November 10, 2026 Planning Commission hearing date

Item #2 – NPA-2026-0009.01 – Wesley Relocation Project

Item #3 – C14-2026-0028 – Wesley Relocation Donation

From: Sara DAgostini
Sent: Monday, November 9, 2026 9:12 PM
To: Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>; LandUseLiaison <LandUseLiaison@austintexas.gov>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Garcia, Ella <Ella.Garcia@austintexas.gov>; Gannon, Chris - BC <BC-Chris.Gannon@austintexas.gov>; Woods, Alice - BC <BC-Alice.Woods@austintexas.gov>
Subject: Objection to Neighborhood Plan Amendment and Rezoning at 1187 Navasota - Case Numer: C14-2026-0028

Good evening Commissioners,

Apologies for the late email. We own the lot located at 1205 Cotton Street. We are objecting to the rezoning request for 1187 Navasota (Case Numer: C14-2026-0028), and the associated proposed FLUM amendment. Please see our objection letter attached. I ask that this objection be included in the record for both cases and forwarded to the Planning Commissioners. Thank you!

Sincerely,

Sara D'Agostini

Objection to Neighborhood Plan Amendment and Rezoning - 1187 Navasota

Nov 9, 2026

GS Coventry LLC
1205 Cotton Street
Austin, Texas 78702

Chair Alice Woods and Members of the Planning Commission City of Austin
301 West 2nd Street
Austin, Texas 78701

cc: Jonathan Tomko, AICP, Case Manager, jonathan.tomko@austintexas.gov · Maureen Meredith, Senior Planner, maureen.meredith@austintexas.gov · LandUseLiaison@austintexas.gov

RE: Objection to NPA-2026-0009.01 (Wesley Relocation Project) and C14-2026-0028 (Wesley Property Donation) — 1187 Navasota Street

Dear Chair Woods and Commissioners:

GS Coventry LLC owns 1205 Cotton Street, a lot located two lots east (on Cotton) from 1187 Navasota. We are currently designing a single-family home to be constructed at 1205 Cotton. We object to both the neighborhood plan amendment and the rezoning of 1187 Navasota, and we ask the Commission to recommend denial of each.

The proposed change to the neighborhood plan, and rezoning of 1187 Navasota Street, is not in response to changing conditions in the neighborhood, and reasonable use of same, but rather in response to a donation of an office building to the Wesley United Methodist Church.

Our objection is not to Wesley United Methodist Church, to its congregation, or to its stewardship of this neighborhood. It is to the entitlement. A rezoning is not an entitlement for one building and one owner. LO zoning attaches to the land permanently, survives any sale, and is not conditioned on the applicant's current plans.

The standard that governs this rezoning request

As we understand it, the Supreme Court of Texas set out the criteria against which an amendatory rezoning is reviewed in *City of Pharr v. Tippitt*, 616 S.W.2d 173 (Tex. 1981). The criteria is as follows:

1. **Consistency with the comprehensive plan.** The approved zoning plan should be respected and not altered for the special benefit of a landowner.
2. **The nature and degree of adverse impact on neighboring lands.**
3. **The suitability or unsuitability of the tract for the use permitted under its existing classification.**
4. **A substantial relationship to the public health, safety, morals or general welfare** — in other words, a substantial public purpose, rather than preferential treatment of one owner.
5. **Proof of changed conditions.** The Court defined the term precisely: "spot zoning" describes an amendatory ordinance that singles out a small tract for treatment that differs from that accorded similar surrounding land without proof of changes in conditions. It is, in the Court's words, preferential treatment which defeats a preestablished comprehensive plan — piecemeal zoning, the antithesis of planned zoning.

The criteria set forth by the Supreme Court is consistent with the City of Austin's following guidelines for its review and basis of a rezoning recommendation:

1. The proposed zoning should be consistent with the purpose statement of the district sought.
2. Zoning should allow for reasonable use of the property.
3. The proposed zoning should promote consistency and orderly planning.

The rezoning request before you satisfies none of these. We take them in turn.

We believe the standard for rezoning is not met

1. The request is inconsistent with the adopted plan — and the applicant concedes it

We respectfully request that the Commission treat the amendment and the rezoning as one question and deny both. Granting the amendment first and then finding the rezoning "consistent" would drain the plan of any force.

It is further noted that The Central East Austin Neighborhood Plan was adopted December 13, 2001 as an element of the City's comprehensive plan under Article X, Section 5 of the City Charter. Three of its provisions speak directly to this tract:

- **Objective 1.1** — preserve residential character as shown on the Future Land Use Map.
- **Objective 2.2** — increase the amount of housing units available. The applicant proposes to relocate an existing commercial building onto the lot. No housing units result. The amendment moves against this objective.

- **Action 15** — permit mixed-use development **along commercial corridors**. Navasota Street is not a commercial corridor. Staff says so in its own report.

2. The adverse impact on neighboring lands is total, not marginal

This is not an edge condition or a transition. Staff's own parcel survey establishes that the subject tract is surrounded on every side by single-family homes. It should also be noted that the staff report incorrectly states that there is one single family home located on the adjacent parcel directly south of the parcel of interest. **That south parcel has three recently constructed single family homes located on it.** The following is an updated summary of the surrounding tracts:

Direction	Zoning	Use
North, across Cotton Street	SF-3-NP	One single-family home, built approximately 2014
East	SF-3-NP	One single-family home, built approximately 1950
South	SF-3-NP	**Three single-family homes, built recently**
West, across Navasota Street	SF-3-NP	Two single-family homes, built approximately 1909 and 2024

Four sides. Seven houses. No non-residential abutter. Under *Pharr*, that is the paradigm case of a small tract singled out for treatment differing from that accorded similar surrounding land. **The proposed conditional overlay does not cure this.**

Moreover, the rezoning would provide a precedent (and potential slippery slope) for other land parcels along Navasota (and similarly situated streets) to rezone residential parcels to commercial.

