

**BV13-01 (COTTAGES AT CLEAR LAKE)**

- Request** To locate vegetative screening outside the required buffer yard between "CN" (Commercial Neighborhood) and "RMF-1.2" (Multi-Family Residential) as outlined in the article 125-190.C-2 of the Zoning Ordinance. The ordinance requires 4 ornamental trees per every 100' lineal feet, 4 canopy trees per every 100' lineal feet, and a continuous line of shrubs. The applicant wishes to relocate the shrubs and ornamental trees adjacent to the building on the site. The applicant is then proposing to relocate the canopy trees from the buffer yard and redistribute them along the fence line that borders both properties.
- Zoning** "CN" (Commercial Neighborhood)
- Acreage** 4.05 acres
- Location** South of West Main Street and East of Landing Boulevard
- Applicant** Trent Quinn
- Owner** Trent Quinn for Clear Lake Cottages Ltd.
- Attachments**
  1. Aerial Map
  2. Zoning Map
  3. Photographs of Site
  4. Approved Landscape Plan
  5. Proposed Landscape Plan

The Commission should consider the following criteria in its deliberation, which shall be utilized to substantiate its findings in order to determine the extent to which the proposed reduction would be compatible with surrounding properties.

**Background** The property owner of Clear Lake Cottages originally built the assisted living facility (Phase 1) within a RMF-1.2 (Multi-Family Residential) zoning district located at 450 Landing Boulevard. Subsequently, the owner purchased the adjacent property to the north located in a "CN" (Neighborhood Commercial) zoning district, and developed the land as Phase 2 of the original assisted living facility. Although the facilities are owned by the same property owner, Section 125.190 states the "RMF 1.2" and "CN" zoning districts require a minimum buffer yard of 20 feet with vegetative screening.

In June of 2012, the applicant requested to connect the two parking lots of Phase 1 and 2 with a 27 foot wide driveway, located within the required buffer yard. On June 18, 2012, the Planning & Zoning Commission approved a buffer yard variance allowing the 27' wide connection between the two properties but also ensuring the remainder of the buffer yard requirement would be met.

**Site Attributes and Surrounding Area** The property is developed with the second phase of an assisted living facility, Cottages at Clear Lake. The surrounding area has transitioned from rural to auto-suburban character.

Direction	Surrounding Zoning	Surrounding Land Use
North	"CM"	Undeveloped
South	"RMF-1.2"	Phase 1 of the Cottage at Clear Lake; Existing Assisted Living Facility
East	"OS" and "RSF-7"	Undeveloped Open space and developed RSF-7
West	"CO"	Undeveloped Office Commercial and an existing church.

**Access** The property is accessed along Landing Boulevard on the northwest side of the property. The driveway that connects the two Cottages at Clear Lake facilities also provides a second access point from the property to the south. This access point is also located on Landing Boulevard.

**Landing Boulevard**

	Existing Conditions	2011 Master Mobility Plan
Roadway Type	Residential Collector	Residential Collector
Right-of-way Width	70 feet	70 feet
Pavement Width and Type	44-feet, 4-lanes, divided with a raised median; concrete-paved	No proposed improvements.

**Screening**

Article 125-190.C-2 of the Zoning Ordinance calls for a 20-foot buffer yard on property zoned "CN" where it is adjacent to "RSF-1.2" zoned property. Fences or berms are not required as part of the buffer yard.

Section 125-190.C.6 states that "in cases where shape, topography, easements, or existing buildings on a lot make it impractical to provide a required buffer yard, the City Planner or designee may recommend and the Planning and Zoning Commission may approve a maximum achievable buffer yard that provides planting and design that is consistent with the use being buffered."

**Public Benefit  
vs. Imposed  
Hardship**

The purpose of a buffer is to lessen the impact of noise, lighting and other similar performance standards between incompatible land uses. Both parcels are currently under the same usage and ownership, therefore the buffer yard requirements are unnecessary to prevent impact between existing land uses. However, the buffer yard is required because the facilities are within two different zoning districts: Phase 1 in "RMF-1.2" and Phase 2 within "CN".

Based upon the information provided, the Commission will have to determine "the gain to public health, safety, and welfare due to denial of this application as compared to the hardship imposed upon the owner as a result of denial of the application".

For additional information, you may contact Joey Kaspar, Planner at 281-554-1097 or via e-mail at [joey.kaspar@leaguecity.com](mailto:joey.kaspar@leaguecity.com).











Phase 2

Phase 1