

Development Standards Committee

April 20, 2011 at 5:30 PM

The Woodlands Township Service Center

2201 Lake Woodlands Drive

The Woodlands, Texas 77380

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

Members Absent: None

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

Others in Attendance: As reflected by the attached Sign-in Sheet for April 20, 2011.

I. Welcome/Call Meeting to Order

The meeting was called to order by Chairwoman Deborah Sargeant at 5:32 p.m.

II. Consideration and Action for approval of Minutes of DSC Meeting on March 16, 2011.

It was moved by Ken Parker and seconded by Mike Bass 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 1-13, and 15-18 and Commercial Item A. 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. Request for Consideration and Action

Amendment of the Initial Land Use Designation to Request a Change of Permitted Use to Allow a Pre-School Facility

Community Baptist Church – File #01-030-0067-0257-0300

8909 Cochran's Crossing Drive

Village of Cochran's Crossing

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 the amendment. The motion carried unanimously.

B. Request for Consideration and Action

Phase IV Renovations – Preliminary Approval

Christ Church United Methodist

6363 Research Forest Drive

Village of Cochran's Crossing

This item was reviewed by the full committee after presentation by Kim Hess. It was moved by Kim Hess and seconded by Ken Anderson to approve the item. The motion carried unanimously.

C. Request for Consideration and Action

Concept Approval for Dairy Queen (former gas station site near Grogan's Mill Village Center)

2300 Buckthorne Place – 01-010-0006-0547-0700

Village of Grogan's Mill

This item was reviewed by the full committee after presentation by Kim Hess. The plan includes the same setbacks granted to the former owners, including a variance that reduced the rear forest preserve

to a 5' depth and the north forest preserve to a 20' depth. It was moved by Kim Hess and seconded by Ken Parker to approve the item, and suggest that they use some of the same colors and materials that have been used in the Village Center to blend with the surrounding buildings. The motion carried, with Ken Anderson and Deborah Sargeant abstaining from the vote.

D. Request for Consideration and Action
Final Approval for Evergreen Circle Office Building

1050 Evergreen Circle
Town Center

This item was reviewed by the full committee after presentation by Kim Hess. It was moved by Kim Hess and seconded by Mike Bass to approve the item. The motion carried.

E. Request for Consideration and Action
Final Approval for The Woodlands Presbyterian Church

4884 West Panther Creek Drive
Village of Panther Creek

This item was reviewed by the full committee after presentation by Kim Hess. It was moved by Kim Hess and seconded by Mike Bass to approve the item with the requirement that they do not clear unimproved Phase II areas. The motion carried, with Ken Anderson abstaining from the vote.

F. Consideration and Discussion of Commercial Items for the May 18, 2011 Development Standards Committee Meeting Agenda

Staff presented the Committee information regarding the next hearing of the proposed Christ Church United Methodist Columbarium.

G. Report on "Commercial Staff Approval List" for April 20, 2011
The list was accepted as presented.

V. Review and Disposition of Residential Applications

1. Variance request for proposed roof that has a pattern design.

Tommy Jr. and Laura Gilbreath
10 West Windward Cove
Lot 21, Block 1, Section 42, Village of Panther Creek

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 as submitted. The motion carried unanimously.

2. Variance request for proposed room addition that will exceed the maximum living area allowed per the Development Criteria.

Kartik and Anita Shetty
15 Lanesend Place
Lot 38, Block 01, Section 23 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, standard conditions, meet code. Do not exceed the 3900 square foot maximum per the ILUD. The motion carried unanimously.

3. Variance request for existing trellises that may have an impact on the neighboring properties.

Hilary Elgart
158 West Heritage Circle
Lot 3, Block 4, Section 2 Village of Creekside Park West

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, double side lattice facing the neighbor, plant and maintain evergreen shrub or tree to block view from the street on both sides. The motion carried unanimously.

4. Variance request for existing play structure encroaches into the side five foot easement and is wider than 4 feet.
Brent & Shauna Foster
30 West Prairie Dawn Circle
Lot 8, Block 2, Section 6 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 table the item. The motion carried unanimously.
5. Variance request for existing batting cage is located in the 10' rear yard easement and does not respect the 20' rear setback.
Mark & Theresa Sherley
83 East Greywing Circle
Lot 42, Block 3, 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 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 additionally to remove upon complaints. 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 return to the DSC for review if there are complaints. The motion carried unanimously.
6. Variance request for existing storage shed exceeds maximum height allowed in the five foot side yard easement.
Mark & Ginny Kuhnel
35 Melville Glen Place
Lot 28, Block 1, Section 86 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 conditionally approve; plant and maintain evergreen vegetation (wax myrtle recommended) in front of fence to screen from street view. Plant must be at least 5-6 feet in height at time of planting. The motion carried unanimously.
7. Variance request for existing pool decking encroaches into the five foot side yard easement.
Greg Jones
76 North Greenvine Circle
Lot 39, Block 2, 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 Chris Florack to approve as submitted. Homeowner to submit deposit and inspector sheet for summer kitchen that was built without prior approval. 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 wood deck that encroaches into the rear 10 foot utility easement.
Vernon & Tammie Langston
314 North Maple Glade Circle
Lot 17, Block 2, Section 38 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 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 and the improvement may be subject to removal. The motion carried unanimously.

