign an agreement not to exceed or spill light in the present or in the future after installation. Because the owner can change light bulbs later and increase lumens even after doing a whole-- Well, if we go with requiring an engineering study, it might be violated the following day. If we have the owner sign an agreement not to violate the light spillage ordinance and spell it in the permit without having them go through the expense of an engineering study, it would be much more effective. Because we could enforce it. They signed the agreement. Just with the hedges they signed to keep it at four feet.

Councilperson Darian Martin: Thank you.

Pedro Martinez: They're informal.

Councilperson Darian Martin: You mentioned something, the expense. What fees are we looking at or what additional expense comes along with these types of studies? Then I heard Scarlet say when you change lights-

Pedro Martinez: They can change. Fees can be very high especially if I don't-- I am not sure if you have to measure the neighbors after you install, but if you install, an engineer will not come for free. Many neighbors will not want an engineer in the backyard measuring light. It may cost several thousand dollars just for the study. That can be violated, as I said, the next day. It would become almost prohibited for somebody to install lightning in the backyard. Something that's now very inexpensive. People complain about the electrical permit, but we can put that as a condition for approval of the permit that they don't exceed the light's ability. If the neighbors complain, they must comply right away.

Councilperson Darian Martin: That would be a condition on the existing permit.

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Pedro Martinez: We can issue a new permit without condition too.

Councilperson Darian Martin: Okay. Without adding the additional permit that we're talking about tonight, let's just make that clear.

Pedro Martinez: Correct, correct

Councilperson Darian Martin: Okay. All right. No, that's good to know. Thank you so much, I appreciate that insight.

Pedro Martinez: If you're installing lighting for your landscape, it's a regular electrical permit that we already have. We don't need to change the code for that, but we can add that condition.

Councilperson Darian Martin: That makes sense.

Pedro Martinez: If anything that's outside, we have the condition and people must comply. I think it would help both ways and people don't have to go-

Councilperson Darian Martin: I appreciate you.

Pedro Martinez: -with enormous expenses.

Councilperson Darian Martin: I have a question for Officer Fitz Simmons. How big of an issue is this? Are we receiving numerous complaints from many residents about light spillage?

Fitzgerald Simmons: No. One in just one-

Councilperson Darian Martin: Just one complaint?

Fitzgerald Simmons: Yes.

Councilperson Darian Martin: All righty. Thank you so much. Those are my questions. Does anyone else have a comment? Anyone else on the council?

Councilperson Dr. Anna E. Lightfoot-Ward: Madam Chair, we're talking about light spillage, we're talking about any resident, not the government. We're talking about any resident wanting to have spillage, wanting to have more lights than necessary on their property. Is that right? Am I on cue?

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Councilperson Darian Martin: I think there's one complaint about light spillage, and because of that one complaint what's being proposed is adding on an additional layer of permitting that also might be cost prohibitive to the regular resident that is desiring to either install lighting on their landscaping or in their backyard. We just have to think about whether or not the expense that we're going to be handing off to the residents is one that is, I suppose, necessary or agreeable in the situation where there seems to be not that many people complaining about it. We just have to weigh that.

Councilperson Dr. Anna E. Lightfoot-Ward: Yes, I'll be through in a minute. I'm thinking more about when events happen, and all this spillage occurs and--

Councilperson Darian Martin: I think he's talking about day-to-day, not a special event, right? We're talking about just regular-- these are my landscape lights, security.

Councilperson Dr. Anna E. Lightfoot-Ward: Okay. What's wrong with the footlights we got now?

Fitzgerald Simmons: No, no. We're talking about two residential properties. Someone installed security lights for additional-

Councilperson Dr. Anna E. Lightfoot-Ward: I thought that's what we were talking about. That's what I'm trying to get at. Because if-

Fitzgerald Simmons: [unintelligible 01:32:07].

Councilperson Dr. Anna E. Lightfoot-Ward: I understand, I understand. I can just imagine because I passed when residents are having these parties. It don't matter if it's back door or front door, there's light spillage, lots of it. Are we talking about something that the county puts in, or something that the residents do when they want to have a big party and light up basically half the block?

Fitzgerald Simmons: No. It's in relation to residents installing security and floodlighting.

Councilperson Dr. Anna E. Lightfoot-Ward: That's what I thought.

Fitzgerald Simmons: Not the special events. Regular security lighting for--

Councilperson Dr. Anna E. Lightfoot-Ward: What's your take on it, up or down? Since you're the code person you would know because that's who they're going to be looking for. That person did so and so and so, and I got too much light in all the properties. I got too much light when they do stuff.

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Fitzgerald Simmons: My job is to enforce the code the way it's written. As long as the lights are permitted and it doesn't exceed the foot candle, the light spillage, I see no issue with it.

Councilperson Dr. Anna E. Lightfoot-Ward: I'm more concerned about the light spillage than I am actually the infrastructure change, that's all.

Fitzgerald Simmons: Yes. Light can spill as long as it doesn't see the half-a-foot candle.

Councilperson Darian Martin: Thank you so much.

Fitzgerald Simmons: That's what I measure.

Councilperson Darian Martin: Attorney Geller has a comment. I'll take it to you and then bring it back to the body.

Village Attorney Joseph Geller: Just as to the point that Councilperson Lightfoot-Ward raises. You say it right when you say it's the spillage that you're concerned with. Just to clarify, it's not a regulation that affects how much light you can have on your own property. You can have as much light on your property, in your backyard, even if it's coming in through your windows and maybe keeping you up, but you can do that in your own property. Just to clarify that.

Then when you got further in the conversation, you start talking about the spillage. It's when it leaves your property. If you have a way of either directing or shielding or something, if you can keep the spillage within the regulations that the county has set, that our code enforcement officer and our building official are talking about. If you can keep it so it doesn't go on another property, I just want to clarify, it had nothing to do with how much light you can have on yours.

It's just when it crosses the property line that it has to be in compliance, as Mr. Simmons says. Then the issue is, does the neighbor who's being affected have an issue with it, and do they complain? You could have spillage that somebody doesn't object to if it goes into their parlor, and they're not worried about their parlor because it doesn't affect their bedroom. Something like that. You hit it right when you say the spillage, and I just want to clarify that because of the way you phrased the first question.

Councilperson Dr. Anna E. Lightfoot-Ward: Thank you.

Councilperson Darian Martin: Attorney Geller, I have a question for you, a follow-up on that.

Village Attorney Joseph Geller: Yes, ma'am.

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Councilperson Darian Martin: As far as what our building official proposed, like how to handle this. Can we add that condition onto the existing permit that they would get through the building department saying that you cannot have spillage. So that if there is a neighbor that is negatively impacted by spillage, they could use that as a recourse to then get relief with that issue.

Village Attorney Joseph Geller: I think the answer to the question, the way you phrased it is yes, but there are a lot of conditions that limit that. Start with the fact that if there is spillage, it must be below the level, or it's not permitted by law and we have nothing to say about that. It's a county ordinance that's binding on everyone across the county. Certain things the county does can only apply where, like in unincorporated, but there are a lot of things they have that they preempt. This is one of them. You're starting from that now.

Again, the mayor's point was that we are not really changing the code, and I think that's probably correct in a sense, but we are changing the process by which someone can have lights legalized, how that they can get them get a permit for what they're putting in. That is enforced through our code enforcement process, but it's a case where our code officer is basically charged not only with enforcing our code but enforcing this provision of the county code. Now, I guess one could say, and that seems to be the flavor here, that this is just an administrative regulation that's relevant to the process for issuing these permits.

Certain things we can do and some things we do that people don't agree with, and that's why we're blessed to live in a country where people with black robes, who are independent, get to make those decisions. It can't be arbitrary, but we do have certain rights. I'm a little loath to predict exactly how a given judge would rule if there was a particular charge we try to avoid, but we do certainly have a certain amount of administrative--

Councilperson Dr. Anna E. Lightfoot-Ward: Authority.

Village Attorney Joseph Geller: Yes, I was going to say really administrative discretion that we are able to apply. I have to say that the suggestion that we seek to get people to accept voluntarily like we did in the last case where there was a voluntary proffer. It was not a result of us trying to force someone, but somebody voluntarily proffered. If we could do that, that would certainly help to insulate us from any possible attack on what we're doing. I do think we have some administrative discretion, and I guess you could say that's not really changing the code. It's just changing how we enforce the code.

The fact that it's a county ordinance really is a complicating factor here. There are some things we can do, but in any set of circumstances, however, you get there, the county code is binding on us and it has to be enforced. This suggestion, as I understand it, is that we had some additional administrative processes. If I'm understanding it correctly, about 100%

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certainty perhaps, I could characterize it this way but I invite staff to correct me. Rather than wait for there to be a complaint, which would have to be investigated and determined if a violation existed of the provisions of the county code. This is an attempt I think someone used the term "proactive."

To be proactive to make sure before lights are installed that they're not going to be installed in a fashion that violates the county code. We are trying to stop that upfront by having an additional process which currently doesn't exist because now they're only having an electrical inspection to make sure it complies with the Florida Building Code, and we're not upfront determining whether or not it's also violative of the county code. Is that it?

Councilperson Darian Martin: Awesome. Thank you so much for that. I'll go ahead and give another round to the council. Does anyone have a comment on this item before I open it up to the public? No. I'll open it up to the public. Does anyone in the audience have a comment? Mr. Pulliam, if you could step up to this podium and state your name and address for the record?

Thomas Pulliam: Hello, again. Thomas Pulliam, 205 Northeast 86th Street. I am the one person who's reported light spillage. I reported it four neighbors, three of them have corrected it. I'm actually not mad at this proposal, but what I'm curious about is since all the information about a nuisance light, the required shielding of it including needing an engineer or someone authorized to confirm that light spillage is not occurring before it's up consistently. All of that is currently within Miami-Dade Code.

It seems as if historically the process for El Portal for getting permits for security lights has not asked for the engineer sketch or that required information. To me, hearing this it does seem to make sense why there would be a form now specifically laying out. At the same time, why was that not occurring before because that's always been part of the Miami-Dade Code. It sounds like it hasn't been checked because it's just been any electrician making sure that the wires are fine. Not all the other stipulations in the code have not been enforced. That's my comment.

Councilperson Darian Martin: Thank you for your comment.

Thomas Pulliam: Thank you.

Mayor Omarr C. Nickerson: All right. Is there any other comment from the audience on this item? Hearing none I'll close it to public comment, bring it back to the council. Does anyone have a motion on this item or additional questions for staff?

Councilperson Luis Pirela: He has something to say, Mr. Pedro.

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Pedro Martinez: For the comments for Attorney Geller. What I intended to say is we put an acknowledgment and acceptance. We actually put a stop with the actual wording of the code and the owner acknowledges reading it and accepting the regulation. In the future, it remains enforced. That's what I propose.

Village Attorney Joseph Geller: Just to be clear for the record, Madam Chair, that's what I was saying seems to be that would be a good thing. I don't want to say that should be the only thing or that's to be exclusion of anything else or we shouldn't otherwise have an additional form or anything like that. However, that particular suggestion as I said, anytime you can get someone to voluntarily accept something.

It certainly strengthens our hand should enforcement be necessary. Now, that may be the only thing we need to do, that may be part of what we need to do. I'm not suggesting that doing that means that we shouldn't take a look or we shouldn't have another form. That's for you to decide. I do think that trying to get some voluntary acceptance and compliance by itself, that's helpful.

Councilperson Darian Martin: Thank you so much for the clarification. Now, for the counsel, do we have a motion? I think, essentially, let's take it back to what staff is talking about recommending is adding this new form a new procedure to flush out this process and make sure whoever is installing these lights is in compliance with the code in Miami-Dade County as well. Do we have a motion on that? Do we want to accept this recommendation, go forward with putting forward this new form to have a motion on that?

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

Councilperson Darian Martin: Sure, go ahead.

Mayor Omarr C. Nickerson: It doesn't necessarily come with an additional fee, does it? In the building department, certain permits come with a permit fee, but there is no permit fee attached to this permit form. This is just another permit form to be more detailed about what's already in existence basically.

Scarlet Hammons: As it is proposed right now, it's not on the form, but it definitely generally speaking there are fees associated with permits and something that could be talked about in the future if we want to move forward with this.

Mayor Omarr C. Nickerson: That would be information that I would need to move forward with it.

Councilperson Darian Martin: In addition to that, are we asking an applicant to engage a professional, and if so, do we have an idea of how much that engagement would cost them?

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Scarlet Hammons: Yes, it would be a professionally prepared plan, but I don't have any cost estimates to say what that would be.

Councilperson Darian Martin: Okay. Well, it seems like maybe we wouldn't need those costs and move forward, so should we defer this item until the next planning and zoning meeting? I think we've got a great foundation. Can I make that motion? Let's go ahead and defer this item. Let me just be very particular in what I'm deferring. Deferring item G5 to the next planning and zoning committee meeting.

I would instruct staff to come back with some idea of whether or not there would be a permitting fee, and if so, around what are we talking? In addition to that, whomever is the lighting specialist that would need to be engaged, we would want to know how much would that cost be so we know how much we're proposing that our residents pay for this service. If I move it, can I have a second on that one [crosstalk]-

Councilperson Luis Pirela: I'll second.

Councilperson Darian Martin: Perfect. Do I need a roll call on that, Madam Clerk?

Mayor Omarr C. Nickerson: You can-do all-in favor.

Councilperson Darian Martin: All in favor say, aye.

All: Aye.

Councilperson Darian Martin: Any opposed? All right. We'll move forward to item G6, the lot coverage discussion. Scarlet, I think you're up again. Thank you so much.

Scarlet Hammons: Great. Just wanted to start a discussion on this and get some direction, I guess really from your end. At this point, we've been receiving several different kind of interpretations of how different design professionals have been submitting site plans and calculating lot coverage. There seems to be really a consensus on impervious versus pervious coverage. However, there are certain exceptions that are currently included in the definition of lot coverage that have been a little bit-- not everybody is interpreting in the same way, I'll say that.

The definition is in Article 10 which states that lot coverage is the area of the lot occupied by all buildings excluding structures such as decks, pools, and trellises. Just to note that we have some differences of opinion from different professionals that are not including driveways when they're looking at the lot coverage. Most driveways there are different materials to construct the driveway. However, majority of them are impervious surfaces. At staff level,

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when we review these site plans we are taking a more conservative approach and have been including driveways in the impervious lot coverage.

We have definitely requested this item come before you tonight just for our discussion purposes, and if so desired by you to make a small amendment in the code of ordinances that would change the definition of lot coverage that would define better the impervious surfaces would be included in lot coverage. Also, there is some stretching of the exclusion for the deck exclusion that I would request that you look at defining that better, such as including the word or describing it as a wooden deck which would be a pervious surface, which makes sense for that to be excluded.

Councilperson Darian Martin: Thank you so much for that. I remember that we had quite the conversation about that with an applicant. As I'm concerned, I think it would be a great move for us to move towards having a more fleshed-out definition of that. I think from the report, I want to understand this is the same definition that Biscayne Park is using, is that correct?

Scarlet Hammons: Biscayne Park does pervious versus impervious and stops there. They don't have any exclusions or any other lot coverage definitions. It's just straightforward, pervious versus impervious.

Councilperson Darian Martin: Then this amendment that you're proposing would get us closer to that level of certainty. I suppose an architect would look and have a very clear idea of what we were calculating in impervious versus pervious.

Scarlet Hammons: Right.

Councilperson Darian Martin: Okay. I get that. Does anyone else on the council have a question for Scarlet on this item?

Councilperson Luis Pirela: I do, Madam Chair.

Councilperson Darian Martin: Okay, go ahead, Vice Mayor.

Councilperson Luis Pirela: Thank you. Scarlet, when it comes to driveways, there's one of the things that could actually be pervious, right? If they do go ahead with any materials, that wouldn't be counted as lot coverage, in the event that they won't extend the house or anything like that, or build a pool.

Scarlet Hammons: Yes. If you have a pervious driveway, then that wouldn't be considered lot coverage, no.

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Councilperson Luis Pirela: Perfect. Thank you. That's all, Madam Chair.

Councilperson Darian Martin: Thank you so much. It seems like the Vice-- Councilwoman Lightfoot-Ward, do you have anything on this item?

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

Chairwoman: Sure.

Councilperson Dr. Anna E. Lightfoot-Ward: Are most driveways impervious right now?

Scarlet Hammons: It seems that way. I'm doing inspections, and there's been a lot of new driveways in the village, and most of them are made of impervious materials, yes.

Councilperson Dr. Anna E. Lightfoot-Ward: Does that mean with the tar or with the plat? What's this stuff called?

Scarlet Hammons: Asphalt, marble, pavers, concrete, yes.

Councilperson Dr. Anna E. Lightfoot-Ward: I'm going to be nice, I was cautioned to repave my driveway. Now you're talking about impervious. I have a tar surface, I don't have a concrete surface or anything like that. I have a tar surface. All I wanted to do was expand it, but the person that explained to me that the water drain off would end up being a puddle. I asked, "So how do I update my driveway?" He said, "You just have the person come out and put another tar on top of it." That would still make it impervious, right?

Scarlet Hammons: Correct, yes.

Councilperson Dr. Anna E. Lightfoot-Ward: All right, thank you.

Councilperson Luis Pirela: Now, I do have another question. Pavers on sand, is that considered impervious or pervious?

Scarlet Hammons: There are some leeway in that, it's not 100% because the water can come through, but it's not a pervious surface. There's manufacturer's standards that you could point to and they tell you really what the percentage is that could be considered somewhat pervious.

Councilperson Luis Pirela: Oh, okay, perfect. Thank you.

Councilperson Darian Martin: Thank you so much. Seeing no other comments from the members of the body, I will open it up if anyone in the audience has a comment on this. No?

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I'll close it to public comment. I'll go over to our building official who'll comment on this item.

Pedro Martinez: Again, Pedro Martinez, building official. 343 Almeria Avenue, Coral Gables. I'm here to support the staff proposition. The current definition create a lot of confusion, especially for new projects, when at the end because they exceeded the previous area, drainage of the property becomes extremely expensive. The plans are already approved and some of you rejects the approval.

People make drawings and then when they're ready to finish the property they're begging for variances to flood their neighbors. We cannot approve them, and you're talking tens of thousands of dollars in drainage because exceeding the impervious area. It is very important that I really support her proposition. It helps everybody, so you're playing on an easy clear field since the beginning.

Councilperson Darian Martin: Thank you so much for your insights. I love this kind of a comprehensive looking at the user experience when they desire to make some changes. Also, everything and anything that we can do to move towards certainty, so that more of the language found in our codes are just really clear as to what is expected.

I appreciate you putting this item on the agenda. The consensus is that we definitely want to engage in conversations that move us closer to that level of certainty. I'm assuming what you're going to do from this point is actually draft up some of the proposed language, and we would see that in the context of a future council meeting. Is that the procedures that you're **[unintelligible 01:56:36]**.

Scarlet Hammons: Yes. It would come before you as a code amendment the-- **[unintelligible 01:56:40]** I think I--

Councilperson Luis Pirela: Now, let me ask this question. As far as the setback goes inside the property, which right now is 5 feet. Is that something that is standard across the county? Because I just had somebody, a customer, that they were saying, I think they were in Miami Lakes or somewhere they lived, that they needed a 7-foot setback at least for the shed. That's their new regulation, so I don't know if it's a setback for the entire property around the property, or it's just for certain units or applications in the-- it's a 5-foot standard across the county?

Scarlet Hammons: That's a good question. It really varies so much. All cities are really different. I wouldn't say that I've ever seen anything less than 5 feet. It's 5 feet or more, yes.

Councilperson Darian Martin: Thank you for that, Scarlet.

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Councilperson Luis Pirela: Thank you for that.

Councilperson Darian Martin: Attorney Geller, I think you have a comment.

Village Attorney Joseph Geller: Yes. I agree with what Ms. Hammons said. There's a lot of variation in different places in the county, and sometimes you actually find places where they've changed it, and half the town is grandfathered in and half is not, so there's that too. To say that there's a standard it just depends where you are. Side and front setbacks are not the same, depending on what's behind you. Rear setbacks can-- there's no--

Councilperson Darian Martin: It's a lot of variance. Well, thank you so much, Scarlet, we appreciate you. I think you know what we would like to do for G6, it's not an item that we're voting on, but we appreciate you updating us on that. Then with that, we'll move on to H. This is our last good and welfare for the evening. If anyone in the audience has something that they would like to say, please step up to the podium-

Scarlet Hammons: Thank you.

Councilperson Darian Martin: -and state your name and address for the record. We'd love to hear what you think.

