

Development Standards Committee
October 6, 2010 at 5:30PM
The Woodlands Township Service Center
2201 Lake Woodlands Drive
The Woodlands, Texas 77380
Minutes

Members present: Mike Bass, Ken Anderson, Robert Heineman, Kim Hess, Chris Florack,
Ken Parker, and Deborah Sargeant

Counsel Present: Brett Strong

Staff Present: Chris Feist, Pam Forde and Kim McKenna

I. Welcome/Call Meeting to Order

The meeting was called to order in regular session, open to the public by Chair, Deborah Sargeant at 5:35 p.m.

II. Approve Minutes of Meeting of September 1, 2010

It was moved by Ken Parker and seconded by Chris Florack to approve the minutes of the regular meeting of September 1, 2010 as presented. The motion carried unanimously.

III. Consideration and Action of the Summary List

Committee Chair, Deborah Sargeant presented the Summary List as presented by Staff Recommendation. The list consisted of residential items 2, 3, 4, 11, 13, 14, 15, 17 and 18. It was moved by Chris Florack and seconded by Ken Anderson to approve the Summary List as presented by staff. The motion carried unanimously.

IV. Review and disposition of Commercial Applications.

A. Request for Consideration and Action

Final Approval of a new Master Site Plan

Concept Approval for Phase One of the Plan

Woodlands Community Presbyterian Church – 01-020-0040-0045-0305-0000

4881 West Panther Creek Drive

Village of Panther Creek

This item was heard by the full committee. After presentation by Kim Hess, and advisement to the committee that the project would allow a fifteen foot encroachment of the south side forest preserve, it was moved by Kim Hess and seconded by Robert Heineman to approve the item. Ken Anderson abstained from the vote. The motion carried unanimously.

V. Report on “Commercial Staff Approval List” for October 6, 2010

There was no report presented. Pam Forde noted the approval list would be distributed at their next regular meeting.

VI. Review and Disposition of Residential Applications

1. Consideration and action of an approved rehearing request made by Daniel E. Lewis, the rear affected neighbor, regarding the DSC action of July 7, 2010 for the existing rear yard trellis.

Leonard and Laurie Reinsmith
15 Treasure Cove Drive

Lot 38, Block 01, Section 24 Village of Panther Creek

This item was heard by the full committee. The owner's of both 15 Treasure Cove and 39 Pebble Cove were present and addressed the committee. The committee reviewed the PowerPoint presentations, their previous actions and their current conditions of approval. It was noted that on July 7, 2010 the committee acted to approve the trellis on the condition that the trellis is level and that the existing jasmine is maintained, to cover both sides of the trellis, as proposed. The committee required that staff check to determine that the trellis is level and that vegetation is maintained for six months. However, the committee approved the rehearing request, thus requiring the committee to act on the item again, either by affirming their original action or changing their action. Discussions regarding the existing vegetation, the plans for growth and the change in grade were all discussed. It was then moved by Chris Florack and seconded by Kim Hess to approve the existing trellis as presented; on the condition the owner must maintain vegetation on the trellis. The Covenant Administration staff will follow up with the owner in 6 months to evaluate the vegetation on the trellis. The motion carried unanimously.

2. Variance request for a proposed driveway widening and walkway widening, which exceeds the maximum widths allowed.

Alexandre and Sandija Bayot
208 South Deerfoot Circle

Lot 55, Block 01, Section 28 Village of Grogan's Mill

This item was heard under the summary list, as presented by Staff. It was moved by Chris Florack and seconded by Ken Anderson to deny the walkway and driveway extension as presented but conditionally approve a revised walkway, which allows the homeowner to enlarge the walkway not to exceed the width of the front patio and allow the walkway to extend down a portion of the drive for access out of the vehicle. However the walkway must taper down at the point at which the driveway narrows without disturbing the tree in the front yard. The motion carried unanimously.

3. Variance request for a proposed power generator, which would be visible from street and adjacent properties and may pose an impact to the adjoining property.

Mark and Virginia Richardson
48 Sunlit Forest Drive

Lot 25, Block 01, Section 06 Village of Panther Creek

This item was heard under the summary list, as presented by Staff. It was moved by Chris Florack and seconded by Ken Anderson to withdraw the item from the agenda. The home owner is no longer planning to proceed with this project.

4. Variance request for proposed awnings, which the Residential Design Review Committee denied, because they felt the awnings were not compatible with the home and the neighborhood.

