

Development Standards Committee

May 16, 2012 at 5:30 PM

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

Members Present: Deborah Sargeant, Ken Anderson, Chris Florack, Kim Hess, Herman Weindel and Danie van Loggerenberg

Member absent: Robert Heineman

Staff Present: Neslihan Tesno, Kim McKenna O'Donoghue and Jill Barnes

I. Welcome/Call Meeting to Order

The meeting was called to order by Chair Deborah Sargeant at 5:34 p.m.

II. Consideration and Action of the minutes of Development Standards Committee Meeting on April 18, 2012.

It was moved by Herman Weindel and seconded by Ken Anderson to approve the minutes of the April 18, 2012 DSC meeting. The motion carried unanimously.

III. Consideration and Action of the minutes of the Development Standards Committee meetings on February 15,

2012, February 20, 2012 and March 21, 2012.

It was moved by Herman Weindel and seconded by Ken Anderson to approve the minutes of the February 15, 2012, February 20, 2012 and March 21, 2012 DSC meetings. The motion carried unanimously.

IV. Consideration and Action of the public forum related to Sign Standards

There were no changes to report on the Public Forum.

V. Consideration and Discussion of revisions to the Residential Development Standards.

The following items were submitted to be discussed at the Joint meeting of the DSC and the RDRCs and for possible revisions:

Rock or stone as ground cover, 40% yard coverage - grass vs. non-grass, red mulch, air conditioning units in easements, fence stains, sail shade canopies, sports courts, louvered pergolas, poly-carbonate roofing vs. other flat roofs for pergolas, 2' setback on zero lot line homes for improvements, landscape borders, and home natural gas refueling stations. Also any additional items as submitted by the DSC and RDRCs. The DSC also would like to give an update on the Public Forum on signs at the Joint meeting.

VI. Review and Disposition of Commercial Applications

McDonald's Restaurant

4600 Woodlands Parkway
Panther Creek Village Center

Application for exterior improvements: Remodel and update the building facades.

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation, noting the existing structure and the proposed changes. The application included exterior improvements, remodel to update the building facades and modifications to the parking and drive thru areas. It was moved by Kim Hess and seconded by Danie van Loggerenberg to conditionally approve the concept on the following conditions: 1. Re-design the drive-thru order lanes to meet minimum distance requirements for angled parking standards. 2. Add more detail to the north drive-thru window **façade**. 3. **Submit any modifications/improvements of outdoor seating area for review and approval.**

Eliminate the yellow trademark swoosh sign element on front façade and supports. Eliminate the "Welcome" sign above entrances. Submit all exterior signage for review and approval. The motion carried unanimously.

VII. Consideration and Action of the Applications in Section VIII, recommended for Summary Action. Chairperson Deborah Sargeant presented the Summary List as presented by Staff. The list consisted of Residential Items 1-18, 20 and 21. Item 30 was tabled at the owners request and Item 19 was resolved. It was moved by Chris Florack and seconded by Herman Weindel to approve the Summary List as presented by staff. The motion carried unanimously.

VIII. Review and Disposition of Residential Applications

1. Request for approval of a home business.

William Watkins

11 Serenity Woods Place

Lot 10, Block 3, Section 13 Village of Alden Bridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Herman Weindel to conditionally approve the home business for management consulting, the permit must be renewed in 2 years. The home business must comply with the Standards. The motion carried unanimously.

2. Variance request for a proposed patio that will not be located a minimum of two feet from the property line.

Kevin Cole

14 Currymead Place

Lot 3, Block 1, Section 69 Village of Alden Bridge

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

3. Variance request for a proposed shed that will exceed the maximum floor area allowed and the maximum height allowed.

Paul Baker

7 North Benton Woods Circle

Lot 6, Block 1, Section 43 Village of Alden Bridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Herman Weindel to conditionally approve the shed as follows: Standard conditions and meet code. The motion carried unanimously.

4. Variance request for proposed summer kitchen that is not located at least ten feet from the side property line.

Craig Grossgart

2 Panamint Court

Lot 13, Block 1, Section 22 Village of Creekside Park

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Herman Weindel to conditionally approve the summer kitchen as follows: Standard conditions and meet code. The motion carried unanimously.

5. Variance request for a proposed fence stain that is not an approvable color.

Kenneth C. Kaser, Jr.

3 Verdin Place

Lot 31, Block 1, Section 13 Village of Creekside Park

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Herman Weindel to conditionally approve the fence stain as follows: plant and maintain evergreen plants to screen and soften view of stained fence. Fence stain must be maintained in good repair on a regular basis. The motion carried unanimously.