LO spot zoning brings office traffic, customer parking, signage, lighting and business hours to an area that is solely residential. The street cannot carry this, and the corridor argument does not survive scrutiny. Navasota between E 11th Street and East 12th Street is a narrow, two-way residential street with constrained right of way. It has houses fronting it on all sides, driveway cuts at close intervals, on-street parking that residents depend on because the lots are small, and no capacity to absorb commercial parking, deliveries or client traffic. It also brings safety concerns for the residents nearby.

3. The tract is plainly suitable for its existing classification

Staff's stated basis of recommendation is that "zoning should allow for reasonable use of the property." SF-3-NP already allows reasonable, valuable use of this property, and the proof is on the same block.

Immediately south of the subject tract, three new single-family homes were recently built — staff's own report says so (albeit it incorrectly states that only one was constructed). **Directly across Navasota Street, another home was built in 2024.** These are not hypotheticals. They are completed, occupied houses on comparable lots, constructed under the existing zoning, within the last two years, on either side of the parcel the applicant says cannot be reasonably used as zoned.

Additionally, a few lots away at 1206 Cotton, a new home was constructed in 2022. Similarly, we will construct a single-family home at 1205 Cotton.

As described in more detail later, 1309 Hackberry was rezoned by a church to LO in 2012. However, in 2019 such parcel was changed to residential use, and a homebuilder constructed and successfully sold a single-family home in 2019. This clearly demonstrates that the surrounding area is best suited for residential.

4. The benefit is private, and the entitlement outlives the purpose

The stated purpose is to relocate a commercial office building the applicant received as a donation onto a lot the applicant already owns. That is a private convenience. It is not a substantial public purpose, and no public need has been demonstrated that LO zoning at this specific corner is required to meet.

5. There are no changed conditions — conditions have moved the other way

Pharr requires proof of changed conditions. The applicant has not identified a single change in conditions on Navasota Street between 11th and 12th, or the area broadly, since 2001 that would justify converting residential land to commercial. The record shows the opposite. Since the Central East Austin Neighborhood Plan was adopted in 2001, the construction on and around this block has been residential (see discussion above under items 2 and 3). People are investing in single-family housing here now, in reliance on the zoning and the plan.

Notwithstanding the foregoing, Staff's report says the tract is within 1,000 feet of the subject tract there are at least five properties with LO base district zoning: 1191 Navasota Street, 1159 Navasota Street, 1171 San Bernard Street, 1309/1311 Hackberry Street and 1306 Rosewood Avenue. We address each of these properties in more detail below, however, each of them is either (a) decades old and predating the plan, (b) historic and preserved for civic reasons, (c) a cautionary example of an office entitlement that ended in a homebuilder's hands (see discussion above re 1309/1311 Hackberry Street) or (d) on the designated commercial corridor (1306 Rosewood). Not one is a recent, comparable, mid-block residential-to-office conversion approved under the Central East Austin Neighborhood Plan. If such a case existed, staff would have named it.

1191 Navasota Street — a 1952 landmark, not a precedent for new commercial entitlement

This is the Teachers State Association of Texas Building, built in 1952 and designed by John Saunders Chase, the first African American admitted to the University of Texas School of Architecture. It is believed to be his first commercial building design. It served as the first permanent headquarters of the organization that fought for equal pay for Black teachers in Texas and supported Heman Sweatt's suit against the University. It is listed on the National Register of Historic Places, and it is used as a community gathering and engagement space.

It is distinguishable on every dimension that matters:

- It predates the Central East Austin Neighborhood Plan by half a century. It is a legacy condition the plan was written around, not evidence that the plan contemplated more commercial conversion.
- Its significance is historic and civic. A landmark preserved for its cultural meaning is not a zoning precedent for a relocated private office.
- Its continued use as a community gathering space is a public benefit of a kind the present application does not offer.
- The existence of one protected mid-century landmark on a residential street is an argument for preserving the street's character, not for eroding it.

1159 Navasota Street — historic zoning, residential use, and a materially different location

1159 Navasota was rezoned from "A" Residence to "O" Office on **August 9, 1979**, in case C14-79-092, under the 1967 City Code — a determination made forty-seven years ago, twenty-two years before the neighborhood plan was adopted. It is distinguishable three ways:

- **It is historically zoned.** Whatever designation it carries is a legacy of a 1979 decision made under a superseded code and before the adopted plan existed. It cannot establish what the 2001 plan contemplates.
- **It is used residentially.** The property is in single-family and multi-family residential use today, with two residential buildings on the lot. A parcel whose office designation has gone unexercised for decades is evidence that commercial use is not viable or desired on this street.
- **It is materially closer to Rosewood Avenue and East 11th Street.** The subject tract sits mid-block. 1159 sits nearer the commercial edge, where the plan directs commercial activity. The whole logic of the neighborhood

plan is that intensity belongs on the corridors and tapers into the interior. 1187 Navasota is the interior.

1171 San Bernard Street — a 1977 historic landmark, and a use the City prohibits here

This property is the **Thompson House**, a designated **City of Austin historic landmark**. From public records available, it shows that this property had LO zoning before 2001 when the Central East Austin Neighborhood Plan was adopted. It operates today as a group and assembly space, more specifically as the meeting house for Zeta Phi Beta Sorority, Inc.'s Alpha Kappa Zeta Chapter.

Staff's own proposed conditional overlay at 1187 Navasota specifically prohibits Club or Lodge use. The City has already determined that a group and assembly use is **not appropriate** at the subject tract. The applicant cannot rely on 1171 San Bernard as a comparable while the City simultaneously carves that very use out of the zoning being requested. If 1171 San Bernard demonstrates anything, it demonstrates that the City treats this corner as different.

