



**City of Coconut Creek
Planning and Zoning Board Meeting
August 13, 2025
Minutes – Excerpt**

AGENDA ITEMS

Deputy City Attorney Mehaffey explained the City's quasi-judicial procedures that would be applied to Agenda Items 6 and 7, as follows (verbatim):

First, I want to remind everyone to silence your cell phones. Florida courts have determined that there are certain types of matters, including Agenda Items 6 and 7 on tonight's agenda, that are to be treated differently than other items considered by the Board. In these quasi-judicial applications, the Board is applying existing rules and policies to a factual situation and is therefore acting like a Judge and Jury do in a trial held in the courtroom. In such cases, the courts have decided that due process and fundamental fairness require that more formal procedures be followed.

The Board's decision must be based on the evidence and information that is presented at the public hearing including the agenda materials, staff recommendation, testimony presented at the public hearing, and the deliberations of the Board. The quasi-judicial procedures require that the Board consider the evidence presented to it and base their decision on the applicable law and primarily on credible evidence presented whether by staff, the applicant, or members of the public.

In a quasi-judicial proceeding, the Board is not allowed to take into consideration public sentiment or the popularity of a particular development proposal or application. The Board may only consider competent substantial evidence. This means testimony or other evidence that a reasonable mind would accept as credible and adequate to support a conclusion. Florida courts have made it clear that mere generalized statements of opposition are to be disregarded, but fact-based testimony can be considered competent and substantial evidence. This can include eyewitness observation testimony about relevant facts and documentary evidence, including photographs, aerials, and maps. Citizens who want to participate in a quasi-judicial hearing can testify as to factual matters and any element of the case that would not require specialized training or specific academic degrees. Their testimony will be considered provided their testimony is backed up by established facts, studies, or evidence that is not conjecture or just based on a feeling. The quasi-judicial hearing process is not a popularity contest. The strict rules of evidence do not apply during the public hearing, but any comments must be relevant to the agenda item.

Everyone who seeks to speak on an item will be given an opportunity to speak. If you intend to provide testimony as to any of the applications to be considered tonight, you will be sworn in before your testimony is taken. Please know if you speak, you may be subject to cross examination; the Board may comment or ask questions of persons addressing the Board at any time. If you refuse to either be cross-examined or to be sworn, your testimony will be considered in that context and given its due weight. The general public will not be permitted to cross examine witnesses, but may request that the Board direct questions on their behalf to the applicant or staff. Will the Clerk please confirm compliance with the notice requirements?

Deputy City Clerk Bowers confirmed that the public notice requirements for Agenda Items 6 and 7 had been met and swore in the witnesses.

Chair Light asked that if there were any objections to hearing Agenda Items 6 and 7 together, as they were related, and there were no objections.

6. **FIFTH THIRD BANK:** A SITE PLAN APPLICATION TO CONSTRUCT A FIFTH THIRD BANK WITH DRIVE-THRU FACILITY LOCATED AT 4805 COCONUT CREEK PARKWAY. (QUASI-JUDICIAL)(PUBLIC HEARING)
7. **FIFTH THIRD BANK:** A SPECIAL LAND USE APPLICATION TO PERMIT A DRIVE-THRU FACILITY AS PART OF A PROPOSED FIFTH THIRD BANK LOCATED AT 4805 COCONUT CREEK PARKWAY. (QUASI-JUDICIAL)(PUBLIC HEARING)

Deputy City Attorney Mehaffey asked if there were any disclosures or ex-parte communications related to Agenda Items 6 and 7, and the following disclosures were made:

- Chair Light disclosed that he was very familiar with the plaza and had made a site visit.
- Board Member Nancy Fry and Board Member Solomon Briks advised that they also visited the plaza frequently.

Sustainable Development Assistant Director Lizet Aguiar introduced the newest member of the Sustainable Development staff, Planning Manager Deandrea Moise. Ms. Moise introduced herself briefly.