6. Variance request for a proposed driveway and walkway that will exceed the maximum width allowed.

Rajnikant Kushwaha

15 Greycrest Place

Lot 20, 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 Chris Florack and seconded by Herman Weindel to conditionally approve the paving as follows: plant and maintain evergreen vegetation to soften view of the walkway. The motion carried unanimously.

7. Variance request for proposed fireplace that will not respect the 40 foot rear building setback.
Robert and Diane Sullivan
35 North Fair Manor Circle
Lot 9, Block 1, Section 78 Village of Sterling Ridge
This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Herman Weindel to conditionally approve the fireplace as follows: plant and **maintain evergreen vegetation at least 5' tall at time of planting along left side of property to screen view** of the structure. The motion carried unanimously.
8. Variance request for proposed room addition will not respect the 13 foot side building setback line.
Barton Peterson
31 Gabled Pines Place
Lot 31, Block 1, Section 45 Village of Alden Bridge
This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Herman Weindel to conditionally approve the room addition as follows: Submit two additional set of sealed plans, standard conditions, meet code, staff to verify sufficient **vegetative screening upon completion - additional evergreen plants may be required staff to determine.** The motion carried unanimously.
9. Variance request for existing retaining walls that are located in the ten foot front yard easement.
Aaron and Billie Easterling
168 Bristol Bend Circle
Lot 19, Block 3, Section 8 Village of Alden Bridge
This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Herman Weindel to conditionally approve the retaining walls as follows: plant and maintain evergreen plants to soften view of retaining walls. Approval by this committee does not **constitute approval by the County or additional entities. It is the owner's responsibility to obtain approval** by the County and other entities. The improvement may be subject to removal if determined necessary by any of those entities. The motion carried unanimously.
10. Variance request for existing retaining walls that are located in the ten foot front yard easement.
Mukhtar & Zahina Kadri
172 Bristol Bend Circle
Lot 20, Block 3, Section 8 Village of Alden Bridge
This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Herman Weindel to conditionally approve the retaining walls as follows: plant and maintain evergreen plants to soften view of retaining walls. Approval by this committee does not **constitute approval by the County or additional entities. It is the owner's responsibility to obtain approval** by the County and other entities. The improvement may be subject to removal if determined necessary by any of those entities. The motion carried unanimously.
11. Variance request for an existing fence stain that is not an approvable color.
Neville J. Darlaston
142 Pinto Point Place
Lot 74, Block 1, Section 12 Village of Creekside Park
This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Herman Weindel to conditionally approve - plant and maintain evergreen plants to screen and soften view of stained fence. Fence stain must be maintained in good repair on a regular basis. The motion carried unanimously.
12. Variance request for an existing storage building that is located in the side five foot easement.

Kristin Sohns
6 Dapple Gray Street

Lot 44, Block 1, Section 9 Village of Sterling Ridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack 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 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. The improvement may be subject to removal if determined necessary by easement holders. Additionally plant and maintain evergreen vegetation **at least 5' tall at time of planting** to screen view of structure from the street. The motion carried unanimously.

13. Variance request for existing play structure located in the rear ten foot easement.

Chris and Heidi Goodwin

7 Caulfield Court

Lot 2, Block 1, Section 40 Village of Sterling Ridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack 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. The improvement may be subject to removal if determined necessary by easement holders. Also owner must verify all CenterPoint Energy easements as they **may differ with the covenant easements**. The motion carried unanimously.

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

Gary and Robin Cunningham

34 South Dulcet Hollow Circle

Lot 49, Block 1, Section 7 Village of Sterling Ridge

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

15. Variance request for an existing driveway extension that exceeds the maximum width allowed and is partially located in five foot side easement.

Wade Wilson

94 East Sterling Pond Circle

Lot 53, 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 Chris Florack 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. The improvement may be subject to removal if determined necessary by easement holders. The motion carried unanimously.

16. Variance request for an existing shed that is located in the rear ten foot easement. Homeowner is also appealing the RDRC decision to require a certified arborist report to remove a tree.

Elkin and Tina Moore

79 South Regan Mead Circle

Lot 39, Block 2, Section 29 Village of Sterling Ridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Herman Weindel to approve the removal of the tree, plant and maintain one native 30 gallon tree. Additionally the shed was disapproved with a 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.** The improvement may be subject to removal if determined necessary by easement holders. The motion carried unanimously.

17. Variance request for an existing patio which is located in the side five foot and rear ten easements and a walkway that exceeds the width allowed and is located in the rear ten foot easement.

