

Development Standards Committee
March 17th, 2010 at 5:30PM
The Woodlands Township Service Center
2201 Lake Woodlands Drive
The Woodlands, Texas 77380
Minutes

Members Present: Deborah Sargeant, Michael Sawran, Ken Anderson, Ken Parker and Chris Florack

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

Legal Counsel Present: Brett Strong

Others in Attendance: As reflected by the attached Sign-in Sheet for March 17, 2010.

- I. Welcome/Call Meeting to Order
The meeting was called to order in regular session, open to the public by Chairwoman Deborah Sargeant at 5:30 p.m.
- II. Approve Minutes of Previous Meetings
It was moved by Michael Sawran and seconded by Chris Florack to approve the minutes of the regular meeting of March 3rd and the special meeting of March 15th as presented. The motion carried unanimously.
- III. Presentation of Summary List
Chairwoman Deborah Sargeant presented the Summary List as presented by Staff Recommendation. The list consisted of commercial items A, B and C and residential Items 2, 4, 5, 8 and 9. It was moved by Ken Anderson and seconded by Michael Sawran to approve the Summary List as presented by staff. The motion carried unanimously.
- IV. Review and Disposition of Commercial Applications
 - A. Request for Consideration and Action
Monument Sign Panel
Woodlands Christian Church – 01-010-0036-0599-0230-0000
1202 North Millbend Drive
Village of Grogan’s Mill
This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Michael Sawran to approve the item as presented. The motion carried unanimously.
 - B. Request for Consideration and Action
Forest Preserve View Corridor
Shrieve Chemical – 01-010-0036-0599-0263-0000
1755 Woodstead Ct.
Village of Grogan’s Mill
This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Michael Sawran to approve the item as presented. The motion carried unanimously.

C. Request for Consideration and Action

Painted Window Signs

Woodlands Shell Station – 01-020-0040-0045-0290-0000

4725 W. Panther Creek Drive

Village of Panther Creek

This item was reviewed under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Michael Sawran to conditionally approve the item with the conditions that only the Shell Logo and Woodlands Shell Autocare can remain; all other information must be removed from the windows. A Memorandum of Agreement must be executed stipulating that in the event a building sign is installed, the painted window graphic must be removed. The motion carried unanimously.

V. Report on “Commercial Staff Approval List” for March 17th, 2010
The report was accepted as presented.

VI. Review and Disposition of Residential Applications

1. Variance request for an existing roof, which is not in accordance to the Standards.

Lloyd & Natalia Waight

99 North Deerfoot Circle

Lot 21, Block 2, Section 28 Village of Grogan’s Mill

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation noting the roof. The owner was present to address the committee and was one of the Residential Design review Committee members. The staff noted that this item was tabled from the previous meeting to allow the committee an opportunity to drive by the property. It was also noted the only item being addressed at the meeting was the roof, as the color and material changes have all ready been acted on. It was then moved by Chris Florack and seconded by Ken Parker to approve the roof as presented. Michael Sawran was opposed to the motion. The motion carried.

2. Variance request for an existing detached storage shed, which is located within the 10 foot rear utility easement.

Jason and Melinda Seckt

136 Eagle Rock Circle

Lot 08, Block 01, Section 05 Village of Indian Springs

This item was heard under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Michael Sawran to disapprove the existing storage shed and consent to delay enforcement, based upon the execution of an memorandum of agreement, requiring the owner to remove the shed out of the easement, when the owner no longer owns the home, transfers title or when the owner is no longer the primary residence, 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. Additionally, approval by this committee does not constitute approval by the additional entities. It is the owner’s responsibility to obtain approval by those entities and may be subject to removal. The motion carried unanimously.

3. Variance request for an existing garage door, which is not the same color as the siding or trim of the dwelling.

David and Estella Rabe

4 Spurwood Court

Lot 22, Block 01, Section 15 Village of Panther Creek

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation noting the existing colors on the home. The home owner was present to address the committee. The committee discussed the existing colors on the home. It was then moved by Chris Florack and seconded by Ken Anderson to approve the garage door color on the condition the owner must paint the shutters to match the existing color of the garage doors. The motion carried unanimously.

4. Variance request for an existing fence, which was constructed with a rot board that is not screened from view.

Wilson and Carol Yancey
39 Carriage Pines Court

Lot 11, Block 02, Section 35 Village of Panther Creek

This item was heard under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Michael Sawran to table the item, per the home owner request in order to allow them to attend.

5. Home owner request for a hearing, regarding permitting violations on the property.

Randy Ervin
10719 East Timberwagon Circle

Lot 6, Block 8, Section 6 Village of Grogan's Mill

This item was heard under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Michael Sawran to table the item, per the home owner request in order to allow them to attend.

