Trinity Terrace Submission vs. Westworth Ordinances

Oct 28, 2026 · @Chris

How to read this

Trinity Terrace's submission departs from Westworth's zoning ordinance in at least 25 ways, and the five most serious would each stop Ordinance 534 as drafted. Items are ranked by how directly they block approval: Tier 1 defects make the ordinance or the hearing non-compliant on their face, Tier 2 are use and standard conflicts, Tier 3 are paperwork defects, and Tier 4 are review-criteria and process problems.

Ordinance 534 is the city's draft rezoning ordinance for this project (packet pp. 16–17), prepared for adoption at the Nov 10 council meeting. It is the document that would rezone the land from SF-R-2 to "PD-10-CCRC" and attach the PILOT as Exhibit B. It has not been adopted.

Who decides what: only the City Council can adopt Ordinance 534 (§ 14.2.27(A), § 14.3.50(A)). On Nov 3, P&Z holds the hearing and votes a recommendation on the application, the concept plan, and the draft ordinance (agenda item C; §§ 14.2.30, 14.3.54(A)). At P&Z, the ordinance defects below are grounds to recommend denial or defer up to 60 days for a compliant ordinance (§ 14.2.30(B)–(C)). Item 4 is aimed at P&Z directly: an incomplete application shouldn't be on its agenda.

Sources compared

- **TT submission:** the 99-page Nov 3, 2026 P&Z packet (page numbers below are PDF pages of that packet) and the "FINAL" Ordinance 534 and Emergency Services Agreement the mayor emailed Oct 27, which match the packet text.
- **Ordinances:** Westworth Code Chapter 14 (Zoning Ordinance, Ord. 398, adopted 8/9/16), downloaded from ecode360 on Oct 28, 2026. State law is cited only where the city code points to it.

Caveats

- Items marked *confirm* rest on what the packet omits; the city may hold documents not in the packet.

- The protest and P&Z-denial vote rules (item 5) interact with HB 24, which repealed the state authority for one of them. Get an attorney's read before relying on them in a filing.
- Not covered here because the city code doesn't address them: PILOT drafting problems, contract zoning, and the ambulance cost gap in the Emergency Services Agreement (see project doc 12).

Tier 1: Defects that stop the ordinance or the hearing

Ordinance 534 is a PD ordinance with none of the contents the PD division requires, and the application under it is incomplete by the code's own definition.

1. The ordinance contains no development standards.

- **TT:** Ord. 534 §§ 2 and 5 (packet pp. 16–17). Section 2 lists general uses; § 5 subjects the land to "all applicable regulations contained in PD-10-CCRC," but no such regulations exist. Height, density, setbacks, coverage, and parking appear only in the staff report table (p. 5), which binds no one.
- **Ordinance:** § 14.3.52(A): deviations from the base district "shall be set forth in the amending ordinance granting the PD district," including uses, lot area/width/depth, yards, building height and size, coverage, floor area ratio, parking, access, screening, landscaping, signs, lighting, and phasing. § 14.3.53: Council "shall approve and file as part of the amending ordinance appropriate plans and standards for each PD district."
- **Their likely answer:** a PD is limited to the approved plan, so changes must come back to P&Z (the City Administrator's explanation). **The reply:** that works only if the plan is adopted into the ordinance (§ 14.3.54(A)), and Ord. 534 doesn't attach it. Even then, the City Administrator alone can approve "minor modifications" (§ 14.2.46(D)(1)), and site plan approval lapses after two years (§ 14.2.47) while the zoning stays. Ask that the concept plan be attached as an exhibit and the deviations written into the text.

2. The ordinance names no base zoning district.

- **TT:** Ord. 534 § 1 rezones "from SF-R-2 to PD-10-CCRC" without naming a base district for the PD.
- **Ordinance:** § 14.3.52(B): "The base zoning district(s) shall be stated in the PD granting ordinance," and the PD defaults to the base district's standards unless the ordinance says otherwise. If SF-R-2 is the implied base, the ordinance as written does not authorize the 72-foot buildings shown.