Brent and Pluma Dorsey
62 Bridgeberry Place

Lot 09, Block 02, Section 22, Village of Cochran's Crossing

This item was heard under the summary list, as presented by Staff. It was moved by Chris Florack and seconded by Ken Anderson to withdraw the item from the agenda. The home owner is no longer planning to proceed with this project.

5. Variance request for a proposed Pergola with Summer Kitchen and related paving, which exceeds the maximum amount of hard surface area allowed, portions of the paving are located in the ten foot rear yard easement; and is in a location which the Residential Design Review Committee denied, because they felt it may have a negative impact on the neighboring properties.

Jerry and Brenda Smith

157 W. Shadowpoint Circle

Lot 18, Block 04, Section 08, Village of Cochran's Crossing

This item was heard by the full committee. The home owner and his contractor were present and addressed the committee. The home owner and contractor noted that they would be able to redesign the improvements not encroach into the rear easement. The also noted their intent to plant vegetation, noting some palm trees in the area. The Committee noted their preference for native trees and asked what planting he would consider if he was not choosing palm trees. It was then moved by Mike bass and seconded by Ken Anderson to deny the proposed improvement as proposed and conditionally approve a revised design on the condition the owner must not locate any improvements in the easement; and the owner must plant and maintain native vegetation to soften and screen the view of the improvement to the surrounding neighbors. Chris Florack abstained from the vote. The motion carried.

6. Variance request for a proposed moss rock fountain, which encroaches into the ten foot rear yard easement.

Jerry and Brenda Smith

157 W. Shadowpoint Circle

Lot 18, Block 04, Section 08, Village of Cochran's Crossing

This item was heard by the full committee. The home owner and his contractor were present and addressed the committee. The home owner and contractor noted that fountain could be redesigned to remain out of the easement. It was then moved by Mike Bass to conditionally approve the proposed moss rock fountains on the condition the owner must eliminate the one fountain located in the easement. The motion failed for lack of a second. It was then moved by Ken parker and seconded by Deborah Sargeant to deny the rock fountain as proposed and require the owner comply with Standard by relocating the boulder fountain out of the easement. Chris Florack abstained from the vote. The motion carried.

7. Variance request for a proposed eight foot fence, which will exceed the maximum height allowed; and will be constructed with the construction side of the fence facing out, causing the unfinished side to be visible to the street.

Travis L. Cagney

6 Gentry Oak Court

Lot 31, Block 02, Section 35 Village of Panther Creek

This item was heard by the full committee. The home owner was present to address the item. He expressed his concerns regarding the change in grade on the property and the lack of privacy. Additionally he noted his neighbors we in favor of the improvements. The staff did not show record of any documentation regarding the adjoining neighboring approval. The committee reviewed the fence and the area visible from the street. It was then moved by Deborah Sargeant and seconded by Chris Florack to table the item and allow the committee to perform a site inspection. Additionally the committee suggested the home owner obtain written documentation from his adjoining property owners to establish the adjoining property owner's approval of both the height and orientation of the fence. The motion carried unanimously.

8. Variance request for a proposed detached building, which exceeds the maximum size allowed; and would encroach into the ten foot rear yard easements, both of which are not in keeping with the Standards.
Christopher Donahue
54 E Mistybreeze Circle
Lot 14, Block 06, Section 01, Village of Cochran's Crossing
This item was reviewed by the full committee. The home owner was present and addressed the committee. The committee discussed the overall size and location of the storage shed. It was then moved by Mike Bass and seconded by Ken Parker to deny the variance as proposed and request the owner submit a modified plan moving the shed out of the easement and reducing the overall size. The motion carried unanimously.
9. Consideration and Action for approval of the plat and plans for the development of 51 lots for the Nursery Road Patio Home Development
Silver Crest Developments, LLC
This item was brought to the full committee. It was moved by Robert Heineman and seconded by Ken Anderson to table the item until the owner can submit an approved final plat and can present a site plan with the properties noted on the lots. The motion carried unanimously.
10. Variance request for partially completed water fountains, which extend beyond the front yard platted building line and building setback line.
Thomas Wertheim
43 Pleasure Cove
Lot 13, Block 02, Section 24 Village of Panther Creek
This item was reviewed by the full committee. The home owner and the affected neighbor were present and addressed the committee. The staff provided the committee with a PowerPoint presentation of the overall property and the dimensions of the fountains. It was noted that we did not have sample materials, specifications or plans noting any electrical or lighting plans for the fountains. The home owner addressed the committee and passed around a brochure of the sample tile for the fountains and stated that they would do everything they needed from a security perspective to make the fountains safe. The affected neighbor also addressed the committee, noting his concerns about the timeframe to finish the property; and the visual impact of the fountains at the street's edge. Chris Florack and Mike Bass stated they had been by to see the property. Chris Florack felt the addition of the fountains brought the view of the house and the improvements too far out to the street. Mike Bass agreed and felt the fountains created too much of a visual impact and were not appropriate in mass and scale. Robert Heineman asked the home owner why he started the project prior to submitting an application. It was then moved by Chris Florack and seconded by Mike Bass to deny the water fountains as presented and require the owner remove the fountains and any other improvements such as the adjoining walls which do not have a permit. The motion carried unanimously.
11. Variance request for an existing color change to the home, which the Residential Design Review Committee denied, because they felt it was not architecturally compatible with the dwelling or neighborhood.
Ramon Martinez
1 Bellbird Court
Lot 16, Block 06, Section 25 Village of Grogan's Mill

