

Development Standards Committee Meeting
January 5th, 2011 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,
and Ken Parker

Counsel Present: D. Joe Griffin

Staff Present: Chris Feist and Kim McKenna

I. Welcome/Call Meeting to Order

The meeting was called to order in regular session, open to the public by Vice Chairman, Robert Heineman at 5:36 p.m.

II. Approve Minutes of Meeting of December 1, 2010

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

III. Consideration and Action of the Summary List

Committee Vice Chairman, Robert Heineman presented the Summary List as presented by Staff Recommendation. The list consisted of residential items 7, 8, 9, 10, 11, 12, 15 & 16. It was moved by Kim Hess and seconded by Chris Florack to approve the Summary List as presented by staff. The motion carried unanimously.

IV. Review and Disposition of Residential Applications

1. 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 2-4.

At 5:45 p.m. the Committee recessed to Executive Session to deliberate on legal matters with its attorney concerning agenda items 2-4.

The Committee reconvened in Public Session at 6:21 p.m. Vice Chairman Robert Heineman announced that it would not be necessary to take action at this time and that the staff can continue with the review and disposition of the residential items.

2. Variance request for a home business.

Chris Kolp

188 N Golden Arrow Circle

Lot 01, Block 02, Section 12, Village of Cochran's Crossing

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the overall property and the truck and materials stored in the driveway. The staff noted the complaints received regarding the vehicle in the driveway. The information was distributed to the committee to review. It was then moved by Mike Bass and seconded by Ken Parker to take no action on the permit received for a home business. Additionally, the committee would not view the truck as a violation of the restrictions. The committee requested the staff continue to review the property for any changes in status. The motion carried unanimously.

3. Consideration and action regarding the operation of meetings and other social gatherings of Calvary Church, which are held in a residential home.

Bruce Hollen
5 Silver Elm Place
Lot 87, Block 3, Section 1, Village of Cochran's Crossing

This item was reviewed by the full committee. The home owner was present to address the committee. The staff provided the committee with the information provided to the Department regarding gatherings from the church and all documents received by the owner and their legal counsel. Legal Counsel Joe Griffin addressed the owner to ask questions regarding the operation of the church, plans for permanent building, any employees or general administration of the Church and the size of the congregation. The Committee also mentioned the concerns received regarding parking on the street. The owner noted arrangements he was attempting with other neighbors to reduce the amount of parking on the street. It was noted the parking on the street would need to be addressed with the County. It was then moved by Robert Heineman and seconded by Mike Bass that the operation of meetings and other social gatherings of Calvary Church held in the residential home of 5 Silver Elm Place was not considered a violation of the restrictions; and would not be considered as the operation of a home business. The committee requested the staff continue to review the property for any changes in status. The motion carried unanimously.

4. Consideration and Discussion of the Committees interpretation of Covenant related to home maintenance required by owner and The Residential Development Standards related to landscaping and yard maintenance.

A request had been made for the committee to review and interpret the Covenants and Standards regarding yards that are bare and whether or not they are considered violations. The staff provided photos demonstrating bare yard areas and the type of yards in question. The focus was specific to front yards, where there is no landscaping bed or grass and the area is left natural. Mike Faulkner addressed the committee noting his concern regarding the adherence to the rules and regulations of The Standards and more specifically regarding the yards of property addresses 50 and 54 Trace Creek Drive. Mr. Faulkner provided the Committee with a letter outlining his concerns. The committee confirmed their interpretation of the Covenant and Standards to encourage growth of native plants and vegetation and discourage the requirement for grass. The Committee noted that they will address maintenance issues and concerns regarding yard maintenance on a case by case basis.

5. The Committee may reconvene in open session in accordance with the Texas Open Meetings Act, Section 551.071.

The Committee reconvened in Public Session at 6:21 p.m. Vice Chairman Robert Heineman announced that it would not be necessary to take action at this time and that the staff can continue with the review and disposition of the residential items.

6. Variance request for a proposed detached cabana with summer kitchen, fire place and pizza oven, which will be located beyond the forty foot rear building setback.

Scott and Kim Andersen
303 S Silvershire Circle
Lot 25, Block 02, Section 43, Village of Cochran's Crossing

This item was reviewed by the full committee. The home owner and contractor were present to address the committee. The staff provided the committee with a PowerPoint presentation of the property the proposed improvement and the impact to the adjoining properties and the visibility to the golf course. The Committee discussed concerns of use of the summer kitchen the affect on adjoining properties. The staff noted the Covenants did not have a noise ordinance. They also discussed visibility to the golf course, which they noted would not affect the adjoining properties view to the course. It was then moved by Kim Hess and seconded by Chris Florack to approve on the condition that the owner must plant and maintain two fifteen gallon native evergreen trees or shrubs to

soften the view of the improvement. Additionally, improvement must meet code and pass final inspection. The owner must ensure that the placement of any improvement or 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 drainage from each lot should be directed to the street where possible. In instances where the rear area of a lot is lower than the elevation of the street, a lot-to-lot drainage solution may be needed. In these situations, a lot cannot block drainage from an adjacent lot that naturally flows across that lot on a path to a drainage swale, stream, or outlet. Enforcement of this requirement is by the affected property owner(s). The motion carried unanimously. Additionally the staff requested that the staff contact the owner if any complaints are received regarding noise.

