

DATE: August 18, 2020

TO: Honorable Mayor & City Council

FROM: John Muns, Chair, Planning & Zoning Commission

SUBJECT: Results of Planning & Zoning Commission Meeting of August 17, 2020

**AGENDA ITEM NO. 1A - PUBLIC HEARING
ZONING CASE 2020-023
APPLICANT: THE SALVATION ARMY**

Request to amend Specific Use Permit No. 90 for Household Care Institution on 7.3 acres located on the south side of 14th Street, 620 feet west of Shiloh Road. Zoned Light Commercial with Specific Use Permit No. 90 for Household Care Institution. Project #ZC2020-023.

APPROVED: 8-0 **DENIED:** _____ **TABLED:** _____

Speaker Card(s) Received Support: 1 Oppose: 0 Neutral: 0

Letters Received Within 200' Notice Area: Support: 0 Oppose: 0 Neutral: 0

Petition Signatures Received: Support: 0 Oppose: 0 Neutral: 0

Other Responses: Support: 0 Oppose: 0 Neutral: 0

STIPULATIONS:

Recommended for approval as follows: (Additions are indicated by underlining; deletions are indicated by strike-through)

1. Maximum number of daily residents: 100
2. Days and Hours of Operation: ~~November 1 through March 31~~ During the hours of 6:00 p.m. through 7:00 a.m. on days when the temperature is forecasted by the National Weather Service to be ~~35~~ 40 degrees Fahrenheit or lower, and on any day(s) chosen by HUD to conduct a national Point-in-Time homeless survey.

FOR CITY COUNCIL MEETING OF: September 14, 2020 (To view the agenda for this meeting, see www.plano.gov)

PUBLIC HEARING - ORDINANCE

AM/dz

xc: Lt. Michael Cain, The Salvation Army
Jeanna Scott, Building Inspections Manager

<https://goo.gl/maps/m6we25n9M6qemVGc6>

CITY OF PLANO
PLANNING & ZONING COMMISSION

August 17, 2020

Agenda Item No. 3

Public Hearing: Zoning Case 2020-023

Applicant: The Salvation Army

DESCRIPTION:

Request to amend Specific Use Permit No. 90 for Household Care Institution on 7.3 acres located on the south side of 14th Street, 620 feet west of Shiloh Road. Zoned Light Commercial with Specific Use Permit No. 90 for Household Care Institution. Project #ZC2020-023.

REMARKS:

The subject property is developed with a 21,450-square-foot religious facility and household care institution. The applicant is requesting to amend Specific Use Permit No. 90 for Household Care Institution to modify the provisions approved in 2018 regarding the days and hours of operation.

The Zoning Ordinance defines a household care institution as a facility that provides residence and care to more than 8 persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, or neglected children; victims of domestic violence; convalescing from illness; or rendered temporarily homeless due to fire, natural disaster, or financial setback. Where applicable, a household care institution shall have appropriate licensing and/or registration by the State of Texas.

The subject property is zoned Light Commercial (LC). The LC district is intended to provide for a wide array of retail, office, and service uses to meet the needs of local residents and businesses. Some vehicle-related uses and limited assembly, which address local service and employment opportunities are also included in LC districts.

The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district, which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established. Section 6.100 (Specific Use Permits) of Article 6 (Specific Use Permits and Certificates of Occupancy) states the following:

“The Planning & Zoning Commission in considering and determining its recommendations to the City Council on any request for a specific use permit may require from the applicant plans, information, operating data, and expert evaluation concerning the location, function, and characteristics of any building or use proposed. The City Council may, in the interest of the public welfare and to insure compliance with this ordinance, establish conditions of operation, location, arrangement, and type and manner of construction of any use for which a permit is authorized. In authorizing the location of any of the uses listed as specific use permits, the City Council may impose such development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view, traffic, or other undesirable or hazardous conditions.”

