

Development Standards Committee
February 6, 2013 at 5:30 p.m.
The Woodlands Township
2801 Technology Forest Boulevard
The Woodlands, Texas, 77381
Minutes

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

Staff Present: Chris Feist, Hennie van Rensburg and Kim McKenna

I. Welcome/Call Meeting to Order

The meeting was called to order in regular session, open to the public by Chairman Deborah Sargeant at 5:36 p.m.

II. Report on the Commercial Staff Approvals in 2012

The report was accepted.

III. Consideration and Action to the Residential Development Standards regarding signs.

The Committee reviewed the final version of the Residential Development Standards for signs. It was noted the Sign Standard had been reviewed by The Strong Firm. It was moved by Deborah Sargeant and seconded by Kim Hess to approve the sign standard and in accordance with the Covenants Article IX the Committee has adopted the rule effective their action date of February 6, 2013. Chairwoman Deborah Sargeant noted that she discussed attendance at the Residential Design review Committee meetings, in order to inform the committee's and address any questions they may have. Additionally, she noted the item was addressed at the Joint Session meeting.

IV. Consideration and action of the Development Standards Committee meeting processes and procedures.

The committee discussed their recently drafted overview of the meeting process and the Standard Operating Procedures. The committee asked if the staff had completed the review of the letters sent to home owners and affected neighbors. It was noted that a change in lawyers had occurred for this item and the staff required more time to consult with the attorney at The Strong Firm now handling the process. It was then moved by Chris Florack and seconded by Herman Weindel to approve the document for the Development Standards Committee's order of operations overview. The motion carried unanimously.

V. Consideration and Action of the Applications in Section V recommended for summary action.

Chairwoman Deborah Sargeant presented the summary list of applications, as presented through staff recommendation. The list consisted of items 1, 3, 4, 6, 7, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 & 25. It was moved by Chris Florack and seconded by Herman Weindel to approve the items listed on the summary list as presented. The motion carried unanimously.

VI. Consideration and Action to pursue amending the Initial Land Use Designation and Neighborhood Criteria regarding living area, setback and hard surface area. Grogan's Mill Section 16 & 37.

This item was reviewed by the full committee. Director Hennie van Rensburg presented the request and the overall review of the section. It was moved by Robert Heineman and seconded by Herman Weindel to approve the pursuit to amend the Initial Land Use Designation to a maximum of 6500 square feet for living area and approve the revision to the neighborhood criteria to allow a 25 foot setback at the front for garages, on the condition the Land Use Designation is amended.

I. Review and Disposition of Applications

1. Variance request for an existing driveway which encroaches into the right side easement
Ryland Homes
78 North Swanwick Place

Lot 15, Block 1, Section 3, Village of Creekside Park

This item was reviewed under the Summary items list as presented by staff recommendation. 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.

2. Variance request the proposed attached patio cover with related fireplace and chimney will be located beyond the 25' rear building setback as determined by the Neighborhood Criteria for the lot.

Mike and Ally Seder

31 Star Fern Pl

Lot 08, Block 01, Section 54 Village of Grogan's Mill

This item was reviewed by the full committee. The home owner and the affected neighbor were there to address the committee. The staff provided the committee with a presentation noting the previous approval, the Actions of the staff and the location of the improvement. The owner submitted a landscape plan for the committee to consider and informed the committee he had planned to place significant vegetation to on the property to soften and screen the view and provide screening. The affected neighbor addressed the committee to note their objection, their view of the improvement and their objection to vegetation that would screen their view of the pond. The committee deliberated on the view of the lots and how they are oriented to the golf course. It was then moved by Deborah Sargeant and seconded by Herman Weindel to affirm the original action noting that the improvement were approved on the condition the fireplace height is no greater than the overall height required in order to comply with code, the owner must plant and maintain additional Italian Cypress and or cedar juniper trees to soften and screen the view of the improvement. The improvements must meet code and pass final inspection. Additionally the staff is required to review the plantings places on the property to ensure compliance with the Committee's actions. The motion carried unanimously.

