

CITY OF BONITA SPRINGS
ZONING RESOLUTION NO. 21 – 05

A ZONING RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST FOR A SPECIAL EXCEPTION WITHIN THE U.S. 41 OVERLAY TO ALLOW A SCHOOL, NONCOMMERCIAL, OTHER USE (DISCOVERY DAY ACADEMY) ON APPROXIMATELY 1.5 +/- ACRES WITHIN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT, LOCATED AT 25355 S. TAMIAMI TRL, BONITA SPRINGS, FL 34135; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Bonita Springs City Council adopted Zoning Ordinance No. 15-27, establishing the U.S. 41 Overlay District to guide future growth and redevelopment along U.S. 41 in a manner that maintains the aesthetic quality of the corridor, makes efficient use of public infrastructure, and balances automobile-oriented patterns with pedestrian development with the intent to limit strip commercial development; and

WHEREAS, the Community Commercial District (CC) requires that certain uses are required to obtain a special exception pursuant to Section 4-661 of the land development code ("LDC"); and

WHEREAS, a Public Hearing was advertised and heard on June 29, 2021 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case SPE21-78485-BOS who recommended approval (4-3) after giving full and complete consideration of the record, consisting of the Staff Recommendation, the documents on file with the City and the testimony of all parties; and

WHEREAS, City Council at their July 21, 2021 zoning meeting considered the record of the Zoning Board on Case SPE21-78485-BOS, as well as a transcript of the Zoning Board hearing submitted as part of the City Council hearing record, and gave full consideration of the Staff Recommendation, the evidence and testimony, including the expert opinion of the Applicant's agents.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bonita Springs, Lee County, Florida:

SECTION ONE: APPROVAL OF REQUEST

City Council of Bonita Springs hereby approves the request for a special exception with the following conditions:

Conditions:

1. This approval is for a special exception to allow the operation of a noncommercial school, other use located at 25355 S. Tamiami Trail. This building is located at the southwestern corner of the Prado at Spring Creek Shopping Center. This use is limited to the requested user, Discovery Day Academy, only, and shall only allow for 72 students K-5, when in conjunction with the daycare use.
2. Any expansion beyond 40 daycare students or 72 elementary students will require additional approvals.
3. The regular hours of operation are limited to Monday-Friday only from 7:00 AM-6:00 PM.
4. The intersection of Bernwood Parkway and Chamber of Commerce Drive shall be modified with a raised traffic separator at the intersection of Bernwood Parkway and Chamber of Commerce Drive, permitting only westbound ingress and westbound egress (right in, right out), consistent with the Condition Exhibit attached.
5. The proposed play area shall be enclosed with a 6' vinyl fence screened consistent with the Condition Exhibit attached.
6. In accordance with the Traffic Circulation Plan (Plan) provided by the Applicant, all school traffic shall enter and exit from the midpoint plaza access or Timberwilde Drive only. The Applicant shall provide copies of the Plan to all parents or those designated to pick up or drop off the students. The Applicant shall provide sufficient staff to enforce and ensure the functionality of the Plan.
7. All traffic shall be managed entirely within the immediate parking lot of the school use. At no time shall vehicle queues extend onto public roadways, including Chamber of Commerce Drive, or block any access driveway to the parcel.
8. Staff Post #2 shall have a minimum of three employees posted at all times of pick up and drop off to assist in the pick up and drop off operations.
9. Should the operation not function according to the Traffic Circulation Plan or additional safety concerns arise from the implementation of the Plan, after three documented observations by City Staff with notification sent to the Applicant, this Special Exception shall return to City Council for reconsideration.
10. Enrollment counts shall be provided quarterly, due on January 1st, April 1st, July 1st and October 1st annually. A comprehensive monitoring report shall be provided annually on the anniversary date of this approval. This shall include a site functionality report- to include an

analysis provided by the Applicant on how the Plan is performing on the site and measures taken by the school to facilitate the Plan, enrollment counts for the school and daycare uses, and bell schedules. In addition, the Applicant shall provide a copy of the annual "Parent Handbook", which shall include their operating procedures. Failure to timely provide this report provides for immediate revocation of this special exception. Requests for additional information shall be responded to within 14 business days.

11. An internal sidewalk from the requested site for the proposed use to the principal buildings shall be constructed to LDC standards by the first anniversary of this approval.

Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of special exception, Bonita Springs City Council makes the following findings and conclusions:

1. The Applicant has proven entitlement for the requested special exception by demonstrating compliance with the Bonita Springs Comprehensive Plan; and
2. The Applicant has specifically proven:
 - i. Exceptional or extraordinary conditions exist which warrant the proposed use, including but not limited to increased market demand due to change of residency demographics.
 - ii. The request is consistent with the goals, objectives, policies and intent of the Bonita Plan, providing commercial services for a fee.
 - iii. The request meets all performance and locational standards set forth, including consistency with the intent of the U.S. 41 Overlay District in creating a walkable commercial center addresses the balance between auto-oriented design and pedestrian access through enhanced design standards.
 - iv. Will protect, conserve or preserve environmentally critical areas and natural resources.
 - v. Will be compatible with existing or planned uses.
 - vi. Will not cause damage, hazard, nuisance or other detriment to persons or property.
 - vii. In compliance with all general zoning provisions, supplemental regulations and performance standards pertaining to the use set forth in this chapter.
 - viii. No physical constraints, hazards or nuisances which are detrimental to the health and safety of students and to the general operation of the school exist.