1309 and 1311 Hackberry Street — the entitlement outlived the purpose, and a house was built instead

This is the most instructive precedent in the record, and it cuts entirely against the applicant. In 2012, **Metropolitan AME Church** applied for and received LO zoning. **However, in 2019 the lot was sold to a residential homebuilder who split the lot. In 2019, the residential homebuilder constructed and successfully sold a single-**family home. Public information shows that the remaining half of the lot with the address of 1311 Hackberry Street is in use as a single family home.

1306 Rosewood Avenue — on the corridor, which is precisely the distinction

1306 Rosewood fronts Rosewood Avenue — one of the three streets staff itself identifies as a commercial corridor, and an Imagine Austin Activity Corridor on the Growth Concept Map. Commercial use there is not an exception to the Central East Austin Neighborhood Plan; it is the plan operating exactly as written. This property is distinguishable for that reason.

What we ask the Commission to do

1. **Primary request.** Recommend **denial** of NPA-2026-0009.01 and **denial** of C14-2026-0028. The Future Land Use designation for 1187 Navasota Street should remain Single Family, and the zoning should remain SF-3-NP.

2. **If the Commission is not prepared to deny tonight**, we ask in the alternative, for postponement of both cases and direct staff to place in the record the street and right-of-way data, the full LO use column measured against the proposed conditional overlay, the Street Network Table records with segment limits, the area case histories including any denied residential-to-office rezonings in this planning area, and the Section 211.0061(b) determination described above.

We would welcome the chance to meet with the applicant and with staff on any of these alternatives. Our objection is to an open-ended commercial entitlement on a residential block, not to Wesley's presence in this neighborhood.

Thank you for your consideration. We respectfully request that this letter be entered into the official record for both cases and distributed to the Chair and members of the Planning Commission, and that it be carried forward to City Council.

Respectfully submitted,

Sara D'Agostini
GS Coventry LLC
1205 Cotton Street
Austin, Texas 78702
586-405-4143

November 10, 2026 – Planning Commission hearing

Item #2 – NPA-2026-0009.01 – Wesley Relocation Project

Item #3 – C14-2026-0028 – Wesley Property Donation

From: Stanton Strickland < >
Sent: Monday, November 9, 2026 11:38 PM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>
Cc: Garcia, Ella <Ella.Garcia@austintexas.gov>
Subject: 1187_Navasota_Planning_Commission_Comments_Final_2026-11-10

Dear Commissioners and Planning Commission Staff,

Attached please find my supplemental written comments regarding the proposed Neighborhood Plan amendment and rezoning of 1187 Navasota Street, scheduled for consideration by the Austin Planning Commission on November 10, 2026.

Cases:

● NPA-2026-0009.01 — Wesley Relocation Project

● C14-2026-0028 — Wesley Property Donation

My comments address the Applicant's failure to present evidence to demonstrate the applicable requirements of Austin Land Development Code § 25-1-810, the proposed rezoning's incompatibility with the established residential neighborhood under the legal considerations identified in City of Pharr v. Tippitt, and the significance of the City's verified statutory protest petition.

I respectfully request that the attached comments be distributed to the Planning Commission members and included in the official record for both above-referenced cases before the November 10 hearing. I further request that the Commission recommend denial of both applications.

Please confirm receipt and inclusion of the attachment in the records of both cases.

Thank you for your assistance.

Sincerely,

Stanton Strickland
Robertson Hill Resident and Property Owner
1174 San Bernard Street

SUPPLEMENTAL WRITTEN COMMENTS

TO THE CITY OF AUSTIN PLANNING COMMISSION

Hearing: November 10, 2026 | Property: 1187 Navasota Street, Austin, Texas 78702

Cases: NPA-2026-0009.01 — Wesley Relocation Project | C14-2026-0028 — Wesley Property Donation

Submitted by: Stanton Strickland, Robertson Hill Resident and Property Owner

REQUESTED ACTION: RECOMMEND DENIAL OF BOTH APPLICATIONS

EXECUTIVE SUMMARY

I respectfully submit these comments in opposition to the proposed amendment to the Central East Austin Neighborhood Plan and Future Land Use Map (FLUM) and the associated rezoning of 1187 Navasota Street from SF-3-NP to LO-NP or LO-CO-NP.

The Applicant has failed to demonstrate that the proposed Neighborhood Plan amendment satisfies the requirements of Austin Land Development Code § 25-1-810(B) and (C). Moreover, the proposed rezoning raises serious concerns under the legal framework established by the Supreme Court of Texas in City of Pharr v. Tippitt, 616 S.W.2d 173 (Tex. 1981), concerning incompatible and preferential spot zoning. These deficiencies warrant a Planning Commission recommendation of denial in both cases.

The applications seek permanent changes to the development rights of a 9,375-square-foot residential parcel within an established historic residential neighborhood. The City's November 10, 2026 zoning staff report confirms that five single-family homes immediately surround the property, including residences constructed in approximately 2014 and 2024 and another recently constructed home.

The Applicant's immediate proposal to relocate an approximately 1,700-square-foot office building does not limit the substantially broader development rights that would accompany LO zoning, including potential preemptive rights established under Texas Senate Bill 840.

Six material legal and evidentiary deficiencies support denial:

1. Failure to satisfy LDC § 25-1-810. The Applicant has not demonstrated any of the alternative grounds required under subsection (B), including materially changed circumstances accompanied by hardship under (B)(3), or consistency with the Neighborhood Plan under (B)(5). Independently, the record fails to establish compliance with the zoning objectives and sound planning principles required under subsection (C).

2. Failure to establish meaningful comparability. The five nearby LO-zoned properties cited by staff differ materially in actual uses, development histories, historic characteristics, or direct frontage on established commercial corridors. Their existence does not establish that 1187 Navasota is similarly situated or that granting LO zoning would constitute consistent treatment of comparable properties.