This item was heard under the summary list, as presented by Staff. It was moved by Chris Florack and seconded by Ken Anderson to approve the color change as presented. The motion carried unanimously.

12. Variance request for an existing garage door color, which the Residential Design Review Committee denied, because they felt it was not architecturally compatible with the home or the neighborhood.

Bill Berntsen

32 North Rain Forest Court

Lot 31, Block 05, Section 38 Village of Grogan's Mill

This item was brought to the full committee. The staff provided photos of the color change to the home. The committee did not feel the white was compatible with the other colors on the home. It was then moved by Chris Florack and seconded by Mike Bass to deny the garage door color as presented and require the owner paint the garage door to be compatible with the siding or trim or paint the trim to be compatible with the garage door. The motion carried unanimously.

13. Variance request for an existing paved patio, which encroaches into the ten foot rear yard easement; and exceeds the maximum amount of hard surface area allowed.

John and Claudia McKosky

35 Meadowridge Place

Lot 43, Block 01, Section 33, Village of Cochran's Crossing

This item was heard under the summary list, as presented by Staff. It was moved by Chris Florack and seconded by Ken Anderson to approve as presented. Approval by this committee does not constitute approval by the additional easement holders. It is the owner's responsibility to obtain approval by those entities and may be subject to removal. The Owner must ensure that the placement of the improvement and landscaping 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 carried unanimously.

14. Variance request for an existing trampoline, which encroaches into the five foot side and ten foot rear yard easements.

Leal

18 Snowbird Place

Lot 112, Block 04, Section 04, Village of Cochran's Crossing

This item was heard under the summary list, as presented by Staff. It was moved by Chris Florack and seconded by Ken Anderson to disapprove the trampoline and consent to delay enforcement, based upon the execution of an memorandum of agreement, requiring the owner to remove the trampoline from the home, when the owner no longer owns the home, transfers title or when the owner is no longer the primary residence, whichever comes first. The memorandum will be recorded with the court house and binding on the land. The motion carried unanimously.

15. Variance request for an existing play structure, which encroaches into the five foot side and ten foot rear yard easements.

Leal

18 Snowbird Place

Lot 112, Block 04, Section 04, Village of Cochran's Crossing

This item was heard under the summary list, as presented by Staff. It was moved by Chris Florack and seconded by Ken Anderson to disapprove the play structure and consent to delay enforcement, based upon the execution of an memorandum of agreement, requiring

the owner to remove the play structure from the home, when the owner no longer owns the home, transfers title or when the owner is no longer the primary residence, whichever comes first. The memorandum will be recorded with the court house and binding on the land. The motion carried unanimously.

16. Variance request for an existing arbor with related paving, which encroaches into the rear ten foot rear easement, and the Residential Design Review Committee denied the color, because they felt it was not considered to be compatible with the neighborhood

Joyce Henley

22 Purpletop Court

Lot 81, Block 03, Section 01 Village of Panther Creek

The item was reviewed by the full committee. The home owner and a neighbor were present to address the committee. The home owner informed the committee of her hardship during the hurricane; and the arbor and grill were a gift, which allowed her to continue cooking at her home, while her home was undergoing repairs. The committee asked why she completed the project without a permit. She explained it was never her intention to not abide by the requirement, she was not aware a permit was required. She also noted that as a gift, she wasn't completely involved in the construction. Her neighbor addressed the committee, noting her support of the home owner's improvement. It was then moved by Ken Parker and seconded by Chris Florack to deny the arbor and paving as presented and consent to delay enforcement, based upon the execution of an memorandum of agreement, requiring the owner to remove the arbor from the home, when the owner no longer owns the home, transfers title or when the owner is no longer the primary residence, whichever comes first. The memorandum will be recorded with the court house and binding on the land. Additionally the owner must paint the arbor to be compatible with the colors of the home and maintain the existing vegetation that softens and screens the view from the street and the adjoining property. Robert Heineman was not present for the vote. The motion carried.