3. Consideration and Action regarding the final proposal for the building addition and additional parking

The Woodlands United Methodist Church

Lot 8600, Block 0547, Section 0999 Village of Research Forest

This item was reviewed under the Summary items list as presented by staff recommendation. IT was moved by Chris Florack and seconded by Herman Weindel to approve on the condition a landscape and irrigation plan prepared by a landscape architect is submitted for review and approval and all exterior parking pole lights must match the existing pole lights. Finally, any new exterior signage must be submitted for review and approval prior to installation. The motion carried unanimously.

4. Consideration and action regarding final proposal for the office building, parking garage and construction clearing of Hughes Landing.

1 Hughes Landing

Village of Grogan's Mill at Lake Front Circle

This item was reviewed under the Summary items list as presented by staff recommendation. IT was moved by Chris Florack and seconded by Herman Weindel to approve the Final plans and the additional clearing for construction parking/materials storage subject to maintaining a vegetative buffer around all sides of the clearing as noted on the plan. The motion carried unanimously.

5. Consideration and action of final proposal for a remodel and restaurant addition

The Woodlands Resort and Conference Center

2301 North Millbend Drive

Lot 0515 & 0519 Block 0547, Section 6 Village of Grogan's Mill

This item was reviewed by the full committee. The committee reviewed the final plans and noted the primary areas where the resort would be undergoing their renovations. It was then moved by Kim Hess and seconded by Ken Anderson to approve the remodel and restaurant addition as presented, condition upon meetings all Standards, such as construction requirements and code inspections. The motion carried unanimously.

6. Variance request for proposed pool decking that would exceed the maximum amount of hard surface area allowed.
Eleanor Ward
27 Irish Moss Pl
Lot 15, Block 2, Section 41, Village of Cochran's Crossing
This item was reviewed under the Summary items list as presented by staff recommendation. IT was moved by Chris Florack and seconded by Herman Weindel to approve as presented on the condition the owner must ensure the improvements do not halt or materially impede drainage as defined in the Residential Development Standards. The motion carried unanimously.
7. Variance request for a proposed summer kitchen and fireplace that would exceed the maximum amount of hard surface area allowed.
Eleanor Ward
27 Irish Moss Pl
Lot 15, Block 2, Section 41, Village of Cochran's Crossing
This item was reviewed under the Summary items list as presented by staff recommendation. IT was moved by Chris Florack and seconded by Herman Weindel to approve as presented on the condition the improvements meet code and pass final inspection. Additionally, the owner must ensure that the improvement must not halt or materially impede drainage as defined in the Residential Development Standards. The motion carried unanimously.
8. Variance request for the proposed attached pergola that would encroach into the five foot side yard easement and would be constructed in a location that was not considered to be architecturally compatible with the dwelling and neighborhood when reviewed by the Residential Design Review Committee.
Kent Stevens
124 Golden Shadow Cir
Lot 12, Block 5, Section 4, Village of Cochran's Crossing
This item was reviewed by the full committee. The staff presented the committee with a presentation noting the improvement, the location and responses received from adjacent property owners. It was then moved Deborah Sargeant and seconded by Ken Anderson to deny the variance as requested and require the owner modify the proposed pergola in accordance with the Residential Development Standards. The motion carried unanimously.
9. Variance request for the existing fence which was built with the construction side facing outward and exceeds the maximum height allowed.
Randall and Shelley Goddard
16 W. Southfork Pines Circle
Lot 2, Block 3, Section 17 Village of Panther Creek
This item was reviewed by the full committee. The home owner was present to address the committee. The staff presented the committee with a presentation noting the improvements. The committee members that were able to attend noted their impression of the improvements on site. It was then moved by Ken Anderson and seconded by Chris Florack to approve on the condition the owner modify the portion of fencing on the right hand side so that the construction side members are not visible from the street. This can be done by modifying the fence to double sided, flipping that portion around or making an agreement with the adjacent property owner to seek to obtain approval for a portion of fencing that would obstruct the view of the fence from the street. Additionally the owner must reduce the overall height of the fencing used for the purposes of screening the trash and recycle carts, to no higher than needed to screen the carts.
10. Variance request for the existing paving, which encroaches into the rear and side easements and causes the hard surface area to exceed the maximum allowed.
Randall and Shelley Goddard
16 W. Southfork Pines Circle
Lot 2, Block 3, Section 17 Village of Panther Creek
This item was reviewed by the full committee. The home owner was present to address the committee. The staff presented the committee with a presentation noting the improvements. The committee members that were able to attend noted their impression of the improvements on site. It was then moved by Chris Florack and seconded by

Herman Weindel to deny the variance as submitted and require the owner remove a two foot wide span of the pavers in the five foot side yard easement and in the majority of the ten foot rear yard easement, as defined in the survey at the meeting. Additionally the owner must remove some of the paving to the side of the property most adjacent to the neighboring property and add a landscape bed, if the removal of the paving in the easements does not reduce the overall hard surface area to become in compliance the Standards. The motion carried unanimously.

