Written comment for the Planning and Zoning Commission

Public hearing of November 3, 2026, Items B and C (The Cumberland Rest, Inc. / Trinity Terrace, PD-10-CCRC)

Submitted November 1, 2026 to the City Secretary with a request that it be distributed to each member of the Commission before the meeting and included in the record of the public hearing.

To the Planning and Zoning Commission:

The application before you is missing documents the City's Zoning Ordinance requires, and the draft ordinance does not contain what the Code says a PD ordinance must contain. I ask the Commission to hold the public hearing as scheduled and then defer its recommendation until the application is complete.

1. No list of requested deviations. Section 14.3.52(B) provides: "All applications to the City shall list all requested deviations from the standard requirements set forth throughout this Chapter as applicable to each base zoning district, applications without this list will be considered incomplete." The Site Plan and Land Use Application (packet p. 11) answers "Any Ordinance Waivers/Variance Requests?" with NO, yet the plans show buildings up to 72 feet against a 35-foot limit and about 60 percent impervious cover against a 55 percent limit. No deviations list appears in the packet. Section 14.2.28(C)(2) provides that incomplete applications "shall not be scheduled on a Planning and Zoning Commission agenda until the proper information is provided."

2. No owner signature or notarized ownership statement. The Property Owner Signature line on the Site Plan and Land Use Application (p. 11) is blank, and the Owner block of the Notary Statement (p. 13) is blank. Section 14.2.28(B) requires "a notarized statement verifying land ownership and, if applicable, authorization of land owner's agent," and Section 14.2.41(A)(1) requires "notarized signatures of the owner or his/her designated representative."

3. No survey. The application answers "Survey Attached?" with NO (p. 11). Section 14.2.28(A) requires "a survey," and Section 14.2.41(A)(6) requires "the boundary survey limits of the tract."

4. The draft ordinance lacks what a PD ordinance must contain. Draft Ordinance 534 does not state a base zoning district, as Section 14.3.52(B) requires. It sets out no development standards or deviations, though Section 14.3.52(A) requires them to "be set forth in the amending ordinance." It does not attach the concept plan, though Section 14.3.54(A) provides that the concept plan "shall become a part of the ordinance establishing the PD district." Staff has explained that a PD is limited to its submitted plan. That is true only if the ordinance says so, and this one does not.

5. No engineering review of this submittal. The only City engineering review in the packet (pp. 97-99) is dated March 10, 2023 and addresses the prior submittal. It states that the downstream assessment "was not included in the resubmittal and therefore not reviewed," and it was prepared by the same firm that engineered the application.

Section 14.2.30(B) allows the Commission to defer its recommendation after opening the public hearing, to a meeting date it specifies, without new notice. A proposed motion:

"I move that the Commission defer its recommendation on Items B and C to its meeting of December 1, 2026, under Section 14.2.30(B), pending the applicant's submission of: (1) the list of requested deviations required by Section 14.3.52(B); (2) the owner's signature and notarized ownership statement required by Sections 14.2.28(B) and 14.2.41(A)(1); (3) the survey required by Sections 14.2.28(A) and 14.2.41(A)(6); (4) a revised draft ordinance that states the base zoning district, sets out the development standards, and attaches the concept plan as required by Sections 14.3.52 and 14.3.54; and (5) a City engineering review of the October 2026 submittal."

These requirements exist so that the Commission and the public can evaluate exactly what is being approved. The City would require the same of any homeowner.

Thank you for your service on the Commission.

Chris Vaughan

Resident, City of Westworth Village | [contact information on file with the City]