Surrounding Land Use and Zoning

North	Across 14th Street, multifamily residences zoned Planned Development-5-Multifamily Residence-2.
East	Professional/general administrative office zoned Light Commercial with Specific Use Permit No. 590 for 80-foot commercial antenna support structure.
South	Dallas Area Rapid Transit (DART) railroad right-of-way with the Silver Line Shiloh Road Station under development, and further south, office-showroom/warehouse zoned Research/Technology Center.
West	Mini-warehouse/public storage zoned Light Commercial.

Conformance to the Comprehensive Plan

Special Housing Needs Policy - *Plano will accommodate senior and special needs housing through inclusive regulations and goals stated in the Consolidated Plan.*

Plano’s 2020-2024 Consolidated Plan of housing and community development needs, prepared for the U.S. Department of Housing and Urban Development, has strategies that include addressing the emergency and transitional housing needs of the city’s homeless population. Homeless services are a public service priority for the city. As such, the proposed household care institution is consistent with the Special Housing Needs policy of the Comprehensive Plan.

Proposed Amendments

The subject property operated a temporary accessory housing shelter for the purposes of cold weather sheltering until receiving approval for S-90 in 2018. As outlined in the accompanying letter, the applicant would like to modify the restrictions of S-90 to better meet the needs of the homeless during cold weather events.

S-90 currently has the following restrictions:

1. Maximum number of daily residents: 100
2. Days and Hours of Operation: November 1 through March 31 during the hours of 6:00 p.m. through 7:00 a.m. when the temperature is forecasted by the National Weather Service to be 35 degrees Fahrenheit or lower.

As described in the applicant's letter, there have been nights outside of the allowed calendar dates where temperatures have been 35 degrees Fahrenheit or below. The expansion of dates and higher temperatures would likely result in the shelter being open on dates in October through April, based on a review of record low temperatures over the past 10 years.

The applicant states that substantial wind and/or rain creates dangerous conditions that cause comparable risks of hypothermia, even if temperatures are higher than 35 degrees Fahrenheit. As currently restricted, the facility is not able to operate on nights under these conditions. Information from Healthwise.org via University of Michigan Medicine (uofmhealth.org) confirms that hypothermia can occur at temperatures of 50°F or higher in wet and windy weather.

Additionally, the City of Plano collaborates with the Collin County Homeless Coalition and Metro Dallas Homeless Alliance to perform an annual, one-night, Point-in-Time survey of the population living without permanent housing. The nationwide event, required by U.S. Department of Housing and Urban Development (HUD) for Continuums of Care, is typically scheduled in January. A Continuum of Care (CoC) is a regional or local planning body that coordinates housing and services funding for families and individuals experiencing homelessness; the local CoC is Metro Dallas Homeless Alliance for Collin and Dallas counties. Under U.S. Law, the Department of Housing and Urban Development (HUD) funds most homeless services housing providers through such CoC organizations. To achieve a more accurate count of the population experiencing homelessness in the city of Plano, it would be helpful for the facility to be open on this night, regardless of weather conditions.

Staff is in support of the requested amendments.

