Meredith, Maureen

To: Tomko, Jonathan; blank; LandUseLiaison; Garcia, Ella
Subject: RE: Public Comment for November 10 — Proposed Findings and Motions | C14-2026-0028 / NPA-2026-0009.01

From: blank <>
Sent: Thursday, 05 November 2026 09:34:16
To: Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>; LandUseLiaison <LandUseLiaison@austintexas.gov>; Garcia, Ella <Ella.Garcia@austintexas.gov>
Subject: Re: Public Comment for November 10 — Proposed Findings and Motions | C14-2026-0028 / NPA-2026-0009.01

Jonathan, Maureen, and Planning Commission Staff,

Attached are my proposed findings and motions concerning C14-2026-0028 and NPA-2026-0009.01, submitted for the Planning Commission's consideration.

The document examines several issues that I believe remain inadequately addressed in the staff recommendations, particularly the development rights created under SB 840, the comparability of the five nearby LO-zoned properties, transportation assumptions, and consistency with the adopted Central East Austin Neighborhood Plan.

These are proposed findings submitted by a property owner, not findings adopted by the Commission.

I'm requesting that the document be:

1. Entered into the official public record for both cases.
2. Distributed to the Planning Commissioners ahead of the hearing.
3. Included in the publicly accessible meeting backup materials on the City's website.

Please confirm receipt, advise of any applicable submission deadline, and provide a direct link once the document is posted.

I appreciate your assistance.

Regards,

Maverick Shaw
Robertson Hill Property Owner
Austin, Texas

PROPERTY-OWNER PUBLIC COMMENT | PROPOSED COMMISSION FINDINGS

Proposed Findings & Recommendation of Denial

For Planning Commission consideration only. Submitted by a property owner; not adopted Commission findings, not a City staff report, and not a legal opinion.

Cases: C14-2026-0028 (Wesley Property Donation) and NPA-2026-0009.01 (Wesley Relocation Project)

Property: 1187 Navasota Street, Austin, Texas

Submitted by: Maverick Shaw, Robertson Hill Property Owner

Revised: November 5, 2026

Request to the Commission

I request that the Planning Commission recommend denial of the requested change from SF-3-NP to LO-NP (including the staff-recommended LO-CO-NP alternative) and the companion change in the Future Land Use Map from Single Family to Neighborhood Mixed Use. The published record, as presently reviewed, does not adequately justify the long-term legal entitlements these decisions may create. Alternatively, the Commission should consider postponement and request a focused supplemental staff analysis before making recommendations on either case.

This submission is not opposition to Wesley United Methodist Church, its stated office relocation, or responsible new development. It asks that the permanent land-use consequences be assessed against the site, the adopted neighborhood plan, and existing conditions.

The central question

Is the Commission evaluating a specific, nonbinding low-intensity office proposal, or the full range of uses and standards that could be legally available after LO zoning takes effect, including qualifying residential development under SB 840? [1, 2, 9]

The analysis must address what the property may legally become - not simply what someone proposes to build today.

Proposed Findings

1 | The stated project and the zoning entitlements are different propositions.

Staff describes a low-intensity neighborhood office. Under Austin's SB 840 guidance, qualifying multifamily and mixed-use residential development may receive significantly broader entitlements on commercially zoned land. On November 3, 2026, the case manager confirmed in writing that SB 840 would apply at 1187 Navasota following the proposed LO rezoning, citing 45 feet in height, a density of 54 units per acre, no FAR limit under SB 840, and LO setbacks. Those figures describe potential regulatory allowances for a qualifying project, not an approved site plan or a promise that a particular building can be constructed. Staff should identify all applicable constraints and exclusions. [1, 2, 9, 10]

2 | The cover letter does not bind future development.

The applicant's stated intent to relocate an office building may be sincere. A cover letter, standing alone, is not an ordinance, recorded covenant, or approved binding site plan. Unless a legally effective restriction limits future use, the current owner and later owners may pursue other lawful uses. The Commission should identify any actual instrument that would limit the development rights being requested, rather than treating the proposal as though it were such an instrument.

