



**City of Bonita Springs Board  
for  
Land Use Hearings & Adjustments and Zoning Board of Appeals  
MINUTES  
Tuesday, June 29, 2021  
9:00 A.M.**

**I. CALL TO ORDER.**

Chairman Anthony Rascio called the meeting to order at 9:02 A.M.

**II. INVOCATION.**

Board Member Russ Winn furnished the invocation.

**III. PLEDGE OF ALLEGIANCE.**

Chairman Anthony Rascio led the Board in the Pledge of Allegiance.

**IV. ROLL CALL.**

Members in attendance: Chairman Anthony Rascio, Board Member Gerald Benson, Board Member Bruce Galloway, Board Member Gary Gambrell, Board Member Ben Hershenson, Board Member Lynda Waterhouse, Board Member Russ Winn.

**V. APPROVAL OF MINUTES: May 18, 2021.**

Board Member Bruce Galloway motioned for approval of the minutes; Board Member Russ Winn seconded; motion passed unanimously.

**VI. SELECTION OF A VICE-CHAIRMAN.**

Chairman Anthony Rascio postponed discussion until the next meeting in order to provide the two new Board Members time to acquaint themselves with all committee members.

**VII. PUBLIC HEARINGS.****A. CASE NAME: GRACE CLASSICAL ACADEMY SPECIAL EXCEPTION (SPE20-76117-BOS)**

A SPECIAL EXCEPTION REQUEST FOR A 2-PHASED EXPANSION OF ENROLLMENT OF AN EXISTING SCHOOLS, NONCOMMERCIAL, OTHER USE (GRACE CLASSICAL ACADEMY) WITHIN THE AGRICULTURAL (AG-2) ZONING DISTRICT.

- Board Member Gary Gambrell expressed concern that the Zoning Board had only been given one week to review the packets, which he believed was insufficient time for proper review. He made a motion to hold off on discussion until the next meeting. Chairman Rascio stated that the time given was within the usual time frame and felt the cases too important to wait another month for discussion.

**VIII. SWEARING IN.**

- City Attorney Derek Rooney placed all witnesses under oath.

**1. APPLICANT PRESENTATION – CASE A.****Presenters:**

D. Wayne Arnold, Q. Grady Minor & Associates, P.A.

- Mr. Wayne Arnold provided a presentation (copy in Clerk's file) outlining the special exception request to allow an expansion of the K-8 private school, Grace Classical Academy. The site was previously approved for 48 students. The Land Development Code (LDC) allowed Lee County noncommercial schools by right in the AG-2 district, all others by special exception only. The Applicant was granted a temporary use for 64 students total, expiring on August 27, 2021.
- The request included a two-phased expansion. The first phase requested was to enroll 90 students within the existing Family Life Center building, and the second phase requested was to enroll 160 students, within the existing Family Life Center building and construction of portable or modular classrooms in the rear of the property. A preliminary conceptual site plan was provided.
- Mr. Arnold provided discussion points on Operational Changes such as access to Mango Drive. Two neighborhood meetings were held to address the traffic concerns. Phase 1 and 2 stacking and Special Exception criteria were discussed.
- Chairman Anthony Rascio questioned how the locations for the cones were chosen. He suggested that to avoid confusion, it might make more sense to place the cones closer to Mango Drive. Mr. Arnold replied that it could be done with a second set of cones.

**2. STAFF REPORT.**

- Ms. Mary Zizzo, Community Development, provided the staff presentation (copy in Clerk's file) by reviewing the Special Exception request and areas of agreement. Staff recommended approval subject to the conditions outlined in the report. The location and site plan were

reviewed. Ms. Zizzo stated that pick-up and drop-off operation was observed to ensure it was operating as proposed.

- Staff found that the proposed use was complimentary to the Place of Worship use. Additionally, the proposed expansion was sensitive to the nearby residential uses, requiring all school traffic to utilize Vanderbilt Drive for ingress and egress. A comprehensive review of the Special Exception findings was also given.
- Ms. Zizzo provided an overview of Phase 1 and 2 Stacking Plans and the Circulation Plan. The presentation concluded with staff's final recommendations.
- Chairman Rascio asked to review Recommendation Number 4, wanting assurance that the number of vehicles would be enough to ensure that no queue would extend onto the roadways. Ms. Zizzo responded in the affirmative, adding that if the site was not functioning the way it had been proposed, then the applicant would need to make site improvements earlier on to utilize more of the site to accommodate all the vehicles.
- Chairman Rascio sought clarification on Recommendation Number 6 and if it referred only to Phase 2. Ms. Zizzo stated it applied to both Phase 1 and 2 to and was worded to assure that Mango Drive would not be utilized. Chairman Rascio asked about a directional sign, and Ms. Zizzo used the Circulation Plan to show the location for the "No Right Turn" sign. Chairman Rascio asked about Recommendation Number 8 inquiring if staff would be responsible for monitoring compliance. Ms. Zizzo stated the expectation was for staff to maintain compliance.
- Chairman Rascio inquired about Recommendation Number 9 and if any thought had been given to a more frequent proof of enrollment rather than annually. Ms. Zizzo stated that typically, annual enrollment was easier to monitor but offered to accommodate. Chairman Rascio requested a quarterly enrollment submission provided that Community Development design an appropriate form for the school administrator. Ms. Zizzo replied in the affirmative.
- Chairman Rascio questioned who would be responsible for observing appropriate operation of the stacking plan referred to in Recommendation Number 11. Ms. Zizzo stated City staff would be the observers and report feedback accordingly.
- Board Member Bruce Galloway sought clarification in separating the impact between the two uses on the site. Ms. Zizzo explained that during the week it would be for school use and on the weekend, it would be church use. Grace Academy Principal, Amy Mauriello, and New Life Church Pastor, James Julian, both spoke about their respective uses.

