

**Development Standards Committee**

**December 3, 2014 at 5:30 p.m.**

The Woodlands Township

2801 Technology Forest Boulevard

The Woodlands, Texas 77381

**MINUTES**

**Members Present: Deborah Sargeant, Robert Heineman, Danie van Loggerenberg, Chris Florack, Mark Bacon, Ken Anderson and Kimberly Hess**

**Staff Present: Kimberly McKenna, Kathleen Eaton and Sharon Davis**

- I.** Welcome/Call Meeting to Order.  
The meeting was called to order by Chair Deborah Sargeant at 5:32 p.m.
- II.** Consideration and action regarding the minutes of the meeting of November 5, 2014.  
The minutes were not reviewed by the committee. In the interest of time and due to the delay in an opportunity to review the minutes prior to the meeting, it was moved by Chris Florack and seconded by Deborah Sargeant to table the minutes to the following meeting. The motion carried unanimously.
- III.** Consideration and Action of the Applications and Covenant Violations in Section IV, recommended for Summary Action.  
This item was heard by the full committee. Chair Deborah Sargeant presented the Summary List as presented by Staff. The list consisted of Items 2, 4, 5, 8, 10, 14, 16-28 and 30. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve the Summary List as presented by staff recommendation. The motion carried unanimously.
- IV.** Consideration and Action of the Applications and Covenant Violations.

  1. Request for approval for a Temporary tent for Americas Restaurant.  
Americas Restaurant  
21 Waterway Avenue, Suite 130  
Lot 2629, Block 0599, Section 0999 Village of Town Center  
This item was heard by the full committee. The staff provided the committee with a presentation, noting the location of the proposed improvement and the impact to adjacent properties. It was moved by Deborah Sargeant and seconded by Danie van Loggerenberg to deny the variance as presented and require the restaurant remove the temporary tents. The motion carried unanimously.
  2. Consideration and action for the Final Approval for Parking Garage Structure at East Shore.  
East Shore Parking Garage Structure  
203 East Shore  
Parcel 1G-1B Village of Grogan's Mill  
This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve on the condition all drawings pertaining to landscape, hardscape and irrigation for all future phases are not approved at this time. These drawings must be re-submitted and approved with each subsequent phase. All improvements must meet code and pass final inspection. The motion carried unanimously.
  3. Consideration and action for the conceptual approval of the proposed redevelopment, building additions and landscaping.  
Lexicon  
8800 Technology Forest Place  
Lot 0240, Block 0547, Section 0000 Village of Research Forest  
This item was heard by the full committee. The staff provided the committee with a presentation, noting the location of the proposed improvement and the impact to adjacent properties. Representatives were present to address the Committee. It was noted the 3 phases of construction and the proposed time frame for each. It was

then moved by Kim Hess and seconded by Danie van Loggerenberg to approve the concept as presented and require the final submission be submitted for review and action. The motion carried unanimously.

