

Bois D' Arc Lake Zoning Commission
05/05/2022 Meeting Minutes

On Thursday, May 5, 2022 the Bois D' Arc Lake Zoning Commission (BDA-LZC) held a public meeting after public notice was posted at 12:31 pm on April 28, 2022 with the following members being present:

Kevin Darwin (KD)
Randy Moore (RM)
Matt Titsworth (MT)
Gilbert Welch (GW)

Judge Moore called the meeting to order at **8:30 am**.

1. Establish Quorum;

Judge Moore stated four members are present, Mr. Fernandes is absent. Quorum established.

2. Public Forum;

No public comments

3. Approve meeting minutes from 04/07/2022 Public Hearing and Regular Meetings;

Mr. Welch had one correction to the public hearing minutes: there should be a comma after the word land and the words following the comma should be changed to 'on which he is unable to build' under the 3rd paragraph of item #2.

Mr. Welch moved to approve with correction. Seconded by Mr. Darwin. Motion passes.

4. Discussion, consideration and action to approve Special Exception application for property ID# 74500 located on CR 1396 in Honey Grove to allow 50-foot setback on the north property line and recommend to Commissioners Court for approval;

Ms. Hopkins discussed the limited space available to Mr. Herridge to build on his 4.5 acres with the NTMWD easement taking approximately 2.1 acres. The only way Mr. Herridge could meet the regulation's setbacks would be to cut down the two big oak trees on his property. He does not wish to cut down the trees.

GW – Is Mr. Herridge asking for a 50' side setback?

DH – Yes.

GW – The Agricultural setback is 100'. Does the future use plan show this area being used for residential?

DH – Yes.

GW - If we consider that the intended future use is residential, and residential setback is 25', he does not see this bothering any neighbors.

KD – It just seems he isn't willing to cut down his trees, but he is willing to come ask us for an exception.

DH – I wouldn't want to cut down my trees either.

GW – Agrees with Ms. Hopkins.

MT – Doesn't see a problem with a 50' side setback, but could it be 60' or 70'?

Mr. Welch moved to recommend this Special Exception application to Commissioners Court for approval. Seconded by Mr. Titsworth. Motion passes.

5. Discussion, consideration and action to set a public hearing to hear comments regarding a Change in Zoning application for Property ID# 78349 on FM 897 and CR 2655; from Rural Estate Single-Family District (RE) to Retail and Commercial (R&C);

RM – Mentioned that UTRWD has placed more residential and Retail/Commercial on the draft zoning plan than BDA Lake did.

GW – Thinks this property is relatively close to another R&C property.

Mr. Darwin moved to set a public hearing on June 2, 2022 at 8:20 am. Seconded by Mr. Titsworth. Motion passes.

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

Mr. Jim Richey, Owner and engineer for Richey Development Engineering, LLC, stated his company's intent is to develop 25 of their 101 acres on FM 1396 as Single Family Residential, but this is a triangular property which makes meeting the setbacks challenging. Mr. Richey stated the original plan was to develop 20 lots on 25 acres and change the zoning to Low Density.

Josh Eckel, also with Richey Development Engineering, LLC, stated the goal is to make these 25 acres a gated community with high end homes and full landscaping. The other 76 acres would be a retail and commercial area with a wedding venue, winery, pool, cabana, café boat slips, walking trail and more. Similar to a south of France look. They would also like to have a marina.

RM – Mentioned Mr. Richey would need to reach out to NTMWD regarding a marina as they own all of the property up to the water's edge.

Jim – Mentioned the reason they are here is to get a feel in regards to how the board may recommend for them to proceed. Do they recommend LD? Residential with a Special Exception?

DH – A zoning of LD states water must tie into a city sewage system. She is curious how special exception(s) for OSSF with a zoning of LD would work, or if a change in zoning with special exceptions regarding setbacks would be better.

GW – His personal opinion is to stick to the regulations already in place. He said it is not his intention to be mean, but the reason the developer wants the setbacks exempted is because they want to maximize lots. He pointed out, however, that the board is not in the business of maximizing lots, but of protecting the area. He is also concerned with the situation of parking if the setbacks are exempted.

Josh – Stated their goal is to maximize the view of the lake. They have retail & commercial zoning, but do not plan on building tall buildings that would block the view.

Newt Cunningham – This situation is a little more complex than "The Peninsula" was because of the overlap of commercial and residential.

GW – He admits he has an issue with mixing residential and commercial when it comes to other landowners.

7. **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 2, 2022 at 8:30 am. Seconded by Mr. Darwin. Motion passes.
8. **Adjourn.**
Mr. Welch moved to adjourn. Seconded by Mr. Titsworth. Motion passes.

Meeting adjourned at 9:14 am.

The above and foregoing represents true and correct minutes of the Bois d' Arc Lake Zoning Commission meeting that was held on the 5th day of May, 2022 at 8:30 a.m.

ATTEST:

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