#### **IX. PUBLIC COMMENT.**

- Resident Quinn Ruelle, President of the Vanderbilt Office Park Owner's Association, expressed concern about the amount of traffic in the area during season and did not see how it could be monitored appropriately. He believed the expanded use to be excessive for the site.
- Resident of Mango Drive, Marianna Toledo, questioned the "End of City Maintenance" sign located on her street, and who maintained that patch of area of Mango Drive. She expressed

concern over increased traffic in the area over time. Ms. Toledo stated her concerns about regulation of the road. City Attorney, Derek Rooney, explained the meaning of the sign in question and the regulation of uses.

- Resident of Mango Drive, Cathy Dimes, stated she offered residents of the street to pay for a gate at the church to close off the road.
- Resident of Mango Drive, Donna Howell, expressed concern over the increased traffic and speed of those going to the church or school. She believed the road to be dangerous.
- Resident of Mango Drive, Diana Toledo, commented that the area used to be balanced and a quiet street. She believed the character of the area was changing in a negative way.

*End of Public Comment.*

- Mr. Arnold responded to comments stating that Applicant had met the criteria for the conditional use and felt the traffic impacts were negligible. He confirmed that he was in agreement with the staff's recommendations.
- Board Member Bruce Galloway voiced concern about the vote as Special Exceptions were all about impact. He questioned if Public Works had reviewed the traffic study. Mr. John Dulmer, Community Development, replied that Public Works did a cursory review, and staff's Transportation Engineer had approved the study confirming the conditions were appropriate for the use.
- Item A - Chairman Anthony Rascio called for a motion to approve with the revised conditions as agreed to by the Applicant, and Board Member Ben Hershenson entered a motion to approve the request consistent with the findings of staff; Board Member Russ Winn seconded; the motion carried 5 to 1.

<b>RESULT:</b>	<b>PASSED [5-1]</b>
<b>MOTION BY:</b>	Ben Hershenson, Board Member
<b>SECOND BY:</b>	Russ Winn, Board Member
<b>AYES:</b>	Benson, Hershenson, Rascio, Waterhouse, Winn
<b>NAYS:</b>	Galloway
<b>ABSTAINED:</b>	Gambrell

- Chairman Anthony Rascio recessed the meeting for 10 minutes.

**B. CASE NAME: DISCOVERY DAY ACADEMY SPECIAL EXCEPTION (SPE21-78485-BOS)**

A SPECIAL EXCEPTION REQUEST FOR A SCHOOL, NONCOMMERCIAL, OTHER USE (DISCOVERY DAY ACADEMY) WITHIN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT.

**3. APPLICANT PRESENTATION – CASE B.**

**Presenters:**

Tina Ekblad, Morris-Depew Associates

Cindy Leal, Morris-Depew Associates  
Elizabeth Basart, Discovery Day Academy  
Bill Morris, Morris-Depew Associates

- Ms. Tina Ekblad gave the introduction of the key presentation speakers, Mr. Bill Morris, Ms. Cindy Leal, and Ms. Elizabeth Basart. Ms. Basart provided the background and overview of the academy and its program explaining the need for relocation.
- Ms. Cindy Leal provided a presentation (copy in Clerk's file) reviewing the location, site and proposed uses. The Special Exception request was to permit Discovery Day Academy, a private K-5 school currently located in Estero, to relocate to the former jewelry retail building at 25355 S. Tamiami Trail within the Prado at Spring Creek shopping center. The Applicant proposed to relocate a daycare for infants to preschool age with 40 children maximum.
- Mr. Bill Morris continued the presentation discussing traffic and circulation, and traffic facilities of the proposed area. He explained the different commercial uses within the development. Mr. Morris provided the Traffic Analysis, Traffic Operations Plan, the Queuing Analysis, and Traffic Safety as requested by staff.
- Ms. Leal provided discussion of Special Exception considerations and feedback from two neighborhood meetings held for the project. She presented the points of how the project was consistent with the goals and objectives of the City's Comprehensive Plan.
- Board Member Ben Hershenson questioned the validity of the traffic study conducted in March with COVID impacting traffic and several businesses having left the development. His concern was that the study did not reflect normal traffic patterns. Mr. Morris responded that based on numbers from prior years, the impact to that section of Tamiami Trail would be incremental, very small.
- Chairman Rascio expressed concern about the two-vehicles-per-minute estimate, and the danger of vehicles arriving in two rows. Mr. Morris explained that the plan had been to avoid putting any traffic on Bernwood Drive. Ms. Basart provided the protocol of the current successful pick-up operation.

