

Development Standards Committee

March 4, 2015 at 5:30 p.m.

The Woodlands Township

2801 Technology Forest Boulevard

The Woodlands, Texas 77381

MINUTES

Members Present: Deborah Sargeant, Robert Heineman, Walter Lisiewski, Danie van Loggerenberg and Ken Anderson

Staff Present: Kimberly McKenna, Hennie van Rensburg, Neslihan Tesno, Kathleen Eaton and Sharon Davis

Counsel Present: Wendy Lambie

- 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 February 4, 2015.
The minutes were reviewed by the committee. It was moved by Walter Lisiewski and seconded by Ken Anderson to approve the minutes as presented. 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 3, 8, 12-21, 24-26, 28 and 30-33. 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. Consideration and action of applications from Crown Castle NG Central LLC, to replace existing street light poles with new light poles that will contain a small cell network.
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 Deborah Sargeant and seconded by Danie van Loggerenberg to approve the replacement of the ten previously designated light poles with ten, applicant-manufactured custom fabricated light poles incorporating cellular nodes and the associated equipment cabinets, fiber vaults and antenna shrouds, as described in their respective Permits on the following conditions:
 - The installation of all equipment, including but not limited to the lights poles, equipment cabinets, fiber vaults and antenna shrouds, must occur in accordance with all engineering and manufacturing specifications and comply with all applicable building codes and other laws.
 - Equipment cabinets shall not be mounted on the light poles.
 - Materials and colors used for all visible poles and equipment must be in accordance with the approved plan and match the color of the surrounding light poles and/or utility boxes as applicable.
 - At applicant's sole expense, each light pole, equipment cabinet, fiber vault and antenna shroud must be maintained in good order and repair, including but not limited to, operating lights, replacement of inoperable lights within 48 hours of notice, secured equipment cabinets and vaults.
 - At applicant's sole expense, each light pole, equipment cabinet, fiber vault and antenna shroud must be repaired and repainted, as needed due to damage, including but not limited to, general maintenance, vandalism, graffiti, impact or natural causes.
 - All improvements must be routinely and consistently monitored and repaired within 3 days of noted damage.
 - Applicant must place and maintain contact information on each light pole in a location readily viewable so that repair issues can be reported to applicant.
 - Applicant must comply with all applicable rules, regulations, ordinances and laws in any way related to or affecting the light poles and associated equipment, including but not limited to obtaining an Improvements in the Right of Way Agreement from the appropriate Montgomery County entities.

- Applicant must obtain the appropriate permissions and other authority from any applicable third party with respect to installation of the light poles, equipment cabinets, fiber vaults, antenna shroud or other related equipment.
- Crown Castle NG Central LLC must sign and execute a release and indemnity agreement regarding these conditions of approval and noting the following: The Woodlands Township has the exclusive right to remove any light poles, equipment cabinets, fiber vaults, antenna shroud or other related equipment for failure to comply with the conditions of approval stated above and in no event shall The Woodlands Township be held responsible for any damage or injury involving the light poles, equipment cabinets, fiber vaults, antenna shroud or other related equipment.
- All written agreements, including but not limited to the release and indemnity, permits or other documentation is subject to legal review and approval of legal counsel for the Development Standards Committee.

The motion carried unanimously.

2. Request from the affected neighbor, Katherine M. Wade of 80 West Sandalbranch Circle, to consider and act upon a possible covenant violation related to lights at the Scott and Kathy Kamlet residence at 18 Stockbridge Landing Drive in the Village of Alden Bridge.

This item was heard by the full committee. It was moved by Deborah Sargeant and seconded by Ken Anderson to table the motion until the committee members were able to visit the site and view the lights in question. The motion carried unanimously.

3. Consideration and action for approval of proposed building signs.

Sapporo Japanese Bistro Sushi & Bar

Colonnade of The Woodlands

30420 FM 2978 Suite 300

Lot 110 Block 458 Section 46 Village of Sterling Ridge

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 move to approve on the condition that the plans indicate the letters are reverse lit channel. Installation of sign must be in accordance with The Commercial Planning and Design Standards. The motion carried unanimously.

