

**AGENDA
A SPECIAL MEETING OF
THE 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
TUESDAY, APRIL 22, 2025
IMMEDIATELY FOLLOWING THE JOINT CITY COUNCIL/PLANNING AND
ZONING COMMISSION PUBLIC HEARING**

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

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. CITIZENS TO BE HEARD**

Per City of Live Oak Code of Ordinances

Section 2-21.5 (1) Live Oak Municipal Code: The rules of courtesy are adopted for persons in attendance at all meetings of Council include: "Those signed up to speak under Citizens To Be Heard shall be called upon in the order that they have registered. No personal attacks shall be allowed by any speaker."

Section 2-21.1 – Preservation of order includes: "The mayor shall preserve order and decorum, prevent personal references to Council Members or impugning of other members' motives."

4. NEW BUSINESS

A. Approval of the minutes

- 10/15/2024 P&Z meeting

B. Discussion and consideration regarding approval of a plat waiver regarding lot frontage and flag lot requirements in the subdivision regulations for the Toepperwein Warehouse subdivision (located at 13552 Toepperwein Road) to allow Lot 2, CB 5042 to be replatted into 4 lots.

1. Staff Presentation
2. Applicant Presentation
3. Question & Comments from Commission
4. Commission Action

C. Discussion and consideration regarding a recommendation to approve an Ordinance approving 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 Commission
3. Commission Action

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 Planning and Zoning Commission 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), 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 City Council, 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.

**MINUTES OF SPECIAL MEETING OF
THE PLANNING AND ZONING COMMISSION
CITY OF LIVE OAK
HELD AT THE LIVE OAK COUNCIL CHAMBERS
8001 SHIN OAK DRIVE
TUESDAY, OCTOBER 15, 2024**

1. CALL TO ORDER

Chairman Rebecca Kochan called the meeting to order at 7:24 p.m.

2. ROLL CALL

Chairman Rebecca Kochan
Commissioner Michael Llamas
Commission Tom Kusek
Commissioner Gary Woppert
Alternate Commissioner Janita Woodall (Absent)
Alternate Commissioner Angela Green (Absent)

Staff

Ron Ruthven, Assistant City Manager
Isa Gaytan, City Secretary

3. CONSENT AGENDA

A. Approval of Minutes

1. December 19, 2023

Commissioner Llamas made a Motion to approve the minutes and seconded by Commissioner Kusek

Vote FOR: Commissioner Llamas, Chairman Kochan, Commissioner Kusek, Commissioner Woppert – Passed 4/0

4. CITIZENS TO BE HEARD

No Citizens to be heard.

5. NEW BUSINESS

A. Discussion and consideration regarding a request for a comprehensive land plan amendment, amending the future land use plan in the most recently adopted 2040 Live Oak Comprehensive Plan, specifically for Lots 19, 20 and 22, Block 51, Robards Texas (Second Unit) located at 6703, 6707 and 6715 Queen's Crown Street respectively; changing the future land use designation from "Low Density Residential" to "Medium Density Residential", and take appropriate action;

1. Staff Presentation

Assistant City Manager Ron Ruthven referenced the Joint Public Hearing meeting held prior to this meeting and did not have anything to add, only clarified on Motions.

2. Applicant Presentation

Applicant came before presenting his concerns regarding the rezoning.

3. Question & Comments from Commission

Commissioner Kusek asked for clarification on the Low and Medium Density classification and current zoning in the area.

4. Commission Action

Commissioner Llamas made a Motion to deny the request, seconded by Commissioner Kusek

Vote FOR: Commissioner Llamas, Chairman Kochan, Commissioner Kusek, Commissioner Woppert – Passed 4/0

B. Discussion and consideration regarding a request for a zoning change from the “PD-Pre-Development District” to the “R3-Two-Family Residential District” on Lots 19, 20 and 22, Block 51, Robards Texas (Second Unit) located at 6703, 6707 and 6715 Queen’s Crown Street respectively, and take appropriate action;

1. Staff Presentation

Assistant City Manager Ron Ruthven stated that staff recommend denial on this item to keep zoning consistent with the comprehensive plan.

2. Applicant Presentation

The applicant did not present on this item.

3. Question & Comments from Commission

None.

