

Development Standards Committee
Special Meeting Minutes, September 22, 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 and Herman Weindel

Members Absent: Chris Florack

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

Others in Attendance: As reflected by the attached Sign-in Sheet for September 22, 2011.

I. Welcome/Call Meeting to Order

The meeting was called to order by Chairwoman Deborah Sargeant at 5:31 p.m.

II. Consideration and Action for approval of Minutes of DSC Meeting on August 22, 2011.

It was moved by Mike Bass and seconded by Ken Anderson 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 1-8 and 10-18 and Commercial items A-C. Residential Item #7 was Tabled. It was moved by Mike Bass and seconded by Herman Weindel to approve the Summary List as presented by staff. The motion carried unanimously.

IV. Request for Consideration and Action of Commercial Planning and Design Standards, VI. Sign Standards

Hennie van Rensburg presented a review of the existing sign standards concerning signs in windows. Mike Bass stated that community service signs were not addressed in the standards previously and they needed to be considered. Amy Lecoq spoke in favor of allowing these type signs since it is in "character of The Woodlands" to provide for and support these not for profit groups and community events. An in-depth discussion followed concerning size, location, number and duration of display. It was recommended that there be an allowance for one sign at each place of business, limited to size and duration. Deborah Sargeant asked for it to be placed on the next month's agenda after Robert discusses the possibility with DRC and CSC and Hennie contacts owners of the shopping centers.

V. Review and Disposition of Commercial Applications

A. Request for Consideration and Action
Monument Sign (Sign A – 1st Entrance)

Village Square Apartments

2301 S. Millbend Drive– File #01-010-0006-0547-0200-0000

Village of Grogan's Mill

This item was requested by staff to be tabled under the Summary List. It was moved by Michel Bass and seconded by Herman Weindel to approve the Summary List as presented by staff. The motion carried unanimously.

B. Request for Consideration and Action
Monument Sign (Sign B – Primary Monument Sign)

Village Square Apartments

2301 S. Millbend Drive– File #01-010-0006-0547-0200-0000

Village of Grogan's Mill

This item was requested by staff to be tabled under the Summary List. It was moved by Michel Bass and seconded by Herman Weindel to approve the Summary List as presented by staff. The motion carried unanimously.

- C. Request for Consideration and Action
Monument Sign (Sign C – 2nd Entrance)

Village Square Apartments

2301 S. Millbend Drive– File #01-010-0006-0547-0200-0000

Village of Grogan's Mill

This item was requested by staff to be tabled under the Summary List. It was moved by Michel Bass and seconded by Herman Weindel to approve the Summary List as presented by staff. The motion carried unanimously.

- D. Request for Consideration and Action
Variance Request for Existing Window Signs

Sparkle Washateria

Woodridge Shopping Center

1440 Sawdust Road, Suite B – File# 01-010-0006-0599-0400-0002

Village of Grogan's Mill

This item was requested to be tabled by the applicant and placed by staff on the Summary list. It was moved by Michel Bass and seconded by Herman Weindel to approve the Summary List as presented by staff. The motion carried unanimously.

- E. Request for Consideration and Action
Variance Request for Existing Window Signs

Christian Brothers

4460 Panther Creek Pines – File# 01-020-0007-0045-0395-0000

Village of Panther Creek

This item was reviewed by the full committee. After presentation of the item by Pam Forde and comments by Jeff Toth of Christian Brothers Automotive, it was moved by Michael Bass and seconded by Herman Weindel to allow the display of one "AAA Approved Auto Repair" sign that is no larger than, and in the same location as, the existing ASE Certified sign that is currently located in the upper left corner of the left side storefront window. All other signs in violation of the Commercial Planning and Design Standards must be removed. Following additional committee discussion, Michael Bass requested that his motion be amended to delay 120 days before enforcement of the conditions. Michael Bass and Herman Weindel voted in favor of the motion, Robert Heineman, Kim Hess, and Ken Anderson opposed the motion. Deborah Sargeant abstained from the vote. After committee and legal counsel discussion regarding the outcome of a split vote, the motion failed.

- F. Request for Consideration and Action
Variance Request for Existing Window Signs

Brother's Pizza

Grogan's Mill Shopping Center

7 Switchbud Place, Suite 173 – File# 01-010-0006-0547-0840-0004

Village of Grogan's Mill

This item was reviewed by the full committee. After presentation of the item by Pam Forde and discussion by the Committee, it was moved by Michael Bass and seconded by Ken Anderson to deny the variance. The motion passed, with Deborah Sargeant abstaining from the vote.

