VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2026-XX

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPROVING WITH CONDITIONS AND DEVIATIONS AN AMENDMENT TO THE COMMERCIAL PLANNED DEVELOPMENT FOR A 7.04-ACRE TRACT OF PROPERTY LOCATED IN THE PLAZA DEL SOL SUBDIVISION AT THE NORTHEAST CORNER OF THREE OAKS PARKWAY AND CORKSCREW ROAD; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, **Leo Brown Development**, represented by RVi Planning + Landscape Architecture (the "Applicant"), filed an application to amend the Commercial Planned Development (CPD) zoning for a property located within **Plaza Del Sol** for a project known as **Mission Grove of Estero**, consisting of approximately 7.04 acres (the "Property"); and

WHEREAS, the Property STRAP number is 35-46-25-E1-3100G.0010 for a portion of Parcel G, and the Property on 10251 Arcos Avenue is legally described in Exhibit A attached hereto as a portion of Parcel G; and

WHEREAS, the zoning case number is DCI2026-E004; and

WHEREAS, the property was rezoned from Agriculture to Commercial Planned Development by Lee County in 1989 and further amended over the years by Lee County and by the Village of Estero by Village Ordinances 2016-05, 2018-03 and 2024-08; and

WHEREAS, the Applicant proposes a senior housing project with a mixture of 163 assisted living, memory care, and independent living units; and

WHEREAS, a noticed Public Information Meeting was held on July 21, 2026 at the Planning Zoning and Design Board; and

WHEREAS, a workshop of the Planning Zoning and Design Board was held for discussion of architecture design on September 15, 2026; and

WHEREAS, at a duly noticed public hearing held on _____, the Planning Zoning and Design Board recommended approval with conditions of the request, including deviations; and

WHEREAS, a duly noticed first reading was held before Village Council on _____; and

WHEREAS, a duly noticed second reading and public hearing was held before the Village Council on _____, at which time the Village Council gave consideration to the evidence presented by the Applicant and the Village staff, the recommendations of the Planning Zoning and Design Board and the comments of the public.

NOW, THEREFORE, be it ordained by the Village Council of the Village of Estero, Florida;

Section 1. Approval.

The Village Council approves with conditions the amendment to the zoning subject to the following conditions and deviations.

Section 2. Conditions.

1. Previous Resolutions and Ordinances

   The previous approvals contained in Resolution Z-09-037 and Ordinance 2016-05, including conditions and deviations, remain in effect except as modified by the conditions in this approval. Ordinance 2024-08 (prior approval for self-storage, office and hotel) is hereby rescinded. Ordinance 2018-03 (prior approval for assisted living facility) is hereby rescinded.

2. Master Concept Plan

   Development of this project must be consistent with the Master Concept Plan (MCP) titled "Mission Grove of Estero" dated July 10, 2026, except as modified by the conditions below.

3. Development Parameters

   Development is permitted at a maximum as follows:

   - 65 independent living units
   - 98 assisted living and memory care
   - 163 units total

4. Maximum Building Height

   45 feet (3 stories)
   Architecture features may exceed the maximum height by 10 feet

5. Proportionate Share of Traffic Signal

   Applicant will pay the proportionate share of $176,540.24 for the traffic signal at Puente Lane and Corkscrew Road at time of development order.

6. Uses and Site Development Regulations

   The following uses and setbacks apply to the project:

   a. Schedule of Uses

      Uses are as listed in Zoning Resolution Z-09-037 with the addition of the following:

- 65 independent living units
- 98 assisted living and memory care
- 163 units total

   b. Building Setback Requirements

      Per Resolution Z-09-037, as amended by Ordinance 2016-05

7. No Blasting

   No development blasting is permitted as part of this project.

8. Utilities

   This development must connect to water and sanitary sewer service at time of development order. Underground electric will be provided per the Land Development Code.

9. Pattern Book

   The development must be substantially consistent with the Pattern Book "Mission Grove of Estero Plaza Del Sol CPD-Parcel G East" dated "October, 2026".

10. Construction

    Construction of the exterior walls of the building will be concrete masonry (concrete block), and all load-bearing elements will be of concrete with reinforcing steel as required by relevant codes and engineering standards.