11. Variance request for the existing screened room, which is located within the five foot side easement and was not considered architecturally compatible with the dwelling, when reviewed by the Residential Design Review Committee.
Hiroko Walker
143 North Dreamweaver Circle
Lot 17, Block 02, Section 65 Village of Grogan's Mill
This item was reviewed by the full committee. The staff presented the committee with a presentation noting the improvements. It was moved by Deborah Sargeant and seconded by Chris Florack to deny the variance request got a screened room as submitted. The motion carried. Ken Anderson was not present for the vote.
12. Variance request for the existing stone bench yard structure, which encroaches into the rear and side yard easements.
James B Tripson
14 Shallow Pond Pl
Lot 16, Block 6, Section 1 Village of Indian Springs
This item was reviewed under the Summary items list as presented by staff recommendation. It was moved by Chris Florack and seconded by Herman Weindel to table the item until their meeting in March. The motion carried unanimously.
13. Variance request for the existing paving, which encroaches into the side yard easement.
James B Tripson
14 Shallow Pond Pl
Lot 16, Block 6, Section 1 Village of Indian Springs
This item was reviewed under the Summary items list as presented by staff recommendation. It was moved by Chris Florack and seconded by Herman Weindel to table the item until their meeting in March. The motion carried unanimously.
14. Variance request for the existing fountain, which encroaches into the side yard easement.
James B Tripson
14 Shallow Pond Pl
Lot 16, Block 6, Section 1 Village of Indian Springs
This item was reviewed under the Summary items list as presented by staff recommendation. It was moved by Chris Florack and seconded by Herman Weindel to table the item until their meeting in March. The motion carried unanimously.
15. Variance request for an existing play structure, which encroaches into the ten foot rear yard easement.
Sven Nilsen
68 Cornerbrook Pl
Lot 12, Block 2, Section 2, Village of Cochran's Crossing
This item was reviewed under the Summary items list as presented by staff recommendation. It was moved by Chris Florack and seconded by Herman Weindel to deny the variance and consent to delay enforcement based upon the execution of a memorandum of agreement requiring the owner remove the play structure out of the easement and seek to obtain approval for an alternate location, when the owner moves from the home, sells or transfers title, is no longer the primary resident or when the play structure is in disrepair and in need of replacement. The memorandum of agreement will be recorded at the courthouse and binding on the land. Additionally approval by this committee does not constitute approval by any other additional easement holders. It is the owner's responsibility to obtain those approvals and may be subject to removal. The motion carried unanimously.

16. Variance request for an existing storage shed, which encroaches into the rear easement.
Robert J Shumaker
18 Lucky Leaf Ct
Lot 13, Block 3, Section 30 Village of Panther Creek
This item was reviewed under the Summary items list as presented by staff recommendation. It was moved by Chris Florack and seconded by Herman Weindel to deny the variance and consent to delay enforcement based upon the execution of a memorandum of agreement requiring the owner remove the storage shed out of the easement and seek to obtain approval for an alternate location, when the owner moves from the home, sells or transfers title, is no longer the primary resident or when the storage shed is in disrepair and in need of replacement. The memorandum of agreement will be recorded at the courthouse and binding on the land. Additionally approval by this committee does not constitute approval by any other additional easement holders. It is the owner's responsibility to obtain those approvals and may be subject to removal. The motion carried unanimously.

17. Variance request for the existing storage shed, which exceeds the maximum height allowed and is located in the rear easement.
Samuel C Sharp
77 Indian Clover Dr
Lot 21, Block 1, Section 11 Village of Panther Creek
This item was reviewed by the full committee. The staff provided the committee with a presentation noting the improvement. The home owner was present to address the committee. The committee reviewed the placement of the fence with the staff and noted the proximity to the adjacent properties, as well as opportunities to relocate the structure. It was then moved by Chris Florack and seconded by Herman Weindel to deny the variance as proposed. The motion carried unanimously.

