

Development Standards Committee

January 19, 2011 at 5:30PM

The Woodlands Township Service Center

2201 Lake Woodlands Drive

The Woodlands, Texas 77380

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

Members Absent: None

Staff Present: Neslihan Tesno, Pam Forde and Sharlene Novak

Others in Attendance: As reflected by the attached Sign-in Sheet for January 19, 2011.

I. Welcome/Call Meeting to Order

The meeting was called to order by Chairwoman Deborah Sargeant at 5:30 p.m.

II. Consideration and Action for approval of Minutes of DSC Meeting on December 16, 2010.

It was moved by Ken Parker and seconded by Chris Florack to approve the minutes of the previous meeting as presented. The motion carried unanimously.

III. Consideration and Action of the Summary List

Chairwoman Deborah Sargeant presented the Summary List as presented by Staff. The list consisted of Residential Items 1-7 and #10. It was moved by Mike Bass and seconded by Chris Florack to approve the Summary List as presented by staff. The motion carried unanimously.

IV. Review and Disposition of Commercial Applications

A. Report on "Commercial Staff Approval List" for January 19, 2011

The list was accepted as presented.

V. Review and Disposition of Residential Applications

1. Variance request for Proposed Swimming Pool and decking will exceed the maximum Hard Surface Area allowed.

Byron and Sandra Perrott

22 Julian Woods Place

Lot 16, Block 1, Section 20, Village of Indian Springs

This item was reviewed under the summary approval list as presented by staff. It was moved by Mike Bass and seconded by Chris Florack to conditionally approve with standard conditions; Must meet Code; Plant and maintain 5 – 30 gallon native trees. Palms are not native and are not included in this number. Ensure proper drainage to street. 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 carried unanimously.

2. Variance request for an existing play structure which encroaches into the rear 10 foot easement.
Gary and Patricia Charles
71 South Chantsong Circle
Lot 5, Block 2, Section 5 Village of Sterling Ridge
This item was reviewed under the summary approval list as presented by staff. It was moved by Mike Bass and seconded by Chris Florack to disapprove and consent to delay enforcement, based upon the execution of a memorandum of agreement, requiring the owner to remove play structure 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 play structure is in disrepair and needs replacement whichever comes first. The memorandum will be recorded with the court house and binding on the land. Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and the improvement may be subject to removal. The motion carried unanimously.

3. Variance request for existing batting cage which encroaches past the rear building line.
Shelly A Felton
76 Benton Woods Court
Lot 2, Block 1, Section 43 Village of Alden Bridge
This item was reviewed under the summary approval list as presented by staff. It was moved by Mike Bass and seconded by Chris Florack to disapprove and consent to delay enforcement, based upon the execution of a memorandum of agreement, requiring the owner to remove the batting cage 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 batting cage is in disrepair and needs replacement whichever comes first. The memorandum will be recorded with the court house and binding on the land. Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and the improvement may be subject to removal. The motion carried unanimously.

4. Variance request for an existing trampoline which encroaches into the rear 10 foot easement.
Jay and Deborah Nutt
98 East Bracebridge Circle
Lot 32, Block 1, Section 21 Village of Indian Springs
This item was reviewed under the summary approval list as presented by staff. It was moved by Mike Bass and seconded by Chris Florack to disapprove and consent to delay enforcement, based upon the execution of a memorandum of agreement, requiring the owner to remove trampoline 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 trampoline is in disrepair and needs replacement whichever comes first. The memorandum will be recorded with the court house and binding on the land. Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and the improvement may be subject to removal. The motion carried unanimously.

5. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the home.
David Dukeheart
18 Scenic Brook Court
Lot 30, Block 2, Section 14, Village of Sterling Ridge
This item was reviewed under the summary approval list as presented by staff. It was moved by Mike Bass and seconded by Chris Florack 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 if violation is not resolved by February 1, 2011; 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 painting garage door approvable color to match home) 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 carried unanimously.

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

Mathew Eason

118 North Archwyck Circle

Lot 41, Block 1, Section 42, Village of Sterling Ridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Mike Bass and seconded by Chris Florack 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 the dead tree) 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 carried unanimously.