4. Commission Action

Commissioner Llamas made a Motion to deny the request, seconded by Commissioner Kusek

Vote FOR: Commissioner Llamas, Chairman Kochan, Commissioner Kusek, Commissioner Woppert – Passed 4/0

C. Discussion and consideration regarding proposed revisions and updates to the City of Live Oak Code of Ordinances Chapter 21– Subdivision Regulations, as same may have heretofore been amended, modified or supplemented; amending the approval authority for plats from primarily legislative approval to primarily administrative approval in accordance with Chapter 212 of the Texas Local Government Code, and take appropriate action;

1. Staff Presentation

No further presentations.

2. Question & Comments from Commission

Commissioner Kusek and Commissioner Llamas asked for clarification.

3. Commission Action

Commissioner Kusek made a Motion to approve agenda item 5C, seconded by Commissioner Woppert.

Vote FOR: Commissioner Llamas, Chairman Kochan, Commissioner Kusek, Commissioner Woppert – Passed 4/0

D. Discussion and consideration regarding proposed revisions and updates to the City of Live Oak Code of Ordinances, Chapter 24 Zoning Regulations, Article VIII – Signs, as same may have heretofore been amended, modified or supplemented; adopting new regulations and requirements, and take appropriate action;

1. Staff Presentation

Assistant City Manager Ron Ruthven stated staff recommend approval of item as presented.

2. Question & Comments from Commission

None.

3. Commission Action

Commissioner Kusek made a Motion to approve agenda item 5D, seconded by Commissioner Woppert.

Vote FOR: Commissioner Llamas, Chairman Kochan, Commissioner Kusek, Commissioner Woppert – Passed 4/0

6. ELECTION OF OFFICERS

A. Election of Chair

Chairman Kochan nominated Commissioner Llamas to serve as Chairman, seconded by Commissioner Kusek.

Vote FOR: Commissioner Llamas, Chairman Kochan, Commissioner Kusek, Commissioner Woppert – Passed 4/0

B. Election of Vice-Chair

Commissioner Llamas nominated Chairman Kochan to serve as Vice Chair, seconded by Commissioner Kusek.

Vote FOR: Commissioner Llamas, Chairman Kochan, Commissioner Kusek, Commissioner Woppert – Passed 4/0

7. ADJOURNMENT

Commissioner Woppert made a Motion to adjourn the meeting, seconded by Commissioner Kusek at 7:47 p.m.

APPROVED:

ATTEST:

Michael Llamas, Chairman

Isa Gaytan, TRMC
City Secretary



PLANNING AND ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: April 22, 2025

Agenda item: 4B

Prepared by: R. Ruthven, ACM

Reviewed by: I. Gaytan, City Secretary

Department: Planning and Zoning Commission

Agenda Item Description:

Discussion and consideration regarding approval of a plat waiver regarding lot frontage and flag lot requirements as described in the subdivision regulations for the Toepperwein Warehouse subdivision (located at 13552 Toepperwein Road) to allow Lot 2, CB 5042 to be replatted into four lots.

Staff Briefing:

The applicant, Stotan Industrial, is requesting the following waivers to the subdivision ordinance:

1. *21-57(d) - Lot frontage. Every lot shall have frontage on, and access to, a public street. The planning and zoning commission may grant a waiver to allow lots to have frontage on a private street or through a public or private access easement. The minimum lot frontage of irregular shaped lots shall be 35 feet.*
2. *21-57(e) - Flag lots. Flag lots are prohibited.*

The applicant is requesting the waivers to replat the property into four individual lots. The subject property currently contains four warehouse buildings that were recently constructed. The buildings are not yet approved for occupancy and are currently vacant. The intent is for each lot to contain one building.

Staff Analysis

Based on Staff's review of the request, should the waiver be approved, Staff recommends the following conditions:

As part of the replat, public access easements, meeting minimum applicable regulatory requirements for width and turning radii, are required to allow for emergency and public utility access to all structures on all lots to be subdivided. The easement shall not be gated or obstructed at any time.

It is common practice in many municipalities to allow commercial properties to be accessed through public access easements rather than public streets due to the reduction in long-term infrastructure costs and liability to the City, limited need for residential services that would typically utilize public streets, sprinkler requirements for commercial buildings reducing need for



PLANNING AND ZONING COMMISSION AGENDA ITEM FORM

scaled fire department response, more efficient use of property not located within rights-of-way, more taxable land value for land not located within public rights-of-way.