SECTION TWO: INCORPORATION OF RECORD

City Council of Bonita Springs hereby adopts and incorporates into this resolution the record hearing exhibits and attachments considered as part of the application as follows:

EXHIBITS:

- A. Legal Description and Sketch of the Subject Property

ATTACHMENTS:

- A. Proposed Site Plan
- B. Proposed Traffic Circulation Plan
- C. Proposed AM and PM Queue Layout Plans
- D. Condition Exhibit

SECTION THREE: EFFECTIVE DATE

This Resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 21st day of July, 2021.

AUTHENTICATION:

Paul Stimmer Mayor Debra J. J. J. J. City Clerk

APPROVED AS TO FORM: [Signature]
City Attorney

Vote:

- | | | | |
|--------|-----|------------|-----|
| Carr | Aye | Corrie | Nay |
| Purdon | Nay | Quaremba | Aye |
| Forbes | Aye | Steinmeyer | Aye |
| Gibson | Nay | | |

Date filed with City Clerk: 7/27/2021

EXHIBIT A

DESCRIPTION:
OUT PARCEL #1

A PORTION OF PARCEL 4, SPRING CREEK EAST UNIT TWO, AS RECORDED IN PLAT BOOK 62, PAGE 65, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING IN SECTION 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.89°16'54"W., ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 21, FOR 1146.01 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 41 (TAMIAMI TRAIL); THENCE RUN S.00°06'41"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR 1719.96 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.00°06'41"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR 279.50 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL 4; THENCE N.89°53'19"E ALONG THE NORTH LINE OF TRACT "A", FOR 265.95 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE WESTERLY, WHOSE RADIUS POINT BEARS S.88°23'18"E. FOR A DISTANCE OF 186.00 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 186.00 FEET, THROUGH A CENTRAL ANGLE OF 15°40'01", CHORD BEARING OF N.09°28'40"W. FOR 50.70 FEET, ARC 50.86 FEET TO A POINT OF REVERSE CURVE; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 814.00 FEET, THROUGH A CENTRAL ANGLE OF 16°39'56", CHORD BEARING OF N.09°04'24"W. FOR 232.31 FEET, ARC 233.10 FEET; THENCE RUN S.89°53'19"W. FOR 221.54 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.50 ACRES, MORE OR LESS. .

SURVEY NOTES:

THE DESCRIPTION SHOWN HEREON IS NEW.
SKETCH PREPARED IN ACCORDANCE WITH THE STATE OF FLORIDA'S STANDARDS OF PRACTICE FOR SURVEYING, RULE 5J-17 F.A.C.
ORIENTATION BASED ON THE WESTERLY RIGHT-OF-WAY LINE OF TAMIAMI TRAIL, AS BEARING S.00°06'41"W. AS PLATTED WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR ELECTRONIC SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS MAP IS NOT VALID.
THIS IS NOT A SURVEY!



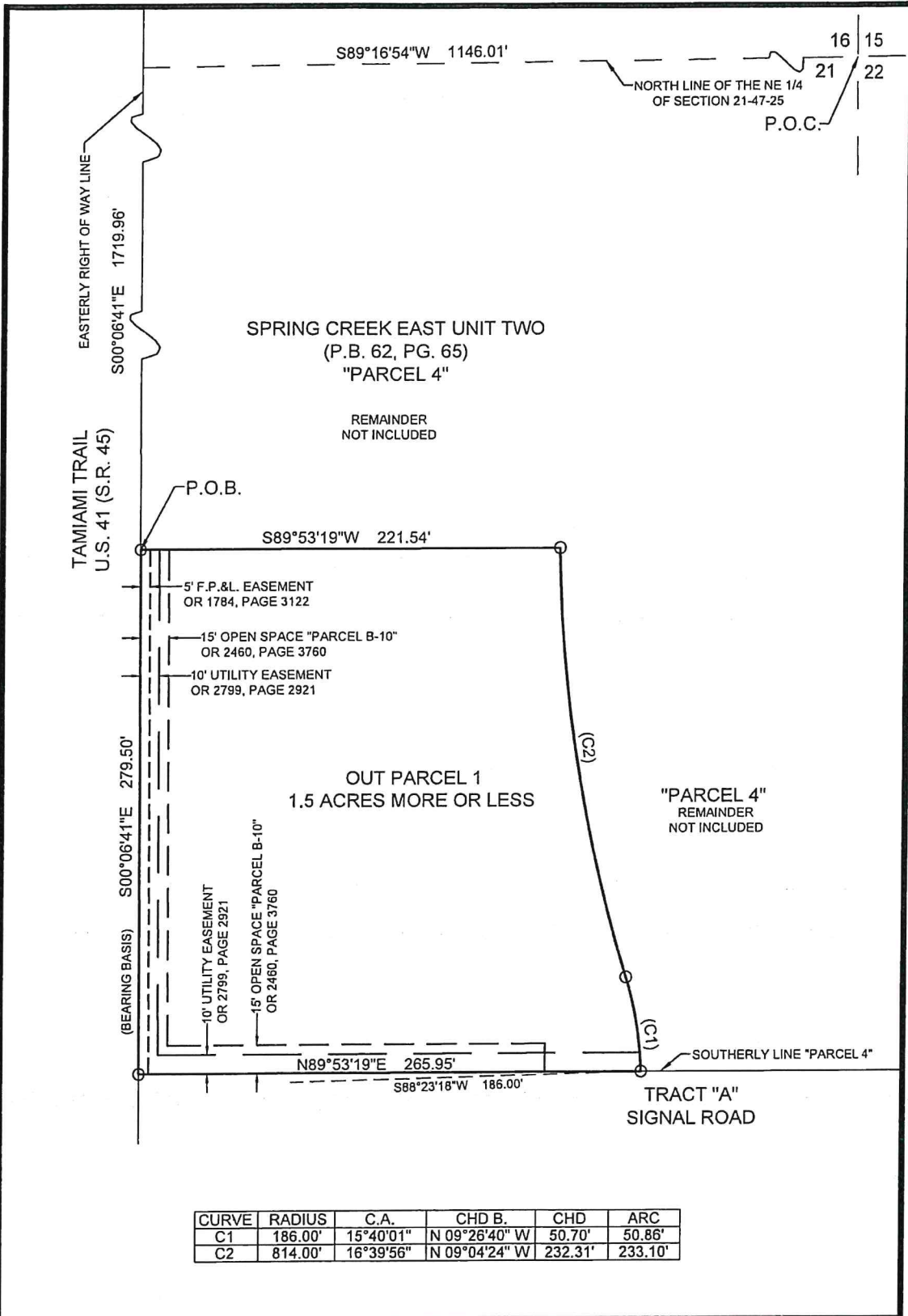
Digitally signed by
Thomas M. Rooks Jr.
Date: 2021.02.10
18:26:47 -05'00'