3. No concept plan is adopted with the ordinance.

- **TT:** Ord. 534 attaches only Exhibit A (legal description) and Exhibit B (PILOT). The site plan exhibit (p. 46) is in the packet but not made part of the ordinance.
- **Ordinance:** § 14.3.54(A): if approved, "the concept plan shall become a part of the ordinance establishing the PD district." § 14.3.54(B): the ordinance "shall not be approved (or adopted) until the accompanying concept plan is approved." § 14.2.49(A): a concept plan is "mandatory for a zoning request for a Planned Development."

4. The application has no list of deviations, so it is incomplete and shouldn't be on the agenda.

- **TT:** Site Plan and Land Use Application (p. 11): "Any Ordinance Waivers/Variance Requests?" is marked **NO**, though the plans exceed SF-R-2 height, coverage, and lot standards. No deviations list appears anywhere in the packet. This is the same defect a commissioner caught in March 2023.
- **Ordinance:** § 14.3.52(B): "All applications to the City shall list all requested deviations … applications without this list will be considered incomplete." § 14.2.28(C)(2): incomplete applications "shall not be accepted for official submission … and shall not be scheduled on a Planning and Zoning Commission agenda."
- **Their likely answer:** § 14.2.28(C)(1) deems an application complete if staff doesn't flag it within 10 calendar days. The reply is that § 14.3.52(B) defines this application as incomplete regardless.

5. The ordinance's findings set up a protest threshold the city code doesn't have.

- **TT:** Ord. 534 §§ 3–4 (p. 17) find the project "residential in nature" and that any commercial use is "limited to the first floor" and "does not exceed 35 percent." That tracks state law § 211.0061(b)(3), which would raise the protest threshold to 60% and drop the council vote to a simple majority.
- **Ordinance:** § 14.2.31(C): a protest by owners of 20% of the tract or of the land within 200 feet requires "a three-fourths vote of the full City Council." There is no 60% tier. Protests must be "duly signed and acknowledged" (notarized).
- **Related:** § 14.2.31(A)(2): if P&Z recommends denial, Council approval requires "a three-fourths majority vote of the full City Council." The state authority for that rule (§ 211.006(f)) was repealed by HB 24, so its force is an attorney question.

Tier 2: Use and development-standard conflicts

The city's own use table treats the restaurant as commercial and the care facilities as institutional, and the buildings exceed SF-R-2 limits that the ordinance never waives.

6. A public restaurant, a commercial use barred from every residential district.

- **TT:** Agenda items B–C (pp. 1–2) and staff report (pp. 5, 7) describe "a public restaurant"; Restaurant Building Elevations (p. 61) show a standalone one-story building with its own signage; the traffic study (p. 68) models it as a 4,000 sf high-turnover sit-down restaurant generating 429 of 1,214 daily trips. Ord. 534 § 2 doesn't list a restaurant at all.
- **Ordinance:** Table 14.3-3 (§ 14.3.3) lists Restaurant under retail/commercial uses: SUP in GC, permitted in O, C, and LI, prohibited in all residential districts. § 14.3.51(A): the application must specify uses "not allowed by right in the base zoning district"; § 14.3.52(A): "allowed or additional uses" must be set out in the ordinance.
- **Why it matters beyond the code:** a standalone public restaurant is not "limited to the first floor of any residential development," which defeats the Ord. 534 § 4 finding (item 5).

7. Assisted living, memory care, and a medical center are institutional uses barred from single-family districts.

- **TT:** Ord. 534 § 2 permits assisted living and memory care units; § 3 finds the project "residential in nature." Staff report (pp. 5, 7) describes a "medical/memory care center" with its own parking.
- **Ordinance:** Table 14.3-3 lists Assisted Living Facility, Nursing/Convalescent Home, and Retirement Home under Institutional/Governmental uses, permitted only in MF, O, C, and LI, and in no single-family district.

8. "Continuing care retirement community" is not a permitted use anywhere.