Criteria for Approval

According to Section 21-39(f), the planning and zoning commission, in considering action on a plat waiver, should consider the following criteria:

- (1) That the granting of the waiver will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area; and
- (2) The granting of the waiver is in harmony with the general purpose and intent of this chapter so that the public health, safety, and welfare may be secured and justice done; and
- (3) The granting of the waiver is necessary for the preservation and enjoyment of a substantial property right; and
- (4) There are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land; and
- (5) The waiver request represents the minimum degree of variation, in the opinion of planning and zoning commission, of requirements necessary to meet the needs of the applicant; and
- (6) The waiver is to a provision of this chapter; and
- (7) That the granting of the waiver will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this chapter.

Staff agree that the waiver is consistent with the above-mentioned criteria.

Action:

- | | |
|--|---|
| <input type="checkbox"/> Recommendation | <input type="checkbox"/> Comprehensive Plan Amendment |
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Zoning Text Amendment |
| <input type="checkbox"/> Plat | <input type="checkbox"/> Other |
| <input checked="" type="checkbox"/> Waiver | |

Staff Recommended Motion:

Staff recommends approval subject to Staff's recommendation for a public access easement as stated herein. Commission action is final.



RECEIVED

By Ron Ruthven at 1:59 pm, Mar 24, 2025



March 20, 2025

City of Live Oak
Planning Department
8001 Shin Oak Dr.
Live Oak, TX 78233

Re: Plat Waiver Request - Toepperwein Warehouse
UDC Section 21-57(d) – Lots – Lot Frontage
UDC Section 21-57(e) – Lots – Flag Lots

To whom it may concern:

On behalf of BSC-Stotan San Antonio PropCo LP, please see attached plat waiver request for the Toepperwein Warehouse, located at 13644 Toepperwein Rd, Live Oak, TX 78233. The subject property is currently platted as Lot 2, CB 5042 (38.971 Acres). We are proposing to re-plat the subject property and to subdivide the property into four (4) platted lots.

This plat waiver request is intended to provide a variance from the Lot Frontage (UDC Section 21-57 (d)) and Flag Lot (UDC Section 21-57 (e)) requirements of the City of Live Oak Unified Development Code. We intend to subdivide the property into four (4) lots with access to be obtained by an irrevocable ingress/egress easement (see attached lot exhibit).

The proposed plat waiver meets the following criteria as noted in the waiver requirements:

- That the granting of the waiver will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area; and
 - Allowing the plat waiver not be detrimental to the public health, safety, or welfare, or injurious to other properties in the area.
- That the granting of the waiver is in harmony with the general purpose and intent of this ordinance so that the public health, safety, and welfare may be secured and justice done; and
 - The waiver request is in harmony with the general purpose and intent of this ordinance.
- That the granting of the waiver is necessary for the preservation and enjoyment of a substantial property right; and
 - The plat waiver is necessary in order to subdivide the property.



- That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this ordinance would deprive the Applicant of the reasonable use of the land; and
 - The property does not have enough public right-of-way frontage to provide access to the proposed subdivided lots.
- That the waiver request represents the minimum degree of variation of requirements necessary to meet the needs of the applicant; and
 - The waiver represents the minimum degree of variation of requirements necessary to meet the needs of the applicant.
- That the granting of the waiver will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this ordinance.
 - Allowance of the plat waiver will no impact adjacent properties.

Given these considerations, we respectfully request approval of this plat waiver to allow the use of irrevocable ingress access easement to provide necessary access to the proposed lots.

In our professional opinion, the plat waiver request remains in harmony with the spirit and intent of the UDC, and has been designed to preserve the health, safety, and welfare of the public. Thank you for your consideration. Should you have any questions or require additional information, please do not hesitate to contact our office at your earliest convenience.