3. Improper reliance on a transportation classification. Navasota's Austin Strategic Mobility Plan (ASMP) Level 2 designation describes its transportation-network function. It is not a commercial-corridor designation or a determination of commercial land-use suitability. The City's 2021–2022 ASMP amendment materials identified a proposed Level 1-to-Level 2 change as a technical correction, not a land-use determination.

4. Inconsistency with the adopted Neighborhood Plan. The proposed Neighborhood Mixed Use designation conflicts with the property's existing Single Family FLUM designation and the plan's policies supporting residential preservation and the concentration of mixed-use development in appropriate locations. Staff acknowledges Navasota is not a commercial corridor but fails to establish why its role as a connector justifies creating an additional commercial parcel within an established residential block.

5. Failure to evaluate the permanent development rights created by LO zoning. The record fails to establish the full scope of the development entitlements that would arise under LO-NP or LO-CO-NP, particularly the potential application of SB 840 and resulting limitations on local development restrictions.

6. Substantial, legally sufficient opposition by surrounding property owners. The City has verified a statutory protest petition representing 58.39% of the qualifying surrounding land area, substantially exceeding the applicable 20% threshold under Texas Local Government Code § 211.0061(b)(2).

The proposed rezoning also implicates a substantial deviation from each of the four principal considerations identified in Tippitt: consistency with established comprehensive planning, adverse impacts on neighboring properties, continued suitability under existing zoning, and the relationship of the change to public welfare and legitimate planning purposes.

The evidence supports retaining the existing Single Family FLUM designation and SF-3-NP zoning. The Applicant has not demonstrated the requirements of § 25-1-810, and the proposed isolated rezoning presents the precise compatibility and preferential-treatment concerns addressed in Tippitt. Accordingly, the Planning Commission should recommend denial of both applications.

I. INTRODUCTION AND LEGAL BASIS FOR OPPOSITION

I submit these comments to supplement my oral testimony and request their inclusion in the official record of both pending cases. My opposition rests on two independent but related legal grounds.

First, the proposed Neighborhood Plan amendment fails to satisfy the requirements of Austin Land Development Code § 25-1-810. Section 25-1-810(A) expressly prohibits the Planning Director from recommending approval unless the Applicant demonstrates at least one of the alternative grounds under subsection (B) and satisfies both requirements under subsection (C). The Applicant has failed to demonstrate a qualifying basis under subsection (B). Further, the evidence does not establish consistency with applicable zoning objectives or sound planning principles under subsection (C).

Second, the proposed rezoning raises serious spot-zoning concerns under City of Pharr v. Tippitt, 616 S.W.2d 173, 176–79 (Tex. 1981). The proposed change would grant commercial development rights to an individual residential parcel while surrounding properties remain overwhelmingly residential. The existing residential zoning remains suitable for reasonable development, and the record fails to establish the site-specific public planning justification necessary to overcome the substantial compatibility concerns raised by the proposal.

The Applicant's stated intention to relocate a small office building does not resolve these deficiencies. The Commission is considering permanent zoning entitlements that will attach to the land and remain available to future property owners. Nor does the City's general support for neighborhood-serving commercial uses establish that this particular parcel is appropriate for commercial zoning.

The adopted Neighborhood Plan provides a specific framework for preserving established residential areas while locating neighborhood-serving commercial development in appropriate locations.

The applications fail to demonstrate compliance with the City's applicable amendment criteria, and the proposed rezoning lacks sufficient factual justification under the planning considerations articulated in Tippitt. Both applications should be denied.

II. THE APPLICANT HAS FAILED TO DEMONSTRATE THE REQUIREMENTS OF LDC § 25-1-810

Austin Land Development Code § 25-1-810(A) provides: "The director may not recommend approval of a neighborhood plan amendment unless the requirements of Subsections (B) and (C) are satisfied."

Subsection (B) identifies six alternative grounds for an amendment, at least one of which the Applicant must demonstrate. Subsection (C) imposes two additional requirements: compliance with applicable Title 25 regulations, Chapter 25-2 zoning objectives and the purposes of the proposed zoning district; and consistency with sound planning principles.

The mandatory requirements of subsection (C) apply regardless of which alternative ground under subsection (B) is asserted. The Applicant has not demonstrated a sufficient basis for approval under either subsection.

A. Application of the Code's requirements

Code provision	Required demonstration	Deficiency in the record
§ 25-1-810(B)(1)	Mapping or textual error or omission	No mapping or textual error has been identified.
(B)(2)	Denial would jeopardize public health, safety, or welfare	No such jeopardy has been demonstrated.
(B)(3)	Material change in circumstances since plan adoption AND hardship if denied	No material change warranting commercial zoning or resulting hardship has been demonstrated.
(B)(4)	Superior environmental protection or recruitment/retention of an employment center with at least 100 employees	Neither statutory alternative is supported by the proposed relocation.
(B)(5)	Consistency with Neighborhood Plan goals and objectives	Staff's reliance on general commercial objectives fails to establish consistency with residential-preservation and location-specific policies.
(B)(6)	Additional S.M.A.R.T. Housing opportunities	No qualifying housing opportunity is demonstrated.
§ 25-1-810(C)(1)	Compliance with Title 25, zoning objectives, and proposed district purposes	The compatibility of permanent entitlements with immediate residential surroundings is not established.
§ 25-1-810(C)(2)	Consistency with sound planning principles	The isolated commercial rezoning and failure to account for resulting development rights do not establish sound planning justification.

B. Material change in circumstances and hardship — § 25-1-810(B)(3)

Subsection (B)(3) requires the Applicant to demonstrate **both** a material change in circumstances since adoption of the Neighborhood Plan and hardship resulting from denial, if this alternative is relied upon. Neither requirement has been demonstrated.

The Central East Austin Neighborhood Plan was adopted December 13, 2001. Rather than transitioning toward commercial development, the immediate area surrounding 1187 Navasota has continued to experience residential construction and reinvestment consistent with the adopted plan.

