

## PUBLIC MEETING MINUTES

### TO: THE DEVELOPMENT STANDARDS COMMITTEE AND ALL OTHER INTERESTED PERSONS:

Notice is hereby given that the Development Standards Committee will hold a Regular Meeting on May 17<sup>th</sup>, 2023, at 5:00 p.m., at the office of The Woodlands Township, 2801 Technology Forest Blvd, The Woodlands, Texas, within the boundaries of The Woodlands Township, for the following purposes:

Development Standards Committee

May 17<sup>th</sup>, 2023, at 5:00 p.m.

The Woodlands Township

2801 Technology Forest Boulevard

The Woodlands, Texas 77381

### MINUTES

**Members Present:** Walt Lisiewski, John Anderson, Arthur Bredehoft, Bob Adams, Mary Funderburg, Dan Kolkhorst (Arrived at 5:07p.m.), Jim McDaniel

**Staff Present:** Kimberly McKenna, Rick Wohlfarth, Michael Pechanec, Devon Jordan, Kimberly Alderete

**I. Welcome.**

Chairman Walt Lisiewski welcomed all those who were present to the meeting.

**II. Pledge of Allegiance.**

**III. Call Meeting to Order.**

Chairman Walt Lisiewski called the meeting to order at 5:00 p.m.

**IV. Receive, consider and act upon adoption of the meeting agenda.**

There was a motion to adopt the meeting agenda by Arthur Bredehoft with a second by Mary Funderburg. Dan Kolkhorst was not present for the vote. The motion carried.

**V. Public Comment.**

There were no public comments made.

**VI. Consideration and action regarding the minutes of the meeting of April 19<sup>th</sup>, 2023.**

The minutes of the meeting of April 19<sup>th</sup>, 2023 were presented to the committee. It was then moved by Arthur Bredehoft and seconded by Bob Adams to approve the minutes as presented. John Anderson abstained from the motion. The motion carried unanimously.

**VII. Consideration and Action of items recommended for Summary Action.**

These items were reviewed by the committee. The lists consisted of Commercial items J, K, L, and M, and Residential items 1, 5, 8-27, and XII. Arthur Bredehoft requested Commercial Item M be pulled from the summary agenda. It was then moved by Bob Adams and seconded by John Anderson to approve the commercial summary list as amended for the items above. The motion carried unanimously. It was then moved by Arthur Bredehoft and seconded by Mary Funderburg to approve the residential summary list as presented by staff for the items listed above. The motion carried unanimously.

**VIII. Recess to Executive Session to consult with the Development Standards Committee's attorney pursuant to 551.071, Texas Government Code.**

The committee did not recess for an executive session.

**IX. Reconvene in Public Session.**

The committee did not recess for an executive session.

**X. Consideration and Action of the Commercial Items, Applications and Covenant Violations.**

A. Consideration and action for the existing parking lot lighting upgrade.

Shadowbend Partners

5202 Shadowbend Place

Lot 0220 Block 0163 Section 0047 Village of Cochran's Crossing

This item was heard by the full committee. The committee reviewed the request, considered the location, neighbor impact, existing conditions, and the Commercial Planning and Design Standards. It was then moved by Dan Kolkhorst and seconded by Jim McDaniell to deny the request as presented and require the owner revise and resubmit with the following conditions:

- Adjust the color temperature to not exceed 3500K.
- Propose to Install shields to limit illumination toward the adjacent tracts.
- Submit a photometric plan noting the foot candle measurements to the property line, which includes all site lighting and is in compliance with the Standards not to exceed 0.1 fc at the property line.
- Revised plans to be submitted within 60 days.
- Must comply with The Woodlands Commercial Planning and Design Standards.
- The action of the committee does not constitute the approval of any other entities. It is the owner's responsibility to obtain those approvals.

The motion carried unanimously.

B. Consideration and action regarding existing building lighting and whether it requires application.

Shadow bend Partners

5202 Shadowbend Place

Lot 0220 Block 0163 Section 0047 Village of Cochran's Crossing

This item was heard by the full committee. The committee reviewed the request, considered the location, neighbor impact, existing and proposed conditions, and the Commercial Planning and Design Standards. It was then moved by Dan Kolkhorst and seconded by Jim McDaniell to approve the request and require the owner submit an application for the existing building lighting and affirmed that the existing building lights require an application. The application should include:

- Lighting cut sheets
- A color temperature to not exceed 3500K.
- Consider shields to limit illumination toward the adjacent tracts.
- Submit a photometric plan noting the foot candle measurements to the property line, which includes all site lighting and is in compliance with the Standards not to exceed 0.1 fc at the property line.
- Plans to be submitted within 60 days.
- Must comply with The Woodlands Commercial Planning and Design Standards.
- The action of the committee does not constitute the approval of any other entities. It is the owner's responsibility to obtain those approvals.

The motion carried unanimously.

C. Consideration and action for the proposed building remodel that includes color changes and associated site improvements.

HMC Woodlands LLC / Niko Niko's Greek & American Cafe

922 Lake Front Circle

Lot 0560 Block 0599 Section 0999 Village of Research Forest

This item was heard by the full committee. The committee reviewed the proposal, considered the location, existing and proposed conditions and the Commercial Planning and Design Standards. Following deliberation, it was moved by Arthur Bredehoft and seconded by Bob Adams to approve the building remodel on the following conditions:

- Submit landscape plan to the staff for planting around the patio.
- Enhance forest preserve between Drury Inn and Niko Niko's to screen view of generator and rear enclosure.

- Must provide generator specs that indicate decibel level to the property line and not exceed 65dB. The committee reserves the right to require additional improvements to mitigate sound issues, in the event an impact is received or observed. If required, the Plan Review Committee or their designee may revisit the item or require additional remedies to reduce noise levels to acceptable levels.
- Provide cut sheets to the staff for HVAC including decibel level to the property line and not exceed 65 dB.
- Doors on rear enclosure should be revised to a metal panel door. Doors are to be compatible in color with surrounding building materials, staff can review the final submission for verification of compliance with the committee action.
- Porte-cochere broken EFIS look to reviewed in the field during construction by DSC designees. Owner should reach out to staff to schedule a visit.
- Provide a photometric study for all exterior site lighting.
- Lighting temperature is not to exceed 3500k.
- Light poles are to be dark bronze to match bronze fixture heads. The committee reserves the right to require adjustments such as shields, reduce illumination or other modifications, in the event an objection is observed.
- All lighting to be installed with dimmer circuits.
- All improvements must comply with The Woodlands Commercial Planning and Design Standards.
- The action of the committee does not constitute the approval of any other entities. It is the owner's responsibility to obtain those approvals.

The motion carried unanimously.

D. Consideration and action for the proposed patio addition, patio lighting and patio furniture and other improvements.

HMC Woodlands LLC / Niko Niko's Greek & American Café

922 Lake Front Circle

Lot 0560 Block 0599 Section 0999 Village of Research Forest

This item was heard by the full committee. The committee reviewed the proposal, considered the location, existing and proposed conditions and the Commercial Planning and Design Standards. Following deliberation, it was moved by Arthur Bredehoft and seconded by Bob Adams to approve the building remodel and lighting package on the following conditions:

- Submit landscape plan to the staff for planting around the patio.
- Enhance forest preserve between Drury Inn and Niko Niko's to screen view of generator and rear enclosure.
- Must provide generator specs that indicate decibel level to the property line and not exceed 65dB. The committee reserves the right to require additional improvements to mitigate sound issues, in the event an impact is received or observed. If required, the Plan Review Committee or their designee may revisit the item or require additional remedies to reduce noise levels to acceptable levels.
- Provide cut sheets to the staff for HVAC including decibel level to the property line and not exceed 65 dB.
- Doors on rear enclosure should be revised to a metal panel door. Doors are to be compatible in color with surrounding building materials, staff can review the final submission for verification of compliance with the committee action.
- Porte-cochere broken EFIS look to reviewed in the field during construction by DSC designees. Owner should reach out to staff to schedule a visit.
- Provide a photometric study for all exterior site lighting.
- Lighting temperature is not to exceed 3500k.
- Light poles are to be dark bronze to match bronze fixture heads. The committee reserves the right to require adjustments such as shields, reduce illumination or other modifications, in the event an objection is observed.
- All lighting to be installed with dimmer circuits.
- All improvements must comply with The Woodlands Commercial Planning and Design Standards.
- The action of the committee does not constitute the approval of any other entities. It is the owner's responsibility to obtain those approvals.

The motion carried unanimously.

- E. Variance request for the proposed lighting package, which includes parking lot and building lighting that may exceed the maximum foot candle level allowed at the property line.

HMC Woodlands LLC / Niko Niko's Greek & American Cafe

922 Lake Front Circle

Lot 0560 Block 0599 Section 0999 Village of Research Forest

This item was heard by the full committee. The committee reviewed the proposal, considered the location, existing and proposed conditions and the Commercial Planning and Design Standards. Following deliberation, it was moved by Arthur Bredehoft and seconded by Bob Adams to approve the building remodel and lighting package on the following conditions:

- Submit landscape plan to the staff for planting around the patio.
- Enhance forest preserve between Drury Inn and Niko Niko's to screen view of generator and rear enclosure.
- Must provide generator specs that indicate decibel level to the property line and not exceed 65dB. The committee reserves the right to require additional improvements to mitigate sound issues, in the event an impact is received or observed. If required, the Plan Review Committee or their designee may revisit the item or require additional remedies to reduce noise levels to acceptable levels.
- Provide cut sheets to the staff for HVAC including decibel level to the property line and not exceed 65 dB.
- Doors on rear enclosure should be revised to a metal panel door. Doors are to be compatible in color with surrounding building materials, staff can review the final submission for verification of compliance with the committee action.
- Porte-cochere broken EFIS look to reviewed in the field during construction by DSC designees. Owner should reach out to staff to schedule a visit.
- Provide a photometric study for all exterior site lighting.
- Lighting temperature is not to exceed 3500k.
- Light poles are to be dark bronze to match bronze fixture heads. The committee reserves the right to require adjustments such as shields, reduce illumination or other modifications, in the event an objection is observed.
- All lighting to be installed with dimmer circuits.
- All improvements must comply with The Woodlands Commercial Planning and Design Standards.
- The action of the committee does not constitute the approval of any other entities. It is the owner's responsibility to obtain those approvals.

The motion carried unanimously.

- F. Consideration and action for the proposed canopy sign for the To Go entrance.