Sincerely,
BSC-Stotan San Antonio PropCo LP

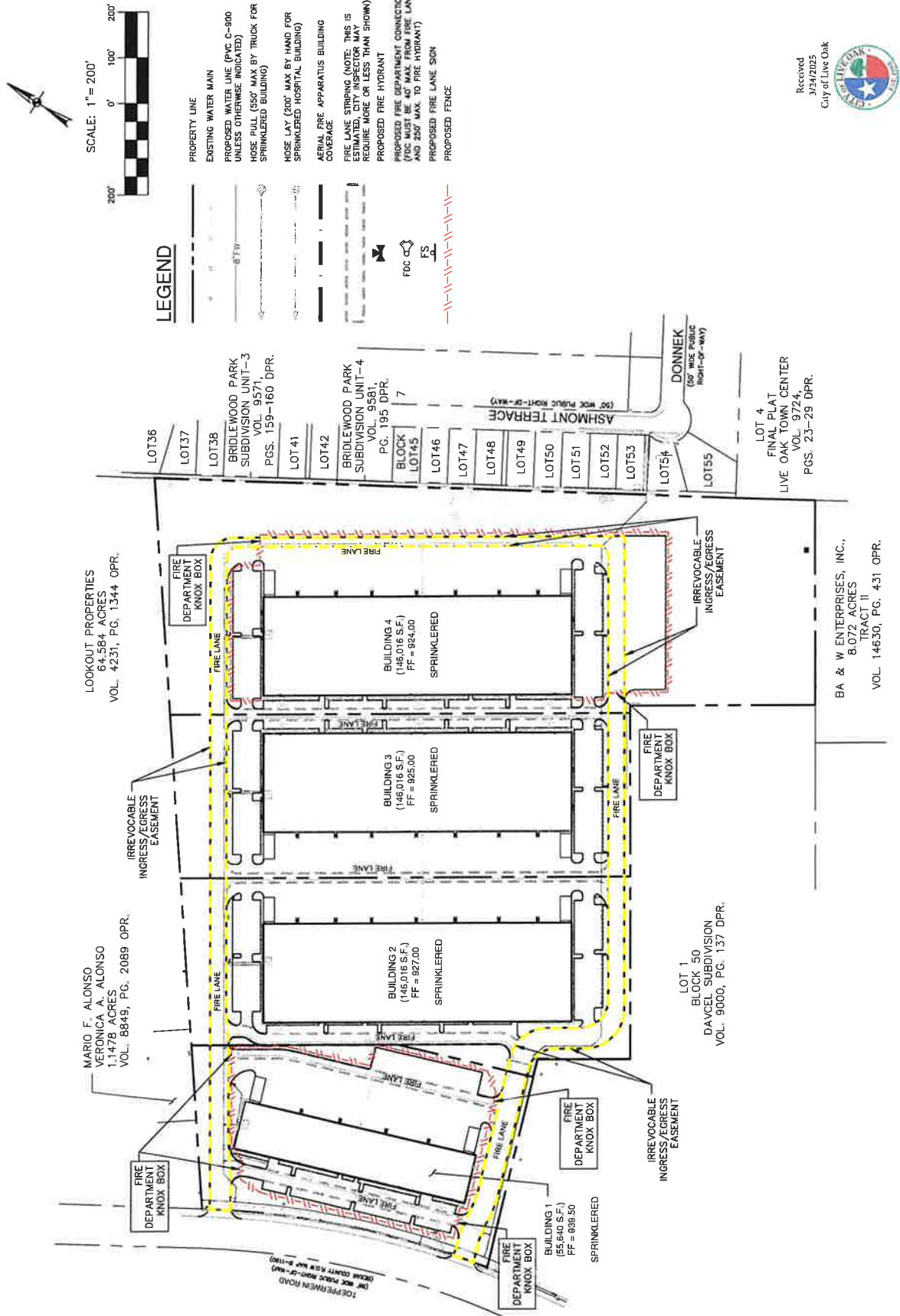
Jack Sweany

Jack Sweany, P.E.
Sr. VP – Construction Manager

Attachment:

- Development Application
- Plat Waiver – Application Checklist
- Proof of Ownership
- Proposed Lot Access Exhibit

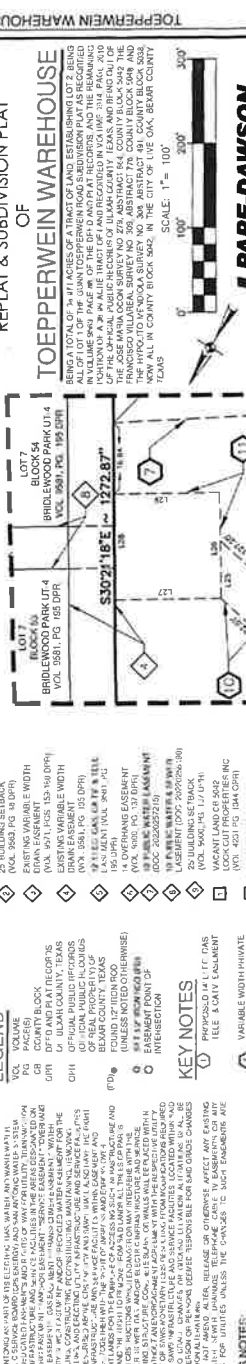
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LEGEND

▲ 90-11-14 PHOTO, 10/2

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The graph illustrates the projected increase in the percentage of the population aged 65 and over in several countries from 1950 to 2050. The Y-axis represents the percentage of the population, ranging from 0 to 20. The X-axis represents the years from 1950 to 2050. The countries shown are Japan, Germany, France, Italy, and the United States. Japan and Germany show the most significant increases, starting around 10% in 1950 and rising to over 20% by 2050. France, Italy, and the United States show more moderate increases, starting around 8% in 1950 and rising to around 15% by 2050.

