



City of Pearland

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TO: JAMES O. DESHAZER, ACTING CITY MANAGER
FROM: ERNESTO BUENROSTRO, BUILDING OFFICIAL *EB*
DATE: JULY 26, 1990
SUBJECT: PLANNING AND ZONING MEETING OF JULY 24, 1990

At their special meeting of July 24, 1990, the Planning and Zoning Commission discussed with Mr. Gary Stahlheber his options on the property located at 6402 1/2 W. Broadway, commonly known as T.P. Trailer Park. The Commission discussed his appearance before the Zoning Board of Adjustment or a possible re-zoning of the property. Abandonment, grandfathering, and non-conforming use were discussed with him and Mr. Stahlheber was advised of the courses of action he could take, with the decision being his depending on the extent of development.

Also, the Commission discussed plat amendment or replatting with Robert Foley on his lot on Washington Irving in the Sleepy Hollow Subdivision. Many issues were discussed at length, citing various sections of the Local Government Code regarding plats.

It was moved by Leroy Savoie, seconded by Clyde Starns, that Mr. Foley follow the replatting process because of the concerns of property owners in the area and so that the Commission might receive input from other interested parties at a public hearing. Motion passed 6 to 0.

This is submitted for your information.

xc: Dick Qualtrough
Engineering Div.

Dear Mr. Chairman,

I will not be able to attend the special meeting of the Pearland Planning and Zoning Commission July 24, 1990. I have reviewed my information packet have some strong feelings regarding both items on the agenda.

Item III.A

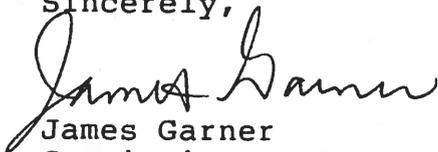
It is unfortunate that Mr. Foley did not plan for the use of his two lots more effectively. I understand that he is basically attempting to squeeze three lots of minimum size in an R-1 zone out of two lots. I have reviewed the information from three City Council meetings and I understand that the Sleepy Hollow subdivision was originally platted with lot widths of 100+ feet. I feel that deviating from the original intent of the subdivision is wrong. If we were to vote to allow such variance, it would be a severe injustice to the homeowners who bought homes and/or lots under the nature of the original plat. In my opinion, replats such as this should only be considered on plats where homes do not exist and not to rectify the mistake of one lot owner.

Item III.B

In consideration of the legal opinion of the City Attorney, Lester Rorick, and the current City Zoning Ordinance, I do not think a replat and upgrade of the T.P. Trailer Park should not be considered. This area is currently zoned commercial and mobile home parks are not allowed in areas which are zoned for commercial districts; Table III, Page 71 of the Land Use and Urban Development book. Considering the location of this tract of land, a mobile home park would not suit the businesses currently in the area. Out of due respect for Mr. Stahlheber, it is my opinion that the former owner had every intention of abandonment before he found a party interested in buying the tract as a mobile home park. Since there were 25 to 35 mobile homes there at the time of annexation and currently there are three, I feel that this situation is very much like that of a non-conforming use structure being more than 50% destroyed.

For the aforementioned reasons, I am opposed to a replat and an upgrade.

Sincerely,



James Garner
Commissioner, Pearland Planning and Zoning

MINUTES OF A SPECIAL MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON JULY 24, 1990, AT 7:30 P. M. IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

The meeting was called to order with the following present:

Chairman	Al Lentz
Vice Chairman	Leroy Savoie
Commissioner	Benny Frank
Commissioner	Clyde Starns
Commissioner	Mary Starr
Commissioner	Helen Beckman
Building Official	Ernesto Buenrostro
Assistant City Secretary	Pat Vaught

James Garner had an excused absence.

APPROVAL OF MINUTES

It was moved by Benny Frank, seconded by Mary Starr, that the Minutes of the Meeting of July 16, 1990, be approved as submitted.

Motion passed 5 to 0, with Leroy Savoie abstaining.

NEW BUSINESS

CHANGE IN THE ORDER OF BUSINESS

REQUEST OF GARY STAHLHEBER REGARDING MOBILE HOME PARK, WEST 1/2 OF LOT 3, LOTS 4 AND 5, WEST 1/2 OF LOT 11, FIGLAND ORCHARD SUBDIVISION, ABSTRACT 240 (6402 1/2 W. BROADWAY).

Mr. Stahlheber gave some background information on this property, explaining he had purchased it from T. P. Castillo in July, 1988. He stated water and sewer taps have been made by the City and an engineer has surveyed the tract. He asked the advice of the Commission as to whether this tract falls under the "grandfather clause" or whether he should re-zone.

Chairman Al Lentz referred to a letter from City Attorney Lester Rorick written to Acting City Manager Jim DeShazer in which the attorney addressed various sections of Zoning Ordinance No. 509.