Thomas Pulliam: Hi. Thomas Pulliam, 205 Northeast, 86th Street. I actually thought there was going to be a beginning good and welfare, which there wasn't, so I had segmented my topics into two-

Councilperson Darian Martin: Just give them all now.

Thomas Pulliam: -but I'm just going to run through them quickly now.

Councilperson Darian Martin: Sure. There you go.

Thomas Pulliam: First, what happened to Plusurbia, when did we change companies for planning and zoning?

Councilperson Darian Martin: Madam Manager, can you give us an idea of the date?

Village Manager Christia Alou: Oh, it was several months ago. Plusurbia is still with the village, but they're only doing planning. We contracted with Corradino Group to handle only zoning. They had the capabilities of doing zoning inspections, which we were not able to do with the Plusurbia. That's why the change.

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Thomas Pulliam: Okay, great. Thank you. My second topic. When is the next planning and zoning meeting? Because I have a variance request, that's in for a fence and hedges to enclose my property after many incidents. Also, I have a large setback, small backyard. Also why I've been experiencing the light trespass into my house, specifically. My house is from 1936, so one of the very original ones here, and then of course everything built around it. Just when could we expect the next planning and zoning meeting?

Councilperson Darian Martin: We don't have a set date. We usually try to batch them together. We never go longer than two months without having a meeting. I would anticipate having another planning and zoning meeting sometime in March. I think that there are enough applications that are out there that we can reasonably hold a meeting. The reluctance sometimes is there might be one item for in queue, we try to batch them for efficiency. It shouldn't be longer than two months. I anticipate having one in March. Hopefully, that answers the question.

Thomas Pulliam: 100%. Thank you.

Councilperson Darian Martin: Awesome. Next one.

Thomas Pulliam: Since I have that variance in process this next question is related to that. I spoke with Scarlet, and someone who works with Scarlet, I forget her name In regard to my application which is both a request for fence and hedges. The assistant for Scarlet told me that they would treat it in one single staff report, but they also said it's two separate variance requests. I would have to pay separately, which as you know with the fees and the advertising costs, it's \$900 to do a variance process.

My question is, is that standard where you can't combine any variances when it's related to the same ordinance, which in our code it says hedges or fences have to be-- require this variance process. I'm attempting to do it together. It's a fence and a hedge that would live in the same area, same geography, same line. Can that be treated as one or is that really two separate ordinance variances?

Councilperson Darian Martin: I've never seen them treated together, and I'm assuming that the reason is because you could get approved for one, not approved for the other. I don't know. Maybe Scarlet can let us know why we are not doing them together. I've never seen a fence and a hedge together personally. I don't know if anyone else on the council can opine.

Scarlet Hammons: Can you-- what exactly-

Councilperson Darian Martin: He's seeking a variance for the fence and hedge, and he was told that he has to apply separately and pay separate fees, and he's wondering if he can consolidate.

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Scarlet Hammons: It makes sense because it's twice the work. We review each one on its own and that does take more time. If somebody has three or four variances, then that's three or four times as much work and they're different. They're different issues so we do it different.

Councilperson Darian Martin: Yes. I can see that. Does that answer your question?

Thomas Pulliam: That makes sense what you said, but that's not what your assistant who called me on the phone this week told me. She said she would treat it within the same staff report, but I would need to pay for two variances.

Scarlet Hammons: It's one staff report, correct. We've done a few of those tonight already, where we have multiple variances in one report.

Thomas Pulliam: Oh, okay. So those applicants are paying for multiple variance fees?

Scarlet Hammons: Yes. Correct.

Thomas Pulliam: Not just one \$900?

Scarlet Hammons: Yes.

Councilperson Darian Martin: I think she's talking about the work because they have to do an analysis for the fence and then do an analysis for the hedge. They're presenting it to us in the same report, but they've done two different sets of work. I think that's what Scarlet is trying to let us know.

Scarlet Hammons: Correct, yes. The other applicants paid for different variances, yes.

Thomas Pulliam: Okay, great. Thank you for that clarification. My next one is regarding to Miami-Dade County ordinances. We touched on a little bit with the permit application that was proposed today. This is something I met with the mayor, manager, village code enforcement, building official about back in November, and have been following up since. Specifically, the Miami-Dade Code of Ordinances talks about a nuisance light and say-- and that's why it talks about needing it to be shielded and not passing the half-foot candle trespass limit.

Currently, although Miami-Dade Code says, "A light can't be there if it's a nuisance to an adjacent property," which is my case that is not currently being enforced by our code enforcement. I was told it's technically a zoning ordinance. My question is, what is the definition for nuisance light? Is it more than just the adjacent property, in this case, me saying, "Hey, that light's bothering me and it's trespassing more than half a foot-candle." Or

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is there more that goes into that, which is the reason why this Miami-Dade Code for nuisance light is not being enforced?

Councilperson Darian Martin: That's a very in-depth and technical question that I definitely don't have the answer for you as far as what is the objective criteria for, to reach a level of being a nuisance light. I'm not sure if anyone in the room can speak on that offhand, but that is something that we can look into and then get back to you on.

Thomas Pulliam: It has been something I brought up again in November that has somewhat been looked into. These lights are shining into my windows all night long. They're not on motion sensors. There's a six-foot privacy fence, but it's raised way above that, like at the line of the roof. It's the highest luminance floodlight possible just all night bearing down. Now, some of the lights are in half a foot candle trespass.

They are currently being enforced to the Miami Code in regards to half a foot candle. That same Miami-Dade Code also says about, if it's a nuisance to an adjacent property, then you also can't have it permitted without a public hearing and all these other requirements which is not currently being enforced. Despite me vocalizing this since, I believe, may last year to code enforcement.

Councilperson Darian Martin: No, definitely. I understand how frustrating that must be. As far as it relates to me, and I think most of the members on this body. I wouldn't be able to give you specific guidance on that. One thing I do want to do is make sure that whatever I tell you is actually true. That's a question that needs a bit of research. I would ask that you trust that I will do what needs to be done as far as trying to get you an answer on that. Off the top of my head, I have no idea what would be the objective criteria for a nuisance light.

Thomas Pulliam: No. I totally get that, and I appreciate that.

Councilperson Darian Martin: Oh, Attorney Geller.

Village Attorney Joseph Geller: Madam Chair, this is something that the gentleman has presented. The administration has been reviewing it. We've had some internal meetings that have involved me as recently as just last week.

Councilperson Darian Martin: Awesome.

Village Attorney Joseph Geller: We're looking at that issue, and we're going to try and respond to Mr. Pulliam. We met on it. Most recently we've talked about it a couple of occasions as we indicated when we had that whole discussion, because it's a county code issue and not our code. It is a little more complicated than usual.

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Councilperson Darian Martin: I imagine.

Village Attorney Joseph Geller: We are working on that as recently as-- like I said, we met on it last week, four of us, there were five of us maybe. We're trying to craft an appropriate response to a number of very particular questions that the gentleman has asked.

Councilperson Darian Martin: I imagine. All right. There is a bit of a response, and hopefully, we can get you a full response soon. Do you have another item?

Thomas Pulliam: I do. Would I follow up with you in regards to the response for the nuisance light now?

Councilperson Darian Martin: Why not? You can send me an email.

Thomas Pulliam: Okay, great.

Councilperson Darian Martin: For sure.

Thomas Pulliam: My next comment also regarding light trespass. One of the lights which is trespassing onto my property from the adjacent property, I only have three feet on the property line separating my building from the end of my property. Then that house which is currently has 1.2-foot candles trespassing, which is more than double the allowed amount. That was enforced by code enforcement and then was corrected. Then since has been re-corrected where it is again shining 1.2-foot candles.

Code enforcement is not treating that as a repeat violation, even though it's the same light in the same location, creating the same effect with the same amount of lights spillage. They have, again, another 30 days to correct that, although this has been an ongoing issue with them for four or five months. They just are correcting it in that way. Then our ordinances around repeat violation don't appear to be followed in that regard.

Councilperson Darian Martin: Noted. Fitz Simmons isn't in here right now, but I'll be sure to let him know, and then you can add that in your list of what you're emailing me. Do you have another one?

Thomas Pulliam: Yes, one more. This is a different subject regarding permit processes, owner-builder affidavits in specific. My property, again, 1936 property, I'm doing a remodel on the entire thing. The septic tank as we were demoing the oldest part of the property, we discovered that the septic tank was starting to back up into the property. What needed to be done was replace the drain field. The owner-builder permit instructions live on the El Portal website on the Building Department page. It's literally building affidavit instructions says at

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the very bottom, you can do an emergency repair if you apply for a permit within the next business day, which I did.

What has happened is the Village rejected that builder/owner permit application, which the reason was that you need a county contractor with the health department-- an approved contractor to do that. However, that is not accurate information. It's actually a confusion of it. If you go to the Florida Department of Environmental Protection, their website, the very front thing where it says who can do septic tank work, the very first item is an owner-builder on their home area. The second item is a licensed contractor, and then there's a third item there.

You need the health department person to inspect after it's done and complete a state-level form with their signature saying that everything was done correctly. However, it's incorrect that you cannot do septic tank repair work as an owner-builder. My application is owner-builder affidavit was rejected. I then followed up hounding the licensed plumber contract, "Hey, sign this, get it notarized, give me all this information so I can go through the other route. I submitted my builder/owner affidavit on the 25th of January which was a day after the work was completed per the emergency repair guidelines. It was rejected via CAP Government.

The building department told me you can't do this as owner-builder has to be a registered contractor with the health department, which is not what the people at the health department and the state who I've been in contact with have told me. Now as a result of this, I have a fine on my property for doing work without a permit because my owner-builder application that I did as an emergency repair within 24 hours of having the work done by a licensed plumber was rejected. It appears that it was rejected because of some-- it is a little bit confusing, I've been having to navigate all the different ins and outs of it. That's currently the case.

Councilperson Darian Martin: It seems like you've had a very eventful 2024, so I understand how that whole process could be tiring and confusing. I would add that as the third thing on the list that you're going to email me so we can give you an exact recitation of exactly why things worked out the way they did. Okay?

Thomas Pulliam: Okay.

Councilperson Darian Martin: Awesome. Do you have another thing on your list or is that the last one?

Thomas Pulliam: With that last comment you're saying that is the correct process, how it should have been done?

Councilperson Darian Martin: I don't know the process. CAP Government would have to tell you the process, but that is something and a conversation that we can engage with you

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and I and CAP Government and not necessarily everyone else. You can have a chance to really dive deep into the issue as far as what happened and how it occurred. I think that would be a better way to-

Thomas Pulliam: That would be really helpful because I have been in contact with CAP Government and it's just been all over the place and consistent information.

Councilperson Darian Martin: Yes, just go ahead and send me those emails.

Thomas Pulliam: They've also been extremely unprofessional, very frustrated in their communication, and giving a lot of misdirection.

Councilperson Darian Martin: No, those are all good things to know, right?

Thomas Pulliam: In fact I would like the Village to know, I've also had to be in contact twice with the owner of CAP Government, Carlos Penin, in regards to the unprofessionally and misinformation of his employees, of what they have been communicating or not communicating. I would like all the council people to be made aware of that.

Councilperson Darian Martin: That is well within your rights. If someone treats you in a way that you do not appreciate, you should report it as such. As it relates to those three items that you specified, please send me that email, and will go through the process, okay?

Thomas Pulliam: Yes. Thank you so much.

Councilperson Darian Martin: No worries. Thank you. Do I have anyone else in the audience that would like to comment during good and welfare? Seeing no takers, I will go ahead and close out good and welfare. Oh, I think we have a-- I will close it out to the audience. I'll bring it back to the body. Councilwoman Lightfoot-Ward has a comment. Go ahead.

Councilperson Dr. Anna E. Lightfoot-Ward: I wouldn't be having this comment, but I need to say it out loud. I don't see the code enforcement person anymore. Did he already leave? I still got that boat in my front yard, that boat on my street in the front yard. Not good. Thank you.

Councilperson Darian Martin: Awesome. With that comment, we're going to move on to adjournment. Do I have a motion to adjourn the February 6th, 2024 planning and zoning meeting?

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

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Councilperson Darian Martin: Do I have a second?

Mayor Omarr C. Nickerson: Second that, Madam Chair.

Councilperson Darian Martin: All in favor say, aye.

All: Aye.

Councilperson Darian Martin: Any opposed say, nay. All right. Meeting is adjourned at 8:28 P.M.

[02:16:00] [END OF AUDIO]

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