7. Variance request for a proposed driveway widening, which would exceed the maximum width allowed; and would be composed of landscaping rocks.

Charlotte O'Dell

11929 South Red Cedar Circle

Lot 04, Block 01, Section 04 Village of Grogan's Mill

This item was heard under the summary list, as presented by Staff. It was moved by Kim Hess and seconded by Chris Florack to approve the driveway widening on the condition the owner modify the portion requested for an extension, so that it does not extend down the side of the driveway area and is limited to the portion where the driveway hooks around and add paving in that area leading toward the fence. Additionally the owner must plant and maintain shrubbery adjacent to the driveway in order to soften and screen the view of the extension. The motion carried unanimously.

8. Variance request for an existing driveway widening, which exceeds the maximum allowed width.

Perlita and Juan Daniel Vargas

18 W Cobble Hill Circle

Lot 35, Block 03, Section 06, Village of Cochran's Crossing

This item was heard under the summary list, as presented by Staff. It was moved by Kim Hess and seconded by Chris Florack to approve the driveway widening as presented. The owner must ensure that the placement of any improvement or 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 drainage from each lot should be directed to the street where possible. In instances where the rear area of a lot is lower than the elevation of the street, a lot-to-lot drainage solution may be needed. In these situations, a lot cannot block drainage from an adjacent lot that naturally flows across that lot on a path to a drainage swale, stream, or outlet. Enforcement of this requirement is by the affected property owner(s). The motion carried unanimously.

9. Variance request for an existing water fall and pond, which encroaches into the ten foot rear yard easement.

Perlita and Juan Daniel Vargas

18 W Cobble Hill Circle

Lot 35, Block 03, Section 06, Village of Cochran's Crossing

This item was heard under the summary list, as presented by Staff. It was moved by Kim Hess and seconded by Chris Florack to deny the variance for the existing waterfall and pond and consent to delay enforcement, based upon the execution of a memorandum of agreement requiring the owner to remove the improvement from the easement when the owner no longer owns the home, sells or transfers title of the property. The memorandum of agreement will be recorded with the courthouse and binding on the land. The motion carried unanimously.

10. Variance request for an existing attached building, which is constructed with a roof that does not match the dwelling.
Perlita and Juan Daniel Vargas
18 W Cobble Hill Circle
Lot 35, Block 03, Section 06, Village of Cochran's Crossing
This item was heard under the summary list, as presented by Staff. It was moved by Kim Hess and seconded by Chris Florack to deny the variance for the attached building and consent to delay enforcement, based upon the execution of a memorandum of agreement requiring the owner to remove the improvement or remodel the roof to comply with the Standards when the owner no longer owns the home, sells or transfers title of the property or when the roof is in disrepair and in need of replacement. The memorandum of agreement will be recorded with the courthouse and binding on the land. The motion carried unanimously

11. Variance request for an existing detached storage building, which exceeds the maximum height allowed and encroaches into the ten foot rear yard easement.
Perlita and Juan Daniel Vargas
18 W Cobble Hill Circle
Lot 35, Block 03, Section 06, Village of Cochran's Crossing
This item was heard under the summary list, as presented by Staff. It was moved by Kim Hess and seconded by Chris Florack to deny the variance for the detached building and consent to delay enforcement, based upon the execution of a memorandum of agreement requiring the owner to remove the improvement or relocate it out of the easement to comply with the Standards when the owner no longer owns the home, sells or transfers title of the property or when the building is in disrepair and in need of replacement. The memorandum of agreement will be recorded with the courthouse and binding on the land. The motion carried unanimously.

12. Variance request for an existing front yard patio, which was not considered to be compatible with the home and the neighborhood according to the Residential Design review Committee.
Perlita and Juan Daniel Vargas
18 W Cobble Hill Circle
Lot 35, Block 03, Section 06, Village of Cochran's Crossing
This item was heard under the summary list, as presented by Staff. It was moved by Kim Hess and seconded by Chris Florack to approve the front yard patio as presented. The motion carried unanimously.

13. Variance request for an existing attached patio cover, which was not considered to be architecturally compatible with the dwelling according to the Residential Design Review Committee.
Diogenes and Eblin Macias
135 E Pathfinders Circle
Lot 89, Block 06, Section 01, Village of Cochran's Crossing
This item was reviewed by the full committee. The home owner was present to address the committee. The staff provided the committee with a PowerPoint presentation of the property the proposed improvement and the impact to the adjoining properties. The committee reviewed the structure and questioned the owner in regards to building details and possible modifications. The owner noted his willingness to make changes to the structure. It was then moved by Chris Florack and seconded by Mike Bass to approve the patio cover on the condition to add additional fascia boards around the structure to enclose the structural components from view. Add vegetation to the side of the structure to soften the view of the improvement to the adjoining property. This could also be allowed in the form of potted plants. The vegetation should be above the fence line when full grown. Furthermore the light above the counter must be lowered to reduce the impact

the adjoining property and comply with the Lighting Standard. Finally, the improvement must meet code and pass final inspection. The motion carried unanimously.