PREPARED BY:

THOMAS M. ROOKS JR., P.S.M. DATE
FLORIDA CERTIFICATE NO. 6347

<p>PROJECT: DISCOVERY DAY ACADEMY</p> <p>LOCATION: SECTION 21 AND 22, T. 47 S., R. 25 E., LEE COUNTY, FLORIDA</p>	<p>CONSULTANT: MORRIS DEPEW ENGINEERS • PLANNERS • SURVEYORS LANDSCAPE ARCHITECTS FL. CA. NO. 9432 (PL), 0011 (LS), 1326 (LSC) 0006320</p> <p>Fort Myers 2011 Commercial Avenue Fort Myers, Florida 33901 CWA 297-3340 Fax: 941-337-7854 Tel. Fax: 888-337-7341</p> <p>Tallahassee 113 South Lincoln Street 1st Floor Tallahassee, Florida 32301 Tel. Fax: 904-227-7341</p> <p>Destin 2547 Highway 20 1st Floor Gulf Breeze Beach, Florida 32419 Tel. Fax: 910-227-7341</p>	<p>CLIENT: DISCOVERY DAY ACADEMY</p>	<p>PROJECT MANAGER: TMR DRAWING BY: TAB JURISDICTION: CITY OF BONITA SPRINGS DATE: 02-10-2021 SHEET TITLE: SKETCH AND DESCRIPTION SHEET NUMBER: 1 OF 2 JOB/FILE NUMBER: 21010</p>
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© COPYRIGHT MORRIS DEPEW ASSOCIATES, INC. 2021 ALL RIGHTS RESERVED. EN1010 - Discovery Day Academy BonitaPlan21010-02.dwg, Author: tmg, DWG: TMR, Date: Feb 10 2021, 02:44:17 pm, PLOTTED BY: thorkey



CURVE	RADIUS	C.A.	CHD B.	CHD	ARC
C1	186.00'	15°40'01"	N 09°26'40" W	50.70'	50.86'
C2	814.00'	16°39'56"	N 09°04'24" W	232.31'	233.10'

© COPYRIGHT MORRIS-DEPEW ASSOCIATES, INC. 2021 ALL RIGHTS RESERVED E31010 - Discovery Day Academy Bonita/Parcel 4/1810-Sketch-Over_Jurisdictional-SKETCH-DESC - Feb 10 2021 02:43:46 pm PLOTTED BY: lsherry

PROJECT:
DISCOVERY DAY ACADEMY

LOCATION:
SECTION 21 AND 22,
T. 47 S., R. 25 E.,
LEE COUNTY, FLORIDA

CONSULTANT:

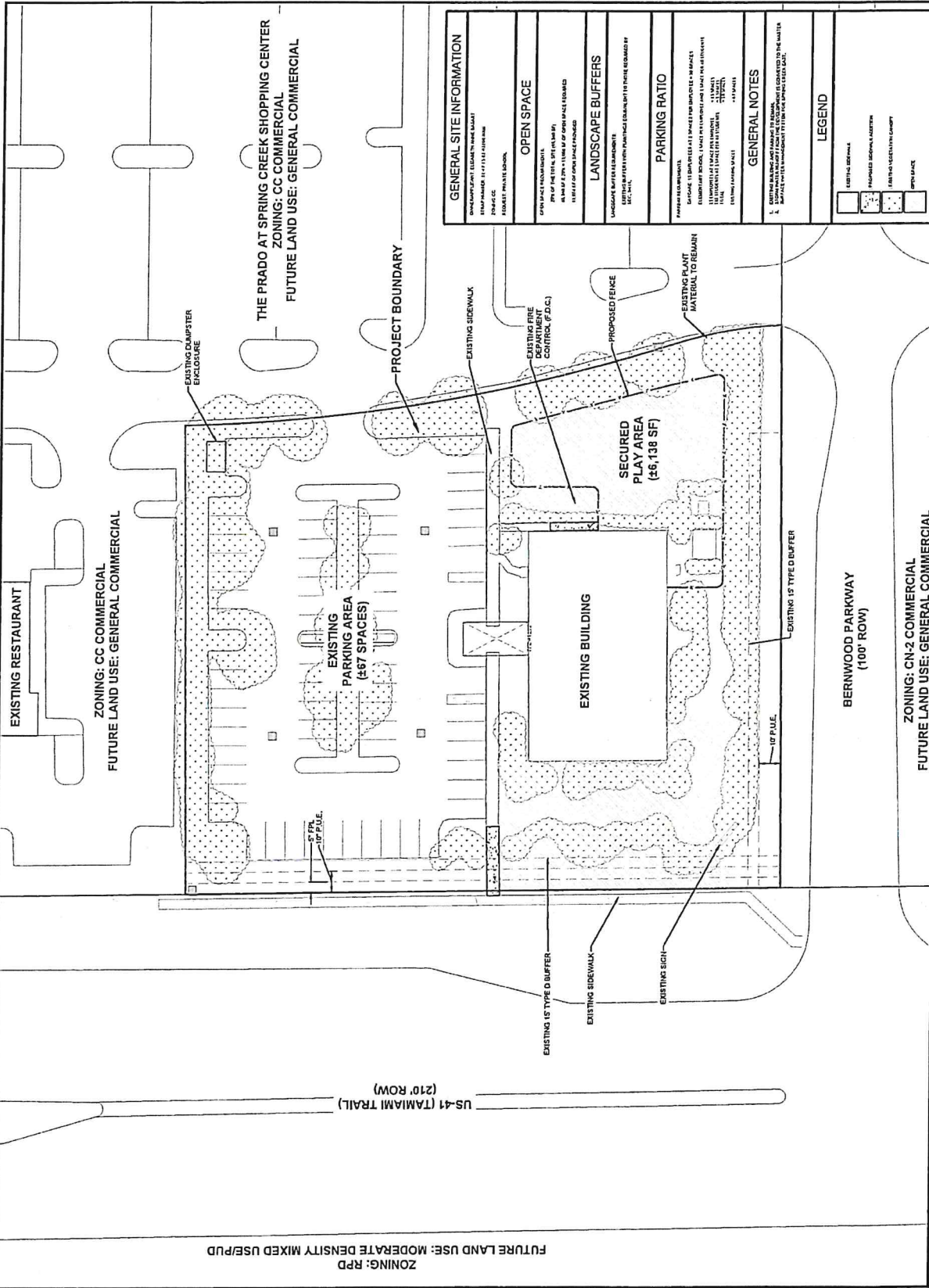
MORRIS DEPEW
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 LANDSCAPE ARCHITECTS
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 Fax: (739) 337-3064
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 Tallahassee
 112 South Monroe Street
 1st Floor
 Tallahassee, Florida 32301
 Toll free: 866-337-7341
 Destin
 5537 Highway 90
 Unit 201
 Santa Rosa Beach, Florida 32354
 Toll free: 866-337-7341

CLIENT:

 DISCOVERY DAY ACADEMY

PROJECT MANAGER: TMR
DRAWING BY: TAB
JURISDICTION: CITY OF BONITA SPRINGS
DATE: 02-10-2021
SHEET TITLE: SKETCH AND DESCRIPTION
SHEET NUMBER: 2 OF 2
JOB/FILE NUMBER: 21010

ATTACHMENT A



ZONING: RPD
FUTURE LAND USE: MODERATE DENSITY MIXED USE/PUD

PROJECT: **DISCOVERY DAY ACADEMY**
LOCATION: 25355 SOUTH TAMAMI TRAIL, BONITA SPRINGS, FL 34124

CLIENT: **DISCOVERY DAY ACADEMY**

CONSULTANT: **MORRIS DEPUE**
10000 W. UNIVERSITY BLVD., SUITE 200, BOCA RATON, FL 33433
TEL: 561-996-1100
FAX: 561-996-1101
www.morrisdepue.com