- **TT:** Ord. 534 § 2 and the application (p. 9) propose a "Senior Continuing Care Community."
- **Ordinance:** § 14.3.3(B): "No principal use shall be permitted in any district unless it appears in the following permitted use table." The code defines a CCRC (including "skilled full-time nursing or medical care") but lists it in no district, so only a PD with stated standards could authorize it.

9. Height: up to 72 feet and four stories versus 35 feet and two stories.

- **TT:** Staff report table (p. 5): "22' lowest peak to 72' at highest peak." Elevations (pp. 53–61) show heights of 53–72 feet on the lodge buildings.
- **Ordinance:** § 14.3.18.3(A)(1): "Two stories, or thirty-five feet (35')" for the main building; § 14.3.2 area table: SF-R-2 maximum 35 feet. No deviation is requested or stated.

10. Impervious cover: about 60% versus 55%.

- **TT:** Staff report table (p. 5): "60% (estimated)."
- **Ordinance:** § 14.3.18.1(D)(4): impervious coverage in SF-R-2 "shall not exceed 55%."

11. Lot sizes: no lots versus a 10,000 sf minimum.

- **TT:** Staff report table (p. 5): minimum lot size "Planned Development," lot width "N/A."
- **Ordinance:** § 14.3.2 area table: SF-R-2 minimum lot 10,000 sf. § 14.3.51(B): in a residential PD, lot sizes "shall be no smaller than the lot/tract sizes allowed in the base zoning district," except for up to 5% of lots.

12. Parking: valet and open lots versus garage-plus-driveway per unit.

- **TT:** Staff report table (p. 5): "All private parking - garage, driveway, valet and open area."
- **Ordinance:** § 14.3.18.1(D)(3): two enclosed spaces behind the main structure plus two paved driveway spaces per dwelling. No parking ratios or deviation are stated in Ord. 534.

Tier 3: Application and paperwork defects

The property owner never signed the site plan application, its ownership statement isn't notarized, and several required plans are missing from the packet.

13. Owner signature is blank.

- **TT:** Site Plan and Land Use Application (p. 11): the "Property Owner Signature" and date lines are empty.
- **Ordinance:** § 14.2.41(A)(1): the application form must carry "notarized signatures of the owner or his/her designated representative." § 14.2.27(B): proof of an agent's authorization "must be submitted with the zoning application."

14. Ownership statement and owner notarization are missing.

- **TT:** Notary Statement (p. 13): Brian Young is notarized as "Agent" on Oct 1, 2026; the "Owner" block is blank. No separate owner authorization appears in the packet.
- **Ordinance:** § 14.2.28(B): every zoning request "shall be accompanied by a notarized statement verifying land ownership and, if applicable, authorization of land owner's agent."

15. No survey was attached.

- **TT:** Site Plan and Land Use Application (p. 11): "Addition/Survey Attached?" is marked **NO**. The property includes unplatted tracts in Abstract 264 (agenda, pp. 1–2).

- **Ordinance:** § 14.2.28(A): the application requires a metes and bounds description "a survey, and other appropriate exhibits." § 14.2.41(A)(6): the boundary survey limits of the tract.

16. The application doesn't name a base district or the uses not allowed by right.

- **TT:** Zoning Application (p. 9): Proposed Zoning "Planned Development"; Proposed Use "Senior Continuing Care Community." No base district, and no mention of the restaurant or medical center.
- **Ordinance:** § 14.3.51(A): a PD application "shall specify the base zoning district(s) … and the use or the combination of uses proposed, including any of the proposed uses which are not allowed by right."

17. No landscape plan or tree preservation plan (confirm).

- **TT:** The packet's contents list (p. 5) has no landscape or tree plan. The staff report (p. 5) says only that they "will follow the mitigation plan requirements if a tree must be removed."
- **Ordinance:** § 14.2.41(A)(9): "Proposed strategies for tree preservation including showing individual trees." § 14.2.41(A)(12): a landscape plan with species, sizes, planting schedule, and irrigation.

