



# CITY OF MCKINNEY, TEXAS

## Legislation Text

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**File #:** 20-0114Z2, **Version:** 1

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Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "TMN" - Traditional McKinney Neighborhood Overlay District to "PD" - Planned Development District and "TMN" - Traditional McKinney Neighborhood Overlay District, to Allow an Emergency Overnight Warming Station, Located on the North Side of Wilson Creek Parkway and Approximately 850 Feet West of College Street; and Accompanying Ordinance

**COUNCIL GOAL:** Direction for Strategic and Economic Growth  
(1C: Provide a strong economy by facilitating a balance between industrial, commercial, residential, and open space)

**MEETING DATE:** November 3, 2020

**DEPARTMENT:** Development Services - Planning Department

**CONTACT:** Alek Miller, AICP, Planner II  
Mark Doty, Assistant Director of Planning  
Jennifer Arnold, AICP, Director of Planning

**RECOMMENDED CITY COUNCIL ACTION:** Staff recommends approval of the proposed rezoning request.

**APPLICATION SUBMITTAL DATE:** October 15, 2020

**ITEM SUMMARY:** The applicant requests to rezone approximately 4.425 acres of land to modify the use standards of the existing Planned Development zoning to allow for an emergency overnight warming station, including overnight lodging. The purpose of an emergency overnight warming station is to offer shelter to people who lack access to housing ("guests") in cold weather in order to prevent hypothermia and death. No other amendments to the Planned Development are requested.

The subject property is currently owned by the Salvation Army, who operates a community center, including Christian worship services and a food pantry. Pursuant to the allowances of Section 146-42 (Temporary Uses) of the city's zoning ordinance, in previous years, the Salvation Army has obtained a temporary use permit to operate an emergency overnight warming station on the subject property. However, the temporary use permit does not specifically allow for the overnight lodging of guests. As such, they now desire to more specifically define the requirements and allowance for the emergency overnight warming station as part of the property's zoning.

Following the Planning and Zoning Commission Meeting on October 27, 2020, Staff has coordinated with the applicant to incorporate additional review and inspection requirements by the City's Fire

Marshal's Office into the proposed development standards.

### **EXISTING ZONING AND LAND USES:**

<b>Location</b>	<b>Zoning District (Permitted Land Uses)</b>	<b>Existing Land Use</b>
Subject Property	"PD" - Planned Development District Ordinance No. 1452 (Townhomes, Single-Family Residential, and Planned Center) and "TMN" - Traditional McKinney Neighborhood Overlay District	Church (Salvation Army)
North	"PD" - Planned Development District Ordinance No. 1452	Single-Family Residential (Park Place Phase I)
South	"PD" - Planned Development District Ordinance No. 1452 (Townhomes, Single-Family Residential, and Planned Center); "PD" - Planned Development District Ordinance No. 1650 (Planned Center and Single-Family Residential); "PD" - Planned Development District Ordinance No. 1911 (Governmental Complex); and "TMN" - Traditional McKinney Neighborhood Overlay District	City of McKinney (Senior Recreation Center, Public Works)
East	"PD" - Planned Development District Ordinance No. 1452 (Townhomes, Single-Family Residential, and Planned Center) and "TMN" - Traditional McKinney Neighborhood Overlay District	Cemetery (Bradley Cemetery); Single-Family Residential (Wilson Creek Estates)
West	"PD" - Planned Development District Ordinance No. 1452 (Townhomes, Single-Family Residential, and Planned Center) and "TMN" - Traditional McKinney Neighborhood Overlay District	City of McKinney (Finch Creek); Single Family Residences (Park Place Phase I)

### **PROPOSED ZONING:**

The applicant requests to rezone the subject property from "PD" - Planned Development District and "TMN" - Traditional McKinney Neighborhood Overlay District to "PD" - Planned Development District and "TMN" - Traditional McKinney Neighborhood Overlay District, generally to modify the uses allowed on the property.

Specifically, the applicant desires to expand their philanthropic services to include the operation of an emergency overnight warming station, including overnight lodging, that offers shelter to people who lack access to housing ("guests") in cold weather in order to prevent hypothermia and death. As proposed, the rezoning would allow for the operation of an emergency overnight warming station in a manner similar to previous years' operations via the temporary use permit process. However, the

proposed rezoning will specifically allow for the overnight lodging of guests. As proposed, the rezoning would permit the emergency overnight warming station under the following provisions:

Use:

- An Emergency Overnight Warming Station (EOWS), including overnight lodging, shall only be permitted if operated by a church, religious or philanthropic organization.