4. Variance request for a proposed outdoor living area with incorporated pergola and summer kitchen that will encroach into the 40 foot rear building setback.  
John Garza  
30 Lyric Arbor Court  
Lot 17, Block 01, Section 38 Village of Cochran's Crossing  
This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to withdraw the item from the agenda. It was noted the improvement was approvable under the recently revised Residential Development Standards. Therefore was acted on and processed by the staff. The motion carried unanimously.
5. Variance request for a proposed patio cover that will encroach into the 20 foot rear building setback.  
Margie Preece  
115 South Village Knoll Circle  
Lot 22, Block 01, Section 10 Village of Cochran's Crossing  
This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve as presented, on the condition the improvement must meet code and pass final inspection. The roof material must be composition shingle to match the home. Additionally, the owner must ensure the improvements must not halt or materially impede drainage as defined in the Residential Development Standards. The motion carried unanimously.
6. Variance request for a proposed solid wood fence that will extend beyond the platted building line.  
Tony Topping  
1 Woodlot Court  
Lot 06, Block 03, Section 28 Village of Grogan's Mill  
This item was heard by the full committee. The staff provided the committee with a presentation, noting the location of the proposed improvement and the impact to adjacent properties. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve as presented, on the condition the owner set the fence back behind the existing vegetation and maintain the vegetation to the exterior of the fence to soften and screen the view from the street. Additionally the owner must modify the portions of fencing where they adjoin the driveway to soften and screen the view of the fence and any construction side members from the street and adjacent properties. (A survey noting changes will be attached.). Approval by this committee does not constitute approval by the additional easement holders. It is the owner's responsibility to obtain those approvals and may be subject to removal for access or maintenance. The motion carried unanimously.
7. Variance request for a conceptually proposed second story deck that would be located within the ten foot rear easement and would exceed the maximum amount of hard surface area allowed.  
Mandeep Singh  
6 Leisure Lane  
Lot 02, Block 01, Section 01 Village of Grogan's Mill  
This item was heard by the full committee. The staff provided the committee with a presentation, noting the location of the proposed improvement and the impact to adjacent properties. The committee discussed the concerns regarding encroachment and inquired if the owner had discussed any of the proposed changes with any additional easement holders. The owner was advised that he should discuss the proposal with those entities and consider a modified plan for a less permanent structure to encroach into the easement or a permanent structure with less encroachment. The committee informed the owners that they were in favor of the design but were unable to act on an encroachment of that size. It was then moved by Deborah Sargeant and seconded by Mark Bacon to deny the variance as presented. The motion carried unanimously.
8. Consideration and action for the installation of a water well for the purposes of landscape irrigation.  
Vijay Goradia  
62 Windward Cove

Lot 08 & 09, Block 01, Section 42 Village of Panther Creek

This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve on the condition the water well will be operated for the purposes of irrigation of residential lots 8 and 9, Block 1, Section 42, Village of Panther Creek, and that the owner sign a release and indemnity agreement whereby you indemnify the Development Standards Committee, the Woodlands Township and all related parties from and against any third party claims in any manner associated with the construction, operation, use or maintenance of the water well. In addition the owner must plant and maintain significant vegetation to soften and screen the view of the pumps and equipment from the street and adjacent property. The motion carried unanimously.

9. Variance request for a proposed driveway widening that would exceed the maximum width allowed.  
James Pierce and Dierdre Collins  
10705 East Timberwagon Circle  
Lot 13, Block 08, Section 06 Village of Grogan's Mill  
This item was heard by the full committee. The staff provided the committee with a presentation, noting the location of the proposed improvement and the concern for a precedent. It was then moved by Deborah Sargeant and seconded by Mark Bacon to deny the driveway expansion as presented. The motion carried unanimously.
10. Consideration and action to appeal the Residential Design Review Committee's conditions of approval regarding the condition to replant one fifteen gallon native tree.  
Cynthia R Osmon Cook  
33 Yewleaf Road  
Lot 61, Block 02, Section 01 Village of Panther Creek  
This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to deny the request and affirm the Residential Design Review Committee's original decision to replant a tree and require the owner plant one fifteen gallon tree anywhere on the lot and allow the owner an additional 6 months to purchase the tree and plant it. The motion carried unanimously.
11. Variance request for a conceptually proposed home, garage and driveway addition that will exceed the maximum amount of living area and hard surface area allowed, has a driveway that encroaches into the easement, has roof overhangs that extend over the platted building lines and may cause an impact to adjacent properties.  
Dustin Tucker  
2603 Crossvine Circle  
Lot 18, Block 05, Section 02 Village of Grogan's Mill  
This item was heard by the full committee. The staff provided the committee with a presentation, noting the location of the proposed improvement and the impact to adjacent properties. Affected neighbors and a representative for the home owner were both present to address the committee. The committee and interested parties discussed drainage concerns, architectural compatibility, mass, scale, proportion and inability for future improvements due to the proposed hard surface area on the lot. It was then moved by Deborah Sargeant and seconded by Danie van Loggerenberg to approve the concept on the condition the owner must resubmit final plans for action by the Development Standards Committee. The final plans should also include a drainage plan. The motion carried unanimously.
12. Variance request for a proposed porte cochere, garage addition, and pool bath that would encroach into the ten foot side setback.  
Mark J Brown  
34 Skyflower Drive  
Lot 09, Block 03, Section 22 Village of Panther Creek  
This item was heard by the full committee. The staff provided the committee with a presentation, noting the location of the proposed improvement and the impact to adjacent properties. The committee shared concerns with the proximity to the adjacent lot. It was then moved by Chris Florack and seconded by Kim Hess to deny the variance as proposed.
13. Variance request for a proposed driveway widening that will exceed the maximum width allowed.  
Richard J Keene  
1 East Lyric Arbor Circle  
Lot 02, Block 02, Section 38 Village of Cochran's Crossing