HMC Woodlands LLC / Niko Niko's Greek & American Cafe

922 Lake Front Circle

Lot 0560 Block 0599 Section 0999 Village of Research Forest

This item was heard by the full committee. The committee reviewed the proposal, considered the location, existing and proposed conditions and the Commercial Planning and Design Standards. Following deliberation, it was moved by Arthur Bredehoft and seconded by Bob Adams to approve the proposed canopy To Go sign as presented on the condition that the improvement must comply with The Woodlands Commercial Planning and Design Standards. Additionally the action of the committee does not constitute the approval of any other entities, it is the owners responsibility to obtain those approvals. The motion carried unanimously.

- G. Variance request for the proposed final plans for the primary building sign that does not match the monument signs.

HMC Woodlands LLC / Niko Niko's Greek & American Cafe

922 Lake Front Circle

Lot 0560 Block 0599 Section 0999 Village of Research Forest

This item was heard by the full committee. The committee reviewed the proposal, considered the location,

existing and proposed conditions and the Commercial Planning and Design Standards. Following deliberation, it was moved by Arthur Bredehoft and seconded by Bob Adams to approve the proposed primary building sign as presented on the conditions that no other signage is approved at this time, owner must submit any proposed vinyl graphics to the windows or doors in advance of installation, the improvements must comply with the Woodlands Commercial Planning and Design Standards, and the action of the committee does not constitute the approval of any other entities. It is the owner's responsibility to obtain those approvals. The motion carried unanimously.

H. Variance request for the proposed secondary building sign that does not match the monument signs.

HMC Woodlands LLC / Niko Niko's Greek & American Cafe

922 Lake Front Circle

Lot 0560 Block 0599 Section 0999 Village of Research Forest

This item was heard by the full committee. The committee reviewed the proposal, considered the location, existing and proposed conditions and the Commercial Planning and Design Standards. Following deliberation, it was moved by Arthur Bredehoft and seconded by Bob Adams to approve the proposed secondary building sign as presented on the condition that the improvement must comply with The Woodlands Commercial Planning and Design Standards. Additionally the action of the committee does not constitute the approval of any other entities, it is the owners responsibility to obtain those approvals. The motion carried unanimously.

I. Variance request for the proposed final plans for the monument signs that do not match the building signs.

HMC Woodlands LLC / Niko Niko's Greek & American Cafe

922 Lake Front Circle

Lot 0560 Block 0599 Section 0999 Village of Research Forest

This item was heard by the full committee. The committee reviewed the proposal, considered the location, existing and proposed conditions and the Commercial Planning and Design Standards. Following deliberation, it was moved by Arthur Bredehoft and seconded by Bob Adams to approve the variance request on the following conditions:

- Mimic the piano hinge system of the existing configuration.
- Panel is to be one color without border and suggest blue color to be comparable to blue color on building color package.
- Relocate the FCO address letters to streetside top to mitigate vegetation obscuring the information for the sign on Lake Front Circle. Address letters should only be applied to the Sign on Lake Front Circle.
- Install formal landscaping around the monument signs in accordance with the Commercial Planning and Design Standards.
- All improvements must comply with The Woodlands Commercial Planning and Design Standards.
- The action of the committee does not constitute the approval of any other entities. It is the owner's responsibility to obtain those approvals.

The motion carried unanimously.

J. Variance request for the existing and proposed parking lot lighting that may exceed the maximum foot candle level allowed at the property line.

Infisy Systems Inc. / Global Shop Solutions

975 Evergreen Circle

Lot 8400 Block 0599 Section 0999 Village of Town Center

This item was heard by the committee under the summary list as presented by staff. It was then moved by Bob Adams and seconded by John Anderson to approve the existing and proposed parking lot lighting on the following conditions:

- Relocate the pole proposed in the rear landscape island to the west curb line so that light is not projected toward the property line but away from the property line.
- Light fixture color temperature output shall be 5000K to match the existing color temperature of light fixtures already on site. All fixtures shall be within 500K of all other exterior fixtures.

- Fixture color finish and new light poles shall be bronze to match the existing poles. If a color match cannot be achieved, then the existing poles shall be refinished to match the new bronze poles.
- Adequate fixture shielding shall be installed to project light toward the parking lot. The DSC reserves the right to require additional shielding, screening, or reduced light output shall the need arise due to disruption to adjacent properties.
- No other exterior improvement is approved other than specifically submitted and approved within this written approval or previously approved. All exterior improvements must be submitted for review and written Committee approval prior to fabrication and installation.
- The permanent improvement must comply with The Woodlands Commercial Planning and Design Standards.
- The action of the committee does not constitute the approval of any other entities. It is the owner's responsibility to obtain those approvals.

The motion carried unanimously.

K. Consideration and action for the existing basketball goal and painted court.

Infisy Systems Inc. / Global Shop Solutions

975 Evergreen Circle

Lot 8400 Block 0599 Section 0999 Village of Town Center

This item was heard by the committee under the summary list as presented by staff. It was then moved by Bob Adams and seconded by John Anderson to approve on the following conditions:

- The applicant must plant a tree in the landscape island midway between the street and the basketball goal.
- No additional lighting has been or will be permitted to be installed for the court.
- Should a nuisance be determined, additional screening may be required as a condition of conditional approval.
- The parking ratio must be compliant with The Woodlands Standards.
- Permanent Improvements must comply with The Woodlands Commercial Planning and Design Standards.
- The action of the committee does not constitute the approval of any other entities. It is the owner's responsibility to obtain those approvals.

The motion carried unanimously.