The City's November 10 zoning report expressly identifies the following five surrounding single-family residences:

Location relative to 1187 Navasota	Residential development identified by City staff
North, across Cotton Street	Single-family home constructed approximately 2014
East	Single-family home constructed approximately 1950
South	Recently constructed single-family home
West, across Navasota Street	Single-family home constructed approximately 1909
West, across Navasota Street	Single-family home constructed approximately 2024

These are not speculative neighborhood characteristics. They are specific findings documented in the City's own zoning report. Additionally, based on my familiarity with the neighborhood, more than a dozen parcels in the surrounding area have experienced new residential construction within approximately the past six years.

The City's findings and the observable residential development pattern demonstrate continued implementation of the Neighborhood Plan, not a material transition toward commercial use warranting its amendment.

The Applicant has also failed to demonstrate hardship. The desire to relocate a donated building, generate rental revenue, or obtain a more economically beneficial use of property does not, without additional supporting facts, establish the hardship contemplated under § 25-1-810(B)(3).

The subject property remains undeveloped and suitable for residential construction under its existing SF-3-NP zoning. **The immediately adjacent property to the south, 1185 Navasota Street, provides compelling evidence of that suitability.** Previously vacant and zoned SF-3-NP, that property was developed with three new residences completed earlier in 2026, each initially listed for approximately $1.5 million. Two of the three homes have since sold and are now occupied by new neighborhood residents. Significantly, the lot at 1185 Navasota is nearly identical in size and physical characteristics to the subject property at 1187 Navasota. **This recent, directly comparable residential development demonstrates both the physical feasibility and market viability of developing 1187 Navasota under its existing SF-3-NP zoning, without the need for a Neighborhood Plan amendment or commercial rezoning.**

Further evidence of the continued market viability of residential development in the immediate neighborhood is the recent sale of 1173 San Bernard Street. This vacant, approximately 11,726-square-foot parcel was listed by Vince Realty for $1,080,000 and sold on October 23, 2026. The property was marketed with a conceptual development plan accommodating three residential homes. The successful marketing and sale of this nearby vacant parcel further demonstrates investor interest in residential development opportunities in Robertson Hill. **Considered together with the three recently completed homes at 1185 Navasota, this evidence directly supports the continued economic and physical suitability of 1187 Navasota for residential development under its existing SF-3-NP zoning, without a commercial rezoning.**

The record contains no demonstration that reasonable residential development has become impracticable or that maintaining the existing classification imposes a hardship resulting from materially changed circumstances.

Moreover, based on my understanding of the Applicant's property holdings, the Applicant owns the vacant, commercially zoned parcel located at 1154 San Bernard Street which is on the same block and almost adjacent to the donated building that the Applicant has expressed a desire to relocate. The application provides no substantive explanation of why the donated building cannot be accommodated on that property or otherwise within existing development entitlements.

The Applicant has not satisfied either element of § 25-1-810(B)(3).

C. Inconsistency with the Neighborhood Plan — § 25-1-810(B)(5)

Subsection (B)(5) permits an amendment when the Applicant demonstrates consistency with the adopted Neighborhood Plan's goals and objectives. Staff's recommendation relies principally on general policies supporting neighborhood-serving commercial uses and the property's proximity to established commercial corridors. Those general considerations do not establish compliance with the location-specific policies of the adopted plan.

1187 Navasota is expressly designated Single Family on the FLUM. The property is surrounded by residential uses, including recently constructed homes. The adopted plan directs mixed-use development toward appropriate commercial locations while preserving residential neighborhood character. Staff acknowledges that Navasota is not a commercial corridor.

The Applicant has not demonstrated that creating a new commercial-zoning entitlement on this interior residential parcel is consistent with the plan's combined goals and objectives. Accordingly, subsection (B)(5) has not been satisfied.

D. Independent failure to demonstrate § 25-1-810(C)

Subsection (C) imposes requirements independent of the six alternatives under subsection (B). Section 25-1-810(C)(1) requires compliance with applicable development regulations, zoning objectives, and purposes of the proposed zoning district. Section 25-1-810(C)(2) additionally requires consistency with sound planning principles. The record does not establish these requirements.

Staff's conclusion that a small office use may serve neighborhood needs does not establish that the full range of development rights created by LO zoning is compatible with surrounding single-family residences. Nor has staff established how the proposed amendment remains consistent with sound planning principles when it changes the parcel's established designation, relies on materially different LO properties, uses transportation classification to support a land-use conclusion, disregards continued residential development, and fails to account adequately for SB 840 entitlements.

Because the Applicant has not demonstrated compliance with § 25-1-810(B) and (C), there is no statutory or regulatory basis to allow the Planning Director's recommendation for approval of the pending applications. These deficiencies independently support a Planning Commission recommendation of denial.

III. THE CITY'S FIVE LO COMPARISONS FAIL TO ESTABLISH EQUAL TREATMENT OF SIMILARLY SITUATED PROPERTIES

The zoning staff report relies on five LO-zoned properties within approximately 1,000 feet of 1187 Navasota to support its conclusion that the proposed zoning would treat similarly situated properties consistently. The City's reasoning is deficient because it equates a common base-zoning designation with actual land-use and development comparability.

The five properties differ from the subject parcel in their existing uses, zoning histories, historic circumstances, or direct relationship to established commercial corridors.

Staff comparable	Material distinction
1191 Navasota Street	Longstanding institutional or civic context and historic characteristics distinguish the property from conversion of an undeveloped residential parcel.
1171 San Bernard Street	Historic-property context and prior development history materially differ from the subject lot.
1309/1311 Hackberry Street	Existing residential uses and recent residential development do not establish a trend toward new commercial office construction.
1159 Navasota Street	Distinct use and zoning history; staff has not established comparable new commercial development within the residential interior.
1306 Rosewood Avenue	Direct frontage on Rosewood, an established commercial corridor, materially distinguishes its planning context.

