

Development Standards Committee

December 14, 2011 at 5:30 PM

The Woodlands Township
2801 Technology Forest Drive
The Woodlands, Texas 77381

Members Present: Deborah Sargeant, Robert Heineman, Ken Anderson, Mike Bass and Herman Weindel

Members Absent: Chris Florack and Kim Hess

Staff Present: Neslihan Tesno, Pam Forde and Sharlene Novak

Others in Attendance: As reflected by the attached Sign-in Sheet for December 14, 2011

I. Welcome/Call Meeting to Order

The meeting was called to order by Chair Deborah Sargeant at 5:35 p.m.

II. Consideration and Action of Minutes of DSC Meeting on November 17, 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. Robert Heineman was not in the room.

III. Consideration and Action of the Summary List

Chairperson Deborah Sargeant presented the Summary List as presented by Staff. The list consisted of Residential Items 1-4, 6-12, 14, 17, 19 and 20. Items 13, 15, 16 and 18 were resolved. Item 29 was tabled. It was moved by Ken Anderson and seconded by Herman Weindel to approve the Summary List as presented by staff. The motion carried unanimously.

IV. Consideration and Action regarding Commercial Planning and Design Standards, VI. Sign Standards

Mike Bass presented a consideration to revoke the decision from the previous month concerning signs promoting not for profit community events and to adopt the following revised Commercial Planning and Design Standard VI. 6.2. J. Signs...except as follows: **(4) A maximum of three temporary signs (Community Event Signs); no larger than 8.5" x 11.5"**, which promotes an activity or event sponsored by a "not for profit" entity and is located no more than 48" above sidewalk level on the interior surface of the store front glass window, is permitted per occupied Tenant Space without application or Plan Review Committee Approval. For the purpose of this provision only the term "Temporary" shall mean that any Community Event Sign shall not be placed in a store front glass window any earlier than 21 days before, and shall be removed no later than 7 days after the date of the sponsored activity or event. Herman Weindel seconded the motion. The allowed location was discussed resulting in Mike Bass amending his motion for the location of the signs to be **on the interior surface of the glass adjacent to the Tenant's primary entry door as follows: 4) A maximum of three temporary signs ("Community Event Signs"); no larger than 8 ½" x 11"**, which promotes an activity or event sponsored by a "nonprofit" entity and is located no more than 48" above sidewalk level on the interior surface of the store front glass window adjacent to the Tenant's primary entrance door , is permitted per occupied Tenant Space without application or Plan Review Committee Approval. For the purpose of this provision only, the term "Temporary" shall mean that any Community Event Sign shall not be placed in a store front glass window any earlier than 21 days before, and shall be removed no later than 7 days after, the date of the sponsored activity or event. Herman Weindel seconded the motion. Amy Lecoq, representing the Indian Springs Village Association, **stated that they would like the size of the signs increased to 11" x 17" since it is difficult getting all information needed in the smaller sign size and that the larger signs look more professional.** Debora Sargeant wanted to amend the motion to decrease the amount of signs to 2 because she believed that the store fronts would look cluttered; this amendment to the motion failed for lack of a second. The motion passed. Deborah Sargeant voted in opposition, Robert Heineman and Ken Anderson abstained.

V. Review and Disposition of Commercial Applications

A. Request for Consideration and Action

Concept Approval

Boathouse - Northshore Park

2505 Lake Woodlands Drive - File #01-020-0000-0547-0200-0000

Village of Panther Creek

This item was reviewed by the full committee. The item was presented by Pam Forde, followed by comments and display of a materials sample board by Jane Nunes of the Rowing Club of The Woodlands. After discussion of the item that included preferences regarding materials and color, Ken Anderson made a motion to approve the concept plan. Michael Bass seconded the motion. The item carried unanimously.

B. Request for Consideration and Action

Concept Approval

Orthodontist Office (Dr. Leiker)

Parcel 1Y

Village of Panther Creek

This item was reviewed by the full committee. After presentation of the item by Ken Anderson, noting that the only variance requested was for minor encroachments of the building front beyond the building line, Ken Anderson made a motion, which was seconded by Robert Heineman, to approve the concept plan. The motion carried, with Deborah Sargent abstaining.