- G. Report on "**Commercial Staff Approval List**" for September 22, 2011
The list was accepted as presented.

VI. Review and Disposition of Residential Applications

1. Variance request for proposed driveway extension which will exceed the maximum allowed driveway width.
John Landsbaum
47 Prosewood Drive
Lot 14, Block 1, Section 1 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 Herman Weindel to conditionally approve – the driveway widening cannot exceed 24 inches and driveway must taper down to 16' wide no more than half the distance from the garage to the street pavement edge – additionally a driveway border not to exceed 18" may be within that 24" wide extension however the border may extend to the street pavement edge. The driveway border must be of flagstone, brick or similar materials which are architecturally compatible with the dwelling. The motion carried unanimously.

2. Variance request for proposed swimming pool that will exceed the maximum allowed hard surface area.
Dan and Karole Eibner
10 Wood Manor Place
Lot 48, 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 Herman Weindel to conditionally approve - step down decking and pool at least 6" from elevation of house foundation, plant and maintain evergreen trees at least 6-8' in height at time of planting along rear fence to screen view - staff to approve planting upon completion, meet code, standard conditions. 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.

3. Variance request for a proposed walkway that will extend to street which will be located in easement and street right of way.
Deborah Dekazos
43 Tapestry Forest Place
Lot 11, Block 1, Section 8 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 Herman Weindel to conditionally approve the walkway to a maximum of 4' wide, cannot be located next to driveway, area between walkway and driveway must be planted with grass and plants. 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. Appeal and variance request for a proposed greenhouse which may encroach into the rear 15 foot building setback and the rear ten foot easement. Owner is also appealing the planting conditions to screen to the rear and side of the structure.
Priscilla Higby
54 Marble Wood Place
Lot 13, Block 1, Section 4 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 Herman Weindel to conditionally approve the greenhouse and allow up to a 3' encroachment into rear yard easement. Plant and maintain evergreen roses or vines to grow on green house, and plant and maintain evergreen tree/shrub at front corner of green house to soften view of structure to neighbor and street. 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. Variance request for proposed garage expansion does not respect the 20 foot rear building setback.
Douglas and Nancy Newberry
27 Chippewa Trail
Lot 31, Block 04, Section 03 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 Herman Weindel to conditionally approve the garage expansion and to meet code and standard conditions. Additionally the owner must plant and maintain evergreen trees or shrubs to rear of the garage to screen and soften view – staff to approve planting upon completion. The motion carried unanimously.
6. Variance request for proposed driveway extension will exceed the maximum width allowed.
Thomas and Sharon Redford
14 South Swanwick Place
Lot 9, Block 2, Section 3 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 Herman Weindel to conditionally approve the driveway extension with the brick being compatible with dwelling, set in concrete, and on both sides of driveway to street. The motion carried unanimously.
7. Variance request for proposed fireplace does not respect the seven foot side easement.
Joseph Kerner
42 North Seasons Trace
Lot 6, Block 2, Section 19 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 Herman Weindel to conditionally approve the fireplace with it meeting codes and standards. Additionally the owner must maintain existing vegetation to screen to adjacent neighbor. Additional planting may be required for screening if existing is not sufficient. 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 an existing batting cage is located in the five foot side and ten foot rear yard easements and extends beyond the 20 foot rear building setback.
David & Michelle Zullo
61 North Greenvine Court
Lot 27, 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 Herman Weindel 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 no longer needed, 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 an existing storage shed that does not respect the side five foot and rear ten foot easements.
Joseph and Nicole Livezey
18 Knotwood Place
Lot 17, Block 02, Section 42 Village of Sterling Ridge
This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation. The homeowner was not present to address the committee. An affected neighbor was present and spoke of his concerns. It was moved by Herman Weindel and seconded by Deborah Sargeant to

conditionally approve, move shed out of easement and plant and maintain evergreen vegetation to screen from view of adjacent properties and street. The motion carried unanimously.

10. Variance request for existing driveway extension exceeds the maximum width allowed.

Joshua and Lindsey Simmons
111 South Beech Springs Circle

Lot 11, Block 3, Section 10 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 Herman Weindel to approve as submitted. The motion carried unanimously.

