

DATE: October 3, 2023
TO: Honorable Mayor & City Council
FROM: Planning & Zoning Commission
VIA: Mike Bell, AICP, Development Review Manager acting as Secretary of the Planning & Zoning Commission
Christina D. Day, AICP, Director of Planning
SUBJECT: Results of Planning & Zoning Commission Meeting of October 2, 2023

AGENDA ITEM NO. 4 - ZONING CASE 2023-023
PETITIONER: CITY OF PLANO

Request to amend Article 8 (Definitions), Article 15 (Use-specific Regulations), and related sections of the Zoning Ordinance to allow temporary emergency shelters during life-threatening weather events. Project #ZC2023-023.

APPROVED: 5-3

Speaker Card(s) Received:	Support: <u>0</u>	Oppose: <u>0</u>	Neutral: <u>0</u>
Petition Signatures Received:	Support: <u>0</u>	Oppose: <u>0</u>	Neutral: <u>0</u>
Other Responses:	Support: <u>0</u>	Oppose: <u>0</u>	Neutral: <u>0</u>

First Vice Chair Cary, Second Vice Chair Ratliff, and Commissioner Bronsky voted in opposition to the item.

RESULTS:

The Commission recommended the item for approval for approval as follows (additions are indicated in underlined text; deletions are indicated in strikethrough text):

Amend Section 8.200 (Terms Defined) of Article 8 (Definitions), such amended definition to read as follows:

Temporary Accessory Housing Shelter

A ~~not-for-profit~~ housing shelter operated as an accessory use to a religious facility ~~only~~, providing temporary, free lodging for indigent individuals or families with ~~no regular home or residential address~~. ~~A temporary accessory housing shelter shall house a maximum of 14 individuals at one time and shall operate a maximum of 30 days per calendar year.~~ This definition shall not include household care facility and household care institutions.

Amend Section 14.300 (Use Table Notes) of Article 14 (Allowed Uses and Use Classifications), such note to read as follows:

Number	End Note
45	Permitted only as an accessory use to a religious facility. See <u>Sec 15.2100 for restrictions on number of individuals and operating days</u> definition of Temporary Accessory Housing Shelter in Sec. 8.200.

Amend Article 15 (Use-specific Regulations), such additional section to read in its entirety as follows:

15.2100 Temporary Accessory Housing Shelter

- .1 A temporary accessory housing shelter shall house a maximum of 14 individuals at one time and shall operate a maximum of 30 days per calendar year under normal conditions.
- .2 Restrictions on the number of individuals and operating days in Subsection 15.2100.1 are exempt during:
 - A. life-threatening weather conditions, as determined by the City Manager or designee, or
 - B. declared disasters in the City of Plano that create a need for temporary housing, until such time the disaster status is rescinded.

To view the hearing, please click on the provided link:
<https://planotx.new.swagit.com/videos/273003?ts=11214>

CC/kob

cc: Mike Bell, Development Review Manager
Eric Hill, Assistant Director of Planning
Christina Sebastian, Land Records Planning Manager
Melissa Kleineck, Lead Planner
Justin Cozart, Sr. GIS Technician
Jeanna Scott, Building Inspections Manager
Dorothy Alatorre, Sr. Administrative Assistant - Neighborhood Services

AGENDA ITEM NO. 4

PUBLIC HEARING: Zoning Case 2023-023

PETITIONER: City of Plano

DESCRIPTION: Request to amend Article 8 (Definitions), Article 15 (Use-specific Regulations), and related sections of the Zoning Ordinance to allow temporary emergency shelters during life-threatening weather events. Project #ZC2023-023.

SUMMARY:

The purpose of this request is to amend the Zoning Ordinance to allow temporary emergency shelters during life-threatening weather events. The amendments enable Plano institutions to better respond to life-threatening inclement weather for the city's most vulnerable population and are in conformance with the Comprehensive Plan. For these reasons, staff recommends approval as noted in the following recommendation section.