9. Variance request for Existing trampoline and tree house are located in the ten foot rear yard easement.
Douglas & Rebecca Rook
39 Dewdrift Place
Lot 48, Block 1, Section 50 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 for the trampoline: 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. This item was reviewed under the summary approval list as presented by staff. It was moved by Mike Bass and seconded by Chris Florack for the tree house : **Approved**. 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.

10. Variance request for existing patio cover and patio encroaches into the 10 foot rear utility easement and the 20 feet rear building setback.
Kimberly and Norma Boles
78 North Altwood Circle
Lot 1, Block 2, Section 23 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, meet code and standard conditions apply. 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 proposed summer kitchen will encroach into the 10 ft rear utility easement and the 20 ft rear building setback.
Kimberly and Norma Boles
78 North Altwood Circle
Lot 1, Block 2, Section 23 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, meet code and standard conditions apply. 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.

12. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the home.
Stan O. and Peggy Uptigrove
19 Windfern Place
Lot 74, Block 3, Section 3 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; 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 trailer from public view and keeping it in compliance) 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.
Kelly R. and Nicole K. Mahoney
11 Largo Woods Place
Lot 8, 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 Chris Florack to approve Approved 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 trashcans and keeping them 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.

14. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the home.
Renaldo M. Jr. and Eva O. Gonzales
195 South Delta Mill Circle
Lot 88, Block 1, Section 1 Village of Harpers Landing at 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 the mold on the exterior of the 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.

15. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the home.
Jay Titterington
126 Wimberly Way
Lot 59, Block 1, Section 3 Village of Harpers Landing at 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 the mold on the exterior of the 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.

16. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the home.
Brett S. and Courtney Oldham
6 Terrell Trail Court
Lot 39, Block 2, Section 3 Village of Harpers Landing at College Park
This item was resolved prior to the meeting.

17. Rehearing 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. It was moved by Mike Bass and seconded by Ken Anderson to approve as submitted. The motion passed. Ken Parker voted in opposition.
18. Variance request for proposed play structure may cause an unreasonable or disproportionate impact on neighboring properties and is not in keeping with the character of the neighborhood.
Joaquin Martinez and Ana Maria Castro
43 North Shimmering Aspen Circle
Lot 9, 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 proposed improvements. The homeowner's representative was present to address the committee. It was moved by Chris Florack and seconded by Ken Anderson to disapprove. The motion carried unanimously.
19. Variance request for proposed summer kitchen which is not located at least 10 feet from the property line.
John and Jennifer Theriault
18 Chippewa Trail
Lot 27, Block 4, Section 3 Village of Creekside Park
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. It was moved by Chris Florack and seconded by Ken Parker to conditionally approve, meet code and standard conditions apply. The motion carried unanimously.
20. Variance request for proposed summer kitchen which is not located at least 10 feet from the property line.
Christopher and Dana Sutter
14 North Arrow Canyon Circle
Lot 18, Block 2, Section 3 Village of Creekside Park
This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the proposed improvements. The homeowner was not present to address the committee. It was moved by Mike Bass and seconded by Chris Florack to conditionally approve, meet code and standard conditions apply. The motion carried unanimously.
21. Variance request for proposed paving encroaches into the side five foot utility easement.
Christopher and Dana Sutter
14 North Arrow Canyon Circle
Lot 18, Block 2, Section 3 Village of Creekside Park
This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the proposed improvements. The homeowner was not present to address the committee. It was moved by Mike Bass and seconded by Chris Florack to conditionally approve, no encroachment into the easement, resubmit revised plans showing no encroachment. The motion carried unanimously.
22. Variance request for proposed summer kitchen which is not located at least 10 feet from the property line.
Karl and Rachel Koch
11 English Heather Place
Lot 66, Block 1, Section 3 Village of Sterling Ridge

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the proposed improvements. The homeowner was not present to address the committee. It was moved by Chris Florack and seconded by Mike Bass to conditionally approve, no encroachment into the easement, resubmit revised plans showing no encroachment. The motion carried unanimously.

23. Variance request for proposed attached patio cover which has not been sealed by a structural engineer.

Karl and Rachel Koch

11 English Heather Place

Lot 66, Block 1, Section 3 Village of Sterling Ridge

This item was withdrawn before the meeting.

24. Variance request for Proposed Patio Cover encroaches past the rear 20 ft building setback.

Zareh Vazquez and Mahiette Tarrago

23 South Pinto Point Circle

Lot 7, Block 2, 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 proposed improvements. The homeowner was not present to address the committee. It was moved by Mike Bass and seconded by Chris Florack to disapprove. The motion carried unanimously.

