

Development Standards Committee

March 16, 2011 at 5:30 PM

The Woodlands Township Service Center
2201 Lake Woodlands Drive
The Woodlands, Texas 77380

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

Members Absent: Kim Hess

Staff Present: Neslihan Tesno, Pam Forde, Hennie van Rensburg and Sharlene Novak

Others in Attendance: As reflected by the attached Sign-in Sheet for March 16, 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 February 16, 2011.

It was moved by Ken Parker and seconded by Mike Bass to approve the minutes of the previous meeting as presented. Chris Florack and Ken Anderson abstained. The motion passed.

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 1-13, and 15-18. It was moved by Mike Bass and seconded by Ken Parker to approve the Summary List as presented by staff. The motion carried unanimously.

Chairwoman Deborah Sargeant recognized two Boy Scouts attending the meeting, Conner B. of Troop 889 and Nathaniel L. of Troop 204. She also recognized two University of Houston students attending the meeting for research: Jana and Nina Spitzley.

IV. Review and Disposition of Commercial Applications

A. Request for Consideration and Action

Columbarium

Christ Church United Methodist

6363 Research Forest Drive

Village of Cochran's Crossing

This item was reviewed by the full committee. After presentation by Pam Forde and with comments by Dr. Dan Hannon and architect, Paul Lobholz, followed by comments from several neighboring residents and a realtor, a motion was made by Michael Bass and seconded by Chris Florack to table the item and to request that the church conduct a forum for residential neighbors to educate and inform them of the project, then to bring the item back to the Committee for consideration and action. The motion carried unanimously.

B. Request for Consideration and Action

Preliminary Approval

Evergreen Office Building

1050 Evergreen Circle

Town Center

This item was reviewed by the full committee. After presentation by Pam Forde, a motion was made by Robert Heineman and seconded by Ken Anderson to conditionally approve the item with the following requirements: Screen all utility boxes located in Forest Preserves with native vegetation; Add trees to landscape islands, parking areas in front of building on north side, and at both entrances; Submit specs for monument sign (prepared by a sign company) for review and approval; Submit exterior lighting specs for review and approval; Exterior light pole fixtures must match The Woodlands standards; All wall pack lights must be fully shielded; Additional plantings may be required to supplement the forest preserves (a DSC representative will field verify before completion of project); Submit irrigation plan for review and approval; Irrigate the unpaved ROW's; Contact the Montgomery County Fire Marshall to review and approve all site related fire code review issues, including fire lanes, backflow preventer location, and FDC location.

The motion carried unanimously.

C. Report on "Commercial Staff Approval List" for March 16, 2011

The list was accepted as presented.

V. Review and Disposition of Residential Applications

1. Variance request for proposed Summer Kitchen is less than 10' from property line

Greg & Maureen Gibbons

55 Wood Manor Place

Lot 23, Block 1, Section 12 Village of College Park / Grogan's Forest

This item was reviewed under the summary approval list as presented by staff. It was moved by Mike Bass and seconded by Ken Parker to conditionally approve, meet code and standard conditions. The motion carried unanimously.

2. Proposed Fence is not an approvable fence style per the Development Criteria and the Neighborhood Criteria.

Jeffrey and Becky Nodland

66 West Bracebridge Circle

Lot 1, Block 3, 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 Ken Parker to conditionally approve – soften view to street with native evergreen vegetation; Vegetation must be at least 6' tall at time of planting. Planting is conditionally upon approval from the reserve owner. The motion carried unanimously.

3. Variance request for proposed room addition that will exceed the maximum living area allowed.

Matt and Jenni Johnson

2 Wildever Place

Lot 28, Block 1, Section 36 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 Ken Parker to conditionally approve – move bathroom window to door, plant and maintain evergreen trees and shrubs to screen the fireplace from adjacent neighbors. Staff to determine if planting is sufficient screening upon completion and meet all codes and standards. The motion carried unanimously.

4. Variance request for proposed fireplace will extend beyond the 25' rear setback.

Matt and Jenni Johnson

2 Wildever Place

Lot 28, Block 1, Section 36 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 Ken Parker to conditionally approve – move bathroom window to door, plant and maintain evergreen trees and shrubs to screen the fireplace from adjacent neighbors. Staff to determine if planting is sufficient screening upon completion and meet all codes and standards. The motion carried unanimously.

5. Variance request for proposed fireplace which will be located beyond the 40' building setback.

Timothy & Nikki Maczko

26 Freestone Place

Lot 38, Block 1, Section 49 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 Ken Parker to approve. The motion carried unanimously.

6. Variance request for an existing storage shed is located in left side five foot easement.

Patricia Ryan

19 North Longsford Circle

Lot 22, Block 2, Section 12 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 Ken Parker to disapprove 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. 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. Additional must plant evergreen vegetation to act as screen to street on left front fence. The motion carried unanimously.

7. Variance request for existing play structure encroaches into the rear ten foot easement.

Stanislaus and Adele Doiron

74 South Winsome Path Circle

Lot 3, Block 1, Section 66 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 Ken Parker to disapprove and consent to delay enforcement, based upon the execution of a memorandum of agreement, requiring the owner to remove the 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.