This item was heard by the full committee. The staff provided the committee with a presentation, noting the location of the proposed improvement and the impact to adjacent properties. It was then moved by Mark Bacon and seconded by Chris Florack was denied as presented. The motion carried unanimously.

14. Variance request for an existing fence that was built with the construction side of the fence facing outward from the lot.  
James Cooper  
124 Eagle Rock Ct  
Lot 11, Block 01, Section 05 Indian Springs  
This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to deny the variance and consent to delay enforcement based upon the execution of a memorandum of agreement requiring the owner to correct the fence to meet the standards when the owner sells or transfers title, is no longer the primary resident, when the fence is in disrepair and in need of replacement or at a time in which the construction members of the fence become visible from Woodlands Parkway due to expansion, removal of forestation etc. The memorandum will be recorded at the courthouse and binding on the land. The motion carried unanimously.
15. Variance request for the existing solid wood fence that was rebuilt with the construction side facing outward from the lot.  
James and Charlotte Dowell  
70 Huntsman's Horn Circle  
Lot 09, Block 01, Section 18 Village of Grogan's Mill  
This item was heard by the full committee. The staff provided the committee with a presentation, noting the location of the proposed improvement and the impact to adjacent properties. The owner's son in law was present to address the committee. It was then moved by Deborah Sargeant and seconded by Mark Bacon to table the item and allow the homeowner an opportunity to try and obtain assistance through the revitalization program in order to correct the fence and ensure the fence is inspected to meet code and pass final inspection. The motion carried unanimously.
16. Variance request for the existing pool equipment that is located more than two feet into the side easement.  
Ryan and Julie Stick  
71 South Longspur Drive  
Lot 05, Block 01, Section 45 Village of Grogan's Mill  
This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve on the condition the owner plant and maintain native evergreen vegetation with an integrated trellis to soften and screen the view of the equipment from the adjacent properties. The improvement must not cause a security barrier issue for the adjacent property owner and the approval of this committee does not constitute approval by the 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 fence that is not located at least three feet back from the front of the dwelling and was built with the construction side facing outward from the lot.  
Brent Tucker  
2 Lilium Court  
Lot 21, Block 01, Section 13 Village of Grogan's Mill  
This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve the fence location on the condition the owner must modify the fence orientation so that the construction side members are not visible from any street or adjacent property. The motion carried unanimously.
18. Variance request for an existing storage building that exceeds the maximum height allowed for storage building that may be located within an easement.  
Eugene Rubin  
106 Summer Storm Place  
Lot 96, Block 02, Section 32 Village of Cochran's Crossing  
This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to deny the variance and consent to delay enforcement based upon the

execution of a memorandum of agreement requiring the owner to remove the storage building from the property, when the owner no longer owns the home, sells or transfers title or when the storage building is in disrepair and in need of removal, whichever comes first. The memorandum of agreement will be recorded at the courthouse and binding on the land. The motion carried unanimously.

