

AGENDA
SPECIAL JOINT PUBLIC HEARING OF THE CITY COUNCIL
AND PLANNING AND ZONING COMMISSION
FOR THE CITY OF LIVE OAK
WILL BE HELD AT THE LIVE OAK COUNCIL CHAMBERS
8001 SHIN OAK DRIVE, LIVE OAK, TEXAS 78233
ON TUESDAY, APRIL 22, 2025, AT 6:30 P.M.

The public may watch the meeting live at www.liveoaktx.net by clicking on the "Live Meetings" button.

1. CALL TO ORDER

2. INVOCATION/PLEDGE OF ALLEGIANCE

3. ROLL CALL

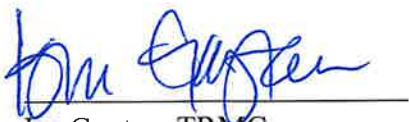
4. JOINT PUBLIC HEARING

- A. Receive public comments and testimony regarding proposed revisions and updates to the City of Live Oak Code of Ordinances, Chapter 24 - Zoning Regulations, Article XII – Administration and Procedures, regarding public notification requirements and site plan approval requirements.

1. Staff Presentation
2. Question & Comments from Council & Commission
3. Comments from Proponents & Opponents
4. Close Joint Public Hearing Item 4A

5. ADJOURNMENT

I certify that the above notice of meeting was posted on the bulletin board of the City Hall, 8001 Shin Oak Drive, City of Live Oak, Texas, no later than 5:00 p.m. on Friday, April 18, 2025.


Isa Gaytan, TRMC
City Secretary



This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation or interpretative services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office, for concerns or requests, at (210) 653-9140, Ext. 2213

The City Council for the City of Live Oak reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act, Texas Governmental Code §§ 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberation about Security Devices), and 551.086 (Economic Development), and any other provision under Texas law that permits a governmental body to discuss a matter in a closed executive session.

REQUEST PHONES BE TURNED OFF, WITH THE EXCEPTION OF EMERGENCY ON-CALL PERSONNEL

It is possible that a quorum of the Live Oak Economic Development Corporation, Parks and Recreation Commission, and Zoning Board of Adjustment could attend this meeting. The individual members will not engage in any discussion or deliberation on any matters presented by the agenda.



JOINT PUBLIC HEARING

CITY COUNCIL AND PLANNING AND ZONING COMMISSION

Meeting Date: April 22, 2025

Agenda item: 4A

Prepared by: R. Ruthven, ACM

Reviewed by: I. Gaytan, City Secretary

Department: Planning and Zoning Commission

Agenda Item Description:

Receive public comments and testimony regarding proposed revisions and updates to the City of Live Oak Code of Ordinances, Chapter 24 - Zoning Regulations, Article XII – Administration and Procedures, regarding public notification requirements and site plan approval requirements.

Staff Briefing:

Staff is proposing amendments to the City's zoning regulations regarding public notification requirements for zoning text amendments and site plan approval requirements.

Section 24-134 Zoning Text Amendments

The proposed changes to the zoning text amendments found in Section 24-134 involve removing the requirement that property owners within 200 feet must be notified. Likewise, with the deletion of this requirement, the companion protest provisions for property owners within 200 feet are also proposed for deletion.

Zoning text amendments do not involve the change of zoning to any land parcels. Rather, text amendments are amendments to the actual zoning ordinance language contained within the City's zoning regulations. Given this condition, the State does not require cities to notify specific property owners whenever a text amendment is proposed. However, public hearings remain mandatory with requirements for advance notice in a newspaper of general circulation per State law.

Section 24-136 Site Plan Review (New Section)

This new section involves adding the requirement that a site plan be approved prior to the submittal of a building permit application. The approval requirement is administrative only and is intended to apply an efficient, process-based approach to development review that enables development review staff and developers/builders to work through site engineering, traffic access and circulation, planning and landscaping requirements ahead of the actual submission of the building permit application. Once the site plan is approved, the building permit application may then be submitted, with the permit review limited to structural review of the actual building(s) since the other site items have received approval through the site plan process.

Site plan approval is common in many municipalities, and, rather than adding a layer of bureaucracy, the process can improve efficiency as follows:



JOINT PUBLIC HEARING

CITY COUNCIL AND PLANNING AND ZONING COMMISSION

- **Streamlined Permit Review:** Once a site plan is approved, subsequent permits (building, utility, etc.) can be processed faster because key elements (like access, layout, drainage) are already vetted.
- **Improved Interdepartmental Coordination:** Brings together development review-related departments early in the process as well as the City's third-party engineer through internal development review meeting(s), increasing collaboration, problem solving, accuracy, and overall fidelity with City plans, requirements, budget, operations, and objectives.
- **Clear Expectations for Developers:** Offers a predictable, transparent process with clearly defined requirements and timelines and reduces back-and-forth, design revisions, and delays.
- **Early Problem Identification:** Identifies potential issues with grading, traffic flow, utilities, or land use compatibility before construction begins- when changes are easier and cheaper to make.

