

Bois D' Arc Lake Zoning Commission
01/06/2022 Meeting Minutes

On Thursday, January 6, 2022 the Bois D' Arc Lake Zoning Commission (BDA-LZC) held a regular meeting after public notice was posted December 30, 2021 at 12:22pm with the following members being present:

Kevin Darwin (KD)
Gary Fernandes (via phone)
(GF)
Randy Moore (RM)
Matt Titsworth (MT)
Gilbert Welch (GW)

Also present: Newt Cunningham (NC), Diana Hopkins (DH), Commissioner Lane (EL), Commissioner Magness (JM) and Lisa Loiselle.

Judge Moore called the meeting to order at 8:33 am.

1. Establish Quorum;

Judge Moore stated all members are present with Mr. Fernandes present via telephone. Quorum established.

2. Public Forum;

No comments were made.

3. Approve meeting minutes from 12/01/2021 Regular Meeting;

Mr. Welch motioned to approve the minutes as written. Seconded by Mr. Titsworth. Motion passes.

4. Discussion, consideration and action regarding Special Exception application for *The Peninsula Addition on County Road 2730 in Honey Grove – concerning the 100' lot width and road frontage inside the proposed gated community;*

DH – Several pie shaped lots (as with many other developers) present a problem with meeting the setbacks.

RM – Do we need to change our regulations? Do we need action on this?

DH – Right now we just need to focus on the Special Exception application.

GW - Previously, other developers were denied. The application also does not state what the current zoning is. Feels the application should be given back until the zoning is listed.

Mr. Martin Sanchez of Sanchez, LLC – Stated they have been working with the City and have looked at many lakes in the Dallas area. There will be 73 lots at an avg of 1.3 acres – 3 acres per lot. No lot will be less than 50' wide on the Peninsula, some of the lots will be less than 100' in the front, but not the back. The developers are focused on capturing the view corridors.

GW – The maps presented do not seem to be accurate regarding distance.

Martin – At first the developer was not sure how to proceed, but decided on a Special Exception application after speaking with Di and Daniel Harrison. We can come back with paperwork for a Planned Development. However, a Planned Development opens up areas for legal challenge and can be an administrative nightmare.

GF – What would Martin expect the average home to cost?

Martin – Anticipating \$600k-\$900k

NC – There should be a formula for each lot to get equal shoreline, i.e if you take away 40’ from the front, it should be added to the back.

GW – Again, we can’t really make decisions if we don’t know the zoning.

RM – It is always best to have a policy to follow, but how do you develop a policy when there will be so many changes needed on a case by case basis?

KD – The only concern he has is that there is not a solid lot size on the plans. A Special Exception would be like writing a blank check.

RM – Might be worth a conversation with Daniel Harrison and UTRWD to work on this and help get answers.

GW – Personally, he doesn’t feel he could accept anything less than 60’, we need to be fair and equitable. What about the next developer who wants the same thing but it wouldn’t work as well when planned out?

GF – To assume we can set one set of rules in Planning and Zoning is unrealistic. It will have to be a case by case basis.

GW – Perhaps losing one lot would allow for the other lots to be wider.

Martin – Losing a lot does not fix the geometry of the situation. Perhaps set a % like: No more than ___% cannot follow the regulations. Maybe let us do The Peninsula at not less than 60’ and a percentage.

GW – Feels it is too preliminary to set a hearing at this time.

NC – Perhaps set an entry level, and if it is below the entry level then we can look at a Special Exception?

No action at this time. It was asked that this item be placed on the next agenda.

5. Discussion, consideration and action regarding changes and/or amendments to the Lake Zoning Regulations – Enforcement Protocol and Letters;

GW – Asked that from now on a map be attached to each application

Correct 1st Notice: Change please contact me to Please contact this office.

Correct 2nd Notice: “will be an open meeting” instead of “can be”.

Mr. Darwin motioned to approve the step by step protocol for violations and letters with changes and submit to Commissioners Court for approval. Seconded by Mr. Titsworth. Motion passes.

6. Discussion, consideration and action regarding changes and/or amendments to the Lake Zoning Regulations – Masonry Language;

Mr. Welch motioned to approve the change in masonry language and submit to Commissioners Court for approval. Seconded by Mr. Darwin. Motion passes.

7. Discussion, consideration and action regarding changes and/or amendments to the Lake Zoning Regulations – Wrecking and Salvage Yards;

Mr. Welch motioned to approve removing wrecking/salvage yard language from the Regulations, to prohibit them in the lake zoning area and to submit to Commissioners Court for approval. Seconded by Mr. Titsworth. Motion passes.

8. Discussion, consideration and action regarding changes and/or modifications by landowners;

No changes or modifications to discuss.

9. Discussion, consideration and action to set a public hearing on February 3, 2022 to hear comments regarding a Change in Zoning application – Property ID# 83091, from A&R, Agriculture to RE, Rural Estate Single-Family District;

DH – Mr. Montgomery is unable to meet the setbacks for Agricultural, so he wishes to change to the zoning to Residential.

GW – His application doesn't show what he wants the zoning changed to and that is needed. This needs to be added to the application format. Perhaps low density would be better.

DH – The problem is that for these properties that are just one acre in Ag, there is no way to meet the setbacks. What is the way forward for these properties? She feels the best idea would be to make areas that are one acre residential.

GW /RM – Will move forward with the hearing and Ms. Hopkins will speak with the owner for clarity on what he wants to do regarding the zoning.

Mr. Welch motioned to set a Public Hearing on Feb. 3, 2022 at 8:20 am to hear changes to change the zoning from A&R, Agriculture to RE, Residential or LD, Low Density. Seconded by Mr. Fernandes. Motion passes.

10. Set next BDALZC meeting and/or hearing dates;

Mr. Welch motioned to set the next BDALZC meeting for either Jan. 27th or Feb. 3rd at 8:30 am. The date will depend on Mr. Daniel Harrison's schedule. Seconded by Mr. Darwin. Motion passes. (Update: Meeting WILL be held on Feb. 3rd)

11. Adjourn.

Mr. Welch motioned to adjourn. Seconded by Mr. Darwin. Motion passes.

Meeting adjourned at 10:09 a.m.

The above and foregoing represents true and correct minutes of the Bois d' Arc Lake Zoning Commission regular meeting that was held on the 6th day of January, 2022 at 8:30 a.m.

ATTEST:

**Lisa Loiselle - Administrative Assistant to
Fannin County Judge, Randy Moore**