> **The zoning stays with the land. The applicant's intentions do not.**

3 | The five cited LO properties are not automatically equivalent precedents.

The staff report and October 30 correspondence identify 1191 Navasota; 1171 San Bernard; 1309/1311 Hackberry; 1159 Navasota; and 1306 Rosewood. Their histories and regulatory circumstances are not uniform. The 2001 Central East Austin zoning ordinance shows 1191 Navasota already zoned LO and 1171 San Bernard already zoned LO-H at plan adoption. The 1967 Council minutes identify 1171 San Bernard as part of an earlier office rezoning approved with reference to a restrictive covenant. The 1979 Planning Commission and Council minutes describe an office rezoning for 1159 Navasota associated with a learning center and proposed conditions. Some cited parcels carry historic (-H) or neighborhood conservation (NCCD) overlays. [1, 4, 5, 6, 7, 9]

Those historical references do **not** establish that a covenant was ever recorded, is still effective, or limits SB 840 redevelopment today. The executed instruments and controlling present-day zoning must be verified. In addition, a pre-adoption 2022 NCCD ordinance version lists 1157 and 1159 Navasota differently from the current zoning stated by the case manager in October 2026; staff should reconcile the final adopted ordinance, lot identifiers, and Property Profile records. [8, 9, 11]

A proper comparison must use the same methodology for each parcel: zoning history, current zoning, overlays, recorded restrictions, existing use, site constraints, and current SB 840 eligibility. Simply matching the letters "LO" is not a finding of comparable development capacity or neighborhood compatibility.

> **That is finding two matching letters on a zoning map and calling it research.**

4 | The transportation conclusion needs an explained basis.

The zoning review lists approximately 30 feet of pavement and 46 feet of existing right-of-way on Navasota, compared with an ultimate 84-foot right-of-way in the Austin Strategic Mobility Plan. It states that a traffic analysis is not required because the proposal does not exceed applicable thresholds, while also anticipating later site-plan review for certain transportation issues. This submission does not assert that a traffic study is legally mandatory. It requests the method, threshold and use assumptions supporting the current determination, including whether other reasonably available uses under LO and SB 840 were considered. [1]

5 | The Future Land Use Map change needs a location-specific rationale.

The adopted Central East Austin Neighborhood Plan addresses historic resources, existing residential districts, appropriate locations for additional density and compatible development. Staff proposes changing the tract from Single Family to Neighborhood Mixed Use. The land-use/zoning matrix used to test compatibility was updated in July 2011 and identifies compatible zoning categories; it does not by itself assess whether this site is appropriate under post-2025 entitlements. In November 3 correspondence, staff explained that Neighborhood Mixed Use was suggested in connection with the applicant's original LO-MU request and retained after MU was removed because it remained compatible with LO. The Commission should request a site-specific planning explanation beyond category compatibility. [3, 9]

6 | The cumulative neighborhood context warrants consideration.

Robertson Hill's historic buildings and newer architecture can coexist in a thoughtful plan. Individual rezonings can be lawful without constituting a coordinated neighborhood strategy. The Commission should ask how this proposal fits the adopted plan in light of combined impacts on building scale, access, privacy, drainage, trees, infrastructure and historic setting. This is a planning-policy request, not a claim that state law mandates a separate cumulative-impact study for this application. [3]

Requested Commission Action

Proposed Motion 1 - Rezoning (C14-2026-0028)

"I move that the Planning Commission recommend denial of the requested SF-3-NP to LO-NP zoning change, including the staff-recommended LO-CO-NP alternative, because the record presented does not adequately demonstrate that the range of legally available development under the proposed zoning, including SB 840, is appropriate for this location."

Proposed Motion 2 - Neighborhood Plan Amendment (NPA-2026-0009.01)

"I move that the Planning Commission recommend denial of the proposed Future Land Use Map change from Single Family to Neighborhood Mixed Use because the public record does not adequately reconcile the long-term land-use change with the adopted Central East Austin Neighborhood Plan and the development entitlements that may follow."