Joe Prothro

55 East Foxbriar Forest Circle

Lot 15, Block 2, Section 79 Village of Alden Bridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Herman Weindel to approve the patio and walkway 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. The improvement may be subject to removal if determined necessary by easement holders. 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.

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

Tommy Jernigan

7 Glen Erin Drive

Lot 40, Block 1, Section 61 Village of Alden Bridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack 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 maintaining the yard which includes mowing, edging, weeding, defining flower beds and removing dead trees and vegetation.) 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.

Robert C Smith

30 South Silver Crescent Circle

Lot 22, Block 3, Section 1 Village of Alden Bridge

This item was resolved prior to the meeting.

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

Jacqueline M Tockey

18 South Planchard Circle

Lot 4, Block 3, Section 68 Village of Sterling Ridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack and seconded by Herman Weindel to approve pursuit of the 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 maintaining the

yard which includes mowing, edging, weeding, defining flower beds on a regular basis) 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. Consideration and Action to proceed with legal action, regarding failure to comply with the Covenants and Standards for outstanding violations on the home.

Justin Baca

14 Timberlea Place

Lot 31, Block 2, Section 63 Village of Alden Bridge

This item was reviewed under the summary approval list as presented by staff. It was moved by Chris Florack 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 not parking or storing trailers in 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.

22. Request for rehearing of a play structure by an affected neighbor.

Ron and Kathy Cashman - **Affected Neighbor**

Kevin Delahunty - Owner

34 Columbia Crest Place

Lot 24, Block 1, Section 1 Village of Sterling Ridge

This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The affected neighbor and the homeowner were present to address the committee. Ron Cashman submitted some documentation from neighbors about impact from the play structure at 34 Columbia Court and stated that the play structure was too large for patio home size lots. Kevin Delahunty said he bought the play structure after getting approval from the DSC and had recently planted 4 large trees for screening. It was moved by Chris Florack and seconded by Herman Weindel to approve the request for the rehearing for the June 6, 2012 DSC meeting. The motion carried unanimously.

23. Request for rehearing of a home business permit.

Ben Stallings

150 Golden Autumn Place

Lot 11, Block 3, Section 84 Village of Alden Bridge

This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The homeowner was present to address the committee. Mr. Stallings said he might have an occasionally client to the home and wanted to amend the conditions of his business permit. It was moved by Deborah Sargeant and seconded by Kim Hess to approve the request for the rehearing for the June 6, 2012 DSC meeting. The motion carried unanimously.

24. Request for rehearing of a conditional approval of a variance request for proposed driveway that will exceed the maximum width allowed of 16 feet.

Amber Brawner

6 Archbriar Place

Lot 30, Block 1, Section 3 Village of Alden Bridge

Staff asked for this item to be tabled since the owner was not present. It was moved by Deborah Sargeant and seconded by Kim Hess to table this item till the owner can be present. The motion carried unanimously.

25. Variance request for a proposed pool, fire pit and cabana are over the maximum percent coverage of

hard surface area allowed for the lot and the proposed cabana does not respect the 20 foot rear building setback.

Corcoran Kratt

91 South Plum Crest Circle

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

This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The homeowner was present to address the committee. Owner mentioned that they attempted to minimize hard surface area and location of cabana but limited by size of yard and location of pool. It was moved by Kim Hess and seconded by Danie van Loggerenberg to conditionally approve **the improvements as follows: move the patio cover/cabana 2' more away from the rear property line, install planter beds along the rear of the dwelling - staff to approve location of beds. Plant and maintain 2 30 gallon trees on lot. Maintain existing vegetation along the perimeter fence to provide screening to rear - staff to determine if screening is sufficient upon completion of project - additional plantings maybe required.** Standard conditions and pass inspections. The motion carried unanimously.

26. Variance request for proposed swimming pool encroaches into the ten foot rear easement.

William Eberwein

42 North Freemont Ridge Loop

Lot 14, Block 1, Section 23 Village of Creekside Park

This item was heard by the full committee. 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 disprove the request for a pool in the easement. The pool needs to be redesign out fo the easement. The motion carried unanimously.

27. Variance request for proposed patio in rear ten foot easement.

James Hill Lillie

26 Danby Place

Lot 26, Block 1, Section 6 Village of Creekside Park West

This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The homeowner was present to address the committee. It was moved by Ken Anderson and seconded by Chris Florack to conditionally approve the patio as follows: plant and maintain evergreen screening on both sides of property. Approval by this committee does not constitute **approval by the additional entities. It is the owner's responsibility to obtain approval by those entities.** The improvement may be subject to removal if determined necessary by easement holders. The motion carried unanimously.