11. Variance request for existing arbor, deck and spa that are located in the five foot side easement.

Robert & Leigh Peek
43 Dovewing Place

Lot 35, Block 1, 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 Herman Weindel to disapprove and consent to delay enforcement, based upon the execution of a memorandum of agreement, requiring the owner to remove the arbor, deck and spa from the easement, when the owner no longer owns the home, transfers title or when the owner is no longer the primary resident, or when the arbor, deck and spa 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.

12. Variance request for existing driveway extension that exceeds the maximum width allowed.

Daniel & Noel Plutto
38 South Bethany Bend Circle

Lot 3, Block 1, Section 36 Village Alden Bridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Mike Bass and seconded by Herman Weindel to approve as submitted. The motion carried unanimously.

13. Variance request for existing walkway is not set one foot away from an adjoining property line.

Shawn & Dina Tupper
71 Alden Glen Drive

Lot 18, Block 1, 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 Herman Weindel to conditionally approve the walkway is it is maintained in good repair. The motion carried unanimously.

14. Variance request for existing patio cover does not respect the 25 foot rear building setback and the summer kitchen is not located at least ten feet from the adjacent property line.

Robert and Vivian Kinnear
14 East Horizon Ridge Place

Lot 3, Block 1, Section 17 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 Herman Weindel to conditionally approve - meet code and standard conditions. 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.

Carol A. Walsh
86 South Vesper Bend Circle

Lot 4, Block 3, Section 30, Village of Sterling Ridge

This item resolved before the meeting.

16. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the home.
Heath and Kristi Derkowski
7 Fresh Pond Place
Lot 44, Block 1, Section 25 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 Herman Weindel to approve the 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 flagstone driveway extension) 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.
Gregory R. Shotts
15 Fresh Pond Place
Lot 46, Block 1, Section 25 Village of Sterling Ridge
This item resolved before the meeting.
18. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the home.
Manuel Del Castillo Uribe
10 Serenade Pines Place
Lot 5, Block 1, Section 27 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 Herman Weindel to approve the 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 garage addition) 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. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the home.
Shawn W. Dubois
94 North Rambling Ridge Place
Lot 40, Block 2, Section 4, Village of College Park (Harper's Landing)
This item was reviewed under the summary approval list as presented by staff. It was moved by Mike Bass and seconded by Herman Weindel to approve the 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 trailer, bicycles, toys and play equipment 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.

20. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the home.
Murel Leigh Smith
55 North Creekmist Place
Lot 29, Block 2, Section 4, Village of College Park (Harper's Landing)
This item was reviewed under the summary approval list as presented by staff. It was moved by Mike Bass and seconded by Herman Weindel to approve the 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 and keeping 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.
21. Request for approval for a home business.
Scott & Stacy Green
148 South Winterport Circle
Lot 9, Block 1, Section 5 Village of Alden Bridge
This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation. The homeowner, Mr. Green was present to address the committee. He stated that the majority of his auto repair was done in the garage and some in driveway and that no car was taken completely apart - just performance work. Several affected neighbors spoke in opposition to the existing auto repair business and how it affected them and the neighborhood. It was moved by Mike Bass and seconded by Herman Weindel to disapprove. The motion carried unanimously. The owner was informed by Deborah Sargeant that the auto repair work was to stop immediately.
22. Variance request for color change for garage door which is not in keeping with the character of the neighborhood.
Farid and Patricia Ahmadi
26 Ricegrass Place
Lot 21, Block 1, Section 10 Village of Creekside Park
This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation. The homeowner, Mrs. Ahmadi was present to address the committee. She asked for additional time to repaint if the committee chose to disapprove the garage door color. It was moved by Mike Bass and seconded by Herman Weindel to disapprove the color of the garage doors and that she had 120 days to submit an approvable color and repaint the garage doors. The motion carried unanimously.
23. Rehearing for a fence that is over the building line on a corner lot.
Ron and Marcia Watson
123 Green Gables Court
Lot 51, Block 1, Section 9 Village of Alden Bridge
This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation. The homeowner, Mr. Watson was present to address the committee. Mr. Watson informed committee that fence had been there for 16 years since the home builder built house, that there was mature vegetation surrounding the fence and that it would be a hardship to have to move the fence five feet. He may have to replace the fence so would like to replace in same location. It was moved by Ken Anderson and seconded by Herman Weindel to approve as submitted. The motion carried unanimously.
24. Variance request for proposed walkway exceeds the maximum Hard Surface Area allowed.
David and Shirley Valicevic

102 South Beech Springs Circle
Lot 4, Block 4, Section 10 Village of Creekside Park

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation. The homeowners were present to address the committee. They felt their lack of sidewalk, steep slope and erosion problem was a sufficient reason for the variance. It was moved by Mike Bass and seconded by Ken Anderson to conditionally approve the walkway not to exceed 3' in width, must install French drain system underneath the proposed pea gravel that will be placed between fence and walkway along the length of the walkway to the front yard. The motion carried unanimously.