18. No signage, lighting, screening, or dumpster details (confirm).

- **TT:** None appear in the packet's contents list (p. 5). The site plan checklist (pp. 14–15) appears largely unmarked.
- **Ordinance:** § 14.2.41(A)(11): the site plan must show screening walls, fences, signage, lighting, dumpster enclosures with screening, fire lanes, and parking ratio calculations.

19. Acreage is inconsistent.

- **TT:** 26 acres on the Zoning Application (p. 9); 27 acres in Ord. 534 (p. 16) and the PILOT (p. 21). The Tarrant Appraisal District total is 27.73 acres.
- **Ordinance:** § 14.2.28(A): "An accurate metes and bounds description." § 14.2.41(A)(4): the title block must state total site acreage.

20. No purpose-and-intent statement in the ordinance.

- **TT:** Ord. 534 (pp. 16–17) has generic recitals and findings only.
- **Ordinance:** § 14.3.52(C): the PD ordinance "shall include a statement as to the purpose and intent of the PD district … as well as a general statement citing the reason for the PD request."

Tier 4: Review criteria and process

The packet doesn't supply what P&Z must weigh: no current engineering review, no comprehensive plan assessment, and no stated basis for the change.

21. No city engineering review of the 2026 submittal.

- **TT:** The only city engineer letter (pp. 97–99) is Kimley-Horn's March 10, 2023 review of the old submittal. It says the downstream assessment "was not included in the resubmittal and therefore not reviewed" and that habitable structures sit in the Sump 5W floodplain. Kimley-Horn is also the applicant's engineer. The building elevations carry December 2022 timestamps and traffic counts date from September 2022.
- **Ordinance:** § 14.2.45(A), (L), (M): site plan review covers code compliance, "watercourses and areas that are subject to flooding," and "the adequacy of water, drainage, sewerage." § 14.3.55: the administrator's PD report should address "planning, engineering, water utilities … police, fire and traffic." § 14.2.26(B)(2): P&Z must weigh plans for streets, water, and sewer.

22. No assessment against the Comprehensive Plan; the project conflicts with the city's own adopted goal.

- **TT:** The staff report (p. 7) cites the city's Vision, Mission, and Goals instead of a comprehensive plan. One of those goals, quoted in the report, is to "maintain continuity of single-family neighborhoods across our residential zones."
- **Ordinance:** § 14.2.30(B): P&Z "shall make its recommendations … stating its findings … and its assessment regarding how the request relates to the City's Comprehensive Plan." § 14.2.26(B)(1): whether the uses "will be appropriate in the immediate area." § 14.2.45(C): "harmonious design … setbacks … maintenance of property values." The SF-R-2 district is meant to be "properly buffered from nonresidential uses" (§ 14.3.18.1(D)(1)).
- **Open question:** does Westworth have an adopted comprehensive plan? If not, ask how P&Z can make the required assessment.

23. No stated basis for the zoning change.

- **TT:** The staff report (pp. 5–7) argues fiscal and traffic benefits but doesn't tie the request to any of the code's permitted reasons.
- **Ordinance:** § 14.2.26(A): "no change shall be made … except" to correct an error, recognize changed conditions, recognize changes in technology or living, conform to the Comprehensive Plan, or promote the general welfare.

24. Notice compliance is unverified (confirm).

- **TT:** The agenda (pp. 1–2) states "All legal notices & postings have been made"; no mailing list, mailing date, or publication affidavit is in the packet.
- **Ordinance:** § 14.2.29(A): written notice to owners within 200 feet mailed before the 10th day before the P&Z hearing. § 14.2.31(A)(1): newspaper notice before the 15th day before the Council hearing. § 14.2.29(C): a sign of at least 4 sq ft.

25. Tax verification not shown (confirm).

- **TT:** The internal-use section of the site plan application (p. 12) appears to leave "Taxes Paid" and "Ownership Verified" unmarked.
- **Ordinance:** § 14.2.27(C) and § 14.2.41(A)(3): the applicant must show that all taxes and assessments on the property are paid before submitting.

Summary table

All 25 items in rank order, for quick reference at the podium.