These distinctions are material to the staff report's express contention that approval would constitute equal treatment of similarly situated properties. The existence of LO zoning elsewhere in the vicinity does not demonstrate that those properties are similarly situated in land use, historic circumstances, or development potential.

Most importantly, **the City's own report establishes that all five homes immediately surrounding 1187 Navasota remain in residential use**. Staff's reliance on more distant properties with different circumstances does not overcome the immediate and prevailing residential development pattern.

Under the preferential-treatment considerations discussed in Tippitt, the proposed isolated rezoning requires an adequate planning justification for treating this parcel differently from similarly situated surrounding residential properties.

The record provides no adequate factual basis for that distinction. The asserted comparability of the five LO properties does not establish compatibility or justify the proposed departure from existing residential zoning.

IV. NAVASOTA'S ASMP LEVEL 2 CLASSIFICATION DOES NOT ESTABLISH COMMERCIAL ZONING SUITABILITY

A. Purpose and legal relevance of the ASMP

The City adopted the Austin Strategic Mobility Plan in April 2019 through Ordinance No. 20190411-033. The ASMP establishes a long-term transportation framework addressing street-network connectivity, mobility, transportation infrastructure investment, and multimodal street design. Under Transportation Criteria Manual § 2.4, Level 2 generally describes a collector street serving a transportation-network function, including connections between neighborhoods and access to larger transportation facilities and neighborhood destinations.

The classification does not designate adjoining properties for commercial use. **The fact that a street carries a Level 2 designation does not establish that additional commercial zoning is appropriate along its residential frontage.**

B. Navasota's Level 2 classification originated in transportation planning

The City's February 2022 ASMP Round 1 Public Engagement Report identifies a proposed Level 1-to-Level 2 change affecting Navasota as a technical correction. The report documents neighborhood concerns involving roadway width, existing traffic, and residential character, as well as interest in bicycle and pedestrian infrastructure.

The proposed reclassification arose within the City's transportation-network planning process. The cited materials do not establish that the proposed designation resulted from a commercial land-use compatibility study or a determination that residential parcels along Navasota should be commercially rezoned.

The City therefore cannot rely on the Level 2 designation alone as evidence that 1187 Navasota is suitable for commercial development.

C. Proximity to commercial corridors does not establish commercial-corridor status

Staff's zoning report states that 1187 Navasota is approximately **500 feet south of East 12th Street and 600 feet north of East 11th Street**. Both streets are recognized Imagine Austin Activity Corridors. However, the property is not located on either corridor. It is located precisely in the center of the historic residential Robertson Hill Neighborhood.

The NPA staff report expressly acknowledges that Navasota is not itself a commercial corridor. The fact that Navasota connects East 11th Street, East 12th Street, and Rosewood Avenue does not transform adjoining residential parcels into commercial-corridor properties.

Likewise, the existing paved portion of Navasota is substantially narrower than nearby Cotton Street, notwithstanding Cotton's Level 1 designation. This reinforces the distinction between a street's transportation-network role and its physical characteristics or suitability for commercial zoning and development.

Neither the City's roadway classification nor the property's proximity to established commercial corridors establishes that the requested FLUM amendment or LO rezoning satisfies LDC § 25-1-810 or the applicable principles of sound planning.

V. THE PROPOSAL IS INCONSISTENT WITH THE ADOPTED CENTRAL EAST AUSTIN NEIGHBORHOOD PLAN

The Central East Austin Neighborhood Plan contains specific policies intended to preserve residential neighborhood character while directing compatible mixed-use development toward appropriate locations. Relevant provisions include:

Goal 1, Objective 1.1, page 7: Preservation of residential character.

Goal 2, Objective 2.2, page 12: Increasing housing opportunities.

Goal 3, page 13: Promoting development for a mix of uses that respects and enhances the residential neighborhoods of Central East Austin.

Action 15, page 13: Directing residential and mixed-use development according to the plan's land-use framework, including mixed-use development along commercial corridors.

Objective 3.3, page 16: Increasing mixed-use opportunities where appropriate on commercial corridors.

These provisions must be interpreted together with the adopted FLUM, which specifically designates 1187 Navasota as Single Family. Staff relies on the plan's general support for neighborhood-serving businesses while discounting the location-specific provisions preserving residential character.

The City's own NPA staff report acknowledges that Navasota is not a commercial corridor. The report also describes Neighborhood Mixed Use as potentially appropriate on collector streets or as a transition between higher-intensity commercial uses and residential development. However, that general land-use description does not establish that every property on a collector street is an appropriate transition location.

The subject property is not located between an adjoining commercial district and an adjoining residential district. It is immediately surrounded by five single-family homes.

Staff has therefore failed to demonstrate why an isolated commercial entitlement at this location implements, rather than contradicts, the adopted Neighborhood Plan.

The deficiencies are further illustrated by the City's own NPA evaluation, which records negative findings for several potential community benefits, including housing affordability, housing choice, mixed-use development, historic preservation, and creation of permanent jobs.

Those negative findings are relevant because the Applicant has not demonstrated that the proposed change would produce benefits sufficient to support departure from the adopted Single Family designation.

The proposed FLUM amendment has not been demonstrated to satisfy § 25-1-810(B)(5), and the inconsistency with the immediate residential surroundings and adopted land-use framework likewise undermines the required showing under subsection (C).

VI. THE PROPOSED LO ZONING CREATES PERMANENT DEVELOPMENT RIGHTS THAT HAVE NOT BEEN ADEQUATELY EVALUATED UNDER SB 840

Texas Senate Bill 840, enacted in 2025 and effective September 1, 2025, added Chapter 218 to the Texas Local Government Code. Subject to the statute's applicability requirements and exceptions, Chapter 218 requires qualifying multifamily and mixed-use residential development to be permitted in specified commercial and office zoning classifications.