L. Consideration and action for the proposed fenced in playground, which proposes trees to be removed.

Spirit of Joy Lutheran Church

7550 Crownridge Drive

Lot 0200 Block 0257 Section 0047 Village of Alden Bridge

This item was heard by the committee under the summary list as presented by staff. It was then moved by Bob Adams and seconded by John Anderson to approve on the following conditions:

- Applicant to clarify the actual location of the proposed playground on the survey.
- The applicant is to meet on-site with Covenant Administration staff to review shifting the playground in an attempt to save large trees from being removed.
- Provide details for the different play surfaces, including Bike Paths, safety zone areas, and pathways from the church building to the playground.
- All structures are to be of neutral colors.
- Consider the sandbox to be installed with a cover to be in place when not in use to prevent animals from nesting/using the sandbox.
- The "music flowers" shall be of a low volume so as to not be heard beyond the church property.
- All fencing and gates/closers shall meet all code and ADA requirements.
- Permanent Improvements must comply with The Woodlands Commercial Planning and Design Standards.
- The action of the committee does not constitute the approval of any other entities. It is the owner's responsibility to obtain those approvals.

The motion carried unanimously.

M. Consideration and action for the existing refillable water dispenser.

Alden Bridge Complex LLC / CVS Pharmacy

3705 FM 1488

Lot 1906 Block 0549 Section 0047 Village of Alden Bridge

This item was heard by the full committee. The committee reviewed the proposal, considered the location, existing and proposed conditions and the Commercial Planning and Design Standards. It was then moved by John Anderson and seconded by Bob Adams to accept the summary motion as presented by staff in the Commercial Summary Agenda: Deny as presented and require the owner remove the water dispenser within 60 days or revise and resubmit on the following conditions:

- Rotate the water dispensing machine 90 degrees counterclockwise and add screen walls that match the architecture of the building to fully screen the vending machine from public view.
- Water lines and electrical conduits are to be concealed when possible. Route utility lines through the interior and then through the wall at the machine. Paint conduits to match the substrate to which it is mounted.
- Exterior product vending shall not be visible to public view or adjacent properties.
- Minimal signage shall be displayed on the vending machine.
- Must comply with The Woodlands Commercial Planning and Design Standards.
- The action of the committee does not constitute the approval of any other entities. It is the owner's responsibility to obtain those approvals.

The motion carried unanimously.

#### **XI. Consideration and Action of the Residential Items, Applications and Covenant Violations.**

1. Rehearing request regarding decision of the Development Standards Committee to screen an existing generator.

Wilson Living Trust

295 N Silvershire Circle

Lot 23, Block 02, Section 43 Village of Cochran's Crossing

This item was heard by the committee under the summary list as presented by staff. It was then moved by Arthur Bredehoft and seconded by Mary Funderburg to deny the rehearing request and require the owner adhere to the original conditions of approval, and accept the 2 planted pots as sufficient screening toward the front, (Screening must be maintained at the front of the property. Owner can apply for a privacy screen structure if preferred, or can use trellis with integrated vegetation to screen.) The motion carried unanimously.

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

Glenn Robert Brown

19 Bayginger Place

Lot 13, Block 03, Section 23 Village of Cochran's Crossing

This item was heard by the full committee. The committee deliberated regarding the improvement, correspondence received by interested parties, the surrounding properties, and the applicable Residential Development Standards. The homeowner was present and addressed the committee. It was then moved by Walt Lisiewski and seconded by Arthur Bredehoft to accept the variance request and allow the fence to remain as currently installed on the condition the improvement meets code and passes final inspection by a third-party qualified inspector. John Anderson abstained from the motion. The motion carried unanimously.

3. Request, by the rear neighbor at 18 Petalcup Place, to appeal the Residential Design Review Committee's action of the approved shade sail at 19 Bayginger Place.

Lisa Cohen (appeal requestor)

18 Petalcup Place

Lot 32, Block 3, Section 23 Village of Cochran's Crossing

Glenn Brown (owner of improvement)

19 Bayginger Place

Lot 13, Block 03, Section 23 Village of Cochran's Crossing

This item was heard by the full committee. The committee deliberated regarding the improvement, correspondence received by interested parties, the surrounding properties, and the applicable Residential

Development Standards. The homeowner was present and addressed the committee. It was then moved by Walt Lisiewski and seconded by Arthur Bredehoft to deny the appeal request and affirm the original action taken by the Cochran's Crossing Residential Design Review Committee which includes:

- The shade sail must be moved away from the fence as far back as possible.
- Any illumination must be directed away from the shade sail.
- The shade sail must be mounted to permanent fixtures/poles.

The motion carried unanimously.

4. Request, by the rear neighbor at 18 Petalcup Place, to appeal the Residential Design Review Committee's action of the approved storage shed at 19 Bayginger Place.

Lisa Cohen (appeal requestor)

18 Petalcup Place

Lot 32, Block 3, Section 23 Village of Cochran's Crossing

Glenn Brown (owner of improvement)

19 Bayginger Place

Lot 13, Block 03, Section 23 Village of Cochran's Crossing

This item was heard by the full committee. The committee deliberated regarding the improvement, correspondence received by interested parties, the surrounding properties, and the applicable Residential Development Standards. The homeowner was present and addressed the committee. It was then moved by Walt Lisiewski and seconded by Arthur Bredehoft to deny the appeal request and affirm the original action taken by the Cochran's Crossing Residential Design Review Committee which includes:

- The owner must complete a Memorandum of Agreement requiring the owner remove the shed from the easement when the owner no longer owns the home, sells or transfers title, when the shed is no longer used by the homeowners, or is in disrepair, whichever comes first.