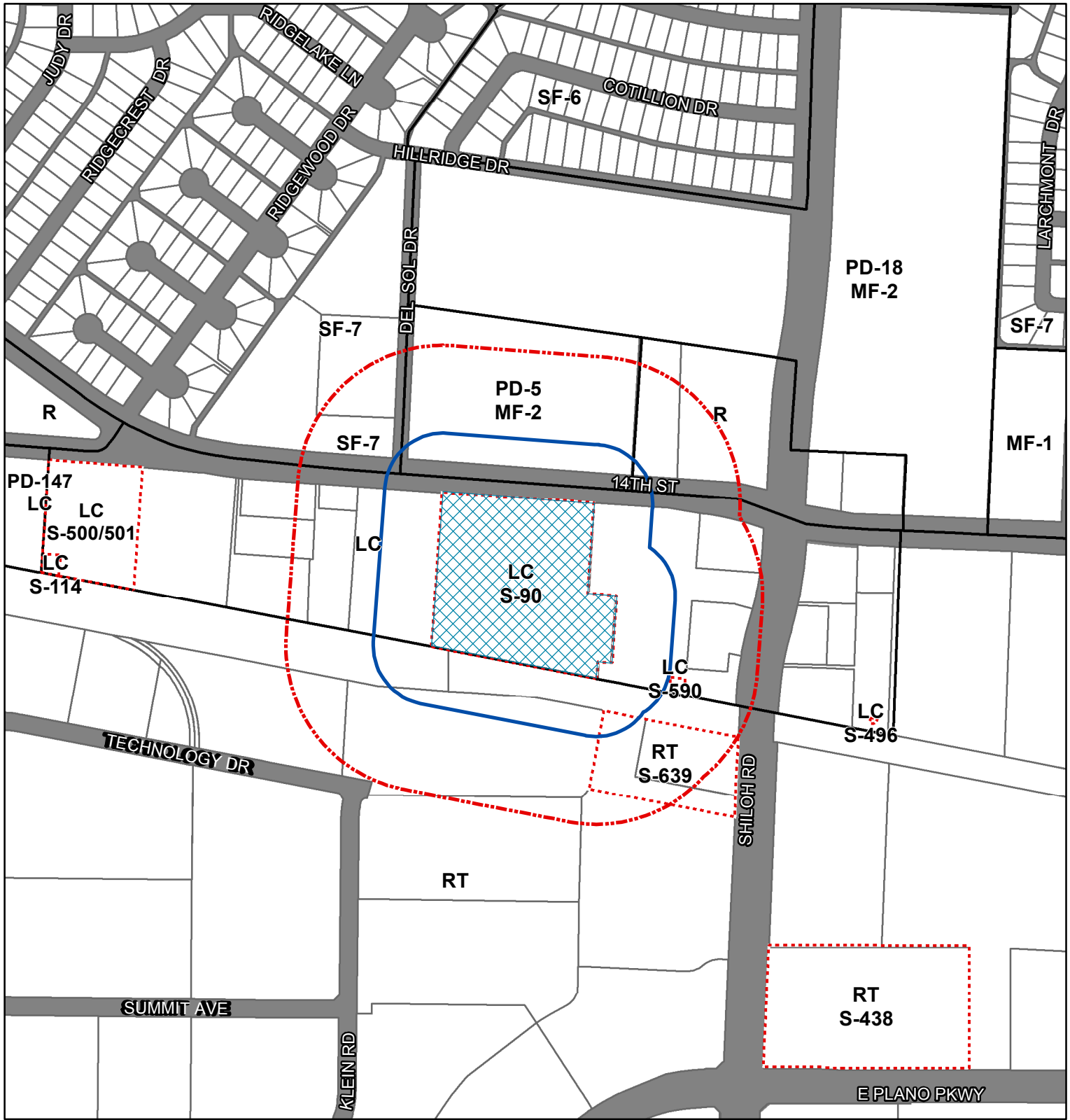
SUMMARY:

The applicant is requesting to amend Specific Use Permit No. 90 for Household Care Facility to better meet the needs of the city's population living with homelessness. The amended restrictions continue to limit the operating days and times of the institution, ensuring it is only open at night and during times of the year where needs are most urgent to the city's homeless population. Staff is in support of the request to amend the SUP.

RECOMMENDATION:

Recommended for approval as follows: (Additions are indicated by underlining; deletions are indicated by strike-through)

1. Maximum number of daily residents: 100
2. Days and Hours of Operation: ~~November 1 through March 31~~ During the hours of 6:00 p.m. through 7:00 a.m. on days when the temperature is forecasted by the National Weather Service to be ~~35~~ 40 degrees Fahrenheit or lower, and on any day(s) chosen by HUD to conduct a national Point-in-Time homeless survey.