STAFF PRELIMINARY REPORT - REMARKS

Background

This request was initiated by a letter received by the city from the Salvation Army, operator of the Plano Overnight Warming Station (POWS), stating their intent to operate during the daytime in winter months when freezing conditions occur (Exhibit A). Staff has received interest from another religious facility regarding operating emergency shelters during inclement weather in cooperation with the city based on local need.

The Planning & Zoning Commission called a public hearing on September 5, 2023 ([staff report](#) | [video](#)), to consider amending the Zoning Ordinance to allow for emergency shelters.

Current Regulations

Current regulations in the Zoning Ordinance restrict religious facilities wishing to operate emergency shelters on a temporary basis during life-threatening weather events.

The POWS operates out of the Salvation Army at 3528 14th Street, under Specific Use Permit No. 90 (S-90) for Household Care Institution. Specific Use Permit No. 90, approved in 2018, includes restrictions on the number of individuals served and operating hours, limiting to evening hours during extreme cold and during the annual Point-in-Time(PIT) Count. In the years since Specific Use Permit No. 90 was approved, the need has grown to extend operating hours due to extreme temperatures during the day, leading to an amendment in 2020 to expand access. However, needs have again outstripped the allowances, and under the current regulations, emergency operations may be forced to turn individuals away or be non-compliant with the Zoning Ordinance due to the restrictions. A solution is sought to remedy this situation via this amendment.

Temporary Accessory Housings Shelters are allowed to operate as an accessory use to a religious facility and are subject to restrictions on the number of individuals and operating days. Religious facilities are allowed to operate in any zoning district, per the federal protections outlined in the Religious Land Use and Institutionalized Persons Act; therefore, Temporary Accessory Housing Shelters are allowed to operate in any zoning district when they meet the standards in the following definition.

Temporary Accessory Housing Shelter

A not-for-profit housing shelter operated as an accessory use to a religious facility only, providing temporary free lodging for indigent individuals or families with no regular home or residential address. A temporary accessory housing shelter shall house a maximum of 14 individuals at one time and shall operate a maximum of 30 days per calendar year. This definition shall not include household care facility and household care institutions.

Because of these restrictions, Temporary Accessory Housing Shelters may be used during some emergency events but may not be able to accommodate the number of people needing shelter or operate at all if the shelter has already been open for 30 days that year.

Proposed Changes

To provide accommodation for individuals during extreme weather events and other crisis situations, the restrictions on the number of individuals and operating days for Temporary Accessory Housing Shelters are proposed to be lifted when there are life-threatening weather conditions, as determined by the City Manager or designee. The restrictions will also be lifted during declared disasters that create a need for temporary housing but will apply again once the disaster status is rescinded.

The current Temporary Accessory Housing Shelter limitations on the number of individuals permitted at one time (14) and maximum operating days per calendar year (30) are proposed to remain but be moved to the Use-specific Regulations in Article 15 to align with ordinance standards.

The definition of Temporary Accessory Housing Shelter is also proposed to be revised to more clearly make the use available to the broader public regardless of their housing status in order to accommodate more emergency situations. Additionally, the current language is very specific and potentially redundant in that it requires shelters to be provided by a “not-for-profit” organization but also requires operation by a religious facility and lodging to be free. Staff thought the requirement to potentially prove not-for-profit status was an additional unnecessary burden given these other requirements, so propose to strike that language.

Peer City Analysis

There is no one clear direction taken by other cities in the Dallas-Fort Worth area when it comes to temporary inclement weather shelters. Only a handful of larger suburbs operate temporary shelters for inclement weather. McKinney has a warming station at a religious facility with similar regulations as Specific Use Permit No. 90, such as limited operating hours and number of people served, among other conditions. Garland and Irving have inclement weather warming stations located at religious facilities. Larger cities in the region have permanent shelters or partner locations where overflow spaces are activated during inclement weather events. Dallas, for example, has a Temporary Inclement Weather Shelter program to expand existing shelter capacity during inclement weather events. The program is established under the city’s code of ordinances and development (zoning) code and managed by their Office of Homeless Solutions. Under the regulations, the shelters must receive a Temporary Inclement Weather Shelter permit. The use is permitted as an accessory use to most nonresidential uses but is not permitted within 0.5 miles of the central business district except at city-owned facilities and their convention center. The Dallas central business district contains alternative shelter via The Bridge Homeless Recovery Center and other permanent resources are located within 0.5 miles of the central business district.