4. Variance request for a proposed patio cover with summer kitchen and fireplace does not respect the rear 20 foot building setback

Nathan and Brandi Giessinger

30 South Sage Sparrow Circle

Lot 06, Block 04, Section 11 Village of Creekside Park

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 was present to address the committee. It was moved by Ken Anderson and seconded by Danie van Loggerenberg to conditionally approve, submit final sealed plans, plant and maintain evergreen trees or shrubs to street side and rear to screen. Submit a landscape plan – staff will review for approval. Plants must be at least 7' tall at time of planting. Staff to approve screening upon completion – additional plants may be required if deemed insufficient screening. Meet code and pass inspections. Standard conditions apply. Plant and maintain 3 native trees at least 30 gallon. The motion carried unanimously.

5. Variance request for a proposed pergola with incorporated outdoor living area that does not respect the rear 20 foot building setback.

Alejandro Zermeno

63 South Victoriana Circle

Lot 16 Block 01, Section 7 Village of Creekside Park

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 was not present to address the committee. It was moved by Ken Anderson and seconded by Chris Florack to deny as presented. It was recommended that the structure be reduced to max of 400 square feet (more out of setback). The motion carried unanimously.

6. Variance request for the approved rehearing regarding the a proposed driveway widening that would 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. The owner and affected neighbors were present to address the committee. The committee discussed impact, the allowance for a driveway widening under the Standards and the vegetation on the property. It was then moved by Ken Anderson and seconded by Chris Florack to deny the variance request as presented, affirm the original action and suggest the owner submit an application for a driveway widening that is consistent with allowance under the Residential Development Standards. The motion carried unanimously.

7. Consideration and action to allow the addition of synthetic turf playfields and tree removals that includes lighting and additional parking spaces.

VillaSport Athletic Club & Spa

4141 Technology Forest Place

Lot 6560, Block 0547, Section 0999 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. The Committee deliberated on impact and the action originally provided by the Committee. It was then moved by Deborah Sargeant and seconded by Ken Anderson to conditionally approve the proposed improvements on the following conditions:

- Organized events are not allowed in the area, including but not limited to, Birthday Parties, Soccer Leagues, or special events.
- Specialized use or renting of the facility for events is not allowed.
- After dusk, no activity is allowed in the area.
- The sound wall should be modified to continue at the end of the property and turn in at an approximate 45 degree angle for an extension of approximately 20 feet.
- Submit a tree site plan and require reforestation, irrigation and additional planting to soften and screen the view in accordance with the Commercial Planning and Design Standards.
- The last parking space at the rear of the property should be modified to a no parking, turn around only lane.
- All improvement must comply with the Commercial Planning and Design Standards.

Approval by this Committee does not constitute approval by the additional entities. It is the owner's responsibility to obtain approvals and inspections by other entities, such as the County. The motion carried unanimously.

8. Consideration and action for final approval of proposed building signs.

Cyclone Anaya's

20 Waterway Avenue

Lot 2650, Block 0599, Section 0999 Village of Town Center

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 move to approve the building signs on the condition the sign above the front door will be the originally proposed decorative art sign. Additionally, the sign facing the waterway must include lighting specifications and additional halo lighting or other similar feature to enhance the sign visibility toward the waterway. Furthermore, the applicant must submit attachment details and lighting specifications to determine the signs are installed in accordance with the Commercial Planning and Design Standards.

9. Consideration and action for the proposed color change.

Copperwood Apartments

4407 South Panther Creek Drive

Lot 0320, Block 0045, Section 0007 Village of Panther Creek

This item was heard by the full committee. The staff provided the committee with a presentation, noting the color options and the samples applied to the building. It was moved by Deborah Sargeant and seconded by Robert Heineman to approve color option #1 as presented. The motion carried unanimously.

10. Consideration and action for a new building sign

High End Smoke Shop

1440 Sawdust Road

Lot 0400, Block 0599, Section 0006 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 deliberated on the Standards and the need to adhere to the revised Standards regarding signs. IT was then moved by Ken Anderson and seconded by Danie van Loggerenberg to deny the request as presented, require the owner remove the existing sign and apply and obtain a permit for a Building Sign in compliance with the Commercial Planning and Design Standards. The motion carried unanimously.