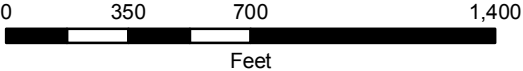
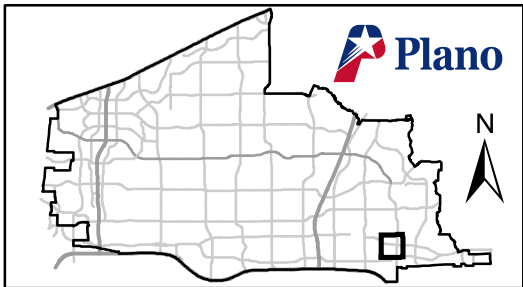


Zoning Case: 2020-023

Existing Zoning: Light Commercial with Specific Use Permit No. 90 for Household Care Institution (LC w/ S-90)

Proposed Zoning: Amend Specific Use Permit No. 90 for Household Care Institution (LC w/ S-90)

- 500' Courtesy Notification Buffer
- 200' Notification Buffer
- Subject Property
- Streets
- Zoning Boundary
- Zoning Boundary Change/SUP
- Specific Use Permit
- Municipal Boundaries





Zoning Case 2020-023



Area of Request

0 212.5 425
Feet

DEL SOL DR.

14 TH STREET (FM 544)
(110' R.O.W.)

LOT 1, BLOCK A
PUBLIC STORAGE
ADDITION No. 4
CABINET F, PG. 584

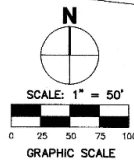
BLOCK A
LOT 4R

LOT 1
SHILOH/544 ADDITION
CABINET G, PG. 532

ST. LOUIS AND
SOUTHWESTERN RAILROAD
(100' R.O.W.)

LINE DATA		
LINE NO.	BEARING	LENGTH
1	N10°00'00"E	73.00'
2	N30°50'02"E	28.00'
3	N84°00'00"E	28.00'
4	S20°00'00"W	60.00'
5	N12°00'00"W	60.00'
6	N88°09'50"W	19.07'
7	N88°09'50"W	16.54'
8	N63°50'02"E	5.00'
9	N29°17'22"E	47.32'
10	S29°17'22"W	24.25'

CURVE DATA				
CURVE NO.	DELTA	RADIUS	TANGENT	ARC
C1	90°00'00"	30.00'	30.00'	47.12'
C2	90°00'00"	24.00'	24.00'	34.89'
C3	90°00'00"	20.00'	20.00'	31.42'
C4	48°11'00"	30.00'	12.79'	24.18'



LEGAL DESCRIPTION

WHERE AS, THE SALVATION ARMY, a Georgia Corporation, is the owner of a tract of land situated in the Eli Murphy Survey, Abstract No. 597 and the D. Yeamans Survey, Abstract No. 1043, in the City of Plano, Collin County, Texas, and being that tract of land conveyed to The Salvation Army by deed recorded in volume 4326, Page 3498, Deed Records of Collin County, Texas, being Lot 4 of Shiloh / 544 Addition, and addition to the City of Plano, Texas, recorded in Cabinet G, Page 532, Map Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a aluminum disk set in concrete found at the northeast corner of said Lot 4, said point being the northwest corner of Lot 1 Shiloh / 544 Addition:

THENCE along the common line between said Lot 4 and Lot 1 as follows:

South 03°50'02" West a distance of 310.00 ft. to a 1/2 Inch iron rod found for a corner;

South 86°09'58" East a distance of 101.23 ft. to a 5/8 Inch iron rod found for a corner;

South 03°50'02" West a distance of 229.50 ft. to an "x" found in concrete for a corner;

North 86°09'58" West a distance of 50.00 ft. to an "x" found in concrete for a corner;

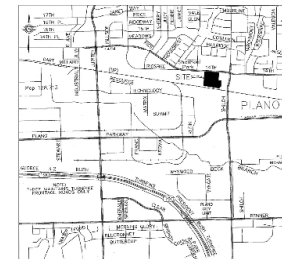
South 03°50'02" West a distance of 55.00 ft. to a 1/2 Inch iron rod found for a corner;

THENCE North 79°32'12" West a distance of 576.20 ft. along the southerly line of said Lot 4 and the northerly of the St. Louis and Southwestern Railroad 100 ft. right of way to a 1/2 Inch iron rod found for a corner;

THENCE North 03°49'11" East a distance of 528.49 ft. along the west line of said Lot 4 and the east line of Lot 1, Block A, Public Storage No. 4 Addition, an addition to the City of Plano, Texas recorded in Cabinet F, Page 584, Map Records, Collin County, Texas, to a 1/2 Inch iron rod found for a corner;

THENCE South 86°09'58" East a distance of 621.23 ft. along the north line of said Lot 4 and the south line of 14th Street (F.M. 544), a 110 ft. right of way, to the Point of Beginning and containing 7.2799 acres (313,112 square feet of land).