Alternative procedural request

If the Commission believes the information gap can be resolved without denial, I request postponement and a supplemental report before recommendations are made. These are **motions proposed for a commissioner to consider**, not motions introduced by a member of the public, and are subject to Commission procedures and the posted agenda.

Minimum Supplemental Analysis Requested

1. Full development envelope: SF-3-NP versus LO-NP/LO-CO-NP, including qualifying SB 840 uses, dimensional standards, exclusions, and enforceable limits.

2. Apples-to-apples comparables: the five cited properties and 1187 Navasota, with original and current ordinances, property identification, H/NCCD/NP/CO provisions, recorded covenants, current uses and SB 840 applicability.

3. Historic-record reconciliation: the 1967 and 1979 executed instruments (if any), plus adopted 2022 NCCD ordinance and the 1157/1159 Navasota address and legal-description issue.

4. Transportation assumptions: tested use, trip-generation worksheet, applicable threshold, and how the existing 30-foot pavement / 46-foot right-of-way and planned 84-foot right-of-way were treated.

5. Plan rationale and alternatives: why Neighborhood Mixed Use is appropriate here and whether a legally available, less-intense path could accommodate the office proposal without automatically creating the same range of entitlements.

Conclusion

The applicant is entitled to request a land-use change. Existing property owners are entitled to understand what the legal change would allow. If staff has already prepared the full entitlement, comparable-parcel and transportation analysis, I ask that it be made available to the public before Commission action. If it has not, I ask that it be completed first.

Thoughtful preservation and excellent new architecture can coexist. The question is whether the City has adequately explained and planned the land-use change before asking the Commission to recommend it.

Submitted for inclusion in the public record for both cases.

Maverick Shaw
Robertson Hill Property Owner
Austin, Texas

Sources and Verification Notes

The documents listed below are primary municipal records or official City/State guidance where noted. The submitted copy of staff correspondence is available from the property owner. Historical statements do not establish current enforceability of unlocated instruments.

[1] Austin Planning Commission - October 13, 2026 meeting backup: C14-2026-0028 zoning staff report. Official meeting materials; original EDIMS document 482855. Official record

[2] Austin - Effects of Senate Bill 840 in Austin. Official City explanation of potential height, density, setbacks, FAR, and exclusions. Official record

[3] Austin Planning - Neighborhood Plans and Resources. Official access point for the Central East Austin plan and planning maps. Official record

[4] City of Austin Ordinance 011213-42, Central East Austin neighborhood-plan zoning. 2001 adopted zoning schedule. Official record

[5] City Council minutes, August 10, 1967, C14-67-99. References restrictive covenant for rezoning of 1171 San Bernard / 1300-1304 Hackberry. Official record

[6] Planning Commission minutes, June 12, 1979, C14-79-092. Discusses proposed covenant concerning 1159 Navasota. Official record

[7] City Council minutes, July 5, 1979, C14-79-092. Approves office zoning subject to conditions. Official record

[8] Austin City Council - July 28, 2022, Item 163 (East 11th Street NCCD). Enacted Ordinance 20220728-163 should control over pre-adoption versions; verify final parcel table. Official record

[9] Staff correspondence: Jonathan Tomko (October 22 and 30; November 3, 2026), Maureen Meredith (November 3, 2026), and the Land Use/Zoning Matrix provided by Meredith (marked updated July 2011). Email and attachment retained by submitter; not included as exhibits in this PDF.

[10] Texas SB 840, enrolled text (2025). Legal text including qualifying uses and preservation-related limits. Official record

[11] City Law Department pre-adoption East 11th NCCD draft (July 26, 2022). Draft lists 1157 and 1159 Navasota differently; not the final enacted ordinance. Official record

Verification scope: Original 1967/1979 signed covenants or recordings have not been established in this submission. The actual SB 840 eligibility and regulatory envelope for each individual comparable have not been established. References to an earlier 2022 NCCD ordinance version are not a claim that it controls over the enacted ordinance or verified current zoning.