6. Contemplated litigation associated with a variance request for an existing subsurface Water Well, which requires approval by the Development Standards Committee and may result in legal ramifications related to the action on the well.

George Turek
199 North Tranquil Path

Lot 18, Block 3, Section 63 Village of Grogan's Mill

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation noting the location of the water well. The home owner and his legal counsel were present to address the committee. Mr. Orr, Legal counsel for George Turek provided the committee with a PowerPoint presentation regarding the water well.

At 5:45 p.m. the Committee then closed the public meeting to convene in executive session in accordance with the Texas Open Meetings Act, Section 551.071 to discuss matters relating to Contemplated litigation associated with a variance request for an existing subsurface Water Well. The Board reconvened in Public Session at 6:02 p.m. It was then moved by Chris Florack and seconded by Michael Sawran to approve the issuing of a permit by the Development Standards Committee for the operation of an existing subsurface water well as currently located at 199 North Tranquil Path lots 17 & 18, Block 3, Section 63, Village of Grogan's Mill, conditioned upon: (1) the permit containing an indemnity provision agreed to by the Owner indemnifying the DSC, 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 and (2) the submission by the property owner and the approval thereof of a fully executed written agreement and/or permit with any and all third parties claiming an interest in or authority to regulate the construction, operation, use or maintenance of sub-surface well and/or the water extracted there from. Furthermore, the approval hereof shall not be deemed approval by any other entity or person having rights to approve or regulate the construction, operation, use or maintenance of the water well. Ken Anderson abstained from the motion. The motion carried.

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

Joseph Hammond

9 Indian Cedar Lane

Lot 34, Block 1, Section 18 Village Grogan's Mill

This item was reviewed by the full committee. The staff provided the committee with a PowerPoint presentation noting the status of the home and any updates regarding work at the home, since the item was tabled in late 2009. Everett Ison a representative for the home owner spoke to the committee to discuss the finding from the inspection report and his current progress on the home. Mr. Ison noted that he had applied for seven grants, has processed the consideration of insurance claims. He has secured the labor and materials needed for replacing the siding. He apologized to the neighbors for their concern. Additionally he noted that the owner's daughter would be covering the additional funds, not covered through other sources.

Neighbors living near the home came to express their concern regarding the state of the property. Mr. and Mrs. Smith and Mrs. Weiss all spoke to the status of the home. They expressed concerns regarding the smell, critters living in the home, the owner's comments regarding the state of his house and the adjoining neighbor's inability to sell his home for several years due to the status of the property. Additionally, the staff provided the committee with a packet of information, including all correspondence with affected neighbors and any photos submitted. At 6:42 p.m. the Committee then closed the public meeting to convene in executive session in accordance with the Texas Open Meetings Act, Section 551.071 to deliberate on legal matters with its attorney. The board reconvened in public session at 7:00 p.m. It was then moved by Michael Sawran and seconded by Chris Florack 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 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. Ken Parker abstained from the vote. The motion carried.

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

Bradford Leigh

118 South Timber Top Drive

Lot 9, Block 1, Section 15 Village of Grogan's Mill

This item was heard under the summary approval list as presented by staff. It was moved by Ken Anderson and seconded by Michael Sawran to approve pursuit of legal action by authorizing our attorneys and staff to send letters to the owner notifying them of the Development Standards Committee's actions; what is required to cure the violations and establishing a reasonable time frame for resolution. The letter will include notice that failure to correct these violations 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.

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

Terrance Sunday

15 Spurwood Court

Lot 07, Block 01, Section 15 Village of Panther Creek

This item was withdrawn from the agenda. No action was taken on this item.

VII. Public Comments

A home owner from 219 Deerfoot Circle came to the meeting to respond to a notice he received regarding outstanding violations on his mother's property. He noted that the home was in need of repair and would need additional time to correct these matters. He also discussed concerns regarding his mother's health and asked if the staff could stop sending notice to the house and coordinate with him. The committee asked the owner to coordinate with staff after the meeting and thanked him for attending the meeting and addressing the committee.

VIII. Member Comments

There were no member comments.

IX. Staff Reports

The staff provided the committee with an update on the status of 9 Chatterbird Lane and 54 Yewleaf Road. The staff noted that at the tree and yard debris at 9 Chatterbird Lane is resolved and was removed through the revitalization and serving our seniors program. Additionally, the owner of 54 Yewleaf Road had contacted the staff to note that the renter is moving out of the home and the owner is having the shed and paving removed.

X. Adjourn

There being no further business it was moved by Deborah Sargeant and seconded by Chris Florack to adjourn the meeting at 7:18p.m.