The motion carried unanimously.

5. Variance request to appeal the Cochran's Crossing Residential Design Review Committee's conditions of approval requiring the owner to replant three thirty-gallon native trees in the backyard.

Floyd L Koch

14 Stormwood Place

Lot 10, Block 02, Section 20 Village of Cochran's Crossing

This item was heard by the committee under the summary list as presented by staff. It was then moved by Arthur Bredehoft and seconded by Mary Funderburg to approve the request to appeal the Residential Design Review Committee's conditions of approval and allow the removal of trees without the requirement for replants. Appeal approval is due to the owner's report from business owner degreed in landscape architecture, and evaluation of the existing tree canopy and vegetation. Owner must maintain the existing vegetation at the rear of the property, to soften and screen the view from the adjacent neighbor. The motion carried unanimously.

6. Variance request for the existing fence with incorporated retaining wall made of concrete bags, which is not an approved fence design, is located within the easement, is built with the construction members facing outward from the lot toward an open space reserve, and exceeds the maximum allowed height as measured from natural grade.

Kathey E King

106 W High Oaks Circle

Lot 29, Block 01, Section 42 Village of Grogan's Mill

This item was heard by the full committee. The committee deliberated regarding the improvements, impact to adjacent properties, and the applicable Residential Development Standards. A representative was present and addressed the committee. It was then moved by Arthur Bredehoft and seconded by Walt Lisiewski to deny the improvements as presented and suggest the owner resubmit with a new application after reviewing the Residential Standards for fence design height and location and consulting with a professional engineer, all additional easement holders, and the county regarding any future proposals for retaining walls. The committee



noted that the owner should resubmit with revised plans, and suggested the owner provide recommendations from any necessary third-party consultation, entity or submit and other entities review and approvals. The committee clarified these items would need to be available to consider a variance, but is not an affirmation that a variance will be granted for any future proposals. John Anderson opposed the motion. The motion carried.

7. Variance request for the existing fence with incorporated retaining wall made of concrete bags, which is not an approved fence design, is located within the easement, is built with the construction members facing outward from the lot toward an open space reserve, and exceeds the maximum allowed height as measured from natural grade.

Julie and Christopher Sperk

104 W High Oaks Cir

Lot 30, Block 01, Section 42 Village of Grogan's Mill

This item was heard by the full committee. The committee deliberated regarding the improvements, impact to adjacent properties, and the applicable Residential Development Standards. The homeowner was present and addressed the committee. It was then moved by Arthur Bredehoft and seconded by Walt Lisiewski to deny the improvements as presented and suggest the owner resubmit with a new application after reviewing the Residential Standards for fence design height and location and consulting with a professional engineer, all additional easement holders, and the county regarding any future proposals for retaining walls. The committee noted that the owner should resubmit with revised plans, and suggested the owner provide recommendations from any necessary third-party consultation, entity or submit and other entities review and approvals. The committee clarified these items would need to be available to consider a variance, but is not an affirmation that a variance will be granted for any future proposals. John Anderson opposed the motion. The motion carried.

8. Variance request for a proposed pool that would exceed the maximum Hard Surface Area allowed.

Mark A Munoz

7 Sheep Meadow Place

Lot 61, Block 03, Section 01 Village of Indian Springs

This item was heard by the committee under the summary list as presented by staff. It was then moved by Arthur Bredehoft and seconded by Mary Funderburg to conditionally approve on the following conditions, the owner must:

- Select option 2 with the artificial turf and reducing the hard surface,
- Submit a comprehensive sealed drainage plan, in accordance with the Standards for variances of hard surface. Drainage plans should include any specifications for drainage swales, piping, catch basins and drain outlets. Drainage plans should be sealed by a licensed landscape architect registered with the State or sealed by a licensed engineer registered with the Texas Board of Professional Engineers. Please reference the applicable Standard.
- Additionally, the owner must ensure placement of the improvement does not halt or materially impede drainage as defined in our Standards.
- All improvements must meet code and pass final inspections.

The motion carried unanimously.

9. Variance request for the proposed garage with second story living area that will encroach into the ten-foot side setback.

Travis and Laura Shearer

12 S Doe Run Drive

Lot 03, Block 02, Section 16 Village of Grogan's Mill

This item was heard by the committee under the summary list as presented by staff. It was then moved by Arthur Bredehoft and seconded by Mary Funderburg to approve on the following conditions:

- The owner must submit a construction timeline for any timeline that will extend more than 120 days. A construction timeline must include each improvement and the date of completion specified for each

improvement.

- Requests for additional time must be reviewed for approval in advance of the deadline for completion.
- The owner must ensure placement of the improvements does not halt or materially impede drainage as defined in the Residential Development Standards.
- The staff will review upon completion to determine if any native evergreen vegetation is necessary to soften and screen the impact or view to adjacent properties.
- All improvements will be required to meet code, pass final inspection and comply with all Residential Development Standards defined for New Home Construction. Including but not limited to:
  - Hours of Operation for Construction
  - Access and Safety.
  - Fencing: Maintain all fencing including tree protection, erosion control and perimeter fencing, as needed.
  - Keeping of Contractor Vehicles on the lot.
  - Continued maintenance of the lot in good order and repair.
  - Dumpster or other waste containers stored on site.
  - Portable Restroom Facilities stored on site.
  - All improvements must be located entirely on the applicant's lot. All materials and equipment for the construction and installation of any improvements, must be stored in an orderly fashion, located on the owner's lot and maintained in good order and repair.
- Action by this committee does not constitute action by the additional entities. It is the owner's responsibility to obtain those approvals.