C. Report on "Commercial Staff Approval List" for December 14, 2011

The list was accepted as presented by staff.

VI. Review and Disposition of Residential Applications

1. Variance request for proposed driveway extension which will exceed the maximum allowed driveway width.
Jack and Carol Heard
39 Harmony Hollow Court
Lot 24, Block 3, Section 11 Village of College Park (Harper's Landing)
This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Herman Weindel to approve the item. The motion carried unanimously.
2. Variance request for proposed Fireplace does not respect the 25 foot rear building setback.
Michael Cook
2 Mission Bend Place
Lot 44, Block 1, Section 18 Village of Indian Springs - TWA
This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Herman Weindel to conditionally approve, meet code and standard conditions. The motion carried unanimously.
3. Variance request for a proposed room addition that will exceed maximum living area allowed.
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 Ken Anderson and seconded by Herman Weindel to conditionally approve, meet code and standard conditions. The motion carried unanimously.
4. Request for approval for a proposed home business.
Miguel Otero
126 Cheswood Manor Drive
Lot 29, Block 1, Section 0000 Village of Sterling Ridge
This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Herman Weindel to conditionally approve, permit valid for 2 years, must reapply at that time, address must not be advertised in any media, and clients must park in driveway.

Comply with home business standards. The motion carried unanimously.

5. Variance request for proposed driveway extension which will exceed the maximum allowed driveway width.
Rajiv & Priti Malkan
31 Serene Creek Place
Lot 24, Block 2, Section 11 Village of Alden Bridge
This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation. The homeowner was present to address the committee. He described the narrow driveway and restricted maneuvering area between the house and the garage doors. The committee asked him if the extension could be reduced to not extend past the wall of the garage and he indicated that it could. It was moved by Mike Bass and seconded by Ken Anderson to conditionally approve, subject to the submitted landscape plan and reducing the paving by limiting the driveway extension to not project past the side wall of the garage. The motion carried unanimously.
6. Variance request for a proposed shed that is not screened by a six foot solid fence.
Jayson and Darla Bauman
11 Sheephorn Court
Lot 6, Block 1, Section 91 Village of Sterling Ridge
This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Herman Weindel to conditionally approve with planting and maintaining evergreen trees or shrubs along the fence line. Staff to approve screening 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.
7. Variance request for an existing patio that is located in the five foot side yard easement property line.
Michael & Laura Matheidas
14 Baylark Place
Lot 27, Block 1, Section 9 Village of Alden Bridge
This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson 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 portion of the patio in the side five foot easement, when the owner no longer owns the home, transfers title or when the owner is no longer the primary resident, or when the patio 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 requests for existing fence stains that are not approvable colors.
Marco De Ceglio
101 North Sage Sparrow Circle
Lot 30, Block 3, Section 11 Village of Creekside Park
This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Herman Weindel to conditionally approve, fence stain must be maintained and plant and maintain evergreen shrubs to screen fence from view of street. The motion carried unanimously.
9. Variance request for an existing paver patio that is located in the side five foot easement.
Paul and Carol Swartz
22 Winhall Place
Lot 59, 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 Ken Anderson and seconded by Herman Weindel 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.

10. Variance request for an existing play structure and trampoline that are located in the ten foot rear easement.
Devin and Christy Fogleman
18 Regan Court
Lot 25, Block 1, Section 54 Village of Sterling Ridge
This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson 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 play structure and 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 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.** Additionally plant and maintain evergreen native trees/shrubs to for screening to rear. The motion carried unanimously.
11. Variance request for an existing play structure that is located in the rear ten foot easement.
Jonathan and Jill Haling
119 North Hawkhurst Circle
Lot 15, Block 2, Section 93 Village of Sterling Ridge
This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson 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 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. Owner has been notified of recommended motion and has no objection. 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.
Christopher Clark
199 North Villa Oaks Drive
Lot 58, Block 1, Section 52 Village of Alden Bridge
This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Herman Weindel 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 and replacing the loose fence pickets and maintaining the yard - mow, edge, weed, define landscape beds and removing the dead tree in yard.) 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.
Jason Olson
7 Bellisima Court
Lot 18, Block 1, Section 97 Village of Alden Bridge
Resolved prior to meeting

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

Jeremy Epperhart

123 West Sterling Pond Circle

Lot 7, Block 1, Section 15 Village of Alden Bridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Herman Weindel 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 and maintaining 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.