Country	1950	1960	1970	1980	1990	2000	2010	2020	2030	2040	2050
Japan	10.0	11.0	12.0	13.0	14.0	15.0	16.0	17.0	18.0	19.0	20.0
Germany	10.0	11.0	12.0	13.0	14.0	15.0	16.0	17.0	18.0	19.0	20.0
France	8.0	9.0	10.0	11.0	12.0	13.0	14.0	15.0	16.0	17.0	18.0
Italy	8.0	9.0	10.0	11.0	12.0	13.0	14.0	15.0	16.0	17.0	18.0
United States	8.0	9.0	10.0	11.0	12.0	13.0	14.0	15.0	16.0	17.0	18.0

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FLOODPLAIN VERIFICATION:
 THE FLOODPLAIN VERIFICATION HAS BEEN SUBMITTED TO AND
 THE PLANNING COMMISSION OF THE CITY OF INDIANAPOLIS HAS
 APPROVED THE VERIFICATION.
 DATED THIS 16 DAY OF April, A.D. 2024
 BY Rebecca J. Leach CHAIRMAN
 NOTICE: VIOLATION OF THIS ORDER BY A FEE IS A VIOLATION OF
 STATE CRIMINALS AND STATE LAW AND IS SUBJECT TO FINES AND WITHHOLDING
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 OPEN SPACES:

IN John C. Grier SPECIAL AGENT ASSIGNED

ETC. ARE THE RESPONSIBILITY OF THE DEPT. WHEN OUR ITS SUCCESSORS AND OR

SHEET 2 OF 2

FAIRFAX ENGINEERS

20700 HWY 100 #100 • LAKE ARTHUR, TX 75116 • (214) 375-9200
16444 Independence Court • Texas Subcontractors • (214) 375-9200

DATE OF PREPARATION: April 02, 2024

LOT 4
FINAL PLAT
LIVE OAK COUNTRY CENTER
VOL 1747, PGS. 13-23 DPR.

56

5572206 W ~ 4

[illegible]

PLATE 10
1900

BR CLEVELAND PARK
SUBDIVISION UNIT-4
VOL. 9381, PG. 195 DPR

DETAIL "B"

SCALE: 1" = 20"

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THE John G. Chapman ASSASSIN