STAFF PRELIMINARY REPORT - CONFORMANCE TO THE COMPREHENSIVE PLAN

The proposed request has been reviewed for conformance with the Comprehensive Plan. Major factors included in the analysis are provided below.

Guiding Principles – The set of [Guiding Principles to the Comprehensive Plan](#) establishes overarching themes that apply to all policies and actions and express values for Plano Today, Plano 2050, and Plano Together. Since the principles do not stand alone but are used in concert with one another and carry across the Plan as a whole, each principle must be judged through a lens that incorporates all other principles to be fully and accurately understood. As such, the Commission is encouraged to review the full list of Guiding Principles and judge zoning requests through the lens of all principles.

Land Use Policy – *Plano will support a system of organized land use to provide housing and employment choices aligned with the market, where new and redevelopment areas respect the viability and quality of life for existing neighborhoods, businesses, and institutions.*

The proposed amendments introduce new land use regulations in response to the need to provide temporary shelter during life-threatening inclement weather and declared disasters. The amendments provide a legal foundation for these shelters as an accessory use to religious institutions. This request is in conformance with this policy.

Land Use Action 1 (LU1) – *Review and evaluate the Zoning Ordinance and make appropriate amendments based on guidance from the Comprehensive Plan.*

The proposed amendments introduce new land use regulations in response to the need to provide temporary shelter during life-threatening inclement weather and declared disasters. The amendments provide a legal foundation for these shelters as an accessory use to religious institutions. This request is in conformance with this action statement.

Special Housing Needs Policy – *Plano will support the special housing needs of residents including seniors, people with disabilities, and low- to moderate-income households through inclusive regulations and programs and actions furthering the goals stated in the Consolidated Plan. Proposed locations for special housing needs should be afforded the same health and safety considerations as other housing.*

The proposed amendments create inclusive regulations that help provide health and safety to all Plano residents during life-threatening weather events and declared disasters. The request is in conformance with this policy.

Special Housing Needs Action 5 (SHN5) – *Review zoning regulations to provide reasonable opportunities for safe and healthy housing in support of special needs populations.*

The proposed amendments create inclusive regulations that help provide health and safety to all Plano residents during life-threatening weather events and declared disasters. This request is in conformance with this action statement.

Emergency Management Policy – *Plano will evaluate and expand its emergency management initiatives and education to better prepare the public and city staff during emergencies.*

The proposed amendments expand Plano’s emergency management initiatives by allowing local resources the opportunity to provide temporary shelter during life-threatening weather events and declared disasters. This request is in conformance with this policy.

Emergency Management Action 3 (EM3) – *Identify, assess, and prioritize local vulnerabilities to emergencies or disasters and the resources available to mitigate, respond to, or recover from them.*

The proposed amendments respond to vulnerabilities created by extreme weather and provide greater flexibility for local resources to provide temporary shelter during life-threatening weather events and declared disasters. This request is in conformance with this action statement.

Emergency Management Action 4 (EM4) – *Monitor changes in citizen demographics to assure readiness initiatives are properly targeted and formatted.*

The proposed amendments are in response to the changing demographic of Plano. Since 2019, Plano has seen an average of 240 homeless individuals in the annual Point-In-Time (PIT) Count. This level of need is above the permitted capacity of the Plano Overnight Warming Station (POWS) under Specific Use Permit No. 90. The proposed amendments target this increase and allow for greater flexibility in the use of local resources during life-threatening weather events and declared disasters. This request is in conformance with this action statement.

Emergency Management Action 6 (EM6) – *Prepare for and anticipate all types of disasters and emergencies that may trigger coordinated local response and recovery efforts.*

The proposed amendments expand Plano’s emergency management initiatives by allowing local resources the opportunity to provide temporary shelter during life-threatening weather events and declared disasters. The allowance for the City Manager or designee to lift the restrictions on capacity and operating days will occur in coordination with other local response efforts during these events. This request is in conformance with this action statement.