The City of Austin's published **SB 840 Implementation Guidelines, dated January 9, 2026**, describe the City's interpretation of the resulting development entitlements. For qualifying projects, the City's guidance identifies a residential density standard of 54 units per acre; a minimum allowable height of 45 feet or higher otherwise applicable commercial height; no generally applicable maximum floor-area ratio; and statutory limitations on certain local development restrictions. These standards remain subject to statutory eligibility conditions, exceptions, and otherwise enforceable regulations.

The requested LO zoning is materially relevant because it permits office uses and could enable qualifying future development to invoke Chapter 218. The proposed conditional overlay prohibits only five uses: two bed-and-breakfast categories, two medical-office categories, and club or lodge use.

Those restrictions do not establish that future development will be limited to the Applicant's proposed 1,700-square-foot building, nor do they resolve the potential operation of SB 840 and developments that are substantially incompatible with the character and nature of the immediately surrounding residential homes and the historic Robertson Hill Neighborhood.

The record fails to establish the parcel-specific consequences of the proposed zoning, including the potential application of Chapter 218, resulting permissible development intensity, and enforceability of conditional-

overlay restrictions. These omissions are material to the Commission's evaluation of land-use compatibility and sound planning under § 25-1-810(C).

The Commission is being asked to recommend permanent development entitlements without an adequate analysis of the rights actually created by the proposed ordinance. That deficiency provides an additional basis for denying the requested amendment and rezoning.

VII. THE PROPOSED REZONING RAISES SERIOUS SPOT-ZONING CONCERNS UNDER CITY OF PHARR v. TIPPITT

In City of Pharr v. Tippitt, **616 S.W.2d 173, 176–79 (Tex. 1981)**, the Supreme Court of Texas identified four important considerations for evaluating zoning amendments and claims of impermissible spot zoning:

1. Whether the amendment is consistent with the municipality's comprehensive zoning plan;
2. The nature and degree of adverse impacts on neighboring properties;
3. The suitability or unsuitability of the property for uses permitted under its existing zoning; and
4. Whether the amendment bears a substantial relationship to public welfare or legitimate planning purposes, including historic and cultural preservation.

The Court recognized that an isolated zoning change is not automatically unlawful and that duly enacted zoning ordinances receive judicial deference. Nevertheless, the Court's framework directly informs the evaluation of the proposed change at 1187 Navasota.

A. The proposed amendment departs from the established planning framework

The existing Single Family FLUM designation and SF-3-NP zoning reflect the adopted planning treatment of this parcel. The proposed amendment would create an individual commercial entitlement within a residential block. The Applicant has not demonstrated that the proposed departure is justified by the conditions, policies, or development pattern applicable to the property.

This weighs against the proposed change under the first Tippitt consideration.

B. The surrounding residential properties would be exposed to materially different development rights

The City's zoning report confirms that five single-family homes immediately surround the tract. The proposed LO zoning would introduce uses and development opportunities different from those presently permitted under SF-3-NP. The additional possibility of SB 840 development further increases the significance of those changes.

The Applicant has not demonstrated that the full range of resulting uses and development standards would be compatible with these immediately adjoining residential properties. The proposed limited conditional overlay does not eliminate those concerns. This weighs against the rezoning under the second Tippitt consideration.

C. The property remains suitable for development under existing residential zoning

The subject property is an undeveloped 9,375-square-foot residential lot. Nothing in the City's report establishes that the property has become unsuitable for residential construction under SF-3-NP.

On the contrary, the surrounding single-family homes and continued neighborhood residential investment as mentioned above in Section II.B support the ongoing suitability of the existing zoning.

There is no demonstrated physical or planning necessity requiring commercial zoning to permit reasonable development of the parcel. This weighs against the change under the third Tippitt consideration.

D. The record does not establish a sufficient public planning justification for the isolated commercial rezoning

The Applicant's proposed building relocation may provide a private benefit. However, the record fails to establish why granting permanent commercial zoning rights to this particular residential parcel is necessary or appropriate to advance the City's broader planning objectives.

Staff's reliance on other LO-zoned properties, transportation connectivity, and general support for neighborhood-serving businesses does not adequately establish the public planning justification for treating this parcel differently from the residential properties surrounding it. This weighs against the rezoning under the fourth Tippitt consideration.

Considered together, the Tippitt factors weigh against approval of the isolated commercial rezoning. The proposed change departs from the adopted residential land-use framework, exposes surrounding homes to different development rights, affects property that remains suitable for residential use, and lacks a sufficiently demonstrated public planning justification or public benefit. These circumstances present serious spot-zoning concerns and support a recommendation of denial.

VIII. THE CITY-VERIFIED PROTEST PETITION ESTABLISHES LEGALLY SUFFICIENT OPPOSITION

The November 10, 2026 zoning staff report confirms that the City has determined a valid protest petition exists for Case C14-2026-0028 representing **58.39% of qualifying surrounding land area within 200 feet**. This is an official City determination concerning the qualifying land area represented by the petition, rather than an estimate of the percentage of individual owners who signed.

A. The petition exceeds the applicable statutory threshold

Texas Local Government Code § 211.0061(b)(2), enacted through House Bill 24 in 2025, generally establishes a 20% protest threshold based on qualifying surrounding land area. Section 211.0061(d)(1) requires approval by at least three-fourths of the municipal governing body's members when a qualifying protest under subsection (b)(2) applies.

The City's verified 58.39% is approximately 2.9 times the statutory 20% threshold. Accordingly, when the rezoning reaches City Council, approval will require **nine affirmative votes of Austin's eleven-member City Council**, rather than a simple majority.

B. Significance of the verified petition to the Planning Commission

The statutory supermajority requirement governs City Council approval and does not itself determine the Planning Commission's recommendation. However, the City's verification establishes substantial, legally cognizable opposition among owners of directly affected surrounding property.