8. Variance request for existing play structure encroaches into the rear ten foot easement.

Adalberto Manzur

22 Woodmoor Place

Lot 37, Block 2, Section 91 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 Ken Parker to disapprove and consent to delay enforcement, based upon the execution of a memorandum of agreement, requiring the owner to remove the 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.

9. Variance request for existing trampoline encroaches into the rear ten foot easement.

Steven & Debra Brack

91 North Greenvine Circle

Lot 19, Block 3, Section 37 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 Ken Parker to disapprove and consent to delay enforcement, based upon the execution of a memorandum of agreement, requiring the owner to remove the 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. Additionally all other required application must be submitted within 30 days. The motion carried unanimously.

10. Variance request for existing patio encroaches into the rear 10 foot utility easement.

Daryl Stilley

155 West Hullwood Court

Lot 11R, Block 1, Section 2 Village of Creekside Park

This item was reviewed under the summary approval list as presented by staff. It was moved by Mike Bass and seconded by Ken Parker to approve. 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.

11. Variance request for existing retaining wall encroaches into the side five foot easement and the rear 10 foot utility easement.

Daryl Stilley

155 West Hullwood Court

Lot 11R, Block 1, Section 2 Village of Creekside Park

This item was reviewed under the summary approval list as presented by staff. It was moved by Mike Bass and seconded by Ken Parker to conditionally approve. 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. 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.

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

Stephen Ashley Jones

174 West Greywing

Lot 9, Block 2, Section 6, 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 Ken Parker 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 or applying for the stone pathway) 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.

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

Donald C and Jennifer C. Harris

26 West Fairbranch Circle

Lot 67, Block 1, Section 44 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 Ken Parker 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 trampoline from the easement or the lot) 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.

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

Mark Sherley

83 East Greywing Circle

Lot 42, Block 3, Section 6 Village of Alden Bridge

RESOLVED prior to meeting.

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

Steven Treistman

3 Leaf Spring Place

Lot 31, Block 3, Section 10 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 Ken Parker 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 trash can 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 carried unanimously.

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

Carlos Collantes

70 Lightwood Trace

Lot 4, Block 3, Section 20 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 Ken Parker 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 applying for the stone path or by removing the stone path from the lot) 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.

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

Rafael Jauregui

18 Crystal Canyon Place

Lot 29, Block 1, Section 1 Village of Creekside Park

This item was reviewed under the summary approval list as presented by staff. It was moved by Mike Bass and seconded by Ken Parker 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 planting and maintaining sufficient evergreen vegetation to soften impact to street and left neighbor property. Vegetation must be at least 7 to 8 feet tall at time of planting.) 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.

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

Susan A. McConnell

231 West Misty Dawn Drive

Lot 6, Block 1, 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 Ken Parker 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 can 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 carried unanimously.

19. Rehearing 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 present to address the committee and provided a PowerPoint of his own. It was moved by Mike Bass and seconded by Ken Parker to grant the rehearing and that staff was to verify dimension of driveway and extension. The motion carried unanimously.

20. Rehearing request for existing window ac unit.

Yuriy Fofanova

19 Nila Grove Court

Lot 73, Block 2, Section 3, Village of College Park

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the existing improvement. The homeowner was present to address the committee. It was moved by Chris Florack and seconded by Mike Bass to grant the rehearing and that the owner must submit different options (including recommendations from AC contractor) and drawings of ac screen. The motion carried unanimously.

21. Variance request for an existing arbor and deck are located in the rear 10 foot easement.

Sharon Riley

22 Flickering Sun Court

Lot 86, Block 1, Section 93 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 present to address the committee. It was moved by Robert Heineman and seconded by Ken Anderson to conditionally approve; plant and maintain some evergreen vegetation at posts to help soften view. 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. Additionally a shrub must be planted at the rear easement to lessen impact to rear neighbor. The motion carried unanimously.

22. Variance request for existing patio encroaches upon the 10' rear yard easement and is not located a minimum of 2' from the property line and is immediately adjacent to the fence that is located on the property line.

Donald & Melissa Klein

22 South Villa Oaks Drive

Lot 6, Block 2, Section 52 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 present to address the committee. It was moved by Ken Parker and seconded by Robert Heineman to approve. The motion carried unanimously.

23. Variance request for plans for proposed patio cover were not submitted by a structural engineer, licensed architect or a certified professional building designer.

Juan Ferrer

6 South Hawthorne Hollow Circle

Lot 85, Block 1, Section 86 Village of Alden Bridge

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the proposed improvements. The homeowner was present to address the committee. Ken Anderson stated that since the engineer had a certified Wind Storm rating he was qualified. It was moved by Mike Bass and seconded by Chris Florack to conditionally approve, meet code and standards conditions apply. The motion carried unanimously.

VI. Public Comments

Nathanial L., Boy Scout, thanked the committee. Conner B., Boy Scout, mentioned that he while he agreed it was "sort of creepy" to have the columbarium near his house he also understood how it would be helpful to people to be able to visit loved ones in the columbarium setting.

VII. Member Comments

There were no member comments

VIII. Staff Reports

Staff had nothing to report.

IX. Adjourn

There being no further business it was moved by Ken Anderson and seconded by Mike Bass to adjourn the meeting at 6:37 p.m. The motion carried unanimously.