LOCATION MAP		NOT TO SCALE	
1	PHOTOGRAPH	2	TRAIL LAYOUT
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	1970-71	1971-72	1972-73	1973-74	1974-75	1975-76	1976-77	1977-78	1978-79	1979-80	1980-81	1981-82	1982-83	1983-84	1984-85	1985-86	1986-87	1987-88	1988-89	1989-90	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36	2036-37	2037-38	2038-39	2039-40	2040-41	2041-42	2042-43	2043-44	2044-45	2045-46	2046-47	2047-48	2048-49	2049-50	2050-51	2051-52	2052-53	2053-54	2054-55	2055-56	2056-57	2057-58	2058-59	2059-60	2060-61	2061-62	2062-63	2063-64	2064-65	2065-66	2066-67	2067-68	2068-69	2069-70	2070-71	2071-72	2072-73	2073-74	2074-75	2075-76	2076-77	2077-78	2078-79	2079-80	2080-81	2081-82	2082-83	2083-84	2084-85	2085-86	2086-87	2087-88	2088-89	2089-90	2090-91	2091-92	2092-93	2093-94	2094-95	2095-96	2096-97	2097-98	2098-99	2099-00	2100-01	2101-02	2102-03	2103-04	2104-05	2105-06	2106-07	2107-08	2108-09	2109-10	2110-11	2111-12	2112-13	2113-14	2114-15	2115-16	2116-17	2117-18	2118-19	2119-20	2120-21	2121-22	2122-23	2123-24	2124-25	2125-26	2126-27	2127-28	2128-29	2129-30	2130-31	2131-32	2132-33	2133-34	2134-35	2135-36	2136-37	2137-38	2138-39	2139-40	2140-41	2141-42	2142-43	2143-44	2144-45	2145-46	2146-47	2147-48	2148-49	2149-50	2150-51	2151-52	2152-53	2153-54	2154-55	2155-56	2156-57	2157-58	2158-59	2159-60	2160-61	2161-62	2162-63	2163-64	2164-65	2165-66	2166-67	2167-68	2168-69	2169-70	2170-71	2171-72	2172-73	2173-74	2174-75	2175-76	2176-77	2177-78	2178-79	2179-80	2180-81	2181-82	2182-83	2183-84	2184-85	2185-86	2186-87	2187-88	2188-89	2189-90	2190-91	2191-92	2192-93	2193-94	2194-95	2195-96	2196-97	2197-98	2198-99	2199-00	2200-01	2201-02	2202-03	2203-04	2204-05	2205-06	2206-07	2207-08	2208-09	2209-10	2210-11	2211-12	2212-13	2213-14	2214-15	2215-16	2216-17	2217-18	2218-19	2219-20	2220-21	2221-22	2222-23	2223-24	2224-25	2225-26	2226-27	2227-28	2228-29	2229-30	2230-31	2231-32	2232-33	2233-34	2234-35	2235-36	2236-37	2237-38	2238-39	2239-40	2240-41	2241-42	2242-43	2243-44	2244-45	2245-46	2246-47	2247-48	2248-49	2249-50	2250-51	2251-52	2252-53	2253-54	2254-55	2255-56	2256-57	2257-58	2258-59	2259-60	2260-61	2261-62	2262-63	2263-64	2264-65	2265-66	2266-67	2267-68	2268-69	2269-70	2270-71	2271-72	2272-73	2273-74	2274-75	2275-76	2276-77	2277-78	2278-79	2279-80	2280-81	2281-82	2282-83	2283-84	2284-85	2285-86	2286-87	2287-88	2288-89	2289-90	2290-91	2291-92	2292-93	2293-94	2294-95	2295-96	2296-97	2297-98	2298-99	2299-00	2300-01	2301-02	2302-03	2303-04	2304-05	2305-06	2306-07	2307-08	2308-09	2309-10
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CONFIDENTIALITY STATEMENT

I, THE ABOVE NAMED CITY OFFICIAL OF THE CITY OF THE OKLAHOMA, HEREBY CERTIFY THAT THIS SUBDIVISION PLAN CONSENTS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY AS TO ANY OTHER INFORMATION AS REQUESTED.

4-2-2017

I HEREBY CERTIFY THAT THE ABOVE LIST CONTAINS TO THE MAXIMUM
 EXTENT KNOWN TO ME THE NAMES OF ALL PROFESSIONAL ENGINEERS AND
 SURVEYORS ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND BY
 ME OR UNDER MY CLOSE PERSONAL SUPERVISION.

 REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR

4-2-24

STATE OF TEXAS, COUNTY OF BROWN
I, LUCY ADAMME - CLERK, COUNTY CLERK
DO HEREBY CERTIFY THAT THIS PLAT WAS
MY OFFICE AND DULY RECORDED IN THE
BOOK OF RECORDS, COUNTY OF BROWN,
PLAT VOLUME 25000 PAGE 1448
AMOUNT \$81.00
IN TESTIMONY WHEREOF, WITHNESS MY
HAND AND OFFICIAL SEAL OF OFFICE
COUNTY CLERK, BROWN COUNTY, TEXAS
BRYAN
Bryan Adams

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DOC. NUMBER: 20

10



PLANNING AND ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: April 22, 2025

Agenda item: 4C

Prepared by: R. Ruthven, ACM

Reviewed by: I. Gaytan, City Secretary

Department: Planning and Zoning Commission

Agenda Item Description:

Discussion and possible action 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:



PLANNING AND ZONING COMMISSION AGENDA ITEM FORM

- **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 propose that any site plan fee be added to the fee schedule in September 2025.

The proposed markups and a new section description are attached.

Action:

- | | |
|---|---|
| <input type="checkbox"/> Recommendation | <input type="checkbox"/> Comprehensive Plan Amendment |
| <input type="checkbox"/> Rezoning | <input checked="" type="checkbox"/> Zoning Text Amendment |
| <input type="checkbox"/> Plat | <input type="checkbox"/> Other |
| <input type="checkbox"/> Waiver | |
-

Staff Recommended Motion:

Staff recommends approval of the recommendation as presented. Final action by the City Council is required.

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.*

-
- 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, 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.