#### 4. STAFF REPORT.

- Ms. Mary Zizzo, Community Development, presented the report (copy in Clerk's file) providing reasons for the Special Exception and reviewed the site plan.
- Mr. Tom Ross, Community Development, presented traffic concerns noting that the traffic counts showed a significant amount of traffic in the mornings designed to turn left, causing stacking. The analysis showed the vehicle queue could potentially stretch over 400 feet. Also of concern was the arrival time for all students which was the same. Applicant proposed to have all traffic go towards the north, which staff agreed to. Staff was concerned about the use of cones and temporary closure. Managing compliance would be difficult.
- Mr. Ross discussed the application of Condition 9 stating that should the operation not function according to the plan and Applicant is found in violation, the Special Exception

approval would be reconsidered by the City Council. Ms. Zizzo summarized the analysis and listed the staff recommendations.

- Ms. Tina Ekblad and Ms. Elizabeth Basart provided rebuttal to questions and concerns.
- Chairman Anthony Rascio stated that he did not believe the location to be appropriate for an elementary school.
- Board Member Ben Hershenson believed in the mission of the school but must weigh what was the greater good. Health, safety, and welfare override all else. He did not believe he could support the request.
- Board Member Gary Gambrell commended the academy and founder for their mission. He asked if the space had been leased and renovations already started. Ms. Basart responded in the affirmative. Board Member Gambrell disclosed he had been by the site and saw the work occurring.
- Board Member Gerald Benson stated he would like to approve and appreciated the Applicant's dilemma. He believed the current property owner had a responsibility to manage the property while addressing the changes in marketing conditions and make improvements. Board Member Benson agreed with staff's analysis and recommendations. He believed the median recommended was appropriate. If all the recommendations by staff were agreed to, then he would vote in favor.
- Chairman Anthony Rascio recessed the meeting for 5 minutes at the request of the City Attorney to allow Applicant to confer with the consultant.
- Mr. John Dulmer spoke about the agreement between staff and Applicant where safety of the children was at issue and not aesthetics. They would be seeking solutions that provide that level of safety at a lower cost than the recommended wall between today's meeting and the City Council meeting. The time would be used to work through the traffic flow and evaluating alternative locations for the sidewalk.
- Item B - Chairman Anthony Rascio called for a motion to recommend approval of the Applicant's Special Exception with the stipulation that the three outstanding conditions be resolved, and Board Member Gary Gambrell entered a motion for a roll call; Chairman Anthony Rascio seconded.
- Board Member Bruce Galloway believed this request to be the first of many to come with shopping centers and malls closing, trying to find new uses for the space. He believed the site was not appropriate for an elementary school, but if the three outstanding conditions were resolved, he would vote in favor.
- Board Member Gary Gambrell reiterated that only being given a few days to consider the complex case was an inadequate amount of time. He abstained. City Attorney, Derek Rooney, instructed Board Member Gambrell that he could only abstain if there was a direct conflict to which he stated that he was in conflict with the law. Mr. Rooney informed that abstaining would be treated as a vote of denial. Board Member Gambrell stated he would not vote.

- Board Member Russ Winn voted in favor and believed that staff had given Applicant an opening to assist in taking care of some arrangements. He approved with the noted stipulation of resolution of the outstanding conditions.
- Chairman Anthony Rascio stated he was not in favor of approval reiterating his belief that the location was not appropriate for an elementary school.
- Board Member Ben Hershenson needed to see the actual results so at that point, he could not vote in favor.
- Board Member Gerald Benson felt if staff and Applicant could work out the outstanding conditions to the satisfaction of City Council, he voted in favor. He believed a median or traffic cop was required for the site.
- Board Member Lynda Waterhouse voted in favor with the stipulations being met.

<b>RESULT:</b>	<b>PASSED [4-3]</b>
<b>MOTION BY:</b>	Gary Gambrell, Board Member
<b>SECOND BY:</b>	Anthony Rascio, Chairman
<b>AYES:</b>	Benson, Galloway, Waterhouse, Winn
<b>NAYS:</b>	Gambrell, Hershenson, Rascio

**X. ADJOURNMENT.**

There being no further items to discuss, Chairman Rascio adjourned the meeting at 12:30 P.M.

Respectfully submitted,

\_\_\_\_\_  
Laurie K. Hamm, Recording Secretary

APPROVED:

BONITA SPRINGS ZONING BOARD:

Date: \_\_\_\_\_

AUTHENTICATED:

\_\_\_\_\_  
Anthony Rascio, Chairman