Staff proposes that any site plan fee be added to the fee schedule in September 2025.

The proposed markups and new section description are attached.

Action:

- ☐ Ordinance ☐ Resolution
- ☐ Proclamation ☐ Special Presentation
- ☐ Finance Report ☒ Public Hearing
- ☐ Other

Cost:	
Budgeted	n/a
Actual	n/a
Acct. Name	n/a
Acct. Fund	n/a
Other Funding	n/a
Strategic Goal #	1,2

Strategic Goals: 1- Stable, 2- Secure, 3 - Supportive and 4 - Beautiful

Staff Recommended Motion:

Motion is not necessary during the public hearing portion of this agenda item.

Sec. 24-134. Zoning text amendments.

(a) *Statement of intent.*

- (1) For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the city, this chapter shall not be amended except to correct an error in the ordinance, or because of changed or changing conditions in particular areas or in the city generally, change the regulations and restrictions herein, all in accordance with the comprehensive plan.

(b) *Authority.*

- (1) The city council in accordance with applicable state law may from time to time amend, supplement, change, modify or repeal the regulation standards and boundaries herein established. In addition, a comprehensive review of the zoning ordinance text and map shall be made by the planning and zoning commission for the purpose of keeping the city current with development patterns and innovative methods in zoning and examining existing land uses and changes in land uses made by developers and builders within the city in order to ascertain those areas, where the patterns of development are changing. The planning and zoning commission, at least every three years shall file a report and recommendation thereon with the mayor and city council. The three-year time period shall commence upon the date of the adoption of this chapter.

(c) *Applicability.*

- (1) The following persons may initiate a zoning text amendment:
 - a. City council on its own motion;
 - b. The planning and zoning commission;
 - c. The city manager or his/her designee.

(d) *Processing and decision.*

- (1) *Notification requirements.* A zoning text amendment requires the following public hearing notification:

- ~~a. Written notice mailed to each owner of real property affected by the proposed zoning text amendment and each owner of real property within 200 feet of the affected areas, as indicated by the most recently approved municipal tax roll, at least 11 days prior to the public hearing and consideration by the planning and zoning commission.~~
- b. Published notice in a newspaper of general circulation at least 16 days prior to the public hearing and consideration by the city council.
- c. Public hearing notices shall be in accordance with V.T.C.A., Local Government Code, ch. 211 and include the date, time, place, and topic of the public hearing.

- (2) *Recommendation by planning and zoning commission.*

- a. The planning and zoning commission shall hold a public hearing in accordance with the Texas Open Meetings Act and make a recommendation regarding the proposed amendment to the city council. A joint public hearing may be held with the City Council per the provisions of this article.
- b. The planning and zoning commission may vote to recommend to city council approval, approval with conditions, or denial of the amendment.

- (3) *Decision by city council.*

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- a. The city council shall receive the written recommendation of the planning and zoning commission and shall hold a public hearing. A joint public hearing may be held with the Planning and Zoning Commission per the provisions of this article.
 - b. The city council may vote to approve, approve with conditions, or deny the amendment. The city council may, on its own motion, postpone consideration of the amendment to a certain date in the future in order to review additional information or modifications which may have a direct bearing on the final decision.
 - c. A majority vote of city council, present and qualified, is required to approve a zoning text amendment unless it is protested in accordance with the provisions below.

~~(4) — Protested zoning text amendment.~~

- ~~a. — A proposed zoning text amendment may be protested in writing by owners of at least 20 percent of either:
 - i. — The area of lots or land covered by the proposed amendment; or
 - ii. — The area of lots or land immediately adjoining the area covered by the proposed amendment and extending 200 feet from that area.
 - iii. — In computing the percentage of land area, the area of streets and alleys shall be included.~~
 - ~~b. — Zoning text amendments protested in accordance with the above provisions require the affirmative vote of at least three-fourths of all members of the city council, present and qualified, to approve.~~
- (e) *Criteria for approval.* The planning and zoning commission in making a recommendation and the city council in considering final action on a zoning change-text amendment should consider the following criteria:
- (1) The proposed amendment promotes the health, safety, or general welfare of the city and the safe, orderly, efficient and healthful development of the city;
 - (2) The amendment to the text is consistent with comprehensive land plan;
 - (3) The amendment is consistent with the goals and objectives of this chapter and the city; and
 - (4) Other criteria which, at the discretion of the planning and zoning commission and the city council, are deemed relevant and important in the consideration of the amendment.