11. Consideration and action for a new building sign and monument sign.

Soccer 4 All

3091 College Park Drive

Lot 9051, Block 0555, Section 0000 Village of College Park

This item was heard by the full committee. The staff provided the committee with a presentation, noting the Replacement of building sign and monument sign panel. It was then moved by Robert Heineman and seconded by Chris Florack to approve the variance request for the enlarged logo on the condition the owner re-paint and repair the façade damage from the previous building sign, so that the previous sign is not visible. The motion carried unanimously.

12. Consideration and action for the replacement of the building sign on the car wash.

Exxon

3000 College Park Drive

Lot 4800, Block 0555, Section 0999 Village of College Park

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 move to approve the replacement of the building sign on the condition the monument sign is modified to match the proposed building sign. Building and Monument signs must match in order to comply with the Commercial Planning and Design Standards. All improvements must be submitted to the committee for final action prior to the installation. The motion carried unanimously.

13. Consideration and action for the final approval of the exterior improvements, including a new valet drop-off area and canopies, remodeling of the outdoor dining area and landscaping.

Crisp

2520 Research Forest Drive

Lot 8003, Block 0547, Section 0999 Village of Research Forest

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 move to table the item. The motion carried unanimously.

14. Consideration and action regarding the request for approval of a proposed business in the home.

Mark V Baum

134 Wisteria Walk Circle

Lot 48, Block 02, Section 37 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 move to approve the home business on the condition the business must comply with the Standards and the owner must resubmit for a renewal application in two years. The business in the home may be revoked at any time by the committee or when it is determined the business is in violation of the Business Use Standards. The motion carried unanimously.

15. Consideration and action for the request for approval of a renewal for a proposed business in the home.

Dominic and Brigitte Izzo

19 Coldsprings Court

Lot 05, Block 03, Section 60 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 move to approve the home business on the condition the business must comply with the Standards and the owner must resubmit for a renewal application in two years. The business in the home may be revoked at any time by the committee or when it is determined the business is in violation of the Business Use Standards.

16. Variance request for the proposed summer kitchen, patio cover and fireplace that will be located beyond the twenty five foot rear building setback.

Jonathan and Ashley Brignac
10720 East Timberwagon Circle

Lot 06, Block 06, Section 06 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 move to approve the proposed summer kitchen, patio cover and fireplace on the condition the improvements must meet code and pass final inspection. Additionally, all improvement must not halt or materially impede drainage as defined in the Residential Development Standards. The motion carried unanimously.

17. Variance request for the proposed windows that will not comply with the Neighborhood Criteria.

David and Linda Molnar

1785 Berryview Court

Lot 33, Block 01, Section 62 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 move to approve the windows as presented and request the staff modify the Neighborhood criteria to allow windows without mullions.

18. Variance request for the proposed removal of a tree.

Dane 7 Dance

14 Woodlot Court

Lot 10, Block 03, Section 28 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 move to approve the proposed tree for removal on the condition the owner plant and maintain a native evergreen tree anywhere on the lot. The motion carried unanimously.

19. Variance request for the proposed removal of a tree.

Jason E. Stowell

7 Atrium Woods Court

Lot 77, Block 01, Section 35 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 move to approve on the condition the owner plant and maintain a native evergreen tree anywhere on the lot. The motion carried unanimously.

20. Variance request for a proposed fence that would be located beyond the platted building line and will not be setback ten feet from the property line.

Philip and Sally Dailey

11422 Timberwild Street

Lot 05, Block 02, 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 move to approve a variance on the condition the owner modify the fence and create a 45 degree angle at the rear of the property to allow visibility through the vegetation and allows an unobstructed view for vehicles exiting the adjacent driveway. Additionally, the fence must be located behind the existing vegetation and the owner must maintain the existing vegetation to soften and screen the view of the fence from the street. The motion carried unanimously.

21. Variance request for the proposed privacy wall that was not considered to be architecturally compatible with the neighborhood, when reviewed and acted on by The Residential Design Review Committee.

Kevin and Rhonda Hamm

134 Songful Woods Place

Lot 24, Block 03, Section 65 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 move to approve the privacy wall on the condition the owner plant and maintain native evergreen shrubbery or integrated trailing vines to the exterior of the privacy wall to soften and screen the view to adjacent properties. The motion carried unanimously.