The motion carried unanimously.

10. Variance request for the proposed balcony with staircase that will encroach into the 30-foot rear setback.

John Melfi

30 Southgate Drive

Lot 08, Block 02, Section 45 Village of Grogan's Mill

This item was heard by the committee under the summary list as presented by staff. It was then moved by Arthur Bredehoft and seconded by Mary Funderburg to approve on the condition the owner plants and maintains vegetation to the side of the improvement to soften and screen the first story view from the adjacent property owner. All improvements must meet code and pass final inspection. Improvements must not halt or materially impede drainage as defined the Residential Development Standards. The motion carried unanimously.

11. Variance request for proposed concept room addition that would exceed the maximum living area allowed and would not comply with the neighborhood criteria which requires all garages be detached from the dwelling.

Jonathan Douglas Daniel

110 Bitterwood Circle

Lot 19, Block 02, Section 20 Village of Panther Creek

This item was heard by the committee under the summary list as presented by staff. It was then moved by Arthur Bredehoft and seconded by Mary Funderburg to approve on the condition the owner submit a final application in accordance with the Residential Development Standards. At the time of final submission, the owner must submit the following:

- A complete application for all improvements proposed including all final sealed Architectural plans and all final sealed Structural plans.
- Staff to review final submission for verification the submission complies with the requirements set forth in the conceptual review.

Please be advised the following conditions will apply to a final permit:

- The owner must ensure placement of the improvements does not halt or materially impede drainage as defined in the Residential Development Standards.
- All improvements will be required to meet code, pass final inspection and comply with all Residential Development Standards defined for Major Remodel. Including but not limited to:

- Hours of Operation for Construction
  - Access and Safety.
  - Keeping of Contractor Vehicles on the lot.
  - Continued maintenance of the lot in good order and repair.
  - Dumpster or other waste containers stored on site.
  - Portable Restroom Facilities stored on site.
  - All improvements must be located entirely on the applicant's lot. All materials and equipment for the construction and installation of any improvements, must be stored in an orderly fashion, located on the owner's lot and maintained in good order and repair.
  - Action by this committee does not constitute action by the additional entities. It is the owner's responsibility to obtain those approvals.
- The motion carried unanimously.

12. Variance request for a proposed room addition that exceeds the maximum living area allowed and includes one option where the chimney would encroach the seven-foot side setback.

Stephen Riggle

27 Pleasure Cove Drive

Lot 09, Block 02, Section 24 Village of Panther Creek

This item was heard by the committee under the summary list as presented by staff. It was then moved by Arthur Bredehoft and seconded by Mary Funderburg to approve option 2 on the following conditions:

- The owner must submit a comprehensive set of sealed plans noting option 2 with the chimney respecting the setback.
- All improvements must meet code and pass final inspection.
- Owner must ensure placement of the improvements does not halt or materially impede drainage as defined in the Residential Development Standards.
- Owner must comply with the Standards for major remodeling, including but not limited to:
  - Hours of Operation for Construction
  - Access and Safety.
  - Keeping of Contractor Vehicles on the lot.
  - Continued maintenance of the lot in good order and repair.
  - Dumpster or other waste containers stored on site.
  - Portable Restroom Facilities stored on site.
  - All improvements must be located entirely on the applicant's lot. All materials and equipment for the construction and installation of any improvements, must be stored in an orderly fashion, located on the owner's lot and maintained in good order and repair.
- Action by this committee does not constitute action by the additional entities. It is the owner's responsibility to obtain those approvals.

The motion carried unanimously.

13. Variance request for a proposed garage and room addition that will exceed the maximum living area allowed.

Casflo Investments

11931 S Red Cedar Circle

Lot 03, Block 01, Section 03 Village of Grogan's Mill

This item was heard by the committee under the summary list as presented by staff. It was then moved by Arthur Bredehoft and seconded by Mary Funderburg approve on the condition the owner meet code and passes final inspection. Owner must ensure placement of the improvements does not halt or materially impede drainage as defined in the Residential Development Standards. The motion carried unanimously.

14. Variance request for the proposed driveway widening that exceeds the maximum width allowed.

Brian Shosa

21 Bracken Fern Ct

Lot 05, Block 02, Section 40 Village of Grogan's Mill

This item was heard by the committee under the summary list as presented by staff. It was then moved by Arthur Bredehoft and seconded by Mary Funderburg to approve the driveway widening on the following conditions:

- The owner must maintain the existing vegetation in front of the widened section of the hook in, to soften and screen the view and plant additional vegetation to soften the view of the widened portion, as seen from the street. Staff to review final plantings for verification of compliance with the committee's action.
- The owner must plant and maintain 3- 15 gallon native evergreen trees anywhere in the front yard for the purposes of reforestation for trees removed for both porch and driveway.
- Owner must ensure placement of the improvements does not halt or materially impede drainage as defined in the Residential Development Standards.
- Action by this committee does not constitute action by the additional easement holders.

The motion carried unanimously.