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

Jesus Padilla

136 South Brooksedge Circle

Lot 32, Block 1, Section 58 Village of Alden Bridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Mike Bass and seconded by Chris Florack 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 if violation is not resolved by February 1, 2011; 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 applying for alteration in approved arbor) 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 carried unanimously.

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

Anjuan Simmons

18 Silk Tree Place

Lot 39, Block 2, Section 81 Village of Alden Bridge

This item was withdrawn as the violation was resolved.

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

Stephen Sheffer

26 Barn Lantern Place

Lot 64, Block 2, Section 5 Village of Alden Bridge

This item was withdrawn as the violation was resolved.

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

Kevin Christopher Arp

174 Ramwind Court

Lot 20, Block 2, Section 5, Village of College Park

This item was reviewed under the summary approval list as presented by staff. It was moved by Mike Bass and seconded by Chris Florack 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 mold/algae from home and maintaining it in good repair) 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 carried unanimously.

11. Request for rehearing for an existing driveway expansion which does not comply with DSC conditions.

Justin and Sarah Gables

171 Pinto Point Place

Lot 86, Block 1, Section 12 Village of Creekside Park

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the existing improvements. The homeowner was present to address the committee. It was moved by Chris Florack and seconded by Mike Bass to disapprove rehearing request and owner was informed to correct as previously approved. The motion passed. Ken Parker voted in opposition.

12. Variance request for proposed a spa with two waterfalls which will exceed the maximum height allowed and which may create negative neighbor impact due to mass, scale and proportion.

Kevin and Leah Trahan

31 Silvermont Drive

Lot 14, Block 1, Section 26 Village of Sterling Ridge

Items 12-18 were reviewed by the full committee jointly. The staff provided the committee with a PowerPoint presentation of the existing improvements. The homeowners were present to address the committee. It was moved by Robert Heineman and seconded by Ken Parker to conditionally approve, reduce height of waterfalls to 6.5 feet, Submit final landscape plan-staff to approve, plant and maintain vegetation as approved by staff to screen from view of golf course and adjacent properties, no berm allowed in easement, no steep slopes of planting beds allowed adjacent to easement, meet code and standards. Plant and maintain 4 30 gallon native

trees as replacement for trees removed. Palms do not count toward this requirement. The motion passed. Ken Anderson voted in opposition.

13. Variance request for two proposed fire towers which may create negative neighbor impact due to mass, scale and proportion.

Kevin and Leah Trahan

31 Silvermont Drive

Lot 14, Block 1, Section 26 Village of Sterling Ridge

Items 12-18 were reviewed by the full committee jointly. The staff provided the committee with a PowerPoint presentation of the existing improvements. The homeowners were present to address the committee. It was moved by Robert Heineman and seconded by Ken Parker to conditionally approve, reduce height of waterfalls to 6.5 feet, Submit final landscape plan-staff to approve, plant and maintain vegetation as approved by staff to screen from view of golf course and adjacent properties, no berm allowed in easement, no steep slopes of planting beds allowed adjacent to easement, meet code and standards. Plant and maintain 4 30 gallon native trees as replacement for trees removed. Palms do not count toward this requirement. The motion passed. Ken Anderson voted in opposition.

14. Variance request for a proposed fire pit and stone bench which may create negative neighbor impact due to mass, scale and proportion.

Kevin and Leah Trahan

31 Silvermont Drive

Lot 14, Block 1, Section 26 Village of Sterling Ridge

Items 12-18 were reviewed by the full committee jointly. The staff provided the committee with a PowerPoint presentation of the existing improvements. The homeowners were present to address the committee. It was moved by Robert Heineman and seconded by Ken Parker to conditionally approve, reduce height of waterfalls to 6.5 feet, Submit final landscape plan-staff to approve, plant and maintain vegetation as approved by staff to screen from view of golf course and adjacent properties, no berm allowed in easement, no steep slopes of planting beds allowed adjacent to easement, meet code and standards. Plant and maintain 4 30 gallon native trees as replacement for trees removed. Palms do not count toward this requirement. The motion passed. Ken Anderson voted in opposition.

15. Variance request for proposed second floor balcony which may create negative neighbor impact due to mass, scale and proportion.