"Approval of the zoning case associated with this exhibit shall not imply approval of any associated study, plat, or plan, approval of development standards shown hereon, or the initiation of the development process. Planning & Zoning Commission and/or City Council action on studies, plats, or plans relating to development of this property shall be considered as an action separate from action taken on this zoning case."



VICINITY MAP
NOT TO SCALE

CONTACT

Owner:
THE SALVATION ARMY NORTH TEXAS AREA COMMAND
PLANO CORPS COMMANDING OFFICER
LT. MICHAEL CAIN
TJ972-823-8254
E) michael.cain@uss.salvationarmy.org

ZONING EXHIBIT

DATE OF PREPARATION: 7/27/2020

CITY PROJECT: ZC2020-023
SPECIFIC USE PERMIT FOR HOUSEHOLD CARE INSTITUTION LOT 4R, BLOCK A
SHILOH / 544 ADDITION
OUT OF THE ELI MURPHY SURVEY, ABSTRACT NO. 597
AND
D. YEAMANS SURVEY, ABSTRACT NO. 1043
AN ADDITION TO THE CITY OF PLANO
COLLIN COUNTY, TEXAS
7.2799 ACRES

PURPOSE LETTER

Zoning Petition – Special Use Permit – Household Care Institution

Submitted By:

**The Salvation Army
3528 E. 14th Street
Plano, TX 75074**

Introduction

We are applying to revise Special Use Permit for Existing S-90 Household Care Institution (Ordinance No. 2018-11-6) which provides a life-saving service to the City of Plano, specifically for those individuals who, due to the lack of housing, may find themselves at risk for loss of life or illness due to Cold-Weather temperatures.

Key Truths

- For the past several years, The Salvation Army has, at the request of the Plano Police Department provided a warm place for homeless individuals to shelter during inclement weather.
- In 2018, with the primary hope to meet the need for those who may find themselves at a higher risk of mortality due to cold weather exposure, the Collin County Homeless Coalition (“CCHC”) approached The Salvation Army about creating a collaboration with faith-based entities to serve this need better.
- For the past two years, this collaboration has resulted in providing shelter to 351 individuals over 44 nights and provided 1921 bed-nights of relief from freezing weather at The Salvation Army facilities in Plano.
- Cold weather events are greatly magnified with the presence of rain, even at temperatures above 35°, the current threshold for opening the Warming Station.

What is the Plano Overnight Warming Station (POWS)?

- POWS is a short-term emergency housing program that opens when temperatures (or a combination of precipitation, wind, and temperature) become dangerously inclement. The paramount purpose is the prevention of death and injury from exposure to the elements. In recent years, The Salvation Army-Plano has served as the POWS site.
- POWS brings faith communities and service agencies together to provide a safe, secure overnight sleeping environment and assist those in greatest need during these nights.
- The POWS site is currently approved to open when the forecasted temperature is 35 degrees or below.
- The program operates from Nov 1. – March 31 annually.
- The maximum number of persons sleeping at the facility is limited to 100.
- Transportation is provided from convenient pickup points in Plano to POWS.
- Hot meals are served
- A clothes closet is available.
- Security is contracted with the City of Plano Police Department with off-duty police officers.
- The following groups are currently supporting this effort:
 - Ave F Church of Christ
 - Christ United Methodist Church
 - City of Plano, Neighborhood Services Department
 - First Baptist Church
 - First Christian Church
 - Collin County Homeless Coalition
 - Plano Police Department
 - St. Elizabeth Ann Seaton Catholic Church
 - St. Mark the Evangelist Catholic Church
 - St. Jude Catholic Church
 - The Assistance Center of Collin County
 - The Salvation Army of Plano & Collin County
 - Citizens Church

