

Development Standards Committee

December 16, 2020 at 5:00 p.m.

The Woodlands Township

Members Present: Walter Lisiewski (arrived at 5:37 p.m.), Robert Heineman, John Anderson, Bob Adams, John A Brown, Arthur Bredehoft and Mary Funderburg

Members Absent: None

Staff Present: Neslihan Tesno, Kimberly McKenna, and Hennie van Rensburg

Legal Counsel: Bret Strong

- I. Welcome/Call Meeting to Order.
Chairman Pro Tem Arthur Bredehoft called the meeting to order at 5:00 p.m. and declared there was a quorum.
- II. Public Comments
Staff read the guidelines for public comment. There were no public comments
- III. Consideration and action regarding the minutes of the November 18, 2020 meeting.
Chairman Pro Tem Arthur Bredehoft asked for a motion to approve the minutes of the November 18, 2020 meeting. It was moved by Mary Funderburg and seconded by Bob Adams to accept the minutes as presented. John A. Brown abstained. The motion carried.
- IV. Consideration and Action of the Commercial and Residential Applications and Covenant Violations in Sections VII and VIII recommended for Summary Action.
Staff presented the Commercial and Residential Summary Lists as prepared by Staff. The Commercial Summary List consisted of Items B and C. Item A was withdrawn. It was moved by Bob Adams and seconded by John Anderson to approve the Commercial Summary List as presented. The motion carried unanimously. The Residential Summary List consisted of Items 4-10, 12-15 and 20. Item 11 was resolved prior to the meeting. It was moved by John A. Brown and seconded by Mary Funderburg to approve the Residential Summary List as presented. The motion carried unanimously.
- V. Consideration and Action of the Commercial Applications and Covenant Violations.
 - A. Variance request for a building sign that exceeds the maximum height allowed.
Davis Holdings LP / Uli's Kitchen
8021 Research Forest Drive, Suite A
Lot 0920 Block 0257 Section 0047 Village of Alden Bridge
This item was withdrawn prior to the meeting.
 - B. Variance request for a proposed monument sign that includes a logo that is not trademarked and has two taglines that are not part of the registered name of the business.
ARHC ALWOOTX01 LLC / Addington Place of The Woodlands
10700 Montfair Boulevard
Lot 0410 Block 0458 Section 0046 Village of Sterling Ridge
This item was heard by the Committee under the summary list as presented by staff. It was then moved by Bob Adams and seconded by John Anderson to deny the proposed monument sign as presented and require the owner to revise and resubmit on the following conditions:
 - Monument sign panel is to be routed aluminum painted original cream color backed with dark bronze acrylic for text. The selected blue color does not compliment the aesthetics of the nearby monument signs.
 - USPTO registration is required within one (1) year of this conditional approval for "Addington Place of The

Woodlands” and logo. Combine business clarifiers “A Senior Lifestyle Community” and “Memory Care” and register with USPTO to be able to display.

- Clean and repair the monument sign structure to a like-new condition.
- Remove the bow flag as they are not permitted per The Woodlands Standards.
- No other exterior signage is approved other than specifically submitted and approved within this written approval. All exterior signage must be submitted for review and written Committee approval prior to fabrication and installation.
- Approval by this committee does not constitute the approval by any other entities. It is the responsibility of the owner to obtain those approvals, include any potential approvals for the use of “The Woodlands” within the business name.

Must comply with the Commercial Planning and Design Standards.

The motion passed unanimously.

- C. Variance request for two existing temporary banners that will include the street address and website, exceed the maximum time allowed for display, has taglines that are not part of the registered name, and does not contain a trademarked logo.

ARHC ALWOOTX01 LLC / Addington Place of The Woodlands

10700 Montfair Boulevard

Lot 0410 Block 0458 Section 0046 Village of Sterling Ridge

This item was heard by the Committee under the summary list as presented by staff. It was then moved by Bob Adams and seconded by John Anderson to approve the existing temporary banners on the following conditions:

- The temporary monument banner is to remain through the end of the 2020 year or until the permanent sign can be installed, whichever occurs first.
- Approval by this committee does not constitute the approval by any other entities. It is the responsibility of the owner to obtain those approvals, include any potential approvals for the use of “The Woodlands” within the business name.

Must comply with the Commercial Planning and Design Standards.

The motion passed unanimously.

VI. Consideration and Action of the Residential Applications and Covenant Violations.

1. Variance request for a patio cover with integrated summer kitchen and fireplace that will encroach into the 40-foot rear setback.