19. Variance request for an existing gazebo that is located beyond the 40 foot rear building setback.  
Eugene Rubin  
106 Summer Storm Place  
Lot 96, Block 02, Section 32 Village of Cochran's Crossing  
This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve as presented. The motion carried unanimously.
20. Variance request for an existing driveway widening which exceeds the maximum width allowed.  
Jack W Dautrich  
89 North Sunny Slope Circle  
Lot 07, Block 01, Section 32 Village of Cochran's Crossing  
This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve as presented, on the condition the owner must maintain the existing landscaping at the front of the driveway widening to screen the view from the street. The motion carried unanimously.
21. Variance request for an existing deck that encroaches into the ten foot rear yard easement.  
Brad Watson  
70 Candle Pine Place  
Lot 38, Block 01, Section 39 Village of Cochran's Crossing  
This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve as presented. Approval by this committee does not constitute approval by the additional easement holders. It is the owner's responsibility to obtain those approvals and may be subject to removal. The motion carried unanimously.
22. Variance request for an existing deck that encroaches into the five foot rear yard easement.  
Kathryn Grace Hoffner  
23 Fiddlers Cove Place  
Lot 62, Block 03, Section 06 Village of Cochran's Crossing  
This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve as presented. Approval by this committee does not constitute approval by the additional easement holders. It is the owner's responsibility to obtain those approvals and may be subject to removal. The motion carried unanimously.
23. Variance request for an existing dog run that is constructed with paving that encroaches into the five foot rear yard easement.  
Kathryn Grace Hoffner  
23 Fiddlers Cove Place  
Lot 62, Block 03, Section 06 Village of Cochran's Crossing  
This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve as presented. Approval by this committee does not constitute approval by the additional easement holders. It is the owner's responsibility to obtain those approvals and may be subject to removal. The motion carried unanimously.
24. Consideration and action regarding outstanding covenant violations.  
Marvin Haass  
5 N Autumnwood Way  
Section 31, Block 02, Lot 45 Village of Grogan's Mill  
This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve the pursuit of legal action; and authorize our attorneys and staff to notify the owner of the Committee's action, what is required to cure the violations and establish a reasonable timeframe for resolution if not resolved. Correspondence 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 regarding outstanding covenant violations.  
John Lawrence  
28 Green Haven Drive  
Lot 03, Block 03, Section 20 Village of Panther Creek  
This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve the pursuit of legal action; and authorize our attorneys and staff to notify the owner of the Committee's action, what is required to cure the violations and establish a reasonable timeframe for resolution if not resolved. Correspondence 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.
26. Consideration and action regarding outstanding covenant violations.  
Marc Fortier  
23 Edgemire Place  
Lot 0062, Block 003, Section 23, Village of Cochran's Crossing  
This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve the pursuit of legal action; and authorize our attorneys and staff to notify the owner of the Committee's action, what is required to cure the violations and establish a reasonable timeframe for resolution if not resolved. Correspondence 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.
27. Consideration and action regarding outstanding covenant violations.  
Evelyn Smith  
11619 Timberwild Street  
Lot 34, Block 01, Section 04 Village of Grogan's Mill  
This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to withdraw the item from the agenda. The motion carried unanimously.
28. Consideration and action regarding outstanding covenant violations.  
GNC Investments LLC  
116 N Pathfinders Cir  
Lot 0001, Block 007, Section 01, Village of Cochran's Crossing  
This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve the pursuit of legal action; and authorize our attorneys and staff to notify the owner of the Committee's action, what is required to cure the violations and establish a reasonable timeframe for resolution if not resolved. Correspondence 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.
29. Consideration and action regarding outstanding covenant violations.  
Timothy M Kelly Sr.  
44 Fallenstone Drive  
Lot 0066, Block 003, Section 01, Village of Cochran's Crossing  
This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to withdraw the item from the agenda. The motion carried unanimously.

30. Consideration and action regarding outstanding covenant violations.

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98 N Pathfinders Circle

Lot 0004, Block 007, Section 01, Village of Cochran's Crossing

This item was reviewed under the summary list as presented by staff. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to approve the pursuit of legal action; and authorize our attorneys and staff to notify the owner of the Committee's action, what is required to cure the violations and establish a reasonable timeframe for resolution if not resolved. Correspondence 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.

**V.** Public Comments

There were no public comments.

**VI.** Member Comments

There were no member comments.

**VII.** Staff Reports

The staff requested the committee review the meeting date in January to confirm a quorum.

**VIII.** Adjourn

There being no further business it was moved by Chris Florack and seconded by Mark Bacon to adjourn the meeting at 7:11p.m. The motion carried unanimously.