(Ord. No. 1641, § 1(Exh. A), 8-9-22)

24.136 Site Plan Review **[New Section]**

- a) **Purpose.** The purpose of a Site Plan is to ensure that a development project is in compliance with all applicable City ordinances and requirements, including the requirement of this Zoning Ordinance and Subdivision Ordinance, prior to commencement of construction. The purpose of this Section is to establish a process to ensure that existing ordinance requirements are met and to promote the efficient use of land, safe vehicular and pedestrian circulation, appropriate provision of landscaping, parking, screening, and lighting.
- b) **Applicability.** This section outlines when new development or an expansion to an existing, developed property is required to submit a site plan for review.
- 1) No permit for construction or expansion of a building or other structure shall be issued until a site plan, if required, including any required engineering or construction plans, has been submitted and approved in accordance with this Section.
 - 2) No certificate of occupancy, or other final approvals, shall be issued for such buildings or structures until all site improvements, as shown on the approved site plan or established in conditions of approval for the site plan, have been completed or otherwise guaranteed, as approved by the City manager, or designee,.
 - 3) Unless otherwise excepted herein, nothing in this section shall preclude a new development occurring on previously undeveloped property from having to comply with any applicable requirements within the Zoning Ordinance and Subdivision Ordinance, or any other City code, ordinance, or construction standard.
 - 4) Triggers. New construction or expansions to an existing property that meet any of the following criteria shall trigger the requirement for a site plan and all of the improvements outlined in this Section, unless otherwise specified:
 - a. Construction of any new structure, including accessory structures that result in an increase in intensity to traffic, parking, lighting, noise, and/or requires a variance;
 - b. The conversion of a residential use or structure to a nonresidential use.
 - c. Expansion of an existing structure or expansion in land area of a use.
 - d. Expansion of impervious cover, including but not limited to the addition of paved surfaces, rooftops, or other materials that increase the total impervious area on the property.
 - e. Any other development where the City's Zoning Ordinance and Subdivision Ordinance specifically require site plan approval.
 - 5) Exceptions. A site plan shall not be required for a detached one-family or two-family residential building, including associated accessory structures. However, proposed non-residential structures, such as a clubhouse, private recreation facility, gated entrance or guardhouse, etc. will require site plan review and approval for those facilities if triggered above.
 - 6) Required Improvements. Any development that triggers a Site plan must comply with all relevant city ordinance, standards, and specifications, where required by ordinance. This includes, but is not limited to, a review of the following in a Site Plan:
 - a. Drive approaches, curb cuts, and driveway spacing
 - b. Parking, including layout, striping, and surfacing requirements
 - c. Curb and gutter
 - d. Sidewalks and related pedestrian amenities

- e. Fire code requirements, including fire hydrants
- f. Screening, buffering, landscaping, and tree preservation
- g. Designated outdoor storage and outdoor display areas
- h. Fencing
- i. Lighting
- j. Stormwater Management
- k. Flood Plain Management

c) Application. A complete application, fees, and any other required information for site plan review shall be submitted to the City manager, or designee.

- 1) **Area to be included on a site plan.** When the overall development project is to be developed in phases, the site plan area shall include only the portion of the overall property that is to be developed/constructed. However, any excluded area must be separately developable as a stand-alone site in the future. This provision shall not be interpreted to allow portions of a property to be excluded so as to avoid development standards, other requirements, or otherwise required improvements to the site.

- a. **Submittal and Timing.** A Site Plan shall be submitted prior to a building permit application and shall meet the same certification and submittal timing requirements for plats as described in Chapter 21.
- b. **Submission and Contents.** The purpose of site plan review is to ensure compliance with all relevant city ordinances, codes, and other requirements. To ensure the submission of adequate information, the City manager, or designee, shall maintain and distribute a checklist of specific requirements for Site Plan review applications. All applications and related contents shall be submitted consistent with these requirements. The authorized reviewer may request additional information to complete the application for review to meet the site plan requirements.

d) Review Criteria. The City manager, or designee, in consultation with relevant City staff in other City departments, shall review the Site Plan for compliance with all applicable City ordinances including the site plan's compliance with all provisions of the City's development ordinances, including this Zoning Ordinance, Subdivision Ordinance, and other applicable City ordinances.

e) Review and Approval.