Kevin and Leah Trahan

31 Silvermont Drive

Lot 14, Block 1, Section 26 Village of Sterling Ridge

Items 12-18 were reviewed by the full committee jointly. The staff provided the committee with a PowerPoint presentation of the existing improvements. The homeowners were present to address the committee. It was moved by Robert Heineman and seconded by Ken Parker to conditionally approve, reduce height of waterfalls to 6.5 feet, Submit final landscape plan-staff to approve, plant and maintain vegetation as approved by staff to screen from view of golf course and adjacent properties, no berm allowed in easement, no steep slopes of planting beds allowed adjacent to easement, meet code and standards. Plant and maintain 4 30 gallon native trees as replacement for trees removed. Palms do not count toward this requirement. The motion passed. Ken Anderson voted in opposition.

16. Variance request for proposed spiral staircase which may create negative neighbor impact due to mass, scale and proportion.
Kevin and Leah Trahan
31 Silvermont Drive
Lot 14, Block 1, Section 26 Village of Sterling Ridge
Items 12-18 were reviewed by the full committee jointly. The staff provided the committee with a PowerPoint presentation of the existing improvements. The homeowners were present to address the committee. It was moved by Robert Heineman and seconded by Ken Parker to conditionally approve, reduce height of waterfalls to 6.5 feet, Submit final landscape plan-staff to approve, plant and maintain vegetation as approved by staff to screen from view of golf course and adjacent properties, no berm allowed in easement, no steep slopes of planting beds allowed adjacent to easement, meet code and standards. Plant and maintain 4 30 gallon native trees as replacement for trees removed. Palms do not count toward this requirement. The motion passed. Ken Anderson voted in opposition.

17. Variance request for a proposed summer kitchen which may create negative neighbor impact due to mass, scale and proportion.
Kevin and Leah Trahan
31 Silvermont Drive
Lot 14, Block 1, Section 26 Village of Sterling Ridge
Items 12-18 were reviewed by the full committee jointly. The staff provided the committee with a PowerPoint presentation of the existing improvements. The homeowners were present to address the committee. It was moved by Robert Heineman and seconded by Ken Parker to conditionally approve, reduce height of waterfalls to 6.5 feet, Submit final landscape plan-staff to approve, plant and maintain vegetation as approved by staff to screen from view of golf course and adjacent properties, no berm allowed in easement, no steep slopes of planting beds allowed adjacent to easement, meet code and standards. Plant and maintain 4 30 gallon native trees as replacement for trees removed. Palms do not count toward this requirement. The motion passed. Ken Anderson voted in opposition.

18. Variance request for a proposed arbor which may create negative neighbor impact due to mass, scale and proportion.
Kevin and Leah Trahan
31 Silvermont Drive
Lot 14, Block 1, Section 26 Village of Sterling Ridge
Items 12-18 were reviewed by the full committee jointly. The staff provided the committee with a PowerPoint presentation of the existing improvements. The homeowners were present to address the committee. It was moved by Robert Heineman and seconded by Ken Parker to conditionally approve, reduce height of waterfalls to 6.5 feet, Submit final landscape plan-staff to approve, plant and maintain vegetation as approved by staff to screen from view of golf course and adjacent properties, no berm allowed in easement, no steep slopes of planting beds allowed adjacent to easement, meet code and standards. Plant and maintain 4 30 gallon native trees as replacement for trees removed. Palms do not count toward this requirement. The motion passed. Ken Anderson voted in opposition.

19. Variance request for a proposed deck that will encroach into rear and side easement.
Juan Zuani
258 Sentry Maple Place
Lot 19, Block 3, Section 66, Village of Alden Bridge

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the existing improvements. The homeowner was not present to address the committee. The contractor addressed the committee as a representative of the owner. It was moved by Chris Florack and seconded by Mike Bass to conditionally approve; all portions of deck in easements must be palletized. Plant and maintain evergreen screening to rear, staff to approve upon completion. Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and the improvement may be subject to removal. The motion carried unanimously.

20. Variance request for a proposed pond and waterfall 6which may cause a disproportionate or adverse impact on neighboring property and encroaches into the 5 ft side utility easement.