18. Consideration and action to proceed with legal action, for all outstanding covenant violations.
Victoria Huber Saibara
22 Cedar Chase Place
Lot 006, Block 002, Section 06, Village of Cochran's Crossing
This item was reviewed under the Summary items list as presented by staff recommendation. 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 continue to send letters notifying the owner of the Development Standards Committee's action, what is required to cure the violations; and establishing a reasonable timeframe for resolution. Notifications will include that failure to correct these violations will result in a lawsuit filed and a 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, for all outstanding covenant violations.
Erik J Menard
32 S Morningwood Court
Lot 75, Block 04, Section 38 Village of Grogan's Mill
This item was reviewed under the Summary items list as presented by staff recommendation. 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 continue to send letters notifying the owner of the Development Standards Committee's action, what is required to cure the violations; and establishing a reasonable timeframe for resolution. Notifications will include that failure to correct these violations will result in a lawsuit filed and a 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, for all outstanding covenant violations.
Mary Ellen Martin
55 Wind Whisper Court
Lot 39, Block 02, Section 38 Village of Grogan's Mill
This item was reviewed under the Summary items list as presented by staff recommendation. 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 continue to send letters notifying the owner of the Development Standards Committee's action, what is required to cure the violations; and establishing a reasonable timeframe for resolution. Notifications will include that failure to correct these violations will result in a lawsuit filed and a 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, for all outstanding covenant violations.
Junichi Nojiri
127 N Rockfern Ct
Lot 38, Block 02, Section 65 Village of Grogan's Mill
This item was reviewed under the Summary items list as presented by staff recommendation. 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 continue to send letters notifying the owner of the Development Standards Committee's action, what is required to cure the violations; and establishing a reasonable timeframe for resolution. Notifications will include that failure to correct these violations will result in a lawsuit filed and a 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. Consideration and action to proceed with legal action, for all outstanding covenant violations.
Joan Smalley/ Maurice Smith
122 West High Oaks Circle
Lot 21, Block 01, Section 42 Village of Grogan's Mill
This item was reviewed under the Summary items list as presented by staff recommendation. 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 continue to send letters notifying the owner of the Development Standards Committee's action, what is required to cure the violations; and establishing a reasonable timeframe for resolution. Notifications will include that failure to correct these violations will result in a lawsuit filed and a 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.
23. Consideration and action to proceed with legal action, for all outstanding covenant violations.
John Schmidt
10 Reedy Pond Court
Lot 14, Block 5, Section 1, Village of Indian Springs
This item was reviewed under the Summary items list as presented by staff recommendation. 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 continue to send letters notifying the owner of the Development Standards Committee's action, what is required to cure the violations; and establishing a reasonable timeframe for resolution. Notifications will include that failure to correct these violations will result in a lawsuit filed and a 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.

24. Consideration and action to proceed with legal action, for all outstanding covenant violations.
Steve Silver
9 Wedgewood Glen
Lot 3, Block 6, Section 11, Village of Indian Springs
This item was reviewed under the Summary items list as presented by staff recommendation. 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 continue to send letters notifying the owner of the Development Standards Committee's action, what is required to cure the violations; and establishing a reasonable timeframe for resolution. Notifications will include that failure to correct these violations will result in a lawsuit filed and a 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.
25. Consideration and action to proceed with legal action, for all outstanding covenant violations.
Mirna Lira
11 E Trillium Circle
Lot 0012, Block 001, Section 19, Village of Cochran's Crossing
This item was reviewed under the Summary items list as presented by staff recommendation. 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 continue to send letters notifying the owner of the Development Standards Committee's action, what is required to cure the violations; and establishing a reasonable timeframe for resolution. Notifications will include that failure to correct these violations will result in a lawsuit filed and a 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.

I. Public Comments

There were no public comments.

II. Member Comments

Herman Weindel felt the committee needed to be more cautious of their actions on summer kitchens near the golf course. Deborah Sargeant and Chris Florack noted they will not be able to attend the meeting of February 20, 2013.

III. Staff Reports

There were no staff reports.

IV. Adjourn

There being no further business it was moved by Kim Hess and seconded by Herman Weindel to adjourn the meeting at 7:21 p.m. The motion carried unanimously.