Andy & Tracie Lofton

47 Stone Springs Circle

Lot 12, Block 03, Section 22 Village of Cochran’s Crossing

This item was heard by the full committee. The committee reviewed the presentation from the staff. The owner was present to address the committee. The committee deliberated regarding the proposed improvements, impact to adjacent properties and applicable standards. It was then moved by Mary Funderburg and seconded by John Anthony Brown to approve the revised plan relocated out of the 7’foot side setback on the following conditions:

- The improvements must meet code and pass final inspection.
- The owner must adhere to the planting plan which includes the arborvitae trees as proposed to act as screening on the side that minimizes impact to the neighbor.
- The owner must ensure placement of the improvements does not halt or materially impede drainage as defined in the Residential Development Standards.

The motion passed unanimously.

2. Variance request for a proposed addition to the home that would exceed the maximum amount of living area allowed per the neighborhood criteria, and would encroach into the 40-foot rear setback.

Kevin R Hermis

35 Wood Cove Drive

Lot 17, Block 01, Section 24 Village of Panther Creek

This item was heard by the full committee. The committee reviewed the presentation from the staff. The owner was present to address the committee. The committee deliberated regarding the proposed improvements, impact to adjacent properties and applicable standards. It was then moved by Arthur Bredehoft and seconded by Mary Funderburg to approve on the following conditions:

- The owner must revise and resubmit the elevations to reflect the roof plan.
- Remove dormer and side window from the Texas basement.
- The staff and a Development Standards Committee Designee (John Anderson) can review the final revisions to determine compliance with the Committee's actions.
- Sign and execute a memorandum of understanding that the area above the garage will not be converted to livable space without submitting an application and obtaining approval by the Development Standards Committee.
- The homeowner must also provide a landscaping plan for the trees proposed for removals and to provide substantial screening at the rear and side to soften and screen the encroachment.
- The improvement must comply with all Residential Development Standards defined for New Home Construction. Including but not limited to:
 - Hours of Operation for Construction
 - Access and Safety
 - Fencing
 - Contractor Vehicles
 - Lot maintenance kept in good order and repair
 - Adherence to drainage plan, installation, inspection and certificate of completion installation and inspection.
 - Dumpster or other waste containers stored on site
 - Portable Restroom Facilities.
 - Completion of work
 - Reference the currently adopted Standard for compliance during new home construction

The motion passed unanimously.

3. Variance request for proposed attached patio cover with integrated summer kitchen that would encroach into the 40-foot rear setback.

Kevin R Hermis

35 Wood Cove Drive

Lot 17, Block 01, Section 24 Village of Panther Creek

This item was heard by the full committee. The committee reviewed the presentation from the staff. The owner was present to address the committee. The committee deliberated regarding the proposed improvements, impact to adjacent properties and applicable standards. It was then moved by Arthur Bredehoft and seconded by Mary Funderburg to approve on the following conditions:

- The owner must revise and resubmit the elevations to reflect the roof plan.
- Remove dormer and side window from the Texas basement.
- The staff and a Development Standards Committee Designee (John Anderson) can review the final revisions to determine compliance with the Committee's actions.
- Sign and execute a memorandum of understanding that the area above the garage will not be converted to livable space without submitting an application and obtaining approval by the Development Standards Committee.
- The homeowner must also provide a landscaping plan for the trees proposed for removals and to provide substantial screening at the rear and side to soften and screen the encroachment.
- The improvement must comply with all Residential Development Standards defined for New Home Construction. Including but not limited to:
 - Hours of Operation for Construction
 - Access and Safety
 - Fencing
 - Contractor Vehicles

- Lot maintenance kept in good order and repair
 - Adherence to drainage plan, installation, inspection and certificate of completion installation and inspection.
 - Dumpster or other waste containers stored on site
 - Portable Restroom Facilities.
 - Completion of work
 - Reference the currently adopted Standard for compliance during new home construction
- The motion passed unanimously.

4. Variance request for a proposed patio cover with integrated fireplace that would encroach into the 20-foot setback.

Larry D Vernier

107 West Racing Cloud Court

Lot 31, Block 01, Section 46 Village of Panther Creek

This item was reviewed under the residential summary list as presented by staff. It was moved by John A. Brown and seconded by Mary Funderburg to approve the proposed patio cover and fireplace on the condition the improvements meet code and pass final inspection. Additionally, the owner must maintain the existing vegetation to soften and screen the view. The motion passed unanimously.