Ms. Aguiar presented the Site Plan and Special Land Use applications on behalf of staff, stating that the applicant, Michael Kegley of BDG Architects, an agent on behalf of Centro NP Coconut Creek, LLC, was requesting approval to construct a 2,133 square foot stand-alone Fifth Third Bank with dual drive-thru lanes at 4805 Coconut Creek Parkway, within the existing Coconut Creek Plaza. She noted this site was the former Lorenzo's Italian Restaurant, and the site had fallen into disrepair. Ms. Aguiar provided a brief overview of the property, project public involvement, and sustainable elements, and advised that staff reviewed the application and found it complied with zoning requirements, Site Plan review requirements, Special Land Use criteria, and the Land Development Code, and recommended approval subject to conditions as follows:

1. Outstanding Development Review Committee (DRC) comments remain in effect and must be addressed prior to issuance of a building permit, unless otherwise stated therein.
2. Prior to the issuance of a Certificate of Occupancy, the business shall join Coconut Creek Police Department's Trespass Enforcement Program and post "No Trespassing" signage in accordance with the Program and Florida State Statutes.

Tim Loken, BDG Architects, presented on behalf of the applicant, highlighting features of the site plan's aesthetic design, including materials, color palate, landscaping, and shared plans for the ingress and egress, photometrics, and construction plan. He reviewed sustainability features of the project, including an electric vehicle (EV) charging station, cool roof, preservation of existing trees and addition of new trees, innovative water technologies, solar panels, and bioswales.

Chair Light opened the public hearing on the item. There were no questions or comments from the public, and Chair Light closed the public hearing.

Board Member Nancy Fry commented that the sustainability features were fantastic and

asked for additional details on the bioswale. Mr. Loken clarified the area on the map. Ms. Fry asked if the EV space would be for customers only. Mr. Loken stated it would be for the public use. Ms. Fry inquired how the exit-only on the west side of the property would be delineated. Mr. Loken advised that it would be clearly delineated with pavement markings and directional signage. Ms. Fry asked if there was anything in the City's Code that limited the number of businesses of the same type in a single area. Ms. Aguiar advised there was nothing in the Code that would clearly state the number of banks that could be located in a plaza.

Board Member Alex Escoriaza asked for clarification on whether the application was before the Planning and Zoning Board only because of the proposed drive-thru. Ms. Aguiar explained that the site plan application for a stand-alone bank was also required to be heard by the board even without the request for a drive-thru.

Board Member Solomon Briks noted the bank was small in size and asked if it was a full-service banking branch. Mr. Loken stated it was a full-service bank with the exception of a safety deposit vault. He provided details on the analysis that went into choosing the footprint and described the floor plan briefly.

Vice Chair Colleen LaPlant asked how many drive-thru lanes were proposed. Mr. Loken explained there would be two (2) lanes, with the first being a kiosk against the building and the second an ATM with a small canopy over it. Ms. LaPlant stated she liked the structure of the bank. She asked whether the demolition and build-out would be restricted to certain hours. Ms. Aguiar advised that the demolition permit would include a requirement for a construction fence. She stated there were unlikely to be extended hours.

Chair Light asked about the number of parking spaces. Mr. Loken stated there was one (1) ADA space, one (1) EV space, and nine (9) regular spaces. Ms. Aguiar noted this met the minimum parking requirements for the size of the building. Chair Light asked where employees would park. Mr. Loken stated there would be three (3) or four (4) employees on site at a time and discussed the parking calculation briefly. Ms. Aguiar added that stacking for the drive-thru lanes exceeded the requirements. Chair Light expressed concern with the distance between the exit lane and the stop sign at the roadway leading into the plaza. Project Civil Engineer Nisit Sapparkhao, Infinity Engineering described the distances on the site plan and the existing conditions. Ms. Aguiar provided additional details. She noted that the City's Transportation Planner Michael Righetti was instrumental in the design of the access, and it had been widened to provide for emergency vehicles but kept narrow enough to discourage incoming traffic.

MOTION: LaPlant/Fry – To recommend approval of Agenda Item 6, as presented.

Upon roll call, the Motion passed by a 5-0 vote.

MOTION: LaPlant/Briks – To recommend approval of Agenda Item 7, as presented.

Upon roll call, the Motion passed by a 5-0 vote.