25. Variance requests for existing fence stains that are not approvable colors.

Colin S. and Angela Bagwell 11 Sage Sparrow Court – Lot 33, Block 3, Section 11 Village of Creekside Park
John and Jennifer Moore 6 Sage Sparrow Court – Lot 35, Block 3, Section 11 Village of Creekside Park
Jennifer A. Everson 22 South Sage Sparrow Circle– Lot 4, Block 4, Section 11 Village of Creekside Park
Jason D. Sirkel 26 South Sage Sparrow Circle – Lot 5, Block 4, Section 11 Village of Creekside Park
Ryan F. Ross 59 South Sage Sparrow Circle – Lot 19, Block 3, Section 11 Village of Creekside Park
Adam Alford 75 South Sage Sparrow Circle – Lot 23, Block 3, Section 11 Village of Creekside Park
Michael Todd Hoffman 89 North Sage Sparrow Circle – Lot 27, Block 3, Section 11 Village of Creekside Park
Gordon Prichard 127 North Sage Sparrow Circle – Lot 40, Block 3, Section 11 Village of Creekside Park

These items were reviewed by the full committee jointly. The staff provided the committee with a PowerPoint presentation. The homeowners were not present to address the committee. It was moved by Mike Bass and seconded by Ken Anderson to approve as submitted if the fence stain is maintained in good repair. The motion carried unanimously.

26. Variance request for existing play structure is located in the five foot side and ten foot rear yard easements and has a striped tarp and flags

Joshua & Luann Croix
93 West Night Heron Place
Lot 12, Block 1, Section 2 Village of Alden Bridge

These items were reviewed by the full committee jointly. The staff provided the committee with a PowerPoint presentation. The homeowner, Mrs. Croix was present to address the committee. She was not aware when she bought the property that the play structure was in violation. The neighbor was also present to address the committee of their concerns – noise, visibility and drainage. It was moved by Deborah Sargeant and seconded by Mike Bass to conditionally approve the play structure if the striped awning is removed, the flags and the flag poles are removed from the play structure. 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.

27. Variance request for existing driveway extension that exceeds the maximum width allowed.

Mohamed and Fatima Ibrahim
174 South Bauer Point Circle
Lot 69, 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. The homeowners were present to address the committee. It was moved by Mike Bass and seconded by Ken Anderson to approve as submitted. The motion carried unanimously.

28. Variance request for an existing shed that is located in the five foot side easement and is not located behind a six foot solid fence.

Octavio and Marcela Velasco
35 West Archwyck Circle
Lot 3, Block 2, Section 42 Village of Sterling Ridge

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation. The homeowner was not present to address the committee. An affected neighbor was present

and spoke of his concerns. It was moved by Deborah Sargeant and seconded by Mike Bass to disapprove the location and to move shed out of easement and plant and maintain evergreen vegetation to screen from view of adjacent properties and street. The motion carried unanimously.

29. Variance request for an existing shed that is located in the five foot side easement.

Frank Tran

27 West Archwyck Circle

Lot 1, Block 2, Section 42 Village of Sterling Ridge

This item was tabled at the request of staff due to a posting conflict.

VII. Public Comments

There were no public comments.

VIII. Member Comments

Herman Weindel stated he was glad that the entire committee agreed on the garage door color change. Deborah Sargeant stated that she took an exception to the Alden Bridge RDRC statement in their recommendation concerning their opinion of the DSC ruling that home businesses must be approved by the DSC.

IX. Staff Reports

Staff requested the members to decide if the regularly scheduled December meeting on December 21 would conflict with holiday plans. The DSC directed staff to reschedule the meeting to the week prior, December 14, 2011. Staff also asked when best to schedule the meeting to discuss the commercial sign standards. Deborah Sargeant and staff would look at availability and tentatively scheduled for the next week.

X. Adjourn

There being no further business it was moved by Ken Anderson and seconded by Herman Weindel to adjourn the meeting at 8:04 p.m. The motion carried unanimously.

Agenda Items may have been reviewed in a different order than shown.