17. Variance request for an existing fence, which is located beyond the ten foot, platted Building Line.

James Lyles

3 Silver Canyon Place

Lot 60, Block 01, Section 06, Village of Cochran's Crossing

This item was heard under the summary list, as presented by Staff. It was moved by Chris Florack and seconded by Ken Anderson to approve the existing fence on the condition the owner plant and maintain native evergreen vegetation, including trees and or shrubs in a landscaping bed at the exterior of the fence, to soften and screen the view from the street. The motion carried unanimously.

18. Variance request for an existing fence, which is located beyond the ten foot platted Building Line; and is constructed with a horizontal rot board which is visible to the Street Right-of-Way.

Maureen Schreiber

26 N Dragonwood Place

Lot 23, Block 03, Section 26, Village of Cochran's Crossing

This item was heard under the summary list, as presented by Staff. It was moved by Chris Florack and seconded by Ken Anderson to approve the existing fence as presented, on the condition the owner maintain the existing vegetation surrounding the exterior of the fence and plant additional vegetation if needed to screen any bare spots. The motion carried unanimously.

19. Variance request for an existing fence, which was constructed with the construction side of the fence visible to the street.

David Miller

1 Moonvine Court

Lot 28, Block 01, Section 27 Village of Grogan's Mill

This item was heard by the full committee. The home owner was present to address the item. The committee reviewed the fence and the area visible from the street. It was then moved by Deborah Sargeant and seconded by Chris Florack to table the item and allow the committee to perform a site inspection. Additionally, request the staff review opportunities through serving our seniors or the revitalization program to correct the fence to comply with the Standards. The motion carried unanimously.

20. Variance request for an existing dog run, which is visible from the street, not screened with vegetation, located in an area that may cause an impact to the adjoining property, and is not located a minimum of three feet away from the property line and perimeter fencing.

Jackie Glover

11014 Meadow Rue Street

Lot 29, Block 07, Section 07 Village of Grogan's Mill

This item was reviewed by the full committee. It was noted that the renter was present for the item and addressed her agreement with her landlord to maintain the dog run while she is staying in the property. The committee discussed alternate locations. The staff provided the committee with a petition of signatures noting the surrounding owners in favor of the dog run. It was then moved by Mike Bass and seconded by Chris Florack to deny the dog run as presented and require the owner relocate the chain link portion of the dog run so that it is not immediately adjacent to the adjoining property line and is located primarily behind the home to screen the view to the street. Additionally the renter can relocate the adjoining portion of the fence connecting the dog run in order to maintain the portion at the side of the home. This could be achieved by modifying the small portion of fencing to the opposite side of the dog run. Deborah Sargeant abstained from the vote. The motion carried.

The Committee may convene in executive session in accordance with the Texas Open Meetings Act, Section 551.071 to deliberate on legal matters with its attorney concerning agenda items VII.

- VII.** Consideration and Discussion regarding additional easement holders or other entities. At 5:42 p.m. the Committee recessed to Executive Session to deliberate on legal matters with its attorney regarding additional easement holders and entities involvement in the permitting process, pursuant to §551.071, Texas Government Code;

The Board reconvened in Public Session at 5:57 p.m. Chairman Sargeant announced that it would not be necessary to take action at this time and that the staff can continue the currently approved language on permits for items that may be located in an easement or county road right of way.

- VIII.** Public Comments
Resident John Nanninga commended the Development Standards Committee for their actions at the meeting; and asked that they consider changing the allowance of public comments to the beginning of the meeting and also consider scheduling a time frame for residence to arrive, instead of requiring them to wait through the entire meeting.

- IX.** Member Comments

Committee noted that the laser pointers are not working and requested new laser pointers or working ones, for the next meeting.

X. Staff Reports

The staff noted that the next meeting for the items of Panther Creek, Indian Springs, Cochran's Crossing and Grogan's Mill was scheduled for November 3, 2010. Chris Florack and Mike bass announced they would not be able to attend the meeting. The committee discussed calling a special meeting. A special meeting will be scheduled for November 8, 2010.

XI. Adjourn

There being no further business, it was moved by Ken Parker and seconded by Kim Hess to adjourn the meeting at 8:35 p.m. The motion carried unanimously.