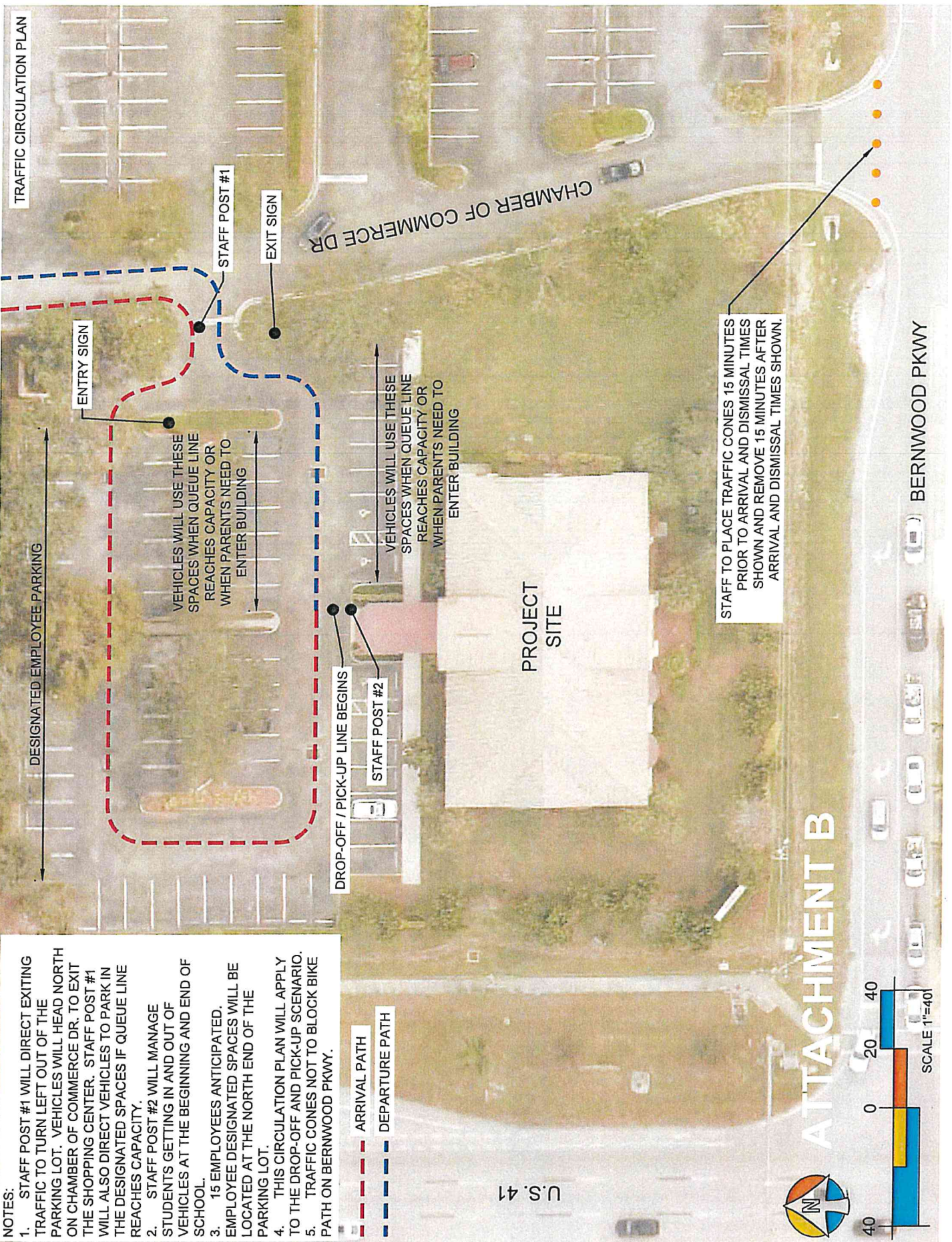
DATE: _____
REVISIONS: _____

PROJECT MANAGER: _____
DESIGNED BY: _____
DRAWN BY: _____
DATE: 4/22/2021

SHEET TITLE: **CONCEPTUAL SITE PLAN IV-G**
SHEET NUMBER: **C-100**
SCALE: 1" = 20'
JOB FILE NUMBER: **21010-00**

GENERAL SITE INFORMATION GENERAL SITE INFORMATION SITE PLAN PREPARED BY: MORRIS DEPUE DATE: 4/22/2021 PROJECT: DISCOVERY DAY ACADEMY	OPEN SPACE OPEN SPACE REQUIREMENTS 30% OF THE TOTAL SITE AREA IS TO BE OPEN SPACE LANDSCAPE BUFFERS LANDSCAPE BUFFERS SHALL BE MAINTAINED AT ALL TIMES LANDSCAPE BUFFERS SHALL BE MAINTAINED AT ALL TIMES LANDSCAPE BUFFERS SHALL BE MAINTAINED AT ALL TIMES	PARKING RATIO PARKING REQUIREMENTS 3 SPACES PER 1,000 SF OF GROSS FLOOR AREA 3 SPACES PER 1,000 SF OF GROSS FLOOR AREA 3 SPACES PER 1,000 SF OF GROSS FLOOR AREA	GENERAL NOTES GENERAL NOTES 1. EXISTING BUILDING AND PLAY AREA TO REMAIN 2. ALL OTHER AREAS TO BE REDEVELOPED	LEGEND LEGEND EXISTING SIDEWALK PROPOSED SIDEWALK EXISTING DRIVE CONTROL (P.D.C.) PROPOSED DRIVE CONTROL (P.D.C.) EXISTING FENCE PROPOSED FENCE EXISTING PLAY AREA MATERIAL TO REMAIN PROPOSED PLAY AREA MATERIAL TO REMAIN EXISTING 15' TYPED BUFFER PROPOSED 15' TYPED BUFFER
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TRAFFIC CIRCULATION PLAN



- NOTES:
1. STAFF POST #1 WILL DIRECT EXITING TRAFFIC TO TURN LEFT OUT OF THE PARKING LOT. VEHICLES WILL HEAD NORTH ON CHAMBER OF COMMERCE DR. TO EXIT THE SHOPPING CENTER. STAFF POST #1 WILL ALSO DIRECT VEHICLES TO PARK IN THE DESIGNATED SPACES IF QUEUE LINE REACHES CAPACITY.
 2. STAFF POST #2 WILL MANAGE STUDENTS GETTING IN AND OUT OF VEHICLES AT THE BEGINNING AND END OF SCHOOL.
 3. 15 EMPLOYEES ANTICIPATED. EMPLOYEE DESIGNATED SPACES WILL BE LOCATED AT THE NORTH END OF THE PARKING LOT.
 4. THIS CIRCULATION PLAN WILL APPLY TO THE DROP-OFF AND PICK-UP SCENARIO.
 5. TRAFFIC CONES NOT TO BLOCK BIKE PATH ON BERNWOOD PKWY.