15. Variance request for the proposed front porch that encroaches into the front setback.

Brian Shosa

21 Bracken Fern Ct

Lot 05, Block 02, Section 40 Village of Grogan's Mill

This item was heard by the committee under the summary list as presented by staff. It was then moved by Arthur Bredehoft and seconded by Mary Funderburg to approve as presented, on the condition the improvement meets code and passes final inspection. The motion carried unanimously.

16. Variance request for a proposed detached building that will exceed the maximum height allowed.

Bretland Bosson

10811 W Timberwagon Circle

Lot 14, Block 07, Section 06 Village of Grogan's Mill

This item was heard by the committee under the summary list as presented by staff. It was then moved by Arthur Bredehoft and seconded by Mary Funderburg to deny the variance and consent to delay enforcement based upon the execution of a memorandum of agreement requiring the owner remove the shed from the home when the owner no longer owns the home, sells or transfers title or when the shed is in disrepair and requires replacement, whichever comes first. The memorandum will be recorded at the courthouse and binding on the land. Additionally, the owner must ensure placement of the improvement does not halt or materially impede drainage as defined in the Residential Development Standards. The motion carried unanimously.

17. Variance request for a tree proposed for removal.

Daniel Vanzant Rice

34 South Berryline Circle

Lot 51, Block 02, Section 35 Village of Panther Creek

This item was heard by the committee under the summary list as presented by staff. It was then moved by Arthur Bredehoft and seconded by Mary Funderburg to approve on the condition the owner plant and maintain one (1) 30 gallon or two (2) 15 gallon trees anywhere on the lot for the purposes of reforestation. The motion carried unanimously.

18. Variance request for an existing patio that exceeds the maximum hard surface area allowed.

Thomas N Depeter III

153 N Rainbow Ridge Circle

Lot 04, Block 01, Section 01 Village of Cochran's Crossing

This item was heard by the committee under the summary list as presented by staff. It was then moved by Arthur Bredehoft and seconded by Mary Funderburg to approve on the following conditions:

- The owner must submit a comprehensive drainage plan in accordance with the Standards for the Hard Surface variance.

- Owner must ensure placement of the improvement does not halt or materially impede drainage as defined in the standards.

The motion carried unanimously.

19. Variance request for an existing driveway widening that encroaches into the 5-foot side easement and exceeds the maximum hard surface area allowed.

Logan Newton

7 Spotted Deer Drive

Lot 02, Block 18, Section 01 Village of Indian Springs

This item was heard by the committee under the summary list as presented by staff. It was then moved by Arthur Bredehoft and seconded by Mary Funderburg to approve on the conditions:

- The owner must taper the widened portion consistent with our Standards and plant and maintain a landscape bed with vegetation that softens and screens the view of the driveway widening from the front.
- Owner must ensure placement of the improvements does not halt or materially impede drainage as defined in our residential standards.
- Action by this committee does not constitute action by any additional easement holders. It is the owner's responsibility to obtain those approvals.

The motion carried unanimously.

20. Variance request for an existing driveway that exceeds the maximum hard surface allowed.

Thomas N Depeter III

153 N Rainbow Ridge Circle

Lot 04, Block 01, Section 01 Village of Cochran's Crossing

This item was heard by the committee under the summary list as presented by staff. It was then moved by Arthur Bredehoft and seconded by Mary Funderburg to approve on the following conditions:

- The owner must submit a comprehensive drainage plan in accordance with the Standards for the Hard Surface variance.
- Owner must ensure placement of the improvement does not halt or materially impede drainage as defined in the standards.

The motion carried unanimously.

21. Variance request for the existing fence that encroaches the platted building line.

Douglas Drucker

10737 N Autumnwood Way

Lot 02, Block 01, Section 30 Village of Grogan's Mill

This item was heard by the committee under the summary list as presented by staff. It was then moved by Arthur Bredehoft and seconded by Mary Funderburg to approve as presented.

22. Variance request for an existing pergola that encroaches the ten-foot rear easement.

Luis Fernando Lopez Quintero

90 E Amberglow Circle

Lot 24, Block 02, Section 26 Village of Cochran's Crossing

This item was heard by the committee under the summary list as presented by staff. It was then moved by Arthur Bredehoft and seconded by Mary Funderburg to approve as presented. Owner must ensure placement of the improvement does not halt or materially impede drainage as defined in our Residential Development Standards. Action by this committee does not constitute action by any additional easement holder, it is the owner responsibility to obtain those approvals and may be subject to removal. The motion carried unanimously.

23. Variance Request for an existing playhouse that encroaches the five-foot side easement.

Luis Fernando Lopez Quintero

90 E Amberglow Circle

Lot 24, Block 02, Section 26 Village of Cochran's Crossing

This item was heard by the committee under the summary list as presented by staff. It was then moved by Arthur Bredehoft and seconded by Mary Funderburg to deny the variance and consent to delay enforcement based upon the execution of a memorandum of agreement requiring the owner to remove the structure from the easement when the owner no longer owns the home, sells or transfers title, or when the play structure is in disrepair and requires removal, whichever comes first. Action by this committee does not constitute action by any other easement holder. It is the owner's responsibility to obtain those approvals and may be subject to removal. The motion carried unanimously.