28. Variance request for proposed summer kitchen that is not located at least ten feet from the property line.

David Hogland and Alison Grylls

15 West Beckonvale Circle

Lot 2, Block 2, Section 6 Village of Sterling Ridge

This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The homeowner was not present to address the committee. It was moved by Herman Weindel and seconded by Kim Hess to conditionally approve as follows: plant and maintain evergreen **vegetation - trees or shrubs at least 5' tall at time of planting to rear of summer kitchen along left** property line. Meet code and stand conditions. The motion carried unanimously.

29. Variance request for a proposed pool that may create a significant negative neighbor impact due to a steep elevation change in the yard.

Gerardo and Ingrid Amado

66 West Shale Creek Circle

Lot 15, Block 2, Section 20 Village of Sterling Ridge

This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The homeowner was present to address the committee. Owner indicated they are putting in drainage and will plant screening. It was moved by Ken Anderson and seconded by Chris Florack to conditionally approve the pool upon submittal of revised plans with a step-down of the decking that

extends from the house to the left of the pool. The step down must be at least 1 foot - similar to right side. **Plant and maintain a dense evergreen screen of trees and shrubs at least 8' tall at time of planting**, staff to verify upon completion if sufficient, additional plantings could be required. 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.

30. Variance request for existing fence that is located past the side ten foot building line.
Matthew and Joy Mitchell
3 Coughton Court
Lot 11, Block 1, Section 54 Village of Sterling Ridge
This item was tabled at owners request under Item VII - Summary Action.
31. Variance request for existing awning material is corrugated plastic, which is not an approvable roofing material.
Troy and Daniella Laubsch
143 East Foxbriar Forest Circle
Lot 3, Block 2, Section 79 Village of Alden Bridge
This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The homeowner was present to address the committee. Owner stated that they bought house 6 years ago and installed the roofing in an attempt to stop flooding of garage. It was moved by **Chris Florack and seconded by Ken Anderson to disapprove the corrugated roofing - allow 90 days for removal.** The motion carried unanimously.
32. Variance request for existing garage conversion to living area without sealed plans and would not allow **garage to provide adequate parking for 3 cars - a requirement of the Development Criteria.**
Cecilia Villareal
42 Cove View Trail
Lot 27, Block 1, Section 6 Village of Creekside Park
This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The homeowner was present to address the committee. The owner stated that he converted a portion of the garage into an art room and a bath room. It was moved by Herman Weindel to conditionally approve the garage conversion, pass inspection meet code, no sealed plans required. **Plant and maintain evergreen screening at least 4' tall to screen view of ac unit from the adjacent property.** The motion carried unanimously.
33. Variance request for existing basketball goal and pad location in street right of way and the easement, **and it is not located at least 20' back from the street pavement edge.**
Oscar Piembert Culebro
26 Woodmoor Place
Lot 38, Block 2, Section 91 Village of Sterling Ridge
This item was heard by the full committee. 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 Chris Florack to disapprove the request and that the goal and pad had to be removed. The motion carried unanimously.
34. Variance request for an existing fence that is not set back at least five feet from the front facade of the home.
Christopher Degan
163 South Queenscliff Circle
Lot 2, Block 2, Section 13 Village of Sterling Ridge
This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The homeowner was not present to address the committee. It was moved by Chris Florack and seconded by Herman Weindel to conditionally approve, maintain adequate evergreen vegetation to screen view of the transition from dwelling to wood fence. The motion carried

unanimously.

35. Variance request for an existing fence that is not set back at least five feet from the front facade of the home.

Darren and Erin Hart

167 South Queenscliff Circle

Lot 1, Block 2, Section 13 Village of Sterling Ridge

This item was heard by the full committee. Staff provided the committee with a PowerPoint presentation. The homeowner was not present to address the committee. It was moved by Chris Florack and seconded by Herman Weindel to conditionally approve, maintain adequate evergreen vegetation to screen view of the transition from dwelling to wood fence. The motion carried unanimously.

IX. Public Comments

Davis Harper - Boy Scout Troop 886 stated he was observing as part of his Communications Merit badge.

Mike Bass indicated as a newly elected Township director he will try to attend as many DSC meetings as possible.

X. Member Comments

Herman Weindel was concerned about the recent influx of garage conversions completed by the home builder and related variance requests in Creekside Park. He requested that this be placed on a future agenda of the DSC.

XI. Staff Reports

Neslihan Tesno informed the members that the July meeting fell on a holiday and that staff would contact them with alternate days.

XII. Adjourn

There being no further business it was moved by Kim Hess and seconded by Chris Florack to adjourn the meeting at 7:29 p.m. The motion carried unanimously.

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