



CITY OF FORT LAUDERDALE

**PLANNING AND ZONING BOARD MEETING MINUTES
DEVELOPMENT SERVICES DEPARTMENT
700 NW 19 AVENUE, FORT LAUDERDALE, FL 33311
WEDNESDAY, DECEMBER 17, 2025 – 6:00 P.M.**

Board Members	Attendance	Present	Absent
Patrick McTigue, Chair	P	7	0
Brian Donaldson, Vice Chair	P	7	0
Kevin Buckley	P	6	1
Hector DelaTorres	P	3	1
Whitney Dutton (arr. 6:09)	P	6	1
Steve Ganon	P	7	0
Jacquelyn Scott	P	6	1
Alexander Spence	P	4	0

Staff

D'Wayne Spence, Interim City Attorney
Jim Hetzel, Principal Urban Planner
Jonathan D'Angelo, Urban Planner I
Tyler Laforme, Urban Planner II
Yvonne Redding, Urban Planner III
Adam Schnell, Urban Planner III
N. Day, Recording Clerk, Prototype, Inc.

Communication to City Commission

Motion made by Ms. Scott, seconded by Mr. Buckley, that we additionally add vacations of rights-of-way to the Code as relates to public participation meetings, and on public participation meetings, they have to have them no longer than a year before the Planning and Zoning Board meeting. In a roll call vote, the **motion** passed 8-0.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:01 p.m. and the Pledge of Allegiance was recited. Chair McTigue introduced the Board members present, and Principal Urban Planner Jim Hetzel introduced City Staff.

II. DETERMINATION OF QUORUM / APPROVAL OF MINUTES

Motion made by Mr. Donaldson, seconded by Ms. Scott, to approve the minutes of the last meeting. In a voice vote, the **motion** passed unanimously.

III. PUBLIC SIGN-IN / SWEARING-IN

Any individuals wishing to speak on Agenda Items were sworn in at this time.



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DRAFT

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IV. AGENDA ITEMS

Index

<u>Case Number</u>	<u>Applicant</u>
1. UDP-V24002**	John Terrill, Agnes Howard, and Luciano and Mayer Del Valle Bonaldo
2. UDP-S25001**	One on One Harbor Beach, Inc.
3. UDP-S25025**	Segall Development, LLC
4. UDP-V21002**	David Ide
5. UDP-S24040**	William Ader, Jr. and Robert Ader, Trustee

Special Notes:

Local Planning Agency (LPA) items (*) – In these cases, the Planning and Zoning Board will act as the Local Planning Agency (LPA). Recommendation of approval will include a finding of consistency with the City’s Comprehensive Plan and the criteria for rezoning (in the case of rezoning requests).

Quasi-Judicial items ()** – Board members disclose any communication or site visit they have had pursuant to Section 47-1.13 of the ULDR. All persons speaking on quasi-judicial matters will be sworn in and will be subject to cross-examination.

1. CASE: UDP-V24002

REQUEST: ** Vacation of Right-of-Way: 40-Foot-Wide by 140-Foot-Long Portion of SE 2 Court

APPLICANT: John Terrill, Agnes Howard, and Luciano and Mayer Del Valle Bonaldo

AGENT: Robert Lochrie, Lochrie & Chakas, P.A.

PROJECT NAME: Terrill ROW Vacation

GENERAL LOCATION: East of S. Victoria Park Road and west of the Rio Navarro Waterway, north of E. Las Olas Boulevard and south of SE 2 Street

ZONING DISTRICT: Residential Single Family/Low Medium Density (RS-8)

LAND USE: Low-Medium Residential

COMMISSION DISTRICT: 4 – Ben Sorensen

NEIGHBORHOOD ASSOCIATION: Colee Hammock Homeowners Association

CASE PLANNER: Yvonne Redding

Disclosures were made at this time.

Robert Lochrie, representing the Applicants, stated that the request before the Board is to vacate the eastern portion of SE 2 Court as designated on its plat. He identified the location of the Applicants’ properties on a visual rendering, as well as the area for which the vacation is requested.

Mr. Lochrie explained that the right-of-way was originally dedicated in 1920 as a boulevard, thoroughfare, or street, although it has not been used for that purpose and is unimproved. The Applicant's team has reached out to the appropriate neighborhood association through a public participation meeting and has received letters of support from the owners of several parcels shown on the rendering.

The right-of-way has never been used as a street, and the City has no plans to use it for that purpose in the future, as noted in the Staff Report. The unimproved area has not been maintained.

Mr. Lochrie concluded that the Applicants agree with the conditions of the Staff Report, and wish to add one additional element to those conditions. Condition #2 currently states that any utility infrastructure found within the easement area will be relocated; the Applicant wishes to add the words "or an easement granted to the facility owner" to that condition.

Mr. DelaTorres requested clarification of the site's owner. Mr. Lochrie replied that these are the property owners on the north and south sides of the subject property. He explained that the subject site was dedicated by plat as a street; however, streets in the subject area were reconfigured when Victoria Park Road was created. The site has never been used for any City purpose, which is why it is being vacated and will revert back to the joint property owners.

Mr. DelaTorres also asked what the owners' plans are for the site. Mr. Lochrie replied that they plan to secure and maintain the subject area by adding a gate and cleaning it up. The gate will prevent pedestrians from accessing the subject area. The land will be divided approximately equally between the north and south property owners.

Mr. DelaTorres asked if the newly divided property will go into each of the owners' folios. Mr. Lochrie confirmed this, adding that the owners will pay taxes on the property. It is possible that the addition of the subject property will increase the owners' property values. The owners have not offered payment to the City for the property, as Florida law prohibits this in relation to the vacation process.

Mr. Dutton arrived at 6:09 p.m.

Ms. Scott commented that the surrounding neighborhood uses the subject area to cross over to Victoria Park Road, although they do not enter the woods. She emphasized that protection of privacy is the biggest factor in this application.

At this time Chair McTigue opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Scott to recommend approval of Case Number UDP-V24002, based on the following findings of fact, the facts of the City Staff Report, and/or based on the

testimony of the Applicant's attorney, and the Board hereby finds the Application meets the applicable criteria of the ULDR cited in the Staff Report.

Ms. Scott requested clarification of how to add the Applicant's requested addition to Condition #2. Assistant City Attorney D'Wayne Spence recommended the following language: accepting as an amendment to Condition #2 as made by the Applicant's attorney. Ms. Scott confirmed that her intent was to add this language to the **motion**.

Mr. Buckley **seconded** the **motion**. In a roll call vote, the **motion** passed 8-0.

2. CASE: UDP-S25001

REQUEST: ** Site Plan Level III: Conditional Use for Building Height above 150 Feet, Waterway Use, and Yard Modification Request for 36-unit Multifamily Development

APPLICANT: One on One Harbor Beach, Inc.

AGENT: Jason Crush, Crush Law, P.A.

PROJECT NAME: Harbor Beach Residences

ADDRESS: 3043 and 3049 Harbor Drive

ABBREVIATED LEGAL DESCRIPTION: Ocean Harbor 26-39 B Lot 6 and Ocean Harbor 26-39 B Lot 5

ZONING DISTRICT: Residential Multifamily High Rise-High Density (RMH-60)

LAND USE: High Residential

COMMISSION DISTRICT: 4 – Ben Sorensen

NEIGHBORHOOD ASSOCIATION: Harbor Drive Association

CASE PLANNER: Adam Schnell

Chair McTigue stated that the Applicant in this case has requested deferral of the Item to the January 21, 2026 Planning and Zoning Board meeting.

Motion made by Mr. Donaldson, seconded by Ms. Scott, to approve the deferral of Item Number Two, which is Case UDP-S25001, to the next meeting, which is January 21, 2026. In a voice vote, the **motion** passed unanimously.

3. CASE: UDP-S25025

REQUEST: ** Site Plan Level III: Waterway Use for 49,976 Square-Foot Self-Storage Facility

APPLICANT: Segall Development, LLC.

AGENT: Sara Thompson, Miskel Backman, LLP

PROJECT NAME: 111 W Davie Blvd - Self Storage Facility

ADDRESS: 111 and 113 W. Davie Blvd

ABBREVIATED LEGAL DESCRIPTION: Placidena Unit B 5-8 Lot 9 less S 15 for ST BLK 8

ZONING DISTRICT: South Regional Activity Center – South Andrews west (SRAC-Saw)

LAND USE: South Regional Activity Center

COMMISSION DISTRICT: 4 – Ben Sorensen
NEIGHBORHOOD ASSOCIATION: Tarpon River Civic Association
CASE PLANNER: Tyler Laforme, AICP

Disclosures were made at this time.

Sara Thompson, representing the Applicant, stated that the subject property is 0.36 acre in size and is located in the South Regional Activity Center (SRAC). Its land use category is also South Regional Activity Center.

Ms. Thompson reviewed the Site Plan, which proposes a six-story self-storage facility 50,100 sq. ft. in size. She did not have an estimate of how many self-storage units will be included. There will be six parking spaces, which is one space more than what is required by Code, as well as one loading space. The back of the property will include a 20 ft. landscaped setback with bushes and trees.

The Applicant had an opportunity to speak with the Poinciana Park and Tarpon River Civic Associations, both of which expressed support for the project. Both Associations also requested that the Applicant look into the safety of the site's ingress/egress. The Applicant received full support from the Florida Department of Transportation (FDOT) in relation to access to the building.

At this time Chair McTigue opened the public hearing.

Vanessa Apotheker, president of the Tarpon River Civic Association, advised that while the board of this Association did not take a formal vote on this Item, the majority of its board members had no opposition to the proposed project. They had requested that the Applicant consider retaining a local artist to paint a mural on the side of the building in order to add character.

Ted Inserra, president of the River Oaks Civic Association, asserted that the proposed project is not compatible with the surrounding area. He also noted that the only egress from the subject property will be west onto Davie Boulevard, and there are already traffic problems in the subject area. He expressed concern that the proposed building would be an eyesore, concluding that he would not object to the project if it were planned for 2 Street.

Mr. Ganon pointed out that Davie Boulevard is commercially zoned, and that any business occupying the subject space would affect traffic. He noted that the self-storage facility would not generate significant traffic. Mr. Inserra stated that other buildings in the immediate area on Davie Boulevard are limited to one story in height, and characterized the location of the proposed building on a major corridor as preposterous.

As there were no other individuals wishing to speak on the Item, Chair McTigue closed the public hearing and brought the discussion back to the Board.

Mr. DelaTorres asked if the City has any regulations regarding advertising for the site while under construction. Attorney Spence replied that this would be governed by the City's Sign Code.

Tyler Laforme, representing Urban Design and Planning, advised that a mural would have to be approved separately from the project's Site Plan. With regard to signage advertising the building, the City's Sign Code would govern these requirements. Mr. DelaTorres stated that his intent was to address signage that currently advertises the site.

Mr. DelaTorres also asked if the Board could review any rules governing public art. Mr. Laforme confirmed that a mural could be added, reiterating that this would require a separate approval process. Mr. DelaTorres recommended enhancing the area with public art to improve the building's aesthetics.

Mr. Buckley pointed out that the Applicant has a right to construct the building as shown within commercial zoning, and advised that he was in favor of property rights and was unlikely to vote against the Application as presented.

Ms. Scott spoke in favor of adding a mural to the building as proposed by representatives of the neighborhood, and suggested that this be included in any motion by the Board.

Mr. Ganon commented that the Applicant appears to show that the building is "broken up" as much as possible so it does not create a large white wall. He also observed that the Applicant may build up to 10 stories on the subject parcel, which is surrounded by other commercial buildings.

Mr. DelaTorres stated that the Board's responsibility is to enhance the City and its communities, and should take the opportunity to improve the aesthetic value of a commercial site. He did not feel this constituted a compromise of property rights.

Ms. Scott advised that she did not believe this was an accurate characterization of the Board's role.

Mr. Hetzel advised that the Applicant would need to be willing to make the proposed changes to the site, as those changes are not required. In addition, Staff would discourage including a design facing the site's western elevation, as its exposure to sunlight would require significant maintenance. He concluded that an architectural treatment would be preferable to artwork on the elevation.

Ms. Scott again advocated for a mural, citing other locations throughout the City that have included artwork on buildings. Mr. Hetzel reiterated that Staff does not encourage artwork in the subject area and would instead recommend architectural treatments.

Motion made by Mr. Donaldson, seconded by Mr. Buckley, to adopt the Resolution approving Site Plan Level III for Case Number UDP-S25025, based upon the following findings of fact, and that the Board hereby finds that the Applicant meets the standards and requirements of the ULDR and criteria for the proposed use as cited in the Resolution, along with the approval of the Application, subject to all conditions included in the City Staff Report; and I would like to also ask that the Applicant work with the neighborhood to explore the process of the art, which is a different approval process, to explore the opportunity for perhaps some art, but not as a condition of approval.

Attorney Spence read the following Resolution into the record:

A Resolution of the Planning and Zoning Board of the City of Fort Lauderdale, Florida, approving a Site Plan Level III development permit for waterway use for a 49,976 sq. ft. self-storage facility on the property located at 111 and 113 West Davie Boulevard, Fort Lauderdale, Florida, in the South Regional Activity Center/South Andrews West District, Case Number UDP-S25025; providing for conflicts; providing for severability; providing for an effective date.

In a roll call vote, the **motion** passed 8-0.

Mr. Dutton requested clarification of the remaining steps necessary for approval of the project. Mr. Hetzel clarified that one of the Commissioners or the Mayor would need to indicate their intent to call up the Item.

4. CASE: UDP-V21002

REQUEST: ** Vacation of Right-of-Way

APPLICANT: David Ide

AGENT: Jason Crush, Crush Law, P.A.

GENERAL LOCATION: 50-foot wide by 102-foot-long portion of Coconut Drive, south of SW 9 Street, west of SW 11 Avenue, east of the South Fork New River Canal

ZONING DISTRICT: Residential Single Family and Duplex/Medium Density (RD-15)

LAND USE: Medium Residential

COMMISSION DISTRICT: 4 – Ben Sorensen

NEIGHBORHOOD ASSOCIATION: Tarpon River Civic Association

CASE PLANNER: Tyler Laforme, AICP

Disclosures were made at this time.

Courtney Crush, representing the Applicants, stated that the request is for a right-of-way vacation. She explained that this is intended to provide safety and security from both pedestrian activity and vehicular traffic. The Applicants own the three homes adjacent to the subject portion of right-of-way, which dead-ends on private property. The original rights-of-way are identified in a plat dating back to the 1940s. The plat dedicated all shown

streets and rights-of-way to the public, subject to being reverted if they cease to be used for right-of-way purposes.

Ms. Crush continued that roughly 20 years after the original plat was recorded, a plat immediately to the south, known as the Harbor Island Plat, dredged the waterway and created a berm, conveying uplands to each of the abutting property owners. This created private property ownership at the terminus of Coconut Drive.

City Staff has analyzed the criteria for right-of-way vacation and determined that the subject portion of the right-of-way is not needed for pedestrian or vehicular travel. It does not serve any purpose and there are no sidewalks, nor is there waterway access. There is also no need for pedestrian access. A condition of approval addresses utility lines in the area, stating that the utility easement would be retained if the Board recommends approval of the Application.

The Applicants have engaged in public participation and has received letters of support from neighboring properties. Ms. Crush added that some of the letters responded to comments from the City's Development Review Committee (DRC), which were made at a time before the City was aware of the property's private ownership.

Mr. Donaldson noted that there is an existing fire hydrant at the south end of Coconut Drive, and asked if this infrastructure will be relocated or maintained if the site is vacated. Ms. Crush replied that the hydrant would remain on the property as part of the utility easement.

Ms. Scott requested clarification of the number of single-family homes and boats in the immediate area. Ms. Crush confirmed that there are three single-family homes, with no commercial activity at any of the residences. Dock space can be legally leased in the subject area due to grandfathering.

Ms. Scott asked for more information on the leasing of dock space. Mr. Hetzel clarified that the docks in question are leased to a condominium complex located to the south. Ms. Crush added that the Applicants have a Broward County manatee protection license, which allows them to continue to operate the site as a marina, as they have done since the 1950s. This operation does not affect the single-family homes.

At this time Chair McTigue opened the public hearing.

Vanessa Apotheker, president of the Tarpon River Civic Association, stated that while the Association's board did not take a formal vote on the Application, they have discussed it for over a year and have no opposition to it.

Kevin Schofield, private citizen, stated that he lives three houses north of the subject site. He advised that there is no visible signage posted on the property aside from one location.

He expressed concern with commercial activity on the site, which contributes to a significant amount of non-residential traffic.

Mr. Schofield continued that there are inconsistencies related to the legal permits filed for this Application. All properties located on the New River at this location are zoned RS-8; however, some are labeled RD-15 on the Applicants' documentation. He cautioned that if the right-of-way vacation is approved, additional traffic may be generated in the area.

Ms. Scott requested more information on the public participation meeting held with respect to the Application, expressing concern with the possibility that residents were not aware of tonight's meeting. Ms. Crush replied that notice of tonight's hearing was mailed by the City to all property owners within 300 ft. of the subject site. The most recent public participation meeting was held in 2021. Ms. Scott expressed concern with this length of time.

Mr. DelaTorres asked how individuals renting dock space access their boats. It was clarified that there is a boardwalk along the south border of the area, as well as entrances from adjacent streets. Renters would not leave their cars at the site, but could be dropped off.

Mr. DelaTorres asked how the proposed vacation would affect renters' access to boats. Mr. Ganon replied that he had spoken with one of the Applicants, who indicated that they allow boat owners to access the property. There are also public entrances to the subject area.

Ms. Scott asserted that she would be more comfortable with the Application if there had been proper signage and a more recent public participation meeting so the neighborhood was aware of the request.

Mr. DelaTorres asked what the Applicants would do with the property if the vacation is granted. Ms. Crush replied that the Applicants would secure the property from access by the general public, reiterating that it is often accessed by drivers who do not know there is no easy way out of the site. If the property is not vacated, there is no regulation of who can be on the site and for how long.

Mr. Ganon again advised that there are no businesses on the property other than the boat rentals, clarifying that the greenhouse is not a commercial facility. He emphasized that the Applicants want to keep the property "in the family" and he felt their concerns were genuine after speaking to them.

Ms. Scott reiterated that she was uncomfortable voting to support the Application when there has been no public participation in four years. She also expressed concern with the public assertion that signage was only posted on the property at one end of the street, where it was not easily visible except to boaters renting dock space or drivers or pedestrians accidentally in the area. She concluded that these circumstances appeared to go against the City's rules.

Mr. Donaldson asked if the Applicants were willing to meet with neighbors and then bring the Application back before the Planning and Zoning Board. Ms. Crush requested time to speak with the Applicants on this suggestion.

Mr. Buckley requested clarification of next steps in the event the Board voted to deny the Application. Attorney Spence replied that the Applicants could appeal a recommendation of denial to the City Commission.

The Board members discussed their options, including moving forward with recommendations for approval or denial as well as deferring the Item to allow the Applicants' team to speak with their neighbors.

Ms. Crush reported that her clients felt they had had significant public participation when the meeting was held, including with one of the neighbors who had spoken at tonight's meeting. She noted that they can again mail out notice to property owners within 300 ft. of the subject property; however, this would mean the Application cannot come back to the Board unless this occurred "30 days before consideration," which she pointed out would mean an actual time frame of 60 days rather than 30.

Ms. Scott stated that her preference would be for a public participation meeting even if it is held over Zoom. She emphasized the importance of providing all neighbors with the opportunity to be made aware of the Application and speak on it.

Lindsey Way, Applicant, stated that she is concerned for her children due to traffic on the street and clarified that no operations such as charters are allowed at the properties. The individuals who rent the docks typically access them to maintain their boats. She added that neighbors are aware of what the Applicants have tried to accomplish, and expressed concern with pedestrians accessing the property.

Mr. Schofield advised that he had not seen any notice of a meeting four years ago and had not been aware of the Applicants' plans for the right-of-way vacation until he recently received mailed notice.

Mr. Dutton observed that the Applicants have followed all of the City's guidelines, although he also understood Ms. Scott's concerns. He requested additional information regarding the Tarpon River Civic Association. Ms. Apotheker, president of that Association, clarified that there has been no opposition by the Association's board regarding the Application, and no objections have been raised at their quarterly general membership meetings. She has received no correspondence related to the Application, either in support or in opposition.

Mr. Ganon asked Staff for their input on whether or not the Applicants have followed the process correctly, and if there are any written regulations regarding when the public participation must be held. Attorney Spence replied that the City's requirements for public

participation meetings are above and beyond those of other jurisdictions, noting that members of the public have the civic responsibility to keep track of notices and attend hearings when notified. The City's public participation requirement represents an additional layer to that process in order to ensure this participation. Before an individual submits an application to the City, they must hold a public participation meeting.

Attorney Spence continued that in this case, the public participation was held significantly in advance of tonight's hearing, which preceded submittal of the Application. He could not speak to the length of time during which the Applicants held their public participation meeting; however, they have met the City's requirements.

Mr. DelaTorres asserted that he felt the Board has a greater responsibility to the entire community rather than to only one person, and recommended listening to input from the neighborhood, whose residents also have a right to be heard. He pointed out that if more public input is heard, it could serve to show more neighborhood support for the Application. Ms. Way stated that she would be happy to meet with the neighbors present at tonight's meeting and answer any questions they may have regarding the Application. Mr. Schofield advised that there are multiple neighbors who have concerns about the Application and were also not aware of the hearing.

Mr. Buckley asked if the City's requirements have technically been met by the Applicants. Attorney Spence replied that the Board may consider, as part of their recommendation, whether or not the Applicants should meet further with their neighbors before the Board makes a recommendation to the City Commission.

Mr. Dutton suggested that tonight's hearing serves as a public participation meeting in the sense that it was noticed by mail. Ms. Scott asserted that it is incumbent upon the Board members to consider all the facts of an application when it comes before them, including consideration of the length of time since the public participation meeting and the fact that the Association's board has not formally voted on it.

Attorney Spence addressed the issue from a legal perspective, stating that the Applicant has satisfied notice requirements. The public participation meeting is intended to alert members of the public to the opportunity to participate prior to the submission of an application. He reiterated that the City's standard is above and beyond those of other local municipalities. The Board may advocate for more stringent policies if that is their desire.

Mr. Spence commented that he agreed with Ms. Scott and was in favor of revising the City's requirements to ensure public participation meetings are held "within a reasonable amount of time" before an application is brought before the Planning and Zoning Board.

Mr. Hetzel clarified that the public participation meeting was held at the Tarpon River Civic Association's general membership meeting in 2021.

Mr. Donaldson asked if the Board could recommend approval with the condition that the Tarpon River Civic Association place the item on an upcoming agenda for additional public participation. Attorney Spence explained that the Board may make a recommendation contingent upon this additional meeting.

Ms. Crush stated that she did not believe the Applicants' team could achieve notification of all property owners within 300 ft., followed by a subsequent meeting, before the Application would return to the Board within 30 days. Attorney Spence clarified that in order to comply with the notice provisions in City Code, additional time would be necessary. He asked if the Board might be willing to allow the Applicants to schedule a public participation meeting that would satisfy the Board even if notice in accordance with Code was not sent out to neighbors within the 300 ft. radius.

Ms. Crush asked if it would be acceptable to the Board to defer the Application at tonight's meeting until the January 21, 2026 Planning and Zoning Board meeting. She added that notice would be mailed to the current list of residents within 300 ft. as well as to the Association, and the Applicants could offer to host the meeting at an approved forum. Ms. Scott reiterated that she would support coordination for a public participation meeting via Zoom.

There was additional discussion between the Board members in favor of both voting at tonight's meeting and deferring the Item pending another public participation meeting.

Mr. Schofield again pointed out that the materials mailed to the public by the Applicants included inconsistencies in references to zoning categories. He advised that their maps showed all properties zoned as RD-15, while other documents show both RS-8 and RD-15 zoning. He reiterated his concern that approving the Application would generate more traffic. He concluded that some neighbors were concerned that the subject properties could be bundled and sold as a parcel with higher density.

Attorney Spence clarified that the documentation to which Mr. Schofield had referred was Exhibit 1 on p.4 of the backup materials. There was additional discussion and further clarification of RS-8 and RD-15 zoning as it occurs in the subject neighborhood.

Ms. Crush requested deferral of the Application to the January 21, 2026 meeting in order to hold a Zoom meeting for additional public participation prior to that date. She estimated that this meeting would be held during the first week of January 2026.

Motion made by Mr. Donaldson, seconded by Mr. Ganon, to defer the Item, Case Number UDP-V21002, to our next meeting, which is January 21, 2026. In a voice vote, the **motion** passed unanimously (8-0).

5. CASE: UDP-S24040

REQUEST: ** Mixed-Use Development with Allocation of Two (2) Residential Flex Units, 1,720 Square Feet of Commercial Use, and Associated Parking Reduction

APPLICANT: William Ader, Jr. and Robert Ader, Trustee
AGENT: Andrew Schein, Bilzin Sumberg Baena Price & Axelrod LLP
PROJECT NAME: The Ader
ADDRESS: 2925 E. Commercial Blvd
ABBREVIATED LEGAL DESCRIPTION: Coral Ridge Commercial Blvd Add 43-13 B Lot 9 Blk 3
ZONING DISTRICT: Community Business (CB)
LAND USE: Commercial
COMMISSION DISTRICT: 1 – John Herbst
NEIGHBORHOOD ASSOCIATION: Landings Residential Association
CASE PLANNER: Adam Schnell

Disclosures were made at this time.

Andrew Schein, representing the Applicant, showed views of the subject property and surrounding area, explaining that the property has had various tenants since the 1960s. When the most recent tenant vacated the site, it was determined that the property was no longer suitable for a new tenant. The owners propose a new concept for the property, which is known in some cities as a “two-over-one”: two floors of residential units above one floor of commercial space.

Mr. Schein reviewed the proposed design, which include two ground floor tenant spaces in approximately 1,800 sq. ft. This area could be combined into one space, depending upon the tenant. The second and third floors will include two-level residential units. The rear of the property would include parking for the residential component. While all residential parking will be on-site, the Applicant requests a parking reduction for the commercial component.

Mr. Schein noted that the Applicant’s renderings of the building are not 100% accurate, as there have been some changes due to flood elevation requirements. The proposed building is 35 ft. in height and is located in an area that permits greater height.

Mr. Schein reviewed the following characteristics of the proposed development:

- The new structure would include a water capacity reduction from the previous commercial tenant
- The Applicant proposes to add four shade trees to the site
- Public parking exists within 700 ft. of the parcel, which is one of the City’s criteria for a parking reduction; several lots in the area rely on this public parking
- The City lot is restricted by plat to public parking and will remain as such in perpetuity

The subject property is zoned Community Business (CB) which may include residential development. The Applicant proposes a mixed-use development on the site. Because the property requires three variances in order to implement a small mixed-use development,

the Application is also required to go before the City's Board of Adjustment (BOA). The variance requests include:

- 1,400 sq. ft. variance for a public plaza
- Minimum lot size below the 10,000 sq. ft. requirement for a mixed-use project
- Conditional use approval for mixed use in a commercial district

No major impacts to abutting properties are anticipated. The proposed mixed use would be a lower traffic generator than the previous use. The City's Comprehensive Plan allows residential units in a commercial district if they are flexibility units. Mr. Schein characterized the overall structure as low-demand. The Applicant will improve the sidewalk in front of the building. On-site improvements will include the addition of landscaping. The project will not impact the character of the zoning district, as it combines less-intense retail with low-density housing. The residential units will be rentals.

At this time Chair McTigue opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Donaldson, seconded by Ms. Scott, to adopt a Resolution approving the Site Plan Level III, Case Number UDP-324040, based on the following findings of fact and that the Board hereby finds that the Application meets the standards and requirements of the ULDR and criteria for the proposed use, and that we approve the Application subject to all conditions included in the City Staff Report.

Attorney Spence read the Resolution into the record:

A Resolution of the Planning and Zoning Board of the City of Fort Lauderdale, Florida, approving a Site Plan Level III development and conditional use permit for a mixed-use development consisting of two dwelling units with the allocation of flex units, 1,720 sq. ft. of commercial use, and associated parking reduction for seven parking spaces for a property located at 2925 E. Commercial Boulevard, Fort Lauderdale, Florida, in the Community Business District, Case Number UDP-S24040; providing for conflicts; providing for severability; providing for an effective date.

Mr. Schein noted a correction to the Staff Report: while the header of this document shows 1,720 sq. ft. of commercial space, the body and parking reduction show 1,790 sq. ft., which is the property's actual square footage. The parking reduction also requests eight parking spaces rather than seven. Attorney Spence noted these changes for the record.

In a roll call vote, the **motion** passed 8-0.

V. COMMUNICATION TO THE CITY COMMISSION

Ms. Scott asked how the Board might address the concerns raised regarding public participation meetings so the issue does not recur. Attorney Spence noted that the City of Oakland Park requires what are known as neighborhood participation meetings through a provision in that City's Code; however, that provision applies only to applications that go before the City Commission. Oakland Park requires that these meetings be held no more than six months prior to the City Commission meeting. He suggested a similar proposal for applications coming before Fort Lauderdale's Planning and Zoning Board.

Ms. Scott requested feedback from the Board regarding the proposed time frame in which public participation meetings could occur, suggesting that the time frame not exceed one year. Mr. Ganon observed that public participation meetings are held before the application process begins, noting that a six-month time frame would be insufficient for this reason.

Mr. Hetzel of Urban Design and Planning recommended taking the quarterly time frame for general homeowners' or civic association meetings into account. He noted that it is rare for a situation to arise in which a public participation meeting is held significantly in advance of the Board's review of the application.

Ms. Scott suggested that the one-year time frame would be suitable, adding that she was not concerned with the quarterly homeowners'/civic association schedule, as the presidents of those organizations can schedule public participation meetings via Zoom.

Mr. Donaldson proposed a requirement for a public participation meeting to be scheduled with the recognized community association within the boundaries of the project within one year. Mr. Buckley suggested expanding this time frame to 18 months.

Attorney Spence noted that for most applications that come before the Board, there is a requirement to hold a public participation meeting within 30 days; however, this requirement does not apply to right-of-way vacation applications. He suggested that the Board consider recommending that the Commission add those types of applications to the requirement via a communication to the City Commission, which could then direct Staff to take action.

Motion made by Ms. Scott, seconded by Mr. Buckley, that we additionally add vacations of rights-of-way to the Code as relates to public participation meetings, and on public participation meetings, they have to have them no longer than a year before the Planning and Zoning Board meeting. In a roll call vote, the **motion** passed 8-0.

VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

There being no further business to come before the Board at this time, the meeting was adjourned at 8:14 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

Chair

Prototype

[Minutes prepared by K. McGuire, Prototype, Inc.]