5. Variance request for patio cover that does not respect the 15 foot rear building setback.

Joe Mullils

43 West Canyon Wren Circle

Lot 16, Block 01, Section 13 Village of Creekside Park

This item was reviewed under the residential summary list as presented by staff. It was moved by John A. Brown and seconded by Mary Funderburg to conditionally approve the patio cover. Staff will review upon completion to determine if screening is sufficient. The homeowner must maintain the existing vegetation to the rear and side for screening. The patio cover must meet code and pass inspections. It may not encroach into any easement and the homeowner must submit a drainage plan. The motion passed unanimously.

6. Request for Concept Approval and variance for proposed Cabana/office that exceeds the maximum living area allowed per the Development Criteria.

Mark Johnson

26 Madrone Terrace Place

Lot 47, Block 01, Section 47 Village of Creekside Park West

This item was reviewed under the residential summary list as presented by staff. It was moved by John A. Brown and seconded by Mary Funderburg to conditionally approve the proposed cabana/office. The homeowner must submit final sealed plans, required documents and fees, elevation drawings with structure to side property line and a drainage plan. Staff will review all documents for compliance. The cabana/office must meet code and pass inspections. The homeowner must plant and maintain four 30 gallon native trees. The homeowner must also plant and maintain evergreen trees/shrubs at least 7 feet tall at the time of planting to screen to the street and the right side. Staff will review upon completion to determine if screening is sufficient. The motion passed unanimously.

7. Request for variance for the existing swimming pool decking that does not respect the left five foot side easement.

Jody Bull

150 South Arrow Canyon Circle

Lot 17, Block 01, Section 17 Village of Creekside Park

This item was reviewed under the residential summary list as presented by staff. It was moved by John A. Brown and seconded by Mary Funderburg to approve the decking as submitted. Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities. The improvement may be subject to removal if determined necessary by easement holders. The motion passed unanimously.

8. Variance request for an existing pond that does not respect the rear ten foot easement.
Dan Caplinger
2 South April Mist Circle
Lot 01 Block 01, Section 09 Village of College Park
This item was reviewed under the residential summary list as presented by staff. It was moved by John A. Brown and seconded by Mary Funderburg to conditionally approve the existing pond as submitted. The pond must meet code and pass inspection. Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities. The improvement may be subject to removal if determined necessary by easement holders. The motion passed unanimously.
9. Variance request for an existing trash can enclosure that is not an approvable fence style.
Khurram Shaikh
39 Beacons Light Place
Lot 04, Block 02, Section 19 Village of Creekside Park West
This item was reviewed under the residential summary list as presented by staff. It was moved by John A. Brown and seconded by Mary Funderburg to conditionally approve the trash can enclosure. Existing evergreen vegetation must be maintained to soften view of the enclosure. The motion passed unanimously.
10. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the property.
Nasim Ahmad; Deland G Ahmad; Delana G Ahmad
7 Skipwith Place
Lot 10, Block 1, Section 15 Village of Sterling Ridge
This item was reviewed under the residential summary list as presented by staff. It was moved by John A. Brown and seconded by Mary Funderburg to approve pursuit of legal action by authorizing our attorneys and staff to send letters to the owner notifying them of the Development Standards Committee's actions what is required to cure the violations and establishing a reasonable time frame for resolution. The letter will include notice that failure to correct these violations (by removing trash cans and household items (wooden pallet or other miscellaneous household items) out of public view) will result in a lawsuit filed & court hearing scheduled. Furthermore, we recommend The Township Board authorize funding of legal action, as necessary, in order to correct these violations of the Woodlands Covenants and Residential Development Standards, if the initial correspondence by The Strong Firm and the staff does not resolve these violations prior to filing the lawsuit. The motion passed unanimously.
11. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the property.
Lucas Charbonneau
30 South Whistling Swan Place
Lot 18, Block 1, Section 21 Village of Creekside Park
This item was resolved prior to the meeting.
12. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the property.
Harper Real Estate Investors
38 Terraglen Drive
Lot 48, Block 1, Section 2 Village of Alden Bridge
This item was reviewed under the residential summary list as presented by staff. It was moved by John A. Brown and seconded by Mary Funderburg to approve pursuit of legal action by authorizing our attorneys and staff to send letters to the owner notifying them of the Development Standards Committee's actions what is required to cure the violations and establishing a reasonable time frame for resolution. The letter will include notice that failure to correct these violations (by removing trash cans out of public view) will result in a lawsuit filed & court hearing scheduled. Furthermore, we recommend The Township Board authorize funding of legal action, as

necessary, in order to correct these violations of the Woodlands Covenants and Residential Development Standards, if the initial correspondence by The Strong Firm and the staff does not resolve these violations prior to filing the lawsuit. The motion passed unanimously.

13. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the property.

Hugo Salvador Martinez Mier

18 Hadlock Place

Lot 35, Block 2, Section 5 Village of Creekside Park

This item was reviewed under the residential summary list as presented by staff. It was moved by John A. Brown and seconded by Mary Funderburg to approve pursuit of legal action by authorizing our attorneys and staff to send letters to the owner notifying them of the Development Standards Committee's actions; what is required to cure the violations and establishing a reasonable time frame for resolution. The letter will include notice that failure to correct these (by submitting an application and obtaining approval for home business and by removing and storing trailer, trash and recycle carts, building materials and equipment from public view) will result in a lawsuit filed & court hearing scheduled. Furthermore, we recommend The Township Board authorize funding of legal action, as necessary, in order to correct these violations of the Woodlands Covenants and Residential Development Standards, if the initial correspondence by The Strong Firm and the staff does not resolve these violations prior to filing the lawsuit. The motion passed unanimously.

14. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the property.

Manuel Del Castillo Uribe

10 Serenade Pines Place

Lot 5, Block 1, Section 27 Village of Sterling Ridge

This item was reviewed under the residential summary list as presented by staff. It was moved by John A. Brown and seconded by Mary Funderburg to approve pursuit of legal action by authorizing our attorneys and staff to send letters to the owner notifying them of the Development Standards Committee's actions; what is required to cure the violations and establishing a reasonable time frame for resolution. The letter will include notice that failure to correct these (by removing overflowing trash and debris from dumpster, no trash or debris may be visible over top of dumpster and all items must be contained within the dumpster not placed beside it) will result in a lawsuit filed & court hearing scheduled. Furthermore, we recommend The Township Board authorize funding of legal action, as necessary, in order to correct these violations of the Woodlands Covenants and Residential Development Standards, if the initial correspondence by The Strong Firm and the staff does not resolve these violations prior to filing the lawsuit. The motion passed unanimously.

15. Request for variance for proposed swimming pool decking that does not respect the ten foot rear easement.

William A. Becker

22 Glory Garden Way

Lot 12, Block 05, Section 36 Village of Creekside Park

This item was reviewed under the residential summary list as presented by staff. It was moved by John A. Brown and seconded by Mary Funderburg to conditionally approve the proposed pool decking as follows:

- Limestone pavers in rear easement must be easily removable and not mortared or set in concrete.
- Staff will review upon completion to determine if screening is sufficient.
- Meet code and pass inspections.
- All conditions must be met within 150 days of approval.
- Comply with submitted drainage plan.
- Pool and decking may not encroach into any easement.
- Plant/ maintain vegetation as needed to screen the pool equipment from the street and neighboring properties.
- Verify all Centerpoint Energy easements as they may differ from the covenant easements.

Additionally, The Owner must ensure that the placement of the improvement does not halt or materially impede drainage flowing off of a neighboring tract and does not redirect the flow or significantly increase the amount of water flowing onto a neighboring tract. Enforcement of this requirement is by the affected property owner(s). The motion passed unanimously.

16. Variance request for an existing home business that exceeds the maximum floor area allowed for a home business, the physical address is advertised, there is frequent travel to the home and vehicles are not parking on the driveway or in the garage as required – Daycare Home Business.

Babar Rafiq

55 Raindance Court

Lot 01 Block 03, Section 11 Village of Harper’s Landing at College Park

This item was heard by the full Committee. The staff provided the Committee with a presentation. The homeowner addressed the Committee. It was moved by Arthur Bredehoft and seconded by Walter Lisiewski to disapprove the home business. The motion passed unanimously.