Roger and Marybeth Balog

194 Oarwood Place

Lot 18, Block 1, Section 1 Village of Creekside Park

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the existing improvements. The homeowners were present to address the committee. Upon learning that the owners had decided to change items on the plans and were asking for a different improvement it was moved by Deborah Sargeant and seconded by Chris Florack to disapprove the request and required the owner to resubmit to the DSC with revised plans. The committee recommended that any proposed structure in easement be at least 3' from property line. The motion carried unanimously.

21. Variance request for an existing palapa that does not have approved roof material and may have neighbor impact.

Brad Shoemaker

22 Montfair Boulevard

Lot 48, Block 1 Section 68 Village of Sterling Ridge

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the existing improvements. The homeowner was present to address the committee. It was moved by Mike Bass to disapprove the request. The motion died for lack of a second. It was moved by Deborah Sargeant and seconded by Ken Parker to disapprove and consent to delay enforcement, based upon the execution of a memorandum of agreement, requiring the owner to change roof to approvable material or remove the palapa 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 palapa 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. Mike Bass voted in opposition.

22. Variance request for the requirement for sealed plans for an existing attached patio cover.

Jared Ross Garza and Abato John Garza

31 Powers Bend Way

Lot 7, Block 1, Section 75 Village of Sterling Ridge

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the existing improvements. The homeowner was present to address the committee. It was moved by Chris Florack and seconded by Ken Anderson to conditionally approve, pass inspections, paint post and brace to match trim of house, plant and maintain additional evergreen shrubs/trees to screen to left side. Staff to approve vegetation upon completion. The motion carried unanimously.

23. Variance request for existing driveway expansion that exceeds the maximum width allowed.

Curt and Kristi Elsik

42 North Terrace Mill Circle

Lot 11, Block 1, Section 36 Village of Sterling Ridge

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the existing improvements. The homeowner was not present to address the committee. It was moved by Chris Florack and seconded by Ken Anderson to approve the section of paving at driveway approach and to conditionally approve, at 35 feet from garage door must taper to 20 feet wide for total width of driveway and pavers. See markings on Survey. Remove excess pavers. Approval by this committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approval by those entities and the improvement may be subject to removal. The motion carried unanimously.

24. Variance request for existing driveway expansion that exceeds the maximum width allowed.

Jennifer Deaton

46 South Oriel Oaks Circle

Lot 25, Block 1, Section 62 Village of Sterling Ridge

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the existing improvements. The homeowner was not present to address the committee. It was moved by Ken Anderson and seconded by Chris Florack to conditionally approve, reduce width of driveway by tapering to 16 feet at property line and planting and maintaining a planting bed with evergreen vegetation along right side of extension. The motion carried unanimously.

25. Variance request for existing play structure that exceeds height allowed and is not a muted shade.

Ramon Roviroso Martinez and Tanya Gutierrez

63 North Shimmering Aspen Circle

Lot 14, Block 1, Section 19 Village of Creekside Park

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the existing improvements. The homeowner was not present to address the committee. The contractor from Nuarc, Ltd. was present to address committee as a representative of the owner. It was moved by Deborah Sargeant and seconded by Mike Bass to Disapprove and consent to delay enforcement for a maximum of 90 days, during this time the play structure must be reduced to 8' in height and a heavy vegetation screen must be planted behind structure to screen to lake. Vegetation screen must include evergreen native trees and shrubs (including southern waxmyrtles and pine trees, no additional palm trees) and must be as tall as the structure upon planting. Return to DSC after planting so the committee can determine if screening is sufficient or if play structure will need to be painted muted color. The motion passed. Chris Florack voted in opposition.

VI. Public Comments

There were no public comments.

VII. Member Comments

Chris Florack stated that staff should confirm that residents understand the difference between the property line location and the curb location on their surveys. The committee also wants letters sent to the two contractors that did work without a permit, Black Diamond and Palapas of Houston, to describe permitting process and submittal procedures in The Woodlands.

VIII. Staff Reports

There were no staff reports.

IX. Adjourn

There being no further business it was moved by Ken Parker and seconded by Deborah Sargeant to adjourn the meeting at 7:22 p.m. The motion carried unanimously.