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

Teodulo Aves

34 Firethorn Place

Lot 20, Block 3, Section 3 Village of Alden Bridge

Resolved prior to 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.

Resolved prior to meeting

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

Todd Okamuro

99 West Hobbit Glen Drive

Lot 8, Block 2, Section 76 Village of Alden Bridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Herman Weindel 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 and maintaining 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.

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

Zsolt Lukacs

26 Night Heron Place

Lot 17, Block 2, Section 2 Village of Alden Bridge

Resolved prior to meeting

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 Moore

6 Poplar Pines Court

Lot 56, Block 3, Section 11 Village of College Park (Harpers Landing)

This item was reviewed under the summary approval list as presented by staff. It was moved by Ken

Anderson and seconded by Herman Weindel 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 sidewalk and driveway extension or removing the paving) 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.

Butch Marker

31 Poplar Pines Court

Lot 48, Block 3, Section 11 Village of College Park (Harper's Landing)

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 debris and keeping it out of public view and maintaining yard and by mowing and edging) 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.

It was discovered that Item #29 was inadvertently tabled instead of #25 during Item # III the Consideration and Action of the Summary List. It was moved by Ken Anderson and seconded by Herman Weindel to table item #25 and to review Item #29. The motion carried unanimously.

21. Rehearing of previous DSC decision concerning the variance for retaining wall, artificial turf, paving and summer kitchen due to drainage issues.

Byron Perrot

22 Julian Woods Place

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

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. A neighbor, John Bova at 30 S. Spring Trellis Circle, addressed the committee with his concerns about the drainage and water flow and mud flooding his pool. It was moved by Mike Bass and seconded by Ken Anderson to require the owner of 22 Julian Woods to submit a drainage plan approved by a qualified engineer to capture the water from the property at 22 Julian Woods and from upstream properties and directing the flow off the property in accordance to existing developer drainage plan and state law. The plan must be submitted within 60 days. The motion carried unanimously.

22. Rehearing 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. It was moved by Deborah Sargeant and seconded by Mike Bass to grant the owner an additional 3 months (6 months total -March 31, 2012 deadline) to move the shed to rear yard out of easement and planting and maintaining evergreen vegetation to screen shed from view of adjacent properties. The motion carried unanimously.

23. Request for approval of a home business and variance request for an employee to travel to the home.

Mike Accomando

151 North Almondell Way
Lot 1, Block 1, Section 98 Village of Sterling Ridge

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation. **The homeowner's representative was present to address the committee.** It was moved by Mike Bass and seconded by Deborah Sargeant to conditionally approve, permit valid for 2 years, must reapply at that time, address must not be advertised in any media, and clients and employee must park in driveway. Comply with home business standards. The motion carried unanimously.

24. Variance request for proposed shade canopy is not in keeping with the character of the neighborhood.

Alfonso Madrid

15 Shimmering Aspen Circle

Lot 2, 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. **The homeowner's contractor** was present to address the committee. It was moved by Deborah Sargeant and seconded by Mike Bass to disapprove the improvement. The motion carried. Robert Heineman abstained.

25. Variance request for proposed gazebo that may possibly create negative neighbor impact.

Joe Newcomb

47 Dresden Place

Lot 92, Block 1, Section 1 Village of Sterling Ridge

This item was tabled.