Social Services Policy – *Plano will partner with private enterprises, nonprofit organizations, Collin County, Plano Independent School District, and other entities to provide adequate support to underserved populations within the community.*

The proposed amendments increase Plano’s ability to partner with other organizations during life-threatening weather and declared disasters by allowing temporary shelters as an accessory use to religious facilities. This allows Plano to provide adequate support to the most vulnerable of the city’s population. Moreover, the exemption in the regulations is contingent upon the determination of the City Manager or their designee, meaning that the city leads these efforts. This request is in conformance with this policy.

STAFF PRELIMINARY REPORT - RECOMMENDATION

SUMMARY:

The purpose of this request is to amend the Zoning Ordinance to allow temporary emergency shelters during life-threatening weather events. The amendments enable Plano institutions to better respond to life-threatening inclement weather for the city's most vulnerable population and are in conformance with the Comprehensive Plan. For these reasons, staff recommends approval as noted in the following recommendation section.

RECOMMENDATION:

Recommended for approval as follows (additions are indicated in underlined text; deletions are indicated in ~~strikethrough~~ text).

Amend Section 8.200 (Terms Defined) of Article 8 (Definitions), such amended definition to read as follows:

Temporary Accessory Housing Shelter

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DOING
THE MOST
GOOD®

Exhibit A

FOUNDERS

William & Catherine Booth

GENERAL

Lyndon Buckingham

TERRITORIAL COMMANDER

Commissioner Kelly E. Igleheart

TEXAS DIVISIONAL COMMANDER

Lt. Colonel Art Penhale

AREA COMMANDERS

Majors Dawn & Paul McFarland

PLANO CORPS OFFICERS

Lts. Lyla & Marcos Baca

To Whom it may concern,

The Salvation Army and POWS Intend to provide the following emergency operations during the winter months (OCT 31- March 31).

It is the intention of the Salvation Army and POWS to provide emergency shelter to our unhoused neighbors when temperatures drop below 35 degrees, included in the emergency shelter we will also be providing services including but not limited to: Medical screening, securing each individuals belongings.

When conditions permit we will provide a warm meal when attendees arrive and a warm breakfast when attendees depart in the morning, and in the event that freezing temperatures remain throughout the daytime hours lunch will also be provided. We will also provide a clothing closet so tattered or extremely soiled clothing can be replaced. As our guests get settled in for the evening they will also have the opportunity to take a warm shower before they retire for the evening(weather permitting). During this time the Salvation Army will also be providing Emotional and Spiritual Care as well as Emotional and Psychological First Aid and case management for individuals needing assistance.

Sincerely,

Lieutenant Marcos Baca

Direct, 832-323-8526

Email, marcos.baca@uss.salvationarmy.org

Date: October 10, 2023

To: Honorable Mayor and City Council

From: Christina D. Day, AICP, Director of Planning

Subject: Additional Information on Temporary Accessory Housing Shelters and Zoning Case 2023-023

During the Planning & Zoning Commission's consideration of Zoning Case 2023-023, several questions were raised by the Commission regarding the case. The information below was provided in collaboration with Carrie Little, Director of Emergency Management.

1. Why is this needed?

While the Plano Outdoor Warming Shelter (POWS) operates to provide shelter to Plano's unhoused populations during severe cold events, there is concern that language contained in existing regulations does not allow for emergency use during other disaster situations. The proposed language seeks to address not only the temporary sheltering of the unhoused population for severe cold events but also the possibility of relying on Plano's faith-based community partners for assistance in sheltering any resident overnight during various disaster situations. The language needed to be inclusive of the full spectrum of hazards faced to ensure the shelters comply with existing standards during crisis events.

2. What temporary accessory housing shelters operate in Plano today?

Current shelter agreements in Plano include:

- The Plano Outdoor Warming Shelter (POWS), with agreements to operate at The Salvation Army and the East Plano Islamic Center. See the attached brochure.
- The American Red Cross has disaster shelter agreements with the Islamic Center of Plano (Independence Parkway) and Christ United Methodist Church.
- The City of Plano has disaster shelter agreements with Hunters Glen Baptist Church, Christ United Methodist Church, and St. Elizabeth Ann Seton Catholic Church.