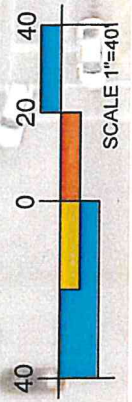
- - - - - ARRIVAL PATH
- - - - - DEPARTURE PATH

STAFF TO PLACE TRAFFIC CONES 15 MINUTES PRIOR TO ARRIVAL AND DISMISSAL TIMES SHOWN AND REMOVE 15 MINUTES AFTER ARRIVAL AND DISMISSAL TIMES SHOWN.

VEHICLES WILL USE THESE SPACES WHEN QUEUE LINE REACHES CAPACITY OR WHEN PARENTS NEED TO ENTER BUILDING

VEHICLES WILL USE THESE SPACES WHEN QUEUE LINE REACHES CAPACITY OR WHEN PARENTS NEED TO ENTER BUILDING

ATTACHMENT B



U.S. 41

ASSUMPTIONS:

1. PER CORRESPONDENCE WITH FOUNDER OF DISCOVERY DAY ACADEMY, ELIZABETH BASART, THE FOLLOWING INFORMATION IS USED FOR THE PURPOSE OF THIS TRAFFIC ANALYSIS:
 - 1.1. THE DRIVE AISLES IN THE EXISTING PARKING LOT WILL SERVE AS A PARENT PICK UP / DROP OFF LINE
 - 1.2. EACH VEHICLE TAKES 30 SECONDS TO LOAD/UNLOAD STUDENTS
2. DIMENSIONS PER VEHICLE = 20'L X 6.5'W

--- AVAILABLE STORAGE LENGTH (671')

--- DEPARTURE PATH

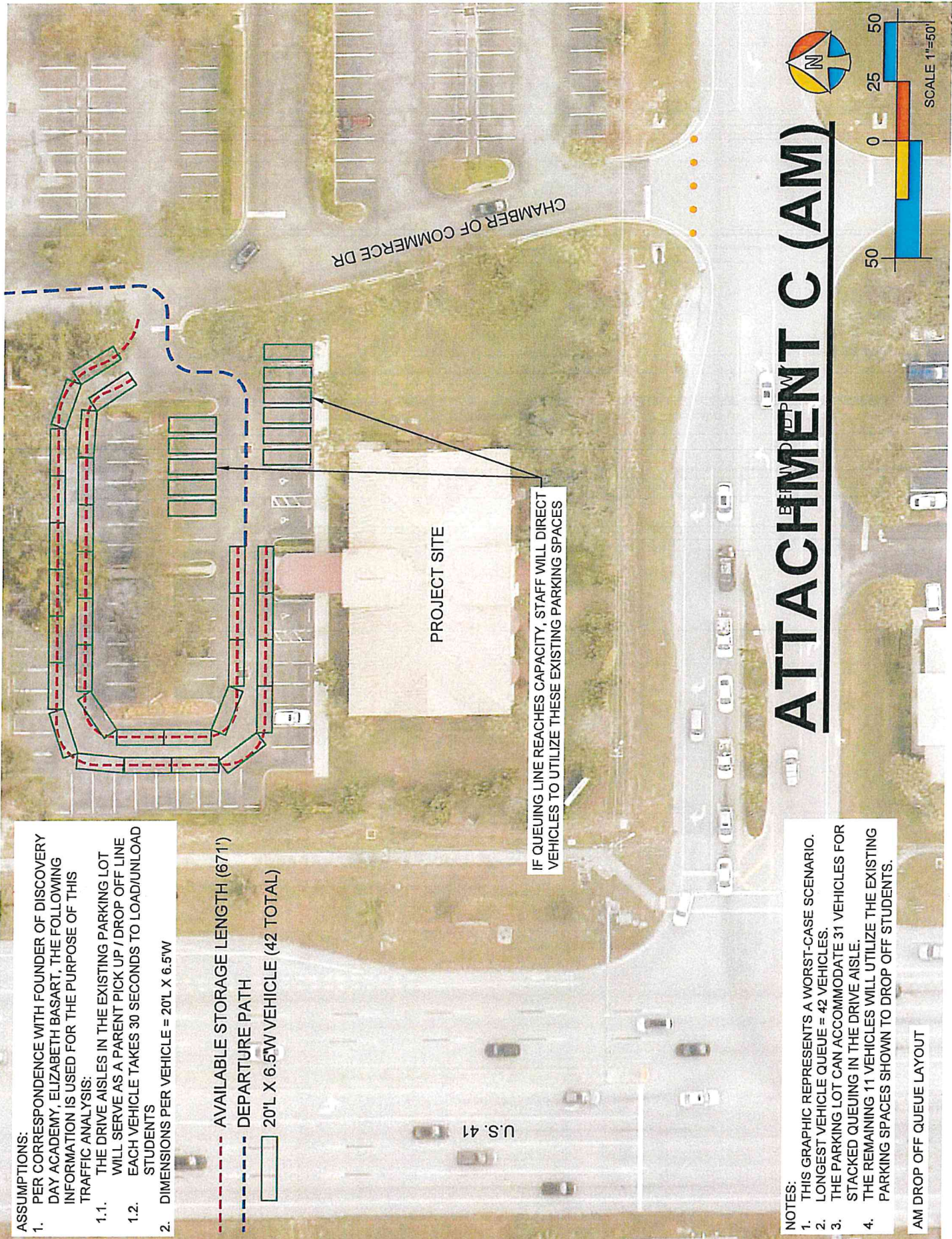
▭ 20'L X 6.5'W VEHICLE (42 TOTAL)

IF QUEUING LINE REACHES CAPACITY, STAFF WILL DIRECT VEHICLES TO UTILIZE THESE EXISTING PARKING SPACES

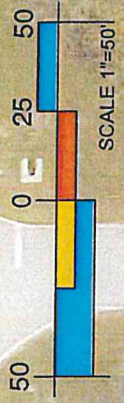
NOTES:

1. THIS GRAPHIC REPRESENTS A WORST-CASE SCENARIO.
2. LONGEST VEHICLE QUEUE = 42 VEHICLES.
3. THE PARKING LOT CAN ACCOMMODATE 31 VEHICLES FOR STACKED QUEUING IN THE DRIVE AISLE.
4. THE REMAINING 11 VEHICLES WILL UTILIZE THE EXISTING PARKING SPACES SHOWN TO DROP OFF STUDENTS.