The Commission discussed abandonment, grandfathering and non-conforming use and sought to give guidance to Mr. Stahlheber as

to whether he should appear before the Zoning Board of Adjustment or apply for a zone change which would allow him to develop the previously unused portion of the tract.

After discussing various issues, it was the consensus of the Commission that Mr. Stahlheber would have to decide upon which course of action he wished to take which in turn will determine which Board, if any, he must refer to regarding the extent of the development.

DISCUSSION WITH ROBERT FOLEY REGARDING PLAT AMENDMENT OR REPLAT- TING

Chairman Lentz advised he would call a short recess and asked the Commissioners to refer to Chapter 212, Municipal Regulation of Subdivisions and Property Development, pages 434-437, Sections 212.014 through 212.016 of the Local Government Code, regarding the next item on the agenda during this recess.

MEETING RECESSED AT 7:53 P. M.

MEETING RECONVENED AT 7:58 P. M.

Mr. Robert Foley gave a history of the property in question on Washington Irving Street in the Sleepy Hollow Subdivision and explained how he had given approximately 32 feet from Lot 11 to Lot 12 several years ago to settle a dispute with the new owner at closing. Recently he attempted to acquire a building permit to build on Lot 11 and was denied a permit as he did not have the necessary 80' frontage required by the zoning ordinance for this subdivision and wanted to build on a lot smaller than previously platted. Mr. Foley explained he then acquired the needed 2.8' of frontage from Lot 10 which is owned by his daughter.

The Commission discussed the fact that these lots were split and sold by metes and bounds, never having been officially platted. The Commission reviewed the recorded plats of Sleepy Hollow.

Chairman Lentz advised that the Commission's purpose would be to give Mr. Foley direction as to whether he needs to file an amended plat or a replat and this was the reason the Commissioners were asked to look at the three sections of State law regarding replats, additional requirements for certain replats, and amending plats during the recess.

The Commission discussed the concerns of property owners and the Sleepy Hollow subdivision, in general. Various sections of the State law regarding amending and replatting were discussed at length.

It was moved by Leroy Savoie, seconded by Clyde Starns, that Mr. Foley follow the replatting process because of the concerns of property owners in the area and so that the Commission might receive the input of other interested parties at a public hear-

ing.

Chairman Lentz related he had discussed this item with the City Attorney who felt there were factors on both the amending and the replatting sides of the issue which apply.

Calling for a vote, motion passed 6 to 0.

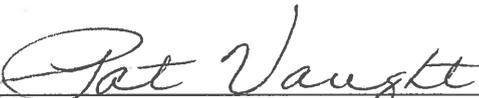
ADJOURN

The meeting adjourned at 8:35 P. M.

Minutes approved as submitted and/or corrected this 28 day of August, A. D., 1990.


Chairman

ATTEST:


Assistant City Secretary

Things To Do...

Corrected Legal
on

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Plot 12 of L 3, Lot 4 & 5,
" " " L 11,

T. P. Trailer
Park

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July 26, 1990 (13)

Greenwood

Amended
jest

Pat,

Jim would like
for you to call Al Lentz
to see if the P+Z can
meet on July 24 - for
Mr. Foley & also Mr.
Stahlheber.

P+Z

Kay

call

D Foley ✓

D Stahlheber

485 4895

Noel 492-4801

Things To Do



24th

9/6 - 7/3/97
Gurner

1 Lenty - will call
2 around 2:30

3
4 Anvoie - should be back
5 on Mon - 7-23
6 (Secretary)

7
8 Stars - ok

9
10 Gurner - no - will write

11
12
13 Starr - left w/ me

14
15
16 Frank - (~~240-6674~~) ok

17
18 Beckman - ok

19

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AGENDA - SPECIAL MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON JULY 24, 1990, AT 7:30 P. M. IN THE CITY HALL, 3519 LIBERTY, PEARLAND, TEXAS

I. CALL TO ORDER

II. APPROVAL OF MINUTES: Regular Meeting of July 16, 1990

III. NEW BUSINESS

A. DISCUSSION WITH ROBERT FOLEY REGARDING PLAT AMENDMENT OR REPLATTING.

B. DISCUSSION AND POSSIBLE ACTION - REQUEST BY GARY STAHL-HEBER REGARDING MOBILE HOME PARK, WEST 1/2 OF LOT 3, WEST 1/2 OF LOT 11, WEST 1/2 OF LOT 14, FIGLAND ORCHARD SUBDIVISION, ABSTRACT 240 (6402 1/2 W. BROADWAY).

IV. ADJOURN

POSTED: 20 DAY OF July, A. D., 1990 5:00 P.M.
REMOVED: 26 DAY OF July, A. D., 1990