17. Variance request for proposed swimming pool that does not respect the rear ten foot easement.

Luke Parsons

59 Freesia Court

Lot 26, Block 01, Section 13 Village of Creekside Park West

This item was heard by the full Committee. The staff provided the Committee with a presentation. The homeowner called in and addressed the Committee. It was moved by Arthur Bredehoft and seconded by Mary Funderburg to approve the proposed pool with the following conditions:

- Receipt by the Development Standards Committee of a written partial release of easements to the extent required in order to allow the limited encroachment into the recorded easements from all parties holding such easement in a form acceptable to the committee for their particular circumstances. This means a release from the gas, electric, telecommunications and cable/internet company (all 4) and then a release from the Howard Hughes Corporation who is the successor to The Woodlands Corporation. It is recommended that the owner contact Mr. Heath Melton at the Howard Hughes Corporation to obtain the release. It is still being determined if a release is required from The Woodlands Township.
- Enter into a Memorandum of Agreement with the Woodlands Township in regard to the non-release of any Township easement subject to the conditions for the pool.
- Fence to meet Pool Safety Barrier code
- Meet code and pass inspections.
- All conditions must be met within 150 days of approval.
- Comply with submitted drainage plan.
- Plant/ maintain vegetation as needed to screen pool equipment from the street and neighboring properties.
- Verify all Centerpoint Energy easements as they may differ from the covenant easements.
- Additionally, the owner must ensure that the placement of the improvement does not halt or materially impede drainage flowing off of a neighboring tract and does not redirect the flow or significantly increase the amount of water flowing onto a neighboring tract. Enforcement of this requirement is by the affected property owner(s).
- Approval by this committee does not constitute approval by the additional entities. It is the owner’s responsibility to obtain approval by those entities. The improvement may be subject to removal if determined necessary by easement holders.

The motion passed unanimously.

18. Variance request for proposed patio cover that does not respect the 25 foot rear setback and paving that does not respect the rear ten foot easement.

Luke Parsons

59 Freesia Court

Lot 26, Block 01, Section 13 Village of Creekside Park West

This item was heard by the full Committee. The staff provided the Committee with a presentation. The homeowner called in and addressed the Committee. It was moved by Arthur Bredehoft and seconded by Mary Funderburg to approve the proposed patio cover with the following conditions:

- Submit revised plans showing decking out of the rear 10' easement.
- Staff to review upon completion to determine if sufficient screening.
- Meet code and pass inspections.
- All conditions must be met within 150 days of approval.
- Comply with submitted drainage plan.
- Patio cover and decking may not encroach into any easement.
- Plant/ maintain vegetation as needed to screen pool equipment from the street and neighboring properties.
- Verify all Centerpoint Energy easements as they may differ from the covenant easements.
- Additionally, The Owner must ensure that the placement of the improvement does not halt or materially impede drainage flowing off of a neighboring tract and does not redirect the flow or significantly increase the amount of water flowing onto a neighboring tract. Enforcement of this requirement is by the affected property owner(s).

The motion passed unanimously.

19. Variance request for an existing storage shed that exceeds seven feet in height, which is the maximum height allowed for a shed built with materials that do not match or are not compatible with those used on the dwelling measured from natural grade.

Donald Robert Love

50 North Goldenvine Circle

Lot 41 Block 01 Section 65 Village of Alden Bridge

This item was heard by the full Committee. The staff provided the Committee with a presentation. The homeowner did not call in to the meeting. It was moved by Arthur Bredehoft and seconded by Mary Funderburg to disapprove the shed and consent to delay enforcement, based upon the execution of a memorandum of agreement, requiring the owner to remove the shed from the property, when the owner no longer owns the home, transfers title or when the owner is no longer the primary resident, or when the shed is in disrepair and needs replacement whichever comes first. The memorandum will be recorded with the court house and binding on the land. The motion passed unanimously.

20. Request for variance for existing swimming pool coping that does not respect the left side five foot easement.

Benjamin Speer

22 Liberty Branch Blvd

Lot 10, Block 08, Section 32 Village of Creekside Park

This item was reviewed under the residential summary list as presented by staff. It was moved by John A. Brown and seconded by Mary Funderburg to approve the existing pool coping as submitted. Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities. The improvement may be subject to removal if determined necessary by easement holders. The motion passed unanimously.

- VII.** Consideration and action regarding the Residential Development Standards and Commercial Planning and Design Standards for interim actions during the Coronavirus (COVID-19) Pandemic.

The Committee took no action on this item.

- VIII.** Member Comments

All the members thanked outgoing Chair Walter Lisiewski for his service and leadership during his years on the Committee. Walter Lisiewski expressed his gratitude and best wishes to the Committee and Staff.

- IX.** Staff Reports

There were no staff reports.

- X.** Adjourn

Chair Walter Lisiewski asked for a motion to adjourn. Arthur Bredehoft made the motion and Mary Funderburg seconded. The meeting was adjourned at 6:28 p.m.