26. Variance request for proposed patio cover does not respect 20 foot rear setback.

Sean and Jennifer Sweeney

28 North Millsap Circle

Lot 22, Block 1, Section 67 Village of Sterling Ridge

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation. The homeowner was present to address the committee. It was moved by Deborah Sargeant and seconded by Herman Weindel to conditionally approve, meet code and standard **conditions. Plant and maintain tall evergreen trees (7-10' at time of planting) to act as screen to rear and sides.** Staff to approve planting upon completion to determine sufficient screening. The motion carried unanimously.

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

Jeffrey Anderson

3 Lagato Place

Lot 27, Block 1, Section 44 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. It was moved by Deborah Sargeant and seconded by Ken Anderson to conditionally approve, **cannot exceeds 16' in width. Plant and maintain evergreen plantings in a bed to soften view of extension.** The motion carried unanimously.

28. Variance request for an existing patio that is located in the side five foot and rear ten foot easement; also the patio and a fire pit are over the maximum allowed hard surface area for the lot.

Robert and Agatha Nolan

11 Trellis Gate Street

Lot 9, Block 1, Section 55 Village of Alden Bridge

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation. The homeowner was present to address the committee. She informed committee of personal history and the need for her son to have safe play environment. It was moved by Mike Bass and seconded by Robert Heineman 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. Herman Weindel voted in opposition.

29. Variance request for existing driveway pad that exceeds the maximum width allowed.
Scott Wright
70 West Ambassador Bend
Lot 24, Block 1, Section 33 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. It was moved by Deborah Sargeant and seconded by Herman Weindel to conditionally approve, maintain existing vegetation to screen from view of street and plant additional evergreen vegetation to supplement the existing. Staff to approve upon completion. The motion carried unanimously.
30. Variance request for existing fence that exceeds maximum height for fencing without a rot board.
Randy & Janna Wideman
25 Stockbridge Landing Court
Lot 21, Block 2, Section 17 Village of Alden Bridge
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. It was moved by Deborah Sargeant and seconded by Herman Weindel to conditionally approve with 6'6" fence tapering to meet 6' fence in areas of transition. The motion carried unanimously.
31. Variance request for existing fence that exceeds maximum height for fencing without a rot board.
Kevin and Pamela Teague
21 Stockbridge Landing Court
Lot 22, Block 2, Section 17 Village Alden of Bridge
This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation. The homeowner was present to address the committee. It was moved by Deborah Sargeant and seconded by Herman Weindel to conditionally approve with 6'6" fence tapering to meet 6' fence in areas of transition. The motion carried unanimously.
32. Variance request for existing fence that exceeds maximum height for fencing without a rot board.
Keith Dziadek
29 Stockbridge Landing Court
Lot 20, Block 2, Section 17 Village of Alden Bridge
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. It was moved by Deborah Sargeant and seconded by Herman Weindel to conditionally approve with 6'6" fence tapering to meet 6' fence in areas of transition. The motion carried unanimously.
33. Variance request for existing fence that exceeds maximum height for fencing without a rot board.
Travis & Amy Hersey
139 West Stockbridge Landing Circle
Lot 1, Block 2, Section 17 Village of Alden Bridge
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. It was moved by Deborah Sargeant and seconded by Herman Weindel to conditionally approve with 6'6" fence tapering to meet 6' fence in areas of transition. The motion carried unanimously.

VII. Public Comments

There were no public comments.

VIII. Member Comments

Deborah Sargeant would like to address the issue of the maximum fence height of 6' in comparison to **the 6'6" maximum height allowed with a rot board during the next Standards review.**

Herman Weindel asked if the builders in Creekside Park had been informed about the fence stains that they were offering to residents. Robert Heineman and Ken Anderson indicated that the builders had been informed and that they will no longer offer that option to new home buyers.

Mike Bass asked staff to have the attorney provide an explanation of the deference clause in the Agreement of the Delegation of Covenant Responsibilities and how that effects voting on issues between the resident appointees and the developer appointees.

IX. Staff Reports

There were no staff reports.

X. Adjourn

There being no further business it was moved by Mike Bass and seconded by Herman Weindel to adjourn the meeting at 7: 52 p.m. The motion carried unanimously.