24. Consideration and action for a home business renewal.

Jake and Chelsea Crocker

35 S. Morningwood Ct.

Lot 83, Block 04, Section 38, Village of Grogan's Mill

This item was heard by the committee under the summary list as presented by staff. It was then moved by Arthur Bredehoft and seconded by Mary Funderburg to approve on the following conditions:

- In accordance with the Residential Development Standards and Covenants, Restrictions, Easements Charges and Liens of The Woodlands, the Home Business is subject to revocation for the following reasons:
  - A violation of the Standards occurs.
  - The Business does not adhere to the conditions of approval.
  - At the discretion of the Plan Review Committee.
- This approval is valid for a period not to exceed two years. The owner must submit a home business renewal no later than May 2025 for continued operation.

The motion carried unanimously.

25. Consideration and action for a Short-Term Rental application

Xiaomeng Jiang

38 Larks Aire Place

Lot 57, Block 01, Section 37 Village of Cochran's Crossing

This item was heard by the committee under the summary list as presented by staff. It was then moved by Arthur Bredehoft and seconded by Mary Funderburg to approve the Short-Term Rental on the condition that the owner & other designees must sign the Short-Term Rental Maintenance and User Agreement, pay compliance deposit, submit insurance certificate and must provide a secondary responsible party when the primary responsible party is absent. Owner must also comply with all the Short-Term Rental regulations per Section 3.7 of The Woodlands Residential Development Standards. This approval is valid for a period not to exceed one year. Owner must reapply by May 2024. Short Term Rental application may be revoked at any time for failure to comply with the conditions of approval, as a result of impact or at the discretion of the Development Standards Committee. Property must be maintained per the Covenants and Standards. The motion carried unanimously.

26. Consideration and action for a Short-Term Rental application

Tyler & Julie Cott

27 Heartleaf Court

Lot 07, Block 02, Section 39 Village of Panther Creek

This item was heard by the committee under the summary list as presented by staff. It was then moved by Arthur Bredehoft and seconded by Mary Funderburg to approve the Short-Term Rental on the condition that the owner & other designees must sign the Short-Term Rental Maintenance and User Agreement, pay compliance deposit, submit insurance certificate and must provide a secondary responsible party when the primary responsible party is absent. Owner must also comply with all the Short-Term Rental regulations per Section 3.7 of The Woodlands Residential Development Standards. This approval is valid for a period not to exceed one year. Owner must reapply by May 2024. Short Term Rental application may be revoked at any time for failure to comply with the conditions of approval, as a result of impact or at the discretion of the

Development Standards Committee. Property must be maintained per the Covenants and Standards. The motion carried unanimously.

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

Lucas Ryan Charbonneau and Alyssa H Foote

26 Watertree Drive

Lot 01, Block 01, Section 44 Village of Grogan's Mill

This item was heard by the committee under the summary list as presented by staff. It was then moved by Arthur Bredehoft and seconded by Mary Funderburg 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 to resolve. 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, to correct these violations of the Woodlands Covenants and Commercial Planning and Design 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.

- XII.** Consideration and action regarding a request by a homeowner to amend the Neighborhood Criteria for Section 20 Block 1, lots 1-34 and Block 2, lots 1-22 of the Village of Panther Creek restricting the Maximum Living Area, Garage, Fencing and Neighborhood Architectural Style.

Owners of Section 20 Block 1, lots 1-34 and Block 2, lots 1-22. All lots in Section 20 Block 1, lots 1-34 and Block 2, lots 1-22 Village of Panther Creek

This item was heard by the committee under the summary list as presented by staff. It was then moved by Arthur Bredehoft and seconded by Mary Funderburg to approve a revised neighborhood criteria on the condition the maximum amount of living area is proposed at 2100 square feet (approx. 500 under ALUD) and authorize the staff to record the revised neighborhood criteria in Montgomery County Courthouse. The motion carried unanimously.

- XIII. Consideration and action regarding the Residential Development Standards and Commercial Planning and Design Standards and/or any promulgated rules for interim actions during emergency situations.**

There was no action taken on this item.

- XIV. Development Standards Committee Member Comments**

Mary Funderburg thanked the staff and confirmed the time that a future meeting was taking place. Dan Kolkhorst stated that he would like to schedule a meeting with the Covenant Administration Manager, Kimberly McKenna, when available. Walt Lisiewski, John Anderson, Bob Adams, and Jim McDaniell thanked the staff and other members for their time.

- XV. Staff Comments and Reports**

There were no staff comments made or reports given.

- XVI. Adjourn**

There being no further business there was a motion made by John Anderson and a second by Dan Kolkhorst to adjourn the meeting at 7:41p.m.

# Development Standards Committee Meeting of

5/17/23

Name (Please Print)	Representing	Address	Agenda #
Dimitrios Fetokakis		922 Lake Front Cir.	C-I
Earl Armstrong		922 Lake Front Cir.	C-I
DAVID HANSEN	Spirit of Joy Lutheran Church	7550 Crownridge Dr.	L
Chad Rozelle		51 Bitterwood Cir	
DAVID RICHARDS	Niko Nikos	922 LAKE FRONT CIR	C-2
Holly Werner	Spirit of Joy Lutheran Church	7550 Crownridge DR	L
AL EDWARDS			
Jonathan Daniel		110 Bitterwood Cir	11
Steve Riggle	myself	27 Pleasure Cove	12
Christopher M. Spork / Julie Spork	myself	104 W. High Oaks Cr	7
J.C. Bolme	Shadabend Park	5202 Shadabend Park	AP
Glenn + Sharon Brown		19 Bayginger Place	2
Hugo Cedeno	Self	11931 S Red Cedar	