#	Tier	Difference	TT submission (packet page)	Ordinance section
1	1	No development standards in the PD ordinance	Ord. 534 §§ 2, 5 (pp. 16–17); staff table p. 5	§ 14.3.52(A); § 14.3.53
2	1	No base zoning district named	Ord. 534 § 1 (p. 16)	§ 14.3.52(B)
3	1	Concept plan not adopted with ordinance	Ord. 534 exhibits (pp. 18–42); site plan p. 46	§ 14.3.54(A)–(B); § 14.3.53; § 14.2.49(A)
4	1	No deviations list; application incomplete and not eligible for the agenda	Site Plan App p. 11 (waivers "NO")	§ 14.3.52(B); § 14.2.28(C)(2)
5	1	Findings invoke a 60% / majority protest rule the code doesn't have	Ord. 534 §§ 3–4 (p. 17)	§ 14.2.31(C); § 14.2.31(A)(2)

#	Tier	Difference	TT submission (packet page)	Ordinance section
6	2	Public restaurant: commercial use barred from residential districts; not listed in ordinance	Agenda pp. 1–2; staff pp. 5, 7; elevations p. 61; TIA p. 68; Ord. 534 § 2	Table 14.3-3 (§ 14.3.3); § 14.3.51(A); § 14.3.52(A)
7	2	Assisted living, memory care, medical center are institutional uses	Ord. 534 §§ 2–3 (pp. 16–17); staff pp. 5, 7	Table 14.3-3 (§ 14.3.3)
8	2	CCRC not a listed use in any district	Ord. 534 § 2; Zoning App p. 9	§ 14.3.3(B)
9	2	Height up to 72 ft / 4 stories vs 35 ft / 2 stories	Staff table p. 5; elevations pp. 53–61	§ 14.3.18.3(A)(1); § 14.3.2
10	2	Impervious cover ~60% vs 55%	Staff table p. 5	§ 14.3.18.1(D)(4)
11	2	No lots vs 10,000 sf minimum	Staff table p. 5	§ 14.3.2; § 14.3.51(B)
12	2	Valet/open parking vs 4 spaces per dwelling	Staff table p. 5	§ 14.3.18.1(D)(3)
13	3	Owner signature blank	Site Plan App p. 11	§ 14.2.41(A)(1); § 14.2.27(B)
14	3	Owner notarization and ownership statement missing	Notary page p. 13	§ 14.2.28(B)
15	3	No survey attached	Site Plan App p. 11	§ 14.2.28(A); § 14.2.41(A)(6)
16	3	Base district and non-by-right uses not specified	Zoning App p. 9	§ 14.3.51(A)
17	3	No landscape or tree preservation plan (confirm)	Packet contents p. 5	§ 14.2.41(A)(9), (12)

#	Tier	Difference	TT submission (packet page)	Ordinance section
18	3	No signage, lighting, screening, dumpster details (confirm)	Packet contents p. 5; checklist pp. 14–15	§ 14.2.41(A)(11)
19	3	Acreage 26 vs 27 vs 27.73	Zoning App p. 9; Ord. 534 p. 16; PILOT p. 21	§ 14.2.28(A); § 14.2.41(A)(4)
20	3	No purpose-and-intent statement	Ord. 534 (pp. 16–17)	§ 14.3.52(C)
21	4	No engineering review of the 2026 submittal	Kimley-Horn letter, Mar 2023 (pp. 97–99)	§ 14.2.45(A), (L), (M); § 14.3.55; § 14.2.26(B)(2)
22	4	No Comprehensive Plan assessment; conflicts with single-family goal	Staff report p. 7	§ 14.2.30(B); § 14.2.26(B)(1); § 14.2.45(C); § 14.3.18.1(D)(1)
23	4	No stated basis for the change	Staff report pp. 5–7	§ 14.2.26(A)
24	4	Notice compliance unverified (confirm)	Agenda pp. 1–2	§ 14.2.29(A), (C); § 14.2.31(A)(1)
25	4	Tax verification not shown (confirm)	Site Plan App p. 12	§ 14.2.27(C); § 14.2.41(A)(3)