Revisions to Specific Use Permit (SUP) Requested

- The current SUP allows opening between November 1 – March 31. This past year there were two nights in October when the temperature requirements were met and POWS could not open. Thus, we are requesting to modify the SUP to allow opening whenever the temperature requirements are met.
- The current SUP allows opening POWS when the temperatures reach 35° or below. During the past two years, conditions have occurred when substantial rain and wind have made outside conditions at 40° and lower miserable and dangerous. The increased risk of hyperthermia when individuals are wet and cold is an issue that should be addressed. Thus, we are requesting to modify the SUP to allow opening at 40° or lower to accommodate these situations.
- Once a year, normally in January, HUD conducts the National Point-in-Time (PIT) survey to count the number of sheltered and unsheltered individuals experiencing homelessness in the nation. Plano meets this requirement by sending teams throughout Plano to survey those sheltering outside. This is done on a specific date, regardless of the temperatures on that night, and we are requesting approval for POWS to be open that night

Proposed Revision Language:

1. Maximum number of daily residents: 100
2. Days and Hours of Operation: During the hours of 6:00 PM thru 7:00 AM whenever the temperature is forecasted by the National Weather Service to be 40 degrees Fahrenheit or lower, and on any day(s) chosen by HUD to conduct a national Point-in-Time homeless survey.

Why the Citizens of Plano support this Special Use Permit Revision and request approval:

- The demographics from the past two years show that 70-75% of the people coming to POWS spent the previous night sheltering in Plano, suggesting these are individuals who regularly stay in Plano.
- The Salvation Army is a trusted name in providing various types of assistance in the Plano community and over the past two years there have been no citizen issues with the POWS program held at The Salvation Army-Plano.
- There is a strong coalition of Plano organizations and religious institutions behind the effort. This is a collaborative effort of citizens in our city.
- The program is being continuously monitored with the goal of improving services.
- It saves lives
- It provides help for those most vulnerable to the cold.
- It's the right thing to do!



PLANO OVERNIGHT
WARMING STATION

3528 E. 14th St. Plano 75074



Collaborative Project Providing Overnight Emergency Shelter during Freezing Weather Conditions

- Transportation
- Shelter
- Food
- Clothing
- Showers
- Hospitality



POWS PARTICIPANTS (300+ Volunteers)

- Arapaho United Methodist Church
- Custer Road United Methodist Church
- Christ United Methodist Church
- City of Plano
- Citizens Church
- Collin County Homeless Coalition
- First Baptist Church of Plano
- First United Methodist Church of Plano
- Metro Dallas Homeless Alliance
- Plano Police Department
- St. Elizabeth Ann Seton Catholic Church
- St. Jude Catholic Church
- St. Mark the Evangelist Catholic Church
- The Assistance Center of Collin County
- The Salvation Army (Warming Station Site)



PLANO OVERNIGHT
WARMING STATION

CURRENT SUP	PROPOSED SUP
<ul style="list-style-type: none">Maximum Attendees = 100	<ul style="list-style-type: none">Maximum Attendees = 100
<ul style="list-style-type: none">Open from November 1 – March 31 when Temp $\leq 35^{\circ}$	<ul style="list-style-type: none">Open Whenever Temp $\leq 40^{\circ}$
	<ul style="list-style-type: none">Open for HUD Point-in-Time Count