25. Variance request for Proposed Patio Cover encroaches into the 40 foot rear building setback.

Andrea Castanon

14 Marin Creek Place

Lot 18, Block 1, Section 22 Village of Creekside Park

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the proposed improvements. The homeowner was not present to address the committee. It was moved by Robert Heineman and seconded by Mike Bass to conditionally approve, roof to match dwelling roof in color, plant and maintain evergreen vegetation (trees and shrubs) to right and to the rear for screening and to soften view. Staff will approve sufficient screening upon completion. The motion passed. Ken Anderson and Chris Florack voted in opposition.

26. Variance request for an existing tree house that is located in the rear 10 foot easement.

Scott and Sara Jensen

23 Egan Lake Place

Lot 9, Block 3, Section 36 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. It was moved by Chris Florack and seconded by Ken Parker to disapprove and remove within 30 days. The motion carried unanimously.

27. Variance request for existing storage shed that encroaches into the side yard easement.

Patrick McDermott

251 North Wimberly Way

Lot 4, Block 2, Section 3 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. It was moved by Chris Florack and seconded by Mike Bass to approve 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 and the improvement may be subject to removal. The motion carried unanimously.

28. Variance request for proposed patio cover encroaches past the 40 foot rear building setback.
Ryan and Julie Comeaux
158 Bauer Point Circle
Lot 73, Block 1, Section 6 Village of Creekside Park
This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the proposed improvements. The homeowner's contractor was present to address the committee. It was moved by Robert Heineman and seconded by Mike Bass to conditionally approve, meet code and standard conditions apply. Plant and maintain evergreen vegetation to screen view to side of the patio cover. Staff will approve sufficient screening upon completion. The motion carried unanimously.
29. Variance request for proposed fireplace encroaches past the 40 foot rear building setback.
Ryan and Julie Comeaux
158 Bauer Point Circle
Lot 73, Block 1, Section 6 Village of Creekside Park
This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the proposed improvements. The homeowner's contractor was present to address the committee. It was moved by Robert Heineman and seconded by Mike Bass to conditionally approve, meet code and standard conditions apply. Plant and maintain evergreen vegetation to screen view to side of the fireplace. Staff will approve sufficient screening upon completion. The motion carried unanimously.
30. Variance request for proposed summer kitchen is not located at least 10 foot from property line
Ryan and Julie Comeaux
158 Bauer Point Circle
Lot 73, Block 1, Section 6 Village of Creekside Park
This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation of the proposed improvements. The homeowner's contractor was present to address the committee. It was moved by Robert Heineman and seconded by Mike Bass to conditionally approve, meet code and standard conditions apply. Plant and maintain evergreen vegetation to screen view to side of the summer kitchen. Staff will approve sufficient screening upon completion. The motion carried unanimously.
31. Variance request for existing driveway that exceeds the maximum width allowed.
Jorge and Xiomara Blanco
30 East Gaslight Place
Lot 3, Block 1, Section 26 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. It was moved by Mike Bass and seconded by Ken Parker conditionally approve, reduce extension to front corner of the home by garage, plant vegetation to screen at and of extension toward street. The motion passed. Robert Heineman was absent during this vote.
32. Variance request for existing window units which are installed more than six feet above natural grade and are visible at ground level and exceed the maximum number allowed per lot.
Steven & Debra Brack
91 North Greenvine Circle
Lot 19, Block 3, Section 37 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 not present to address the committee. It was moved by Robert Heineman and seconded by Chris Florack to disapprove and remove within 60 days. The motion carried unanimously.

33. Variance request for proposed patio cover does not respect the 25' rear setback.

Srikrishna Marupudi

58 South Fair Manor Circle

Lot 7, Block 2, Section 78 Village of Sterling Ridge

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. It was moved by Mike Bass and seconded by Ken Anderson to conditionally approve, redesign and submit plans with structure same size, moved to at most 10 feet from garage and parallel to the garage, plant and maintain native evergreen vegetation to screen and soften view to left and rear. Staff to approve vegetation upon planting. Upon further discussion Mike Bass withdrew previous motion. It was moved by Ken Parker and seconded by Mike Bass to table the item until the owner can resubmit to DSC revised complete plans with recommendations to rotate the patio cover parallel to the garage and to move further out of rear setback at maximum 10' from garage. The motion carried unanimously.

34. Discussion and action concerning summer kitchen regulations in The Woodlands Residential Standards.

Staff presented issues concerning summer kitchen regulations in the Residential Development Standards. After a lengthy discussion the DSC clarified that a summer kitchen that is contained upon the existing footprint of the dwelling (attached) does not require the 10' distance from the property line, this requirement is only for summer kitchens under detached structures. The DSC also directed staff to return with a definition of a "summer kitchen" and recommendations to limit neighbor impact.

VI. Public Comments

There were no public comments.

VII. Member Comments

Deborah Sargeant stated that applicants that were required to return to the DSC could attend the next regularly scheduled meeting instead of waiting a month.

VIII. Staff Reports

There were no staff reports.

IX. Adjourn

There being no further business it was moved by Chris Florack and seconded by Robert Heineman to adjourn the meeting at 8:07 p.m. The motion carried unanimously.