Site and Operational Requirements:

- Operation of an EOWS, including temporary lodging, is limited to when the outdoor temperature is forecast to reach 40 degrees Fahrenheit or less between 6:00 P.M. and 8:00 A.M.
  - i. Notwithstanding of the weather requirement above, the EOWS may be operated during the annual 24-hour Point-in-Time homeless count, as mandated by the Department of Housing and Urban Development. Operation during this annual event shall comply with all other requirements of this Planned Development.
- Operation of the EOWS shall be limited to: 6:00 P.M. to 8:00 A.M.
- No more than 50 EOWS guests (excluding staff and volunteers) may be allowed at any one time. However, additional guests may be permitted with the City Council's discretionary approval of a temporary use permit. The temporary use permit's application shall include sufficient information and detail, as determined by the Chief Building Official and Fire Marshal, to fully describe the proposed operation. Consideration of the operator's temporary use permit application shall include a public hearing and the approval of said temporary use permit shall only be valid for one calendar year from the date of the City Council's approval.
- It shall be the responsibility of the operator to provide security or police personnel of sufficient quantity and type during operation. This determination shall be subject to the discretionary approval of the Chief of Police or their designee.
- The operator shall provide access to bathrooms and showers for guests.
- A buffer of 150' shall be maintained between the building where the emergency overnight warming shelter is located and any adjacent residential property line.
- The EOWS' entire operation shall be wholly enclosed within the primary building and no evidence of the EOWS' operation may be visible from adjacent properties or the public right-of-way.
- Annual inspection by McKinney Fire Department: Prior to the first operation of the EOWS each fall/winter season, the operator shall initiate an inspection by the City of McKinney's Fire Department.
- Prior to first operation of the EOWS each fall/winter season, the operator shall provide to the City's Development Services Division and Housing and Community Development Department:
  - i. The name and phone number of an on-site contact in the event of complaints or concerns; and
  - ii. An operational plan outlining security measures, a typical daily schedule, food

and transportation plans, staffing needs, and volunteer training.

The provision of temporary free overnight lodging for a maximum of 14 guests per night and a maximum of 30 nights per calendar year is currently permitted by right for operators/organizations classified as a “church” by the City’s Zoning Ordinance, which includes the Salvation Army. Additionally, in 2019, the Salvation Army requested and received a temporary use permit to operate an emergency overnight warming station in a manner similar to what is currently being requested as part of the proposed rezoning. The 2019 temporary use permit was reviewed and considered by the City Council.

Considering the allowances currently afforded to the applicant via the city’s existing zoning ordinance and the successful operation of the emergency overnight warming station in previous years, it is Staff’s professional opinion that the proposed rezoning will allow the applicant to continue to provide emergency sheltering services to the McKinney community under a more consistent and defined operational manner. As such, Staff recommends approval of the proposed rezoning request.

**CONFORMANCE TO ONE MCKINNEY 2040:** A key aspect of the ONE McKinney 2040 Comprehensive Plan is to provide direction related to the desired development patterns and to inform decisions related to the timing and phasing for future infrastructure investments in the City. To assist in guiding these decisions, the Preferred Scenario and Land Use Diagram establishes distinctive districts, each with a clear intent and market focus that are reinforced through character-defining placetypes.

Per the Preferred Scenario, the subject property is located in the Town Center District and is designated as the ‘Historic Town Center - Residential’ placetype. General placetypes also included in this district are Historic Town Center - Downtown, Historic Town Center - Mix, Commercial Center, and Professional Campus.

- Guiding Principles: The proposed rezoning request is generally in conformance with Guiding Principle of “Diversity (Supporting our Economy and People)” established by the Comprehensive Plan.
- Land Use Diagram Compatibility: In evaluating development requests, the City should determine that a project meets the majority of the established criteria to be considered compatible with the Land Use Diagram. The proposed rezoning request aligns with the Historic Town Center - Residential placetype of the Town Center District because the proposed request would maintain the existing general land use as a religious organization and would not result in physical changes to the property.
- Fiscal Model Analysis: Both the existing and proposed uses are volunteer-run and do not generate tax revenue. Therefore, the proposed change would be considered revenue neutral.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received seven written comments in opposition and one written comment in support of this request.

**BOARD OR COMMISSION RECOMMENDATION:**

- On October 27, 2020, the Planning and Zoning Commission voted 4-0-1 to recommend approval of the proposed amendment.