

Bois d'Arc Lake Zoning Commission

Minutes of Public Hearing and Public Meeting November 30, 2023

The Public Hearing, held at the Fannin County Courthouse, was called to order by Chairman Newt Cunningham at 8:21 am. Present were Chairman Cunningham and members Matt Tittsworth, Gilbert Welch and Kevin Darwin. Gary Fernandes participated by phone. A quorum was present.

Item 2. The first item for the Public Hearing was to hear comments regarding a Change in Zoning application from A&R Agriculture and Ranching District and RE, Rural Estate Single-Family District to PD, Planned Development; 1.5 acres of ID# 80149 and 4.5 acres of Property ID# 132714 to allow for Boat and Recreational Vehicle storage.

Di Hopkins, Director of Development Services, discussed the proposal which had been considered in the previous meeting. One letter of protest had been received. Jacob Pelley, representing the protestor, acknowledged the need for boat storage but his client wants development in the area to be limited and that the usage should remain agricultural. He asked that the allowed usage be very specific. Chairman Cunningham discussed the original agricultural zoning and noted that this property is near the public boat ramp, which will result in traffic on the road. Coms. Welch said that the agricultural zoning category was a catch-all which allowed property owners to continue their agricultural use and was not meant to limit development in the future. Chairman Cunningham said that the use of the Planned Development category, as opposed to Commercial, would limit future use. Coms. Fernandes reinforced that the Agricultural category was a "placeholder." Brandon Trimble, the person who would be building the boat storage unit, acknowledged the limitations on the Planned Development.

Item 3. The second item for the Public Hearing was to Hear comments regarding a Special Exception application to reduce the road frontage requirement on the cul-de-sacs and curved roads from 100 feet to no less than 60 feet for the proposed Five Points development in Windom on East FM 1396; reduction for 27 of the 97 proposed lots in a gated community on 149.17 acres.

Ms. Hopkins explained the request, noting that the developer was proposing a gated community with internal roads. The development will have 97 lots and the request is for special exceptions for 27 lots, some of which are on cul-de-sacs and the others on curved roads. She said that this had been done for some other developments.

Matt Logue, who is the project manager for the developer, spoke in favor of the proposal as a safer and better development because the entrances were being limited.

Chairman Cunningham asked for a motion to adjourn the Public Hearing. Motion by Coms. Welch, second by Coms. Darwin. Motion passed unanimously. The Special Meeting was adjourned at 8:45.

The **Public Meeting** followed and was called to order by Chairman Cunningham. Present were Chairman Cunningham and members Matt Tittsworth, Gilbert Welch and Kevin Darwin. Gary Fernandes participated by phone. A quorum was present.

No one spoke in Public Forum.

Item 3. A motion to approve the minutes of the public hearing and regular meeting of 10/18/2023 was made by Mr. Welch with a second by Mr. Fernandes. Motion passed unanimously.

Item 4. Discussion, consideration and action regarding recommendation to Commissioners Court to approve a Change in Zoning application from AR Agriculture and Ranching District and RE, Rural Estate Single-Family District to PD, Planned Development; 1.5 acres of ID# 80149 and 4.5 acres of Property ID# 132714 to allow for Boat and Recreational Vehicle Storage.

Mr. Darwin questioned the restrictions on lighting and the provision of 24 hour access. Brandon Trimble said that the regulations were specific on lighting and that there would be 24 hour access. Mr. Darwin also spoke to security. Brandon Trimble said it would be secure. Chairman Cunningham asked about fencing and Mr. Trimble said that the fencing would be solid per the regulations, probably 8 feet. Ms. Hopkins said the setback would be 50 feet from the right-of-way and 25 feet from the sides and back. Mr. Welch brought up the proposed lake trails in the Comprehensive Plan. Mr. Fernandes noted that there was no responsible party for developing the trails. Mr. Welch wants access for trails to be available for the future.

A motion was made by Coms. Welch to forward the request to Commissioners Court with a recommendation that it be adopted. Second by Coms. Titsworth. Motion passed unanimously.

Item 5. Discussion, consideration and action regarding recommendation to Commissioners Court to approve a Special Exception application to reduce the road frontage requirement on the cul-de-sacs and curved roads from 100 feet to no less than 60 feet for the proposed Five Points development in Windom on East FM 1396; reduction for 27 of the 97 proposed lots in a gated community on 149.17 acres.

Mr. Welch asked that there be room left for trails. He is not concerned about the cul-de-sacs but he is concerned about parking on the curved roads. Matt Logue said that parking is addressed in the CCRs. Ms. Hopkins said that exceptions have been made previously for frontage in other developments. Mr. Welch also noted that the Zoning Commission has no authority over boat docks.

A motion was made by Coms. Fernandes to forward the request to Commissioners Court with a recommendation that it be adopted. Second by Coms. Welch. Motion passed unanimously.

Item 6. Discussion regarding Recreational Vehicle Condominium Resort, Property ID# 75376.

Chairman Cunningham placed on the agenda a discussion of a concept for a recreational vehicle condominium resort so that the proponent could get feedback on the concept. Mr. Jared Martin explained the concept in which the lots would be owned by individual RV owners. Chairman Cunningham noted that there was already a grandfathered RV park on the property. Mr. Martin said there would be a clubhouse and other amenities on the 80 acres. Mr. Welch pointed out that this type

of development would be high density housing impacting roads, etc. Chairman Cunningham is concerned about the fact that property taxes are not paid on the RVs. Mr. Welch said that he is not in favor of this type of development in the zoning area. The lots would be 70 feet by 40 feet. Mr. Welch asked about whether the RVs could be rented out. Mr. Darwin said that pull-throughs are desired in RV parks. Mr. Earl Sullivan appreciated the feedback. Mr. Darwin is concerned about the affordability for the local community.

Item 7. Discussion, consideration and action regarding any additional changes, modifications or requests that relate to Bois d'Arc Lake Zoning.

No specific items were discussed. Mr. Welch requested consideration of the differences between special use permits and planned developments.

Item 8. Discussion, consideration and action to set next BDALZC meeting and/or hearing date(s).

A motion was made by Mr. Welch to set the next regular meeting for January 4, 2024, second by Mr. Darwin. Motion passed unanimously.

Item 9. Adjourn.

A motion to adjourn was made by Mr. Darwin. Second by Mr. Titsworth. Motion passed unanimously. The meeting was adjourned at 10:04 am.

The above and foregoing represents true and correct minutes of the Bois d' Arc Lake Zoning Commission meetings that were held on the 30th day of November, 2023 at 8:20am and 8:30 am.

ATTEST:

Malinda Allison