City Council Communication

Department: Community Development CASE #TU-23-005 Property Owner: Stazzoni Property LLC 18320 Jaylen Drive Council Bluffs, IA 51503 Applicant: New Visions Homeless Services 1435 North 15th Street Council Bluffs, IA 51501	Resolution No. _____	City Council: January 8, 2024

Subject/Title

Request: Temporary use permit to operate a warming center on property legally described as Lots 354 through 356 along with the north ½ of the vacated east/west alley adjacent, Belmont Addition, City of Council Bluffs, Pottawattamie County, Iowa.

Location: 1607 Avenue I, Council Bluffs, Iowa, 51501

Background/Discussion

The Community Development Department has received an application from New Visions Homeless Services (NVHS), represented by Brandy Wallar, for a temporary use permit to allow a warming center on property located at 1607 Avenue I, being legally described as Lots 354 through 356 along with the north ½ of the vacated east/west alley adjacent, Belmont Addition, City of Council Bluffs, Pottawattamie County, Iowa. The purpose of this warming center is to provide a safe place for individuals experiencing street-level homelessness to escape from cold and/or wet wintery conditions, and to prevent said individuals from seeking refuge in abandoned buildings and structures in our community. The warming center will be open from January 9, 2024 through April 30, 2024 and will have hours of operations from 9:00 a.m. to 4:00 p.m., Monday through Friday. The applicant will provide individuals using the warming center hot meals (prepared off-site), clothing, hygiene items, transportation to other shelters (as needed), and case managers to assist them finding permanent/temporary housing. Staff with NVHS will also be on-site to monitor the individuals using this facility at all times.

The following attachments are included with this report:
Attachment A – Letter of intent
Attachment B – Floor plan layout
Attachment C – Location/zoning map

Section 15.02.110 Temporary Use Permit, of the Municipal Code (Zoning Ordinance) provides for the issuance of temporary use permit(s) '*for limited term activities or events which occur on private property within the City that may potentially create off-site impacts to surrounding properties and the neighborhood in which it will occur*.' The code further defines eight specific uses that are eligible to be issued a temporary use permit administratively. The proposed warming center is not one of the specified eight eligible uses.

The procedure set forth in Code Section 15.02.110(C)(2) states that '*temporary uses not specifically listed here shall require the specific approval of the City Council. