



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#26-0523

TO: Honorable Mayor & Members of the Fort Lauderdale City Commission

FROM: Rickelle Williams, City Manager

DATE: June 2, 2026

TITLE: Second Reading - Quasi-Judicial Ordinance Approving a Rezoning Located at 221 SE 12 Avenue from Residential Multifamily Low Rise/Medium Density (RM-15) District to Community Business (CB) District with Allocation of 0.14 Acres of Commercial Flex and Approval of an Associated Site Plan Level IV Development Permit for a Waterway Use with Landscaped Yard Reduction for 20,337 Square Feet of Retail Use and 11,816 Square Feet of Office Use with an Associated Parking Reduction - Four Ten Properties LLC - Case No. UDP-RS25001 - (**Commission District 4**)

Recommendation

Staff recommends the City Commission consider an ordinance rezoning the property located at 221 SE 12 Avenue from Residential Multifamily Low Rise/Medium Density (RM-15) district to Community Business (CB) district with allocation of 0.14 acres of commercial flex and an associated Site Plan Level IV Development Permit for a waterway use with landscaped yard reduction for 20,337 square feet of retail use and 11,816 square feet of office use with an associated parking reduction. The Location Map is attached as Exhibit 1.

Background

The applicant, Four Ten Properties, LLC, is proposing to develop a five (5)-story building with 20,337 square feet of retail space and 11,816 square feet of office space at the northwest corner of Las Olas Boulevard and SE 12 Avenue. The property contains two (2) parcels, with an existing one (1)-story commercial building on the southern parcel and an existing two (2)-story residential building on the northern parcel.

The development site is in the Boulevard Business (B-1) and RM-15 zoning districts. The applicant is requesting a rezoning from RM-15 to CB for the northern parcel. The underlying land use designation is Medium Residential and is consistent with the proposed rezoning with the allocation of commercial flex. The property is located along the Himmarshee Canal and the proposed building directly abuts the property line along the canal, which requires a waterway use landscape yard modification.

Within the proposed development, retail space will encompass the first three (3) levels of the building with office space located on the fourth level. Additional retail space, an office lounge, and a large open terrace facing East Las Olas Boulevard are proposed on the fifth level. As part of the application, the applicant is also requesting a parking reduction based on analysis of available shared parking, located within one-quarter (.25) mile of the proposed development.

The Application and Project Narratives are provided as Exhibit 2. Due to file size an Abbreviated Plan Set containing the site plan, elevations, and renderings is provided as Exhibit 3. The complete plan set is on file with the Development Services Department. The Sketch and Legal Description of the Property is provided as Exhibit 4.

The Development Review Committee (DRC) reviewed the application on September 9, 2025. All comments have been addressed and are available on file with the Development Services Department. On April 15, 2026, the Planning and Zoning Board (PZB), acting as the local planning agency, reviewed the application and recommended approval (4-3) of the project subject to the conditions contained herein. The DRC Comment Report with Applicant's Responses is provided as Exhibit 5. The April 15, 2026, PZB Staff Report is provided as Exhibit 6 and the April 15, 2026, PZB Draft Meeting Minutes as Exhibit 7, respectively.

The first reading of the ordinance was held on May 19, 2026. The City Commission approved the ordinance with consideration of voluntary conditions proffered by the applicant to be reviewed by the City Attorney prior to the second reading. Also presented to the Commission by the applicant was a reduction in the height to the top of the mechanical screening that was previously shown at eighty-eight (88) feet and is now shown at a height of eighty-one (81) feet eleven (11) inches. This change is reflected in the Abbreviated Plan Set provided as Exhibit 3.

Staff Analysis

This project includes a rezoning request with commercial flex allocation, waterway use with landscape yard reduction, and an associated parking reduction. The staff analysis outlined below provides a summary of Unified Land Development Regulations (ULDR) criteria pertaining to this request, including the review of adequacy and neighborhood compatibility requirements. More detailed information is provided in the April 15, 2026, PZB Staff Report attached as Exhibit 6.

Rezoning Criteria

Pursuant to the City's ULDR Section 47-24.4.D, Rezoning Criteria, an application shall be reviewed in accordance with the City's rezoning criteria. The following includes the applicants' responses to the criteria followed by staff's analysis. The applicant's complete project narrative is provided as Exhibit 2 and the Sketch and Legal Description of the property is provided as Exhibit 4.

1. *The zoning district proposed is consistent with the City's Comprehensive Plan.*

Applicant Response: The property has a Medium-High Residential future land use designation. Future Land Use Element Policy 1.1.12 permits office and retail uses on properties with a residential future land use designation, subject to the allocation of commercial flexibility acreage supported by Objective FLU 1.2 regarding the utilization of flexibility rules and Policy 1.2.3a regarding permitting area with a residential land use to be used for neighborhood commercial uses. Once commercial flexibility is allocated, the proposed CB zoning district will be consistent with the City's Comprehensive Plan.

Staff Analysis: The underlying land use is Medium Residential. The proposed rezoning is consistent with the underlying land use, subject to allocation of commercial flex acreage on the residential land use portion of the property. Refer to the "Comprehensive Plan Consistency" section of this report for additional analysis.

2. *The changes anticipated by the proposed rezoning will not adversely impact the character of development in or near the area under consideration.*

Applicant Response: The rezoning to CB will not adversely impact the character of the surrounding area. The Las Olas Boulevard corridor is generally characterized by commercial uses facing Las Olas Boulevard and parking along SE 2 Street. The CB zoning district is intended to meet the shopping and service needs of the community. The size and scale of development and allowable uses within the CB district are intended to limit impact on the surrounding residential neighborhoods to be served by the commercial business. The CB district is located on collector and arterial streets, providing for both vehicular and pedestrian traffic.

Staff Analysis: The proposed rezoning is consistent with the character of development on the East Las Olas Boulevard corridor which includes commercial uses such as restaurants, retail, and hotels. The character of development of properties to the north includes predominantly single-family and multi-family residential properties. The general intensity of the surrounding area ranges from medium to high residential on the north side of SE 2 Court and directly to the east of the subject parcels which is zoned a mixture of Residential Single Family and Cluster/Medium Density (RC-15) and Residential Medium Density (RM-15). Directly to the west is Exclusive Use Business with Optional Residential (X-B-OR) and to the south the Intensity along both sides of East Las Olas Boulevard is commercial. The proposed project is similar to existing commercial uses along the East Las Olas Boulevard corridor.

Pursuant to ULDR Section 47-6.2.A, the CB zoning district is intended to meet the shopping and service needs of the community. The size and scale of development and allowable uses within the CB district are intended to limit impact on the surrounding residential neighborhoods to be served by the commercial business. The CB district is located on collector and arterial streets, providing both vehicular and pedestrian traffic, as is the case for Las Olas Boulevard and will serve as a

transition from the residentially zoned properties to the more intense B-1 zoned corridor.

The proposed rezoning will extend the CB zoning approximately 120 feet north of the existing B-1 zoning line and will support the redevelopment of the site with a retail use appropriate for the Las Olas corridor, an established commercial and tourist area.

The CB zoning located between the B-1 zoning along East Las Olas Boulevard to the South and the RM-15 zoning to the north creates a transitional area of less intense uses than those along the commercial corridor to transition into the adjacent residential neighborhood. This type of zoning pattern is found along other major corridors throughout the city including along Federal Highway, which transitions to the Victoria Park neighborhood as well as along Sunrise Boulevard, which transitions to the Lake Ridge neighborhood.

3. *The character of the area proposed is suitable for the uses permitted in the proposed zoning district and is compatible with surrounding districts and uses.*

Applicant Response: The proposed rezoning to CB is compatible with the surrounding districts and uses. Located to the south and east is the Las Olas Boulevard commercial corridor with a five (5)-story mixed-use residential/commercial/office building and one (1)-story commercial buildings. To the north side of SE 2 Court are single-family dwellings and a four (4)-story multifamily residential building. To the west of the Property is the Himmarshee Canal abutting a five (5)-story mixed-use residential/commercial building.

Staff Analysis: The proposed rezoning will permit uses suitable and similar to those uses existing in the area. The properties to the south are zoned B-1 and contain existing commercial uses with residential development south of the B-1 zoning area. Properties to the west are zoned X-B-OR and contain a residential condominium building. Properties to the north and east are zoned RC-15 and RM-15 with a range of residential density from single family lots to multifamily development. The proposed rezoning is compatible with surrounding districts and uses.

A general comparison of permitted uses in the current and proposed zoning districts is provided in Table 1. For the complete detailed list of uses, refer to ULDR Section 47-5.21, List of Permitted and Conditional Uses for the Residential Medium Density (RM-15) District and ULDR Section 47-6.10, List of Permitted and Conditional Uses for the Community Business (CB) District. A comparison of current and proposed dimensional standards for each district is provided in Table 2.

Table 1: Comparison of Zoning District Use

Existing Zoning District Residential Medium Density (RM-15)	Proposed Zoning District Community Business (CB)
<u>Permitted Uses:</u> Single Family Dwelling Single Family Dwelling, Attached: Cluster Single Family Dwelling: Zero-lot-line Single Family Dwelling, Attached: Duplex/Two Family Dwelling Single Family Dwelling, Attached: Townhouses Multifamily Dwelling: Coach Home Multifamily Use Community Residence, 3 residents maximum Community Residence 4 to 10 residents; 1,000' distance separation Multifamily Dwelling Active and Passive Park Social Service Residential Facility, Level I Family Day Care Home Accessory Uses, Buildings and Structures Urban Agriculture	<u>Permitted Uses:</u> Automotive Boats, Watercraft and Marinas Commercial Recreation Food and Beverage Service Lodging Retail and Wholesale Public Purpose Facilities Retail Sales Service/Office Facilities Accessory Uses, Buildings and Structures Urban Agriculture
<u>Conditional Uses:</u> Community Residence 4 to 10 residents, less than 1,000' distance separation Community Residence, more than 10 residents/Community Residence, no license or certification available Bed and Breakfast Dwelling Mixed Use Development House of Worship School Social Service Residential Facility, Level II	<u>Conditional Uses:</u> Marinas Mixed Use Development Social Service Residential Facility Hospital Adult Gaming Nursing Home

Table 2: Comparison of Dimensional Standards

	Existing Zoning District Residential Medium Density (RM-15)	Proposed Zoning District Community Business (CB)
Density	15 units per acre	N/A
Building Height	35 feet	150 feet
Building Length	N/A	N/A
Floor Area Ratio (FAR)	N/A	N/A
Front Setback	25 feet, (15 feet for "Cluster" Use)	5 feet
Minimum Corner Yard Setback	25% of lot width but not less than 10 ft. nor greater than 25 feet 25 feet for "multifamily dwelling" use	5 feet
Rear Setback	20 feet when abutting a waterway 15 Feet <ul style="list-style-type: none"> • Single family dwelling (SFD) • SFD, Attached: Duplex/Two family • SFD, Attached: Zero-lot line • SFD, Attached: Cluster 20 feet <ul style="list-style-type: none"> • Multifamily Dwelling use • Townhouse use 20 Feet when abutting a waterway	0 feet 15 feet when abutting a residential property
Side Setback	5 feet, up to 22 feet in height 10 feet, up to 22 feet in height for "bed and breakfast" use Where a building exceeds 22 feet in	0 feet 10 feet when abutting a residential property

	height, that portion of the building above 22 feet in height shall be set back an additional one foot per one foot of additional height	
	10 feet for "multifamily dwelling" use	
	20 feet when abutting a waterway	
Lot Size	5,000 square feet	N/A
Landscape Area	N/A	10 Percent

Adequacy and Neighborhood Compatibility Requirements

The adequacy criteria of ULDR Section 47-25.2 are used to evaluate the demand created on public services and facilities by a proposed development. Water and wastewater is serviced by the City of Fort Lauderdale and a capacity letter was issued by the City's Public Works Department which identified the plant facilities, pump station and associated infrastructure servicing this project and the project's impact on capacity. The letter indicates that there is sufficient capacity for both water and wastewater to service the project. The City's Capacity Letter is attached as Exhibit 8.

The neighborhood compatibility criteria of ULDR Section 47-25.3 include performance standards requiring all developments to be "compatible with, and preserve the character and integrity of adjacent neighborhoods... the development shall include improvements or modifications either on-site or within the public rights-of-way to mitigate adverse impacts, such as traffic, noise, odors, shadow, scale, visual nuisances, or other similar adverse effects to adjacent neighborhoods. These improvements or modifications may include, but shall not be limited to, the placement or orientation of buildings and entryways, parking areas, bufferyards, alteration of building mass, and the addition of landscaping, walls, or both, to ameliorate such impacts."

The property fronts East Las Olas Boulevard at the corner of SE 12 Avenue. The proposed use is compatible with the surrounding area. Properties to the north are a mixture of medium- to high-density residential and are primarily one (1) to three (3) stories in height. The property directly to the west is a mixed-use development with ground floor commercial uses and residential units on the upper floors. Properties to the east and south include a mixture of commercial uses ranging from restaurants and general retail to office space.

The maximum building height in B-1 and CB Zoning Districts is 150 feet. The project proposes a building height of five (5) stories with an overall building height of seventy-four (74) feet to the top of the roof slab and eighty-one (81) feet eleven (11) inches to the top of the mechanical screening. Surrounding heights range from one (1) and three (3) story residential buildings to five (5) story office, with an approved new hotel on Las Olas Boulevard at twelve (12) stories.

To mitigate the scale and mass of the building, the project contains architectural elements with expansive glass interjected with vertical paneled engineered wood walls and there is a mixture of protruding balconies with awnings that create variation in the building façade.

The front elevation along East Las Olas Boulevard is pushed back from the property line to create additional space along the public realm with an opening at the corner of the facade and a water feature at ground level. Along SW 12 Avenue are several entrances into the retail space that are accessed by a seven (7) foot wide clear pedestrian path, lined with shade trees and on-street parking. On the north end of the site are back-of-house operations including a loading area with a single driveway, the trash room entrance, a stairway entrance, and the Florida Power and Light (FPL) service room.

Waterway Use

Pursuant to ULDR Section 47-23.8, Waterway Use, the project shall demonstrate compliance with criteria for waterway use, which states that buildings and land uses on parcels abutting waterways and in multifamily districts shall be designed to preserve the character of the City and neighborhood in which they are located, harmonize with other development in the area, and protect and enhance the scenic quality and tranquility of the waterways. Special design provisions are required to realize these objectives, and at the same time permit a reasonable use of land based on site and building design, setbacks, landscaping provisions and their relation to the waterway, other uses within the existing context, and the overall public realm.

A setback is not provided on the west side property line which fronts the Himmarshee Canal. The remaining three (3) sides of the building face towards a right-of-way and meet or exceed the required setbacks. The ground level of the building design allows for views to the waterway through the retail space which is primarily constructed of floor to ceiling glass. This site is also adjacent to a pedestrian bridge on both East Las Olas Boulevard and SE 2 Court which each provide vantage points to the waterway. The property constructed on the west side of the Himmarshee Canal has the same conditions as are proposed within this new development.

Additionally, ULDR Section 47-23.8 requires a twenty (20) foot landscaped yard abutting the waterway, adjacent to the bulkhead line. The required yard shall not be used or developed for any purpose other than landscaping and the minimum amount of driveways or walkways reasonably necessary to serve the permitted uses. This required yard may only be reduced with specific approval from the PZB, which has recommended approval of the development including the proposed reduction to the required landscaped yard.

The applicant is requesting relief from this requirement as balconies on the upper levels of the proposed new development extend to the property line matching the location of the seawall. Although the upper levels extend outward towards the property line, the ground level provides a six (6) foot wide clear pedestrian path which is adjacent to the dock space that provides an additional nine (9) to ten (10) feet of open area. This project site is limited in buildable area with a lot width of only fifty (50) feet. Implementing the twenty (20) foot landscaped yard requirement would limit the buildable space on the parcel.

Parking and Transportation

Direct pedestrian connection to the development is provided from East Las Olas

Boulevard and SE 12 Avenue to allow for continuous pedestrian experience along these streets and the applicant is improving the sidewalks along the edge of the development, with the exception of the north side, which contains the on-site loading area with one (1) access driveway on SE 2 Court.

Pursuant to ULDR Section 47-20, Parking and Loading Requirements, the project is required to have 129 parking spaces. The applicant is requesting a 100 percent parking reduction for the proposed project based on a shared parking analysis. Pursuant to ULDR Section 47-20.3, Reductions and Exemptions, the applicant is requesting the parking reduction based on ULDR Section 47-20.3.5(c) which acknowledges that a parking reduction can be approved if there is a public parking facility within 700 feet of the parcel that the parking is intended to serve and there is a safe pedestrian path. Within 700 feet of the subject parcel, a total of 207 city-controlled public parking spaces were observed. An additional 213 parking spaces were also observed within an expanded quarter (.25) mile (1,320-foot) study area. Other businesses along East Las Olas Boulevard and within the vicinity of the project site are primarily parked in adjacent private surface parking areas or within public parking spaces nearby.

Based on a shared parking analysis developed by the Urban Land Institute (ULI) that provides hourly parking demand distributions for a variety of land uses, peak parking demand on a typical weekday is expected to occur at 2:00 PM with 116 spaces needed. Similarly, on a typical weekend day, the peak is noted to occur at 11:00 AM with 114 spaces needed. Table 3 provides a breakdown of the required parking compared to the parking provided for the project.

Table 3 – Parking Generation Proposed Uses (ULDR Rates)

	Square Feet	Ratio	Required	Provided
Retail	20,337 square feet	1 space per 250 square feet	81.3 spaces	0 spaces
Office	11,816 square feet	1 space per 250 square feet	47.3 spaces	0 spaces
Totals			129 spaces	0 spaces

Peak occupancy of 420 publicly available parking spaces located within a quarter (.25) mile (1,320 feet) of the project site was noted to occur on a typical weekday at 8:00 PM and a typical Saturday at 8:00 PM. However, both peak times occur outside regular office and retail business hours. Between 10:00 AM and 7:00 PM peak occupancy, it was noted to occur at 7:00 PM on both a typical weekday and a typical weekend day.

The ULI distributions are presented in table format and provide a percentage of the required parking ratio on an hourly basis throughout the course of an eighteen (18)-hour period. An hour-by-hour comparison for weekday and weekend are shown in Tables 4 and 5, respectively, indicate that adequate parking spaces are expected for employees and patrons of the project site. In addition, once existing uses are removed, eleven (11) additional public parking spaces are expected to be available.

Table 4: Available Parking - Weekday

Time of Day	10 AM	11 AM	12 Noon	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM	11 PM
Spaces Available	NA	242	200	142	160	172	179	163	103	94	85	116	157	NA
Spaces Needed	NA	102	111	112	116*	108	102	92	80	71	55	38	15	NA

*Project peak (shared parking – internalization).

Table 5: Available Parking - Weekend

Time of Day	10 AM	11 AM	12 Noon	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM	11 PM
Spaces Available	NA	254	203	120	110	108	133	121	87	70	67	70	97	NA
Spaces Needed	NA	113	114*	112	103	91	79	66	60	55	51	40	25	NA

*Project peak (shared parking – internalization).

A Traffic Statement, which also includes the parking reduction analysis, prepared by the applicant’s consultant, DC Engineers, Inc., dated February 27, 2026, identified that the project will generate 800 net new vehicle trips per day, including eighty-three (83) AM peak trips and 113 PM peak trips. The trip analysis was conducted in accordance with the procedures and data set forth in the Institute of Transportation Engineers (ITE) *Trip Generation Manual (12 Edition)*. This publication contains trip data, rates, and equations for various land uses based upon research and analysis conducted by transportation professionals. The applicable land use used for the proposed project was “*Strip Retail Plaza (LUC 822)*” and “*General Office (LUC #710)*”.

The City’s DRC Transportation and Mobility Representative has reviewed the analysis and agrees with the applicant’s assessment, subject to approval of the parking reduction. The Traffic Statement and Parking Analysis, DC Engineers, Inc., dated February 27, is attached as Exhibit 9.

Flexibility Criteria

Pursuant to ULDR Section 47-28.3.E., the City may permit commercial uses on parcels designated for residential land use through the allocation of nonresidential flex acreage subject to the parcel being rezoned to CB or exclusive use (X-use); no more than five percent (5%) of the total land acreage designated for residential land use is zoned CB or X-use; parcel is not greater than ten (10) acres; and shall be processed as a Site Plan Level IV development permit. The proposed project meets these requirements. More information on the allocation of nonresidential commercial flex acreage can be found in the Comprehensive Plan Consistency Section herein.

Comprehensive Plan Consistency

The proposed use is consistent with the City’s Comprehensive Plan Goals, Objectives and Policies, including the FLU Element, Goal 1, Objective 1.2, Utilization of Flexibility

Rules, Policy FLU 1.2.3 in order to facilitate the arrangement of nonresidential intensities to respond to changing economic conditions in accordance with the County and City’s adopted Land Use Plans and the “Administrative Rules Document” of the County Land Use Plan.

The City’s Future Land Use Map indicates that the subject property has split land use consisting of Commercial and Residential High designations. The City’s Land Use Plan allows properties with residential land use designations to be converted for commercial uses through the allocation of nonresidential commercial flex without having to amend the land use. The portion of the development that is designated Residential High is approximately 0.14 acres, which is the subject of the rezoning application. Therefore, 0.14 acres of commercial flex is proposed for allocation. Table 6 below provides a summary of commercial flex allocation to date. If the 0.14 acres are allocated for the project, there will be 584.58 acres of commercial flex acreage available.

Table 6: Commercial Flex Summary

	Residential to Commercial Flex Acreage
Total Permitted	589.02*
Assigned to Date	4.3
Pending	0.14
Remaining	584.58

**Total permitted and fixed as of March 2026 upon approval of the City’s Unified Flex Tables.*

Public Participation

This application is subject to the public notification requirements established in ULDR Section 47-27.4. This includes public participation requirements which apply to projects within 300 feet of City-recognized civic associations. The applicant conducted a public participation meeting on March 9, 2026, and there were approximately twenty (20) attendees. Notice of the meeting was provided to the Colee Hammock Homeowners Associations and the Beverly Heights Association which are the city-recognized civic associations located within 300 feet of the project site. The notice informed the associations of the date, time, and location of the public participation meeting and provided information regarding the proposed rezoning request. The Public Participation Meeting Summary and Affidavit are attached as Exhibit 10.

This request was subject to mail notice and sign notification requirements prior to the PZB meeting. A mail notice was sent to all property owners within 300 feet of the project site and the city-recognized civic associations. The applicant installed four (4) signs on the property, along each right-of-way, and has submitted a sign affidavit indicating proper sign notification was provided. The Mail Notice, List of Addresses, Public Sign Notice, and Affidavit are attached as Exhibit 11. In addition, public comments were received immediately prior to the PZB meeting and provided to the board members.

This request was also subject to an additional sign notification requirement in advance of the City Commission meeting. The applicant installed four (4) signs on the property, along each right-of-way, and has submitted a sign affidavit indicating proper sign notification was provided.

The City Commission shall consider the application, the record and recommendations forwarded by the Department and the Planning and Zoning Board and hear public comments on the application to determine whether the application meets the applicable criteria including the rezoning.

If the City Commission determines that the project and the rezoning meets the criteria, the City Commission shall approve the project and the change in zoning as requested in the application or approve a change to a more restrictive zoning district than that requested, if necessary to meet the criteria provided for rezoning and if consented to by the applicant. If the City Commission determines that the proposed project and rezoning does not meet the criteria, or if the applicant does not consent to a more restrictive zoning district, the City Commission shall deny the application.

Conditions

If approved by the City Commission, the following conditions apply to the site plan approval:

1. Prior to approval from the City Commission, the applicant must obtain approval by the City Commission for the corresponding drainage easement vacation under Case No. UDP-EV25006.
2. Prior to Final DRC, the applicant shall:
 - Provide an overhead power line relocation plan showing how lines will be relocated within this property and how above ground power lines will be coordinated for relocation for neighboring properties. If the lines cannot be placed underground, documentation from Florida Power & Light Company (FPL) is required.
 - Provide final seawall and dock relocation plans for the portion of the property along the Himmarshee Canal.
3. At time of building permit submittal, the applicant shall provide copy of the executed and recorded parking reduction order.
4. Prior to the issuance of any building permit, early start, or phased construction, the applicant must:
 - Demonstrate having obtained release from any restriction, dedication, covenant, conditions, easement and other matters in conflict with the proposed development and identified in the title commitment report found in the ATLA/ACSM Land Title Survey.
 - Demonstrate having obtained Broward County Surface Water Management License as required prior to any construction activities that alter the flow of surface water.

5. Prior to the issuance of Final Certificate of Occupancy, the applicant shall:

- Dedicate and record a public right-of-way easement along the north side of E. Las Olas Boulevard, consisting of five (5) feet to complete the respective minimum seventy (70) foot right-of-way section as approved by the City Engineer.
- Dedicate and record a public right-of-way easement along the south side of SE 2 Court, consisting of five (5) feet to complete the respective minimum fifty (50) foot right-of-way section as approved by the City Engineer.
- Dedicate and record a pedestrian sidewalk access easement along the north side of E. Las Olas Boulevard, to accommodate a portion of the respective required pedestrian clear path located outside of existing right-of-way and proposed right-of-way easements as approved by the City Engineer.
- Dedicate and record a pedestrian sidewalk access easement along the west side of SE 12 Avenue, to accommodate a portion of the respective required pedestrian clear path located outside of existing right-of-way and proposed right-of-way easements as approved by the City Engineer.
- Dedicate and record a pedestrian sidewalk access easement along the south side of SE 2 Court, to accommodate a portion of the respective required pedestrian clear path located outside of existing right-of-way and proposed right-of-way easements as approved by the City Engineer.
- Coordinate and provide a Maintenance Agreement with the City (for property frontage along SE 2 Court, E. Las Olas Boulevard and SE 12 Avenue). Proposed improvements within adjacent City right-of-way include paver driveway, specialty on-street parallel parking stall paving, concrete curb and valley gutters, drainage pipes and landscaping including structural soil and irrigation. Please be advised that applicant will be responsible for maintenance of proposed storm drain infrastructure improvements located within adjacent City Right-of-Way during a one (1)-year warranty period, until accepted by the City's Public Works Department.

Separate from staff's recommended conditions as stated above, the Applicant proffered several voluntary conditions at the May 19, 2026, City Commission meeting, and the Commission members requested that the Applicant coordinate with the City Attorney's Office and staff to review the proposed conditions. As of the publishing date of this agenda, the Applicant's coordination with the City is not complete, and any voluntary conditions will be presented by the Applicant in their final form at the June 2, 2026, City Commission meeting.

Voluntary conditions proffered by the applicant that will be finalized and presented on June 2, 2026, are related to the following issues:

- Prohibition of a restaurant use unless established through applicable City site plan approval process.
- The use of the office, as depicted on the Site Plan, will be limited to the immediate family members of Edward Dikes, who is a member of Four Ten Properties, LLC, the owner of the property.
- Employee parking will be provided exclusively at a private off-site parking facility

and employees will be prohibited from parking in any public parking spaces.

- The applicant will provide documentation of parking provided through agreements with owners of off-site properties. Parking agreement may include shorter-term arrangements that do not meet the ULDR's requirements for formal off-site parking agreements.
- The applicant will enter into and maintain a contract with a licensed towing company to remove any customer vehicles found to be unlawfully blocking or impeding access to nearby residential properties, in accordance with the law.
- Applicant will install a "living seawall" as part of the seawall improvements along the Himmarshee Canal frontage of the property.

Additional voluntary conditions proffered may be more suitable through a private agreement between the applicant and relevant community organizations due to the City's lack of a viable method to enforce such commitments. These include:

- The applicant offering to provide a point of contact with the development team during construction for Colee Hammock Civic Association and Beverly Heights Civic Association.
- The applicant offering to install neighborhood signage and beautification elements in and around Beverly Heights neighborhood.
- The applicant allowing a defined number of times for the use of meeting space to Beverly Heights Civic Association.
- The applicant will join and maintain a membership in the Beverly Heights Civic Association.
- The applicant will engage with the Beverly Heights Civic Association if considering other future alternative uses or material expansions of the approved uses. Engagement will be beyond what is required by the City's ULDR.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item supports the *Press Play Fort Lauderdale 2029* Strategic Plan, specifically advancing:

- The Business Growth and Support Focus Area, Goal 6: Build a diverse and attractive economy.

This item advances the *Fast Forward Fort Lauderdale 2035* Vision Plan: We Are Connected.

This item supports the *Advance Fort Lauderdale 2040 Comprehensive Plan* specifically advancing:

- The Neighborhood Enhancement Focus Area
- The Future Land Use Element

- Goal 2: The City shall encourage sustainable, smart growth which designates areas for future growth, promotes connectivity, social equity, preservation of neighborhood character and compatible uses.
- Goal 3: Promote the advancement of great neighborhoods throughout the implementation of the Goals, Objectives and Policies of this plan in compliance with the Broward County Land Use Plan and State Regulations.

Attachments

Exhibit 1 – Location Map

Exhibit 2 – Application and Project Narratives

Exhibit 3 – Abbreviated Plan Set

Exhibit 4 – Sketch and Legal Description of Property

Exhibit 5 – DRC Comment Report with Applicant’s Responses

Exhibit 6 – April 15, 2026, PZB Staff Report

Exhibit 7 – April 15, 2026, Draft PZB Meeting Minutes

Exhibit 8 – City’s Capacity Letter

Exhibit 9 – Traffic Statement and Parking Analysis, DC Engineers, Inc., February 27, 2026

Exhibit 10 – Public Participation Meeting Summary, Public Notices, and Affidavit

Exhibit 11 – Mail Notice, List of Addresses, Public Sign Notice, and Affidavit

Exhibit 12 – Ordinance

Prepared by: Trisha Logan, AICP, Principal Urban Planner, Development Services Department

Department Director: Anthony Fajardo, Director, Development Services Department