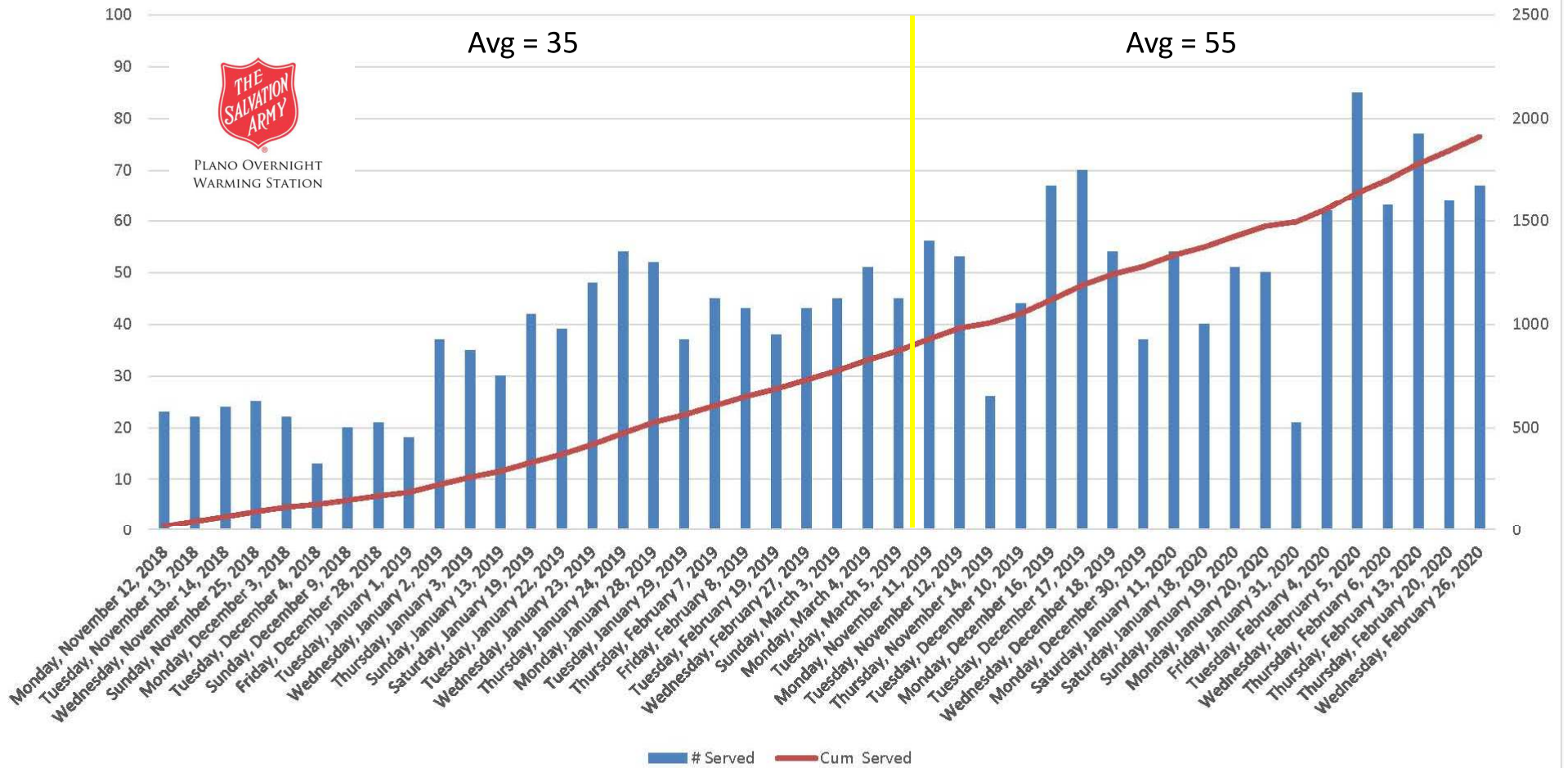
POWS Attendance



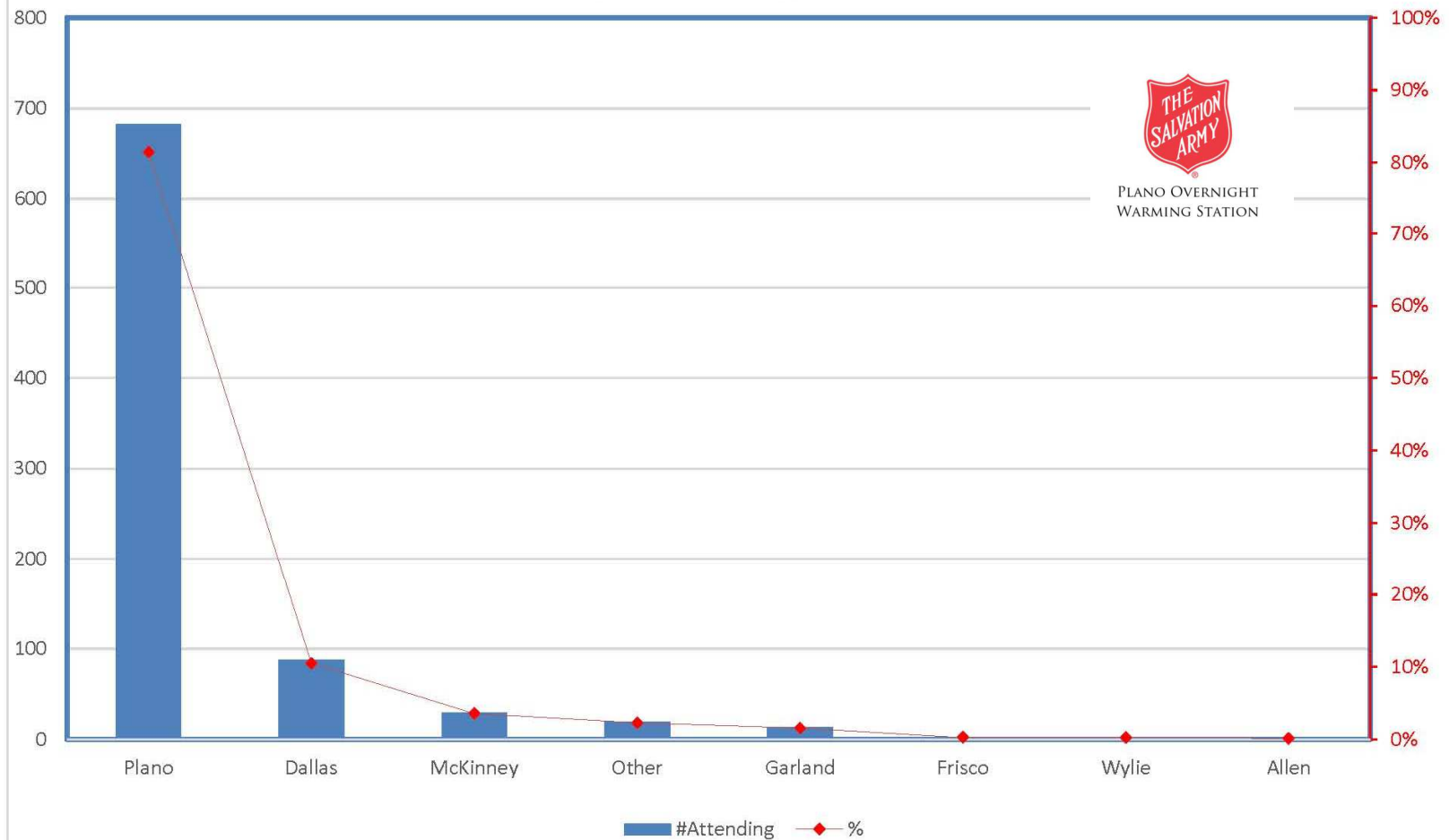
PLANO OVERNIGHT
WARMING STATION

Avg = 35

Avg = 55



Slept Where / Night Before





POWS - NOW	POWS - PROPOSED	IMPACT
<ul style="list-style-type: none">Forecast Temp $\leq 32^{\circ}$	<ul style="list-style-type: none">Forecast Temp $\leq 32^{\circ}$	None
<ul style="list-style-type: none">Forecast Temp $\leq 35^{\circ}$ and Rain $\geq 50\%$	<ul style="list-style-type: none">Forecast Temp $\leq 40^{\circ}$ and Rain $\geq 50\%$	Would have added 4 Events over past 2 years



PLANO OVERNIGHT
WARMING STATION

APPROVAL REQUESTED

- Plano's Only Adult Emergency Shelter during Life-Threatening Weather
 - Saves Lives
 - Assistance for the Most Vulnerable
- Services Provided to Plano Residents
- Zero Citizen Complaints
- Broad Community Support and Participation



PLANO OVERNIGHT
WARMING STATION

QUESTIONS ?