22. Variance request for a proposed driveway that would exceed the maximum width allowed.

Justin and Sommer Hausman

10808 West Timberwagon Circle

Lot 25, 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 impact to adjacent properties. The owner was present to address the committee. It was then moved by Chris Florack and seconded by Danie van Loggerenberg to approve the driveway as submitted. The owner must ensure placement of the improvements does not halt or materially impede drainage in accordance with the Standards. The motion carried unanimously.

23. Variance request for a proposed room addition that would cause the lot to further exceed the maximum living area, as determined by the Neighborhood Criteria.

Xavier Saavedra/Galligan Investments

10723 North Autumnwood Way

Lot 08, Block 01, Section 30 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 deliberated on the architectural compatibility, impact and consistency with the neighborhood. It was then moved by Deborah Sargeant and seconded by Ken Anderson to deny the variance as presented. The motion carried unanimously.

24. Variance request for an existing interior remodeling project did not include the submission of sealed plans as required.

Gloria E. Costa-Riesgo

19 North Circlewood Glen

Lot 18, Block 01, Section 09 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 move to approve the interior remodeling project on the condition an inspection is completed by a third party certified inspector verifying the improvement meets code and passes inspection. Additionally a document will be signed and executed in real property records noting the improvement installation prior to inspection and without sealed plans. The motion carried unanimously.

25. Variance request for an existing fence which is constructed with the unfinished side visible to an adjacent tract of land.

Liu Family Interests LTD

11 Trailhead Place

Lot 39, Block 02, Section 19 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 move to approve the fence as presented. The motion carried unanimously.

26. Variance request for an existing driveway widening which exceeds the maximum width allowed.

Jackie L Darnell

30 West Rumpolecreek Place

Lot 37, Block 03, Section 31 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 move to approve the driveway as presented. The motion carried unanimously.

27. Variance request for an existing street right-of-way improvement (bollards) located in the street right of way.

Ricardo and Gina Mora

45 Red Sable Point

Lot 08, Block 02, Section 59 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 then moved by Deborah Sargeant and seconded by Danie van Loggerenberg to deny the variance as presented and require the owner set the rocks in accordance with the Residential Development Standards. Ken Anderson abstained. The motion carried.

28. Variance request for an existing driveway widening that exceeds the maximum width allowed, encroaches into the five foot side yard easement and is not constructed of an approved hard-surface material.

Elwin Cornelisse

4 Robin Springs Place

Lot 25, Block 02, Section 03 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 move to deny the variance and consent to delay enforcement based upon the execution of a memorandum of agreement requiring the owner to remove the crushed granite and landscape the area when the owner no longer owns the home, sells or transfers title or when the home is no longer the primary residence, whichever comes first. The memorandum will be recorded at the courthouse and binding on the land. The motion carried unanimously.

29. Variance request for an existing fence that exceeds the maximum height allowed and was built with the construction side facing outward from the lot.

Fred W Flores

72 Woodhaven Wood Drive

Lot 34, Block 04, 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. The committee deliberated on the design, height and impact. It was then moved by Chris Florack and seconded by Danie van Loggerenberg to deny the variance as requested. The motion carried unanimously.

30. Variance request for an existing fence that was built with the construction side facing outward from the lot.

Gazmend Veliu

95 Sandpebble Drive

Lot 24, Block 01, Section 01 Village of 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 move to deny the variance and consent to delay enforcement based upon the execution of a memorandum of agreement requiring the owner to modify the rear fence to comply with the Standards, when the owner no longer owns the home, sells or transfers title, fence is in disrepair and needs replacement or when the fence becomes visible from woodlands parkway, whichever comes first. The memorandum will be recorded at the courthouse and binding on the land. The motion carried unanimously.

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

Clinton M Rodosovich

156 South Deerfoot Circle

Lot 42, Block 01, Section 28 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 move 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. 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.

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

Dale Hogge

3 Night Hawk

Lot 03, Block 07, Section 25 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 move 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. 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.

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

Collin Farmer

2 Sandlily Court

Lot 09, 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 move 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. 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

The committee noted the Joint Session and the plans for Joint Sessions dates moving forward. Additionally, Chairwoman Deborah Sargeant noted she would be unable to attend the next two regularly scheduled meetings.

VII. Staff Reports

There were no staff reports.

VIII. Adjourn

There being no further business it was moved by Chris Florack and seconded by Ken Anderson to adjourn the meeting at 7:59p.m. The motion carried unanimously.