14. Variance request for a proposed wood deck, which encroaches into the five foot side yard easement.

Jeffrey Weaver

68 Fallenstone Drive

Lot 04, Block 04, Section 01, Village of Cochran's Crossing

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the property the proposed improvement and the impact to the adjoining properties. It was then moved by Mike Bass and seconded by Ken Anderson to deny the variance as proposed and require the owner redesign the deck to allow only a four foot encroachment into the five foot side yard easement. Consistent with the allowance granted for walkways. The concrete should be screened by the fence at the side of the home and any concrete that has not been approved should be removed. Approval by this committee does not constitute approval by the additional easement holders. It is the owner's responsibility to obtain approval by those easement holders and maybe subject to removal. The motion carried unanimously.

15. Variance request for existing flagstone paving, which encroaches into the five foot side and ten foot rear yard easement.

William Shackelford

25 Feather Branch Court

Lot 87, Block 03, Section 29 Village of Panther Creek

This item was heard under the summary list, as presented by Staff. It was moved by Kim Hess and seconded by Chris Florack to approve the flagstone 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 easement holders and maybe subject to removal. The owner must ensure that the placement of any improvement or 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 drainage from each lot should be directed to the street where possible. In instances where the rear area of a lot is lower than the elevation of the street, a lot-to-lot drainage solution may be needed. In these situations, a lot cannot block drainage from an adjacent lot that naturally flows across that lot on a path to a drainage swale, stream, or outlet. Enforcement of this requirement is by the affected property owner(s). The motion carried unanimously.

16. Variance request for an existing six foot fence, which was rebuilt beyond the platted building line.

Angela Miller

114 Songful Woods Place

Lot 29, Block 03, Section 65 Village of Grogan's Mill

This item was heard under the summary list, as presented by Staff. It was moved by Kim Hess and seconded by Chris Florack to approve the fence as presented, on the condition the owner plant and maintain native evergreen vegetation to soften the view of the fence from the street. The motion carried unanimously.

17. Variance request for an existing trim color.

George Ghazal

12 North Timber Top Drive

Section 13, Block 02, Lot 59, Village of Grogan's Mill

This item was reviewed by the full committee. The owner was present to address the committee. The staff provided the committee with a PowerPoint presentation and asked if any of the members had an opportunity to drive by the property. The owner noted that he

too was not pleased with the color after it was completed. However, due to physical and financial hardship, was not able to change the color at this time. It was then moved by Robert Heineman and seconded by Mike Bass to deny the variance as proposed and consent to delay enforcement for 2 years to allow the owner an opportunity to acquire the funds and have the home repainted. The owner is required to submit a color change application The Woodlands Township Covenant Administration Department and obtain approval prior to repainting the home. The motion carried unanimously.

18. Variance request for an existing partially constructed front yard water feature, which was not considered to be compatible with dwelling; and not appropriate in scale and mass to the architectural character of the dwelling and the neighborhood, as determined by the Grogan's Mill Residential Design Review Committee.

Federico Heredia

24 Misty Grove Circle

Lot 06, Block 05, Section 59 Village of Grogan's Mill

This item was reviewed by the full committee. The home owner was present to address the committee. The staff provided the committee with a PowerPoint presentation of the property the proposed improvement and the impact to the adjoining properties and the visibility to the Street. The staff noted that in discussion with the owner, he intends to reduce the depth of the basin to comply without code, without the requirement for a barrier. Additionally, he plans to reduce the overall height of the structure so that it complied with the Standards. Finally, the owner is willing and planning to add vegetation to the front of the home. The committee discussed the visibility from the street and asked the owner to describe more specifically what plans he had for vegetation. It was then moved by Mike Bass and seconded by Kim Hess to conditionally approve the front yard water feature on the conditions the overall height of the structure may not exceed three and a half feet from natural grade, the basin must comply with Standards and Codes and be less than 24 inches in depth. Additionally, the owner must plant and maintain significant vegetation no lower than thirty six inches in height to significantly screen the view of the water feature to the street and adjoining properties. The motion carried unanimously.

V. Public Comments

There were no public comments.

VI. Member Comments

There were no member comments.

VII. Staff Reports

There were no staff reports.

VIII. Adjourn

There being no further business, it was moved by Ken Anderson and seconded by Mike Bass to adjourn the meeting at 8:15p.m. The motion carried unanimously.

****The Above Schedule Represents an Estimate of the Order for the Agenda Items Listed and is Subject To Change****