

Bois D' Arc Lake Zoning Commission
06/01/2023 Meeting Minutes

On Thursday, June 1, 2023 the Bois D' Arc Lake Zoning Commission (BDA-LZC) held a public meeting after public notice was posted at 9:16am on May 2, 2023 with the following members being present:

Newt Cunningham (NC)
Gilbert Welch (GW)
Gary Fernandes (GF) via phone
Kevin Darwin (KD)
Matt Titsworth (MT)

Judge Cunningham called the meeting to order at 8:47 am.

1. Establish Quorum;

All members present with Gary Fernandes present via telephone.

2. Public Forum;

N/A

3. Approve minutes from 05/04/2023 Regular and Special meetings;

Mr. Darwin moved to approve the minutes from 05/04/2023 meetings. Seconded by Mr. Titsworth. Motion passes 5-0.

4. Discussion, consideration and action regarding a Change in Zoning application and the recommendation to Commissioners Court; 6.743 acres on CR 2975 in Dodd City, Property ID# 75393, from A&R, Agriculture and Ranching District to R&C, Retail and Commercial District;

GW – This area is heavily wooded and could be shielded. Two concerns are that once it is zoned commercial, anything could be built there and that there were over 40 protests to this zoning change.

NC – Regulations call for a minimum of 1,200 sq. ft. residences. What makes these not residences? What is the difference between this and an RV Park? Is also concerned about the 40+ protests.

DH – What can the landowner do with his property? Zone it residential and then put six 1,200 sq. ft. houses on it?

GF – How do people's protests outside of the 200' area count?

KD – As a board member, he would like to stay consistent. Changing this area to commercial causes him concern. We don't know what could happen to the property in the future.

MT – Wondering if everyone really protested or if one person went around from house to house asking for protests. If that many people are upset, why aren't a few more here?

Mr. Olowoyeye, property owner, stated he did not want this to be an RV Park and that he didn't want people living there permanently.

GW – Personally, he wouldn't be able to approve this as commercial. Perhaps as a different request such as a special exception or specific use.

Mr. Welch moved to recommend to Commissioners Court that this application not be approved. Seconded by Mr. Darwin. Motion passes 5-0.

5. Discussion, consideration and action regarding a Special Use Permit application and the recommendation to Commissioners Court; installation by AT&T of a 194' tower on FM 1396 in Windom, Property ID# 81947;

Mr. Dozier, representative for AT&T, stated the lease with the landowner states the tower will be taken down to the ground, except the concrete in the ground, within 120 days if the tower goes out of commission.

NC – Would like to see the lease with the landowner if possible.

Mr. Fernandes moved to recommend approving to the Commissioners Court. Seconded by Mr. Welch. Motion passes 5-0.

6. Discussion, consideration and action regarding a Special Exception application and the recommendation to Commissioners Court; to reduce front and rear setbacks from 80' to 50' for 74 lots at The Peninsula on CR 2730 in Honey Grove, Property ID#s 78166, 78172, 120501, 128038, 128039 & 121991;

Ms. Hopkins, Development Services Director, stated no protests were received. The land adjacent to this property is owned by NTMWD. Letters were sent.

GW – Confirming this is the Peninsula that was already approved. He is good with it, but only as long as plat doesn't change and the property is within the community.

GF - The setback requests are consistent with today's standards.

Mr. Fernandes moved to recommend approving this request to the Commissioners Court. Seconded by Mr. Darwin. Motion passes 5-0.

7. Discussion, consideration and action regarding a Special Exception application and the recommendation to Commissioners Court; to reduce front and rear setbacks from 80' to 50' for 63 lots at The Shores at the Peninsula on CR 2730 in Honey Grove, Property ID#s 79612, 113834, 79616 & 79617;

Mr. Darwin moved to recommend approving this request to the Commissioners Court. Seconded by Mr. Fernandes. Motion passes 5-0.

8. Discussion, consideration and action to set public hearings for text amendments, change in zoning and special exception application(s);

DH – The setbacks in the BDA Lake Zoning Regulations are vastly different and longer from the Lake Ralph Hall Zoning Regulations. More and more people are applying for special exceptions for setbacks and she feels the number of applications will only increase.

NC – Would like to see what developers are doing in other areas, but agrees Lake Ralph Hall setbacks are vastly different.

DH – Is thinking about 15’ setback on sides and rear and 50’ setback in the front. Let the 50’ begin in the center of the right-of-way.

GW – Need to do what is best for Fannin County. It doesn’t make sense to have two different sets of rules for both lakes.

Mr. Welch moved to set four public hearings for change in zoning and special exceptions, but not the text amendments hearing. Seconded by Mr. Fernandes. Motion passes 5-0

9. Discussion, consideration and action regarding changes, modifications or requests by landowners;

N/A

10. Discussion, consideration and action to set next BDALZC meeting and/or hearing date(s);

Mr. Welch moved to set the next regular meeting on June 1, 2023 at 8:30am following the four public hearings that will begin at 8:10am. Seconded by Mr. Darwin. Motion passes 5-0.

11. Adjourn.

Mr. Welch moved to adjourn. Seconded by Mr. Titsworth. Motion passes 5-0.

Meeting adjourned at 10:11 am.

The above and foregoing represents true and correct minutes of the Bois d’ Arc Lake Zoning Commission meeting that was held on the 1st day of June, 2023 at 8:30 a.m.

ATTEST:

**Lisa Loiselle - Administrative Assistant to
Newt Cunningham, County Judge**