**RESOLUTION NO. 2025-126**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE SPECIAL LAND USE APPLICATION SUBMITTED BY MICHAELA KEGLEY OF BDG ARCHITECTS TO PERMIT A DRIVE-THRU FACILITY AS PART OF THE PROPOSED FIFTH THIRD BANK, LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, GENERALLY LOCATED AT 4805 COCONUT CREEK PARKWAY; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR VIOLATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** Michaela Kegley of BDG Architects has made an application for Special Land Use approval to permit a 2,133 square foot free-standing bank with drive-thru use, legally described in Exhibit "A," attached hereto and incorporated herein; and

**WHEREAS,** Section 13-35, "Special land use," of the City's Land Development Code provides criteria for review and consideration of a Special Land Use application by the City Commission; and

**WHEREAS,** at its public hearing held on August 13, 2025, the Planning and Zoning Board heard, reviewed, and duly considered the reports, findings, and recommendations of the City Staff, together with the testimony stated at the public hearing and has recommended approval of this item to the City Commission subject to conditions; and

**WHEREAS,** the City Commission has determined that the above described Special Land Use meets the standards and requirements of Section 13-35, "Special land use," based upon the evidence presented at the public hearing, all the Development Review Committee comments and minutes, Planning and Zoning Board minutes, City staff reports, and findings of fact pertaining to this project located within the official City Development/Project file kept within the Department of Sustainable Development.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:**

**Section 1: Ratification.** That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution. All exhibits attached hereto are incorporated herein and made a specific part of this resolution.

**Section 2: Finding.** That the City Commission finds and determines that the above described Special Land Use meets the requirements of Section 13-35, "Special land use," of the City of Coconut Creek Code of Ordinances.

**Section 3: Approval.** That the Special Land Use for the property described in Exhibit "A," having been reviewed by the City Commission, is hereby approved subject to the following conditions:

1. Any outstanding DRC comments remain effective throughout the development review process. Any unaddressed comments are incorporated herein as conditions of approval of the final resolution 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 the Coconut Creek Police Department's Trespass Enforcement Program and post "No Trespassing" signage in accordance with the Program and Florida State Statutes.

**Section 4: Violation of Conditions.** That failure to adhere to the terms and conditions of the approval above shall be considered a violation of the City Code and persons found violating the conditions shall be subject to the penalties prescribed by the City Code, including but not limited to, the revocation of the approvals granted by this resolution. The applicant understands and acknowledges that it must comply with all other applicable requirements of the City before it may commence construction or operation, and this resolution may be revoked by the City Commission at any time upon a determination that the applicant is not in compliance with the City Code or this resolution.

**Section 5: Conflicts.** That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 6: Severability.** That should any section or provision of this resolution or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

**Section 7: Effective Date.** That this resolution shall be in full force and effect immediately upon its adoption.

**Adopted this _____ day of _____, 2025.**

_____
Jacqueline Railey, Mayor

Attest:

_____
Joseph J. Kavanagh, City Clerk

Railey _____
Wasserman _____
Welch _____
Rydell _____
Brodie _____

**EXHIBIT "A"**

**Legal Description:**

PARCEL "A" OF COCONUT CREEK PLAZA, ACCORDING TO THE PLAT THEREOF AS FILED IN PLAT BOOK 113, PAGE 12, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 30, TOWNSHIP 48 SOUTH, RANGE 42 EAST; THENCE N 88˚ 41' 32" E ALONG THE SOUTH LINE OF SAID SECTION 30 FOR 2929.10 FEET; THENCE N 00˚ 22' 24" W FOR 52.05 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF COCONUT PARKWAY AS SHOWN ON SAID PLAT OF COCONUT CREEK PLAZA, AND BEING THE SOUTHWEST CORNER OF SAID PARCEL "A" AND THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF THE LAND; THENCE CONTINUE N 00˚ 22' 24" W ALONG THE WEST BOUNDARY LINE OF SAID PARCEL "A" FOR 736.64 FEET TO THE NORTHWEST CORNER OF SAID PARCEL "A"; FOR 1960.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL "A", ALSO BEING A POINT ON THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD, AS SHOWN ON SAID PLAT OF COCONUT CREEK PLAZA, THE FOLLOWING FOUR (4) COURSES BEING ALONG THE EAST BOUNDARY LINE OF SAID PARCEL "A" AND SAID WEST RIGHT-OF-WAY LINE OF LYONS ROAD; 1) THENCE S 00˚ 22' 24" E FOR 170.65 FEET; 2) THENCE S 03˚ 03' 37" W FOR 200.36 FEET; 3) THENCE S 00˚ 22' 24" E FOR 300.00 FEET; 4) THENCE S 44˚ 11' 59" W FOR 49.13 FEET TO THE SOUTHERNMOST SOUTHEAST CORNER OF SAID PARCEL "A" ALSO BEING A POINT ON THE SAID NORTH RIGHT-OF-WAY LINE OF COCONUT CREEK PARKWAY; THE FOLLOWING FOUR (4) COURSES BEING ALONG THE SOUTH BOUNDARY LINE OF SAID PARCEL "A" ALSO BEING SAID NORTH RIGHT-OF-WAY LINE OF COCONUT CREEK PARKWAY; 1) THENCE S 88˚ 52' 21" W FOR 300.03 FEET; 2) THENCE S 86˚ 52' 05" W FOR 200.12 FEET; 3) THENCE S 88˚ 52' 21" W FOR 1284.16 FEET; 4) THENCE S 88˚ 46' 12" W FOR 129.59 FEET TO THE POINT OF BEGINNING.