That opposition is particularly relevant when considered with the City's own findings concerning the residential surroundings and the potential development consequences of the requested rezoning.

The verified petition reinforces the substantial compatibility concerns under the planning considerations identified in Tippitt and the importance of satisfying the amendment criteria under § 25-1-810.

IX. THE EXISTING RECORD DOES NOT SUPPORT AN AFFIRMATIVE RECOMMENDATION UNDER THE APPLICABLE LEGAL STANDARDS

The deficiencies in the applications are substantive, not procedural or clerical. **Under Austin LDC § 25-1-810**, the Applicant has failed to demonstrate an applicable basis under subsection (B) and the separate zoning and sound-planning requirements of subsection (C).

The record does not establish materially changed circumstances and resulting hardship, consistency with the location-specific policies of the Neighborhood Plan, or adequate compatibility between the proposed entitlements and the existing residential setting.

Under City of Pharr v. Tippitt, the relevant planning considerations weigh against the isolated rezoning: it departs from established residential planning, introduces different development rights adjacent to single-family homes, affects a tract that remains suitable for residential development, and lacks a sufficiently supported site-specific public planning justification.

The City's stated rationales do not cure these defects. The five cited LO properties do not establish meaningful comparability. Navasota's Level 2 transportation classification does not establish commercial land-use suitability. Proximity to recognized commercial corridors does not transform the subject property into a commercial-corridor parcel.

Moreover, the proposed conditional overlay does not adequately address permanent development rights potentially arising from LO zoning and SB 840.

Accordingly, the existing record does not establish the demonstrations required for a favorable Neighborhood Plan amendment recommendation under § 25-1-810, and it provides substantial reasons under the Tippitt framework to reject the associated rezoning. The Commission should recommend denial rather than endorse an unsupported departure from the adopted residential land-use framework.

X. REQUESTED COMMISSION ACTION

For the reasons established above, I respectfully request that the Planning Commission:

1. Recommend denial of NPA-2026-0009.01, retaining the existing Single Family designation for 1187 Navasota Street on the Central East Austin Neighborhood Plan's Future Land Use Map.

2. Recommend denial of C14-2026-0028, including both the Applicant-requested LO-NP and staff-recommended LO-CO-NP alternatives, retaining the existing SF-3-NP zoning.

3. Recognize that the Applicant has failed to demonstrate the requirements of Austin LDC § 25-1-810(B) and (C) and that the proposed rezoning presents serious compatibility and preferential-treatment concerns under the framework established by the Texas Supreme Court in City of Pharr v. Tippitt.

4. Acknowledge the City's verified statutory protest petition, representing 58.39% of qualifying surrounding land area, and the resulting City Council voting requirement under Texas Local Government Code § 211.0061, assuming the petition remains valid and applicable.

The legal basis for denial is clear.

The Applicant has failed to demonstrate that the requested Neighborhood Plan amendment satisfies the criteria imposed by Austin Land Development Code § 25-1-810(B) and (C). The accompanying isolated commercial rezoning also presents substantial and unresolved incompatibility and

preferential-treatment concerns under the legal framework established by the Supreme Court of Texas in City of Pharr v. Tippitt, 616 S.W.2d 173 (Tex. 1981).

The immediate residential development pattern, continued suitability of the property for residential use, lack of demonstrated hardship or materially changed circumstances, and failure to justify the broader permanent development rights sought all weigh against the proposed changes.

The Commission therefore has a sound factual and legal basis to recommend denial of both applications and retention of the existing Single Family FLUM designation and SF-3-NP zoning. I respectfully request that it do so.

Respectfully submitted,

Stanton Strickland
Robertson Hill Resident and Property Owner
1174 San Bernard St., Austin, Texas 78702
November 9, 2026

PRIMARY LEGAL AUTHORITIES AND SUPPORTING SOURCES

1. Austin LDC § 25-1-810 — Neighborhood Plan Amendment Criteria.
https://services.austintexas.gov/edims/document.cfm?id=412106

2. Central East Austin Neighborhood Plan (adopted December 13, 2001).
https://www.austintexas.gov/planning/neighborhood-plans-and-resources

3. Planning Commission NPA Staff Report (November 10, 2026), NPA-2026-0009.01.
https://services.austintexas.gov/edims/document.cfm?id=484644

4. Planning Commission Zoning Staff Report (November 10, 2026), C14-2026-0028.
https://services.austintexas.gov/edims/document.cfm?id=484647

5. Austin Strategic Mobility Plan (2019), Ord. 20190411-033. https://www.austintexas.gov/transportation-public-works/austin-strategic-mobility-plan

6. Austin Transportation Criteria Manual § 2.4.
https://library.municode.com/tx/austin/codes/transportation_criteria_manual

7. City of Austin ASMP Round 1 Public Engagement Report (February 2022), Appendix H.
https://www.austintexas.gov/sites/default/files/files/Transportation/ASMP/1.%20ASMP%20Amendments%20Round%201%20Public%20Engagement%20Report%20Final.pdf

8. Texas Local Government Code Chapter 218 / SB 840.
https://statutes.capitol.texas.gov/Docs/LG/htm/LG.218.htm

9. City of Austin, Development Services Department, SB 840 Implementation Guidelines (January 9, 2026), pp. 1 et seq. https://austin.widen.net/s/sxqhqh2lcn/ads_sb840guidelines

10. Texas Local Government Code § 211.0061 / HB 24.
https://statutes.capitol.texas.gov/Docs/LG/htm/LG.211.htm

11. Austin LDC § 25-2-284 — protest petitions / City FAQ. https://www.austintexas.gov/planning/frequently-asked-questions-faqs

12. City of Pharr v. Tippitt, 616 S.W.2d 173 (Tex. 1981).
https://law.justia.com/cases/texas/supreme-court/1981/b-9657-0.html