11. Sidewalk & Pedestrian Connections

    Sidewalks and pedestrian connections must be provided consistent with the Pattern Book and Land Development Code.

12. Buffers

    a. The buffer along Arcos Avenue will be a 20-foot wide Type D buffer consistent with the Master Concept Plan and Pattern Book.

b. The west buffer adjacent to Estero Medical Center will be a 15-foot wide buffer per the Pattern Book specifications. Species will be determined at time of development order by review of Planning Zoning and Design Board.

13. Hurricane Preparedness

Hurricane impacts and the required mitigation will be evaluated during the review of the local development order. The evaluation will be in accordance with Sections 7-501 through 7-505, Land Development Code.

14. Concurrency

Approval of this rezoning does not constitute a finding that the proposed project meets the mandatory concurrency requirements set forth in the Land Development Code and the Comprehensive Plan. The developer is required to demonstrate compliance with all mandatory concurrency requirements prior to issuance of a local development order.

15. Transportation

A shuttle bus/van shall be provided on site to provide transportation for facility residents.

16. Elevators

Elevators will be provided in the 3-story multiple family building per Section 4-219 of the Land Development Code.

17. Age Restriction

As part of the Development Order, the applicant will provide documentation subject to review and approval of the Village Attorney, that the development is an age-restricted community.

18. Other Permits

Issuance of a development permit by the Village of Estero does not in any way create any rights on the part of the Applicant to obtain a permit from a State or Federal agency and does not create any liability on the part of the Village for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a State or Federal agency or undertake actions that result in a violation of State or Federal law.

19. Land Development Code (LDC)

Where the Village LDC is referenced in these conditions of approval for implementation of the condition at the time of development order issuance, the LDC in effect at the time of the local development order shall be applicable.

Section 3. Deviations.

New Deviation 12 seeks relief from the minimum parking space requirements (LDC Section 5-204.B.1.) to provide .75 parking spaces per ALF unit and 1.25 spaces per independent unit, to allow 157 total parking spaces.

Deviation 12 is approved for the unit mix outlined above based on the age-restricted nature of the development.

New Deviation 13 is a request to eliminate wheel stops (parking bumpers) per LDC Section 5-204.A.3.A.5. to allow 7-foot-wide sidewalks with a 2-foot overhang instead.

Deviation 13 is approved with the condition that non-mountable sidewalks or curbs are provided.

Section 4. Findings and Conclusions.

Based upon an analysis of the application and the standards for approval in the Land Development Code, and the conditions of approval, the Council finds and concludes as follows:

1. The Planned Development Amendment as conditioned will be consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. The Planned Development Amendment as conditioned will not conflict with any portion of the Land Development Code, except for the deviations.

3. The Planned Development Amendment will address a community need for this type of use.

4. The Planned Development Amendment as conditioned will be compatible with existing and planned uses surrounding the subject land.

5. The Planned Development Amendment is infill and will result in a logical and orderly development pattern.

6. The Planned Development Amendment should not adversely affect the property values in the area.

7. The Planned Development Amendment will result in development that is adequately served by public facilities.

8. The Planned Development Amendment as conditioned will not result in significantly adverse impacts on the natural environment as the parcel has already been cleared.

The proposed deviations will not create an undue burden on public facilities.

Section 5. Exhibits.

The following exhibits are attached to this Ordinance and incorporated by reference:

Exhibit A Legal Description and Sketch
Exhibit B Master Concept Plan titled "Mission Grove of Estero" dated July 10, 2026
Exhibit C Pattern Book titled "Mission Grove of Estero Plaza Del Sol CPD-Parcel G East" dated "October, 2026"

Section 6. Severability.

Should any section, paragraph, sentence, clause, phrase, or other part of this Ordinance subsequent to its effective date be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

Section 7. Effective Date.

This Ordinance shall take effect immediately upon adoption.

PASSED on first reading the _____ day of _____, 2026.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida on second reading this _____ day of _____, 2026.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: _____ By: _____
Carol Sacco, Village Clerk Joanne Ribbel, Mayor