- 1) The City manager, or designee, shall be the responsible official for reviewing Site Plan applications. The City manager, or designee, shall consult with relevant staff from City departments for review and comments on a proposed Site Plan. Based on the review from all relevant departments, the City manager, or designee, shall make the final decision on Site Plan approval.
- 2) The City manager, or designee, based on input from relevant staff, may reject review of a Site Plan until adequate information for its review is provided by the applicant. Resubmission of a Site Plan, in this instance, shall not require an additional application fee.
- 3) Upon completing the review of a Site Plan, the City manager, or designee, may take one of the following actions:
 - a. If the Site Plan contains errors or requires corrections, notify the applicant of the deficiencies and provide instructions for resubmitting corrected plans.
 - b. If the application meets all requirements, the City manager, or designee, may approve the Site Plan. If it does not meet requirements, the City manager, or

designee, may deny the Site Plan or approve it with conditions to ensure compliance.

- c. The City manager, or designee, may, for any reason, elect to present the Site Plan for action to the Planning and Zoning Commission.
 - d. The determination for approval, approval with conditions, decision to defer action to the Planning and Zoning Commission, or denial of a site plan shall be made by the city manager, or designee, and communicated in writing to the applicant within 30 days from the date the application is officially accepted.
- 4) If a site plan requires a variance from the Board of Adjustment, an applicant is required to obtain approval for the variance before an application for a Site Plan can be approved by the City manager, or designee.
 - 5) The City manager, or designee, may approve issuance of permits following conditional Site Plan approval when it is deemed that the required corrections to the Site Plan are minor in nature. However, no Certificate of Occupancy shall be issued until an amended site plan meeting all conditions has been submitted and approved.
 - 6) Prior to the issuance of a Certificate of Occupancy the City manager, or designee, shall inspect the site to ensure compliance with the Site Plan and any conditions imposed with the approval.

f) Revisions to an approved Site Plan.

- 1) Minor Revisions/Amendments: It is recognized that final architectural and engineering design may necessitate minor changes in the approved Site Plan. Such minor revisions shall be shown on an "amended Site Plan." For a revision/amendment to be considered minor, the changes shall meet the following criteria:
 - a. Adjustments are no more than ten percent (10%) or fifty (50) feet in any direction, whichever is less, to the location or configuration of roadways, sidewalks, utilities, parking areas, buildings, landscape features, ponds, or any other improvements depicted on the Site Plan.
 - b. Adjustments are no more than five percent (5%) to the building square footage of any individual building to be constructed within the area of the Site Plan.
 - c. Adjustments are no more than five percent (5%) to the number of required parking spaces within the area of the Site Plan.
 - d. Adjusts flat work such as curbs, sidewalks, streets, decks, parking areas, and other paved areas if there is no net increase in impervious coverage within the area of the Site Plan.
 - e. Revisions may not authorize changes that would result in a violation of any building code or city ordinance.
- 2) Major Revisions/Amendments: Revisions that exceed the thresholds for minor amendments outlined above or result in significant changes to the approved Site Plan shall require a new Site Plan application, review, and approval.

g) Expiration.

- 1) An approved Site Plan shall be valid for a period of two (2) years. An application for a building permit for the site, consistent with the site plan, will extend the validity of the site plan for 18 months from the date of the approved permit.

h) Compliance & Responsibilities.

- 1) Duties and Responsible Parties.

- a. It shall be incumbent upon the Building Official, or designees, to make all inspections and certifications necessary to ensure that a structure is built in accordance with the approved Site Plan.
- b. In the event that the Building Official, or designees, finds that a condition or modification of the approved Site Plan or a provision of City Codes and Ordinances has not been met, they may issue a stop work order.
 - i. It shall be incumbent upon the contractor or developer to correct those items that are in violation before construction may resume.
 - ii. In the event that the structure has been completed, a Certificate of Occupancy shall not be issued by the Building Official until the conditions of the Site Plan or City Codes and Ordinances, as applicable, have been substantially fulfilled.
 - iii. All action required in order to bring a site into compliance with the approved Site Plan shall be the responsibility of the property owner.
- c. Following issuance of the Certificate of Occupancy, it shall be the continuing duty of the owner and occupant of the site, or their successors in interest, to maintain compliance with the approved Site Plan and amendments thereto. Failure to maintain compliance shall constitute a violation of this Zoning Ordinance and may result in revocation of the Certificate of Occupancy.
- d. Site may not become less conforming. Any site that is not subject to an approved site plan or is governed by a pre-existing site plan that does not conform to the current standards of this Chapter, must maintain compliance with the standards within this Chapter to the extent that the site currently complies with those standards.