3. When would extreme heat trigger the operation of the shelters?

Guidance is not currently in place for operating overnight shelters during extreme heat. Typically, during extreme heat, relief is necessary during the day. As long as overnight temperatures are at or below 80 degrees, the human body can recover from the effects of extreme heat. Rarely in Plano is our overnight temperature above 80 degrees. During

extreme heat conditions, both housed and unhoused residents are urged to spend a portion of their day indoors. Relief from the heat may be found at libraries, recreation centers (with paid day passes), or businesses.

4. How long are disaster declarations in place?

Under state law, the mayor may declare a disaster, and the declaration is valid for seven days. After seven days, the City Council must take action to continue or renew the disaster. The Council must also issue a formal proclamation terminating the local state of disaster.

Attachment: Plano Overnight Warming Station Brochure

Plano experiences
20-25 nights and
5-10 days each year
when temperatures
fall below freezing.

POWS provides a
safe and secure
overnight sleeping
environment to
assist those in
greatest need.

For more information contact
a Leadership Team member:

Bill Howard
Christ United Methodist Church
Howard.Bill@icloud.com 214-709-3301

Jay Breeding
First Baptist Church
jebreeding@hotmail.com 469-463-9180

Lanie Williams
Custer Road United Methodist Church
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Denny Beran
St. Elizabeth Ann Seton Catholic Church
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Larry Alberts
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Keith Dold
St. Mark Catholic Church
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Lt. Marcos Baca
Lt. Lyla Baca
The Salvation Army 972-423-8254
Marcos.baca@uss.salvationarmy.org
Lyla.baca@uss.salvationarmy.org

Muzaffer Syed
East Plano Islamic Center
muzaffer.syed@epicmasjid.org 903-413-7488

Eileen Odell
St. Elizabeth Ann Seton Catholic Church
eodell@swbell.net 972-741-7568

Updated 9/10/2023

POWS

Plano Overnight Warming Station

A collaborative community response
with

The Salvation Army
East Plano Islamic Center
City of Plano



Website: planows.org

Email: pows@planows.org

How to get involved

What is a warming station?

A warming station is an overnight short-term emergency shelter that operates when temperatures or a combination of precipitation, wind and temperature become dangerously inclement. The main purpose is the prevention of death or injury from exposure to the elements. The Salvation Army of Plano and East Plano Islamic Center (EPIC) serve as warming stations for our unhoused neighbors living in Plano, TX. The Plano Overnight Warming Stations (POWS) seek to:

- Provide transportation between selected pickup locations and the POWS
- Serve meals, snacks, and hospitality in a secure environment
- Provide support services to address recurring homelessness issues
- Recruit and train faith communities and other volunteers to staff the POWS.

Donations

POWS needs used or new jeans, t-shirts, athletic shoes, underwear, socks, winter hats, winter gloves, and sleeping bags.

Funding: Financial support helps us with operating costs and is greatly appreciated.

Make checks payable to:
The Salvation Army
In the Memo line write "POWS"

Donations can be delivered to TSA weekdays from 9-3.

The Salvation Army
3528 14th Street
Plano, TX 75074
972-423-8254

Ways to volunteer

Clothes closet: Volunteers organize and supervise guests as they pick out some clean clothes on event nights.

Transportation: Volunteers transport guests on shuttle buses, between pickup points and the warming station.

Hospitality: Volunteers serve in various capacities. They register our guests as they enter the warming station, secure guest belongings, serve meals, or stay overnight.

Showers: Volunteers monitor the showers so the guests can enjoy a hot shower.

Current POWS participants include:

Christ United Methodist Church

City of Plano

Custer Road United Methodist Church

East Plano Islamic Center

First Baptist Church of Plano

First Presbyterian Church Plano

People Who Love People

Plano Fire Department—EMS

Plano Police Department

St. Elizabeth Ann Seton Catholic Church

St. Jude Catholic Church

St. Mark Catholic Church

The Salvation Army

. . . And many individuals who volunteer