AM DROP OFF QUEUE LAYOUT



ATTACHMENT C (AM)



ASSUMPTIONS:

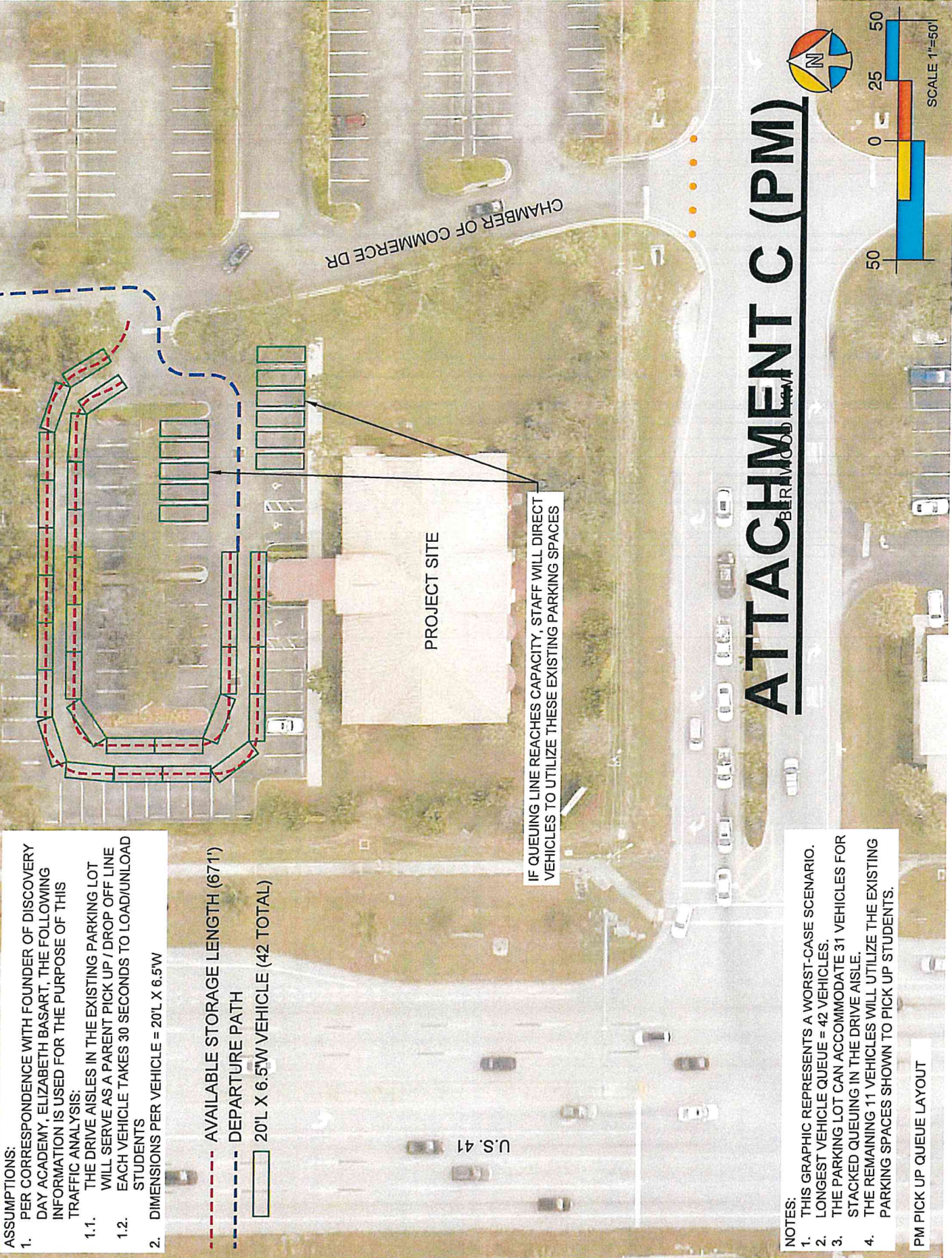
- PER CORRESPONDENCE WITH FOUNDER OF DISCOVERY DAY ACADEMY, ELIZABETH BASART, THE FOLLOWING INFORMATION IS USED FOR THE PURPOSE OF THIS TRAFFIC ANALYSIS:
 - THE DRIVE AISLES IN THE EXISTING PARKING LOT WILL SERVE AS A PARENT PICK UP / DROP OFF LINE
 - EACH VEHICLE TAKES 30 SECONDS TO LOAD/UNLOAD STUDENTS
- DIMENSIONS PER VEHICLE = 20'L X 6.5'W

--- AVAILABLE STORAGE LENGTH (6741')

--- DEPARTURE PATH

□ 20'L X 6.5'W VEHICLE (42 TOTAL)

IF QUEUING LINE REACHES CAPACITY, STAFF WILL DIRECT VEHICLES TO UTILIZE THESE EXISTING PARKING SPACES

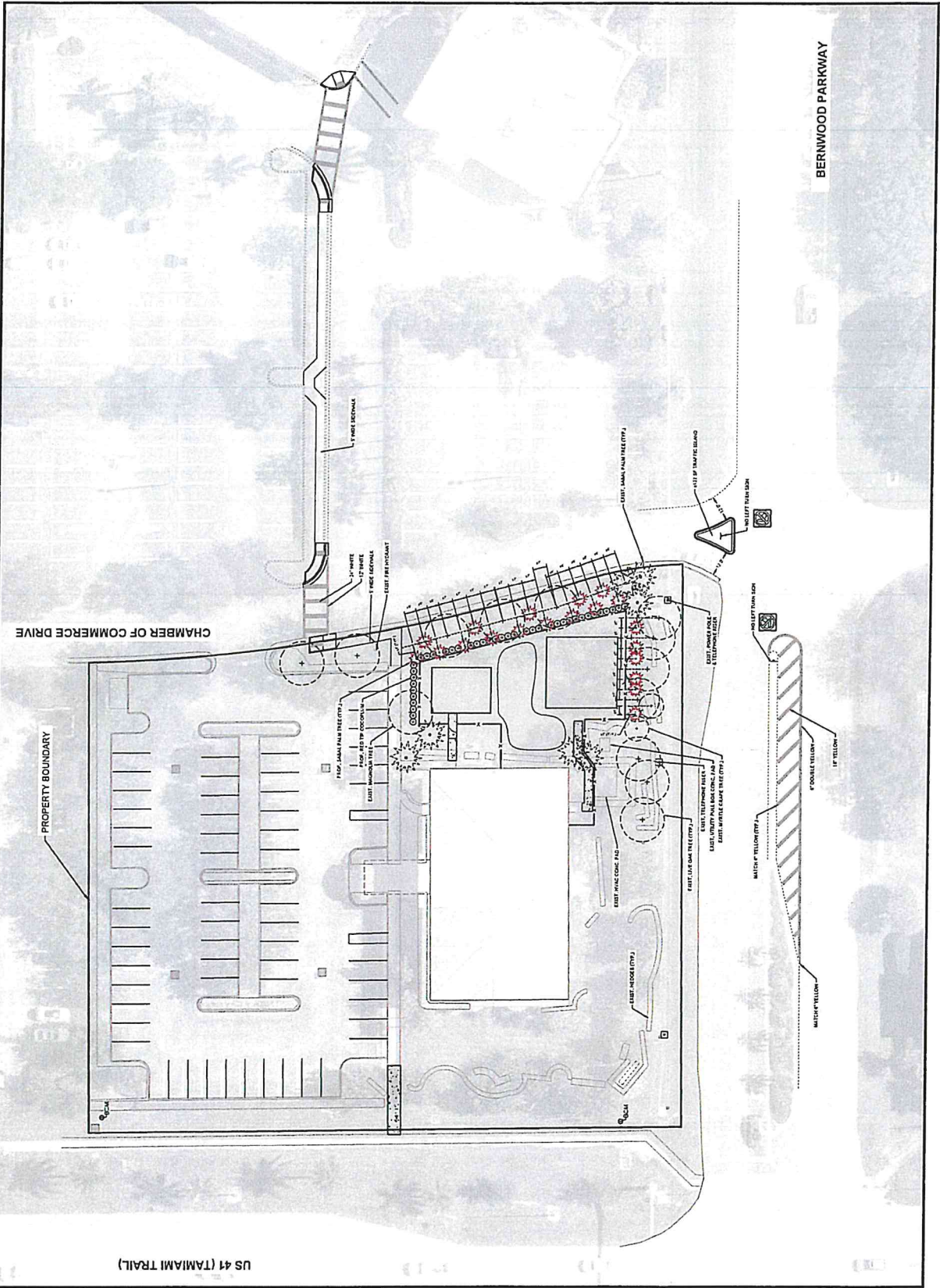


ATTACHMENT C (PM)

NOTES:

- THIS GRAPHIC REPRESENTS A WORST-CASE SCENARIO.
- LONGEST VEHICLE QUEUE = 42 VEHICLES.
- THE PARKING LOT CAN ACCOMMODATE 31 VEHICLES FOR STACKED QUEUING IN THE DRIVE AISLE.
- THE REMAINING 11 VEHICLES WILL UTILIZE THE EXISTING PARKING SPACES SHOWN TO PICK UP STUDENTS.

PM PICK UP QUEUE LAYOUT



PROJECT: **DISCOVERY DAY ACADEMY**

LOCATION: 25355 SOUTH TAMAMI TRAIL
BONITA SPRINGS, FL 34134



CONSULTANT: **MORRIS DEPEW**
FLORIDA LANDSCAPE ARCHITECTS
11000 SOUTH STATE ROAD 200
SUITE 200
BONITA SPRINGS, FL 34134
TEL: 352-259-2000
WWW.MORRISDEPEW.COM

DATE: 7/20/21

PREPARED BY:

REVISIONS	DATE

PROJECT MANAGER: _____
DRAWING BY: _____
DATE: 7/20/21

OFFSITE IMPROVEMENTS EXHIBIT

SHEET NUMBER: 1

SCALE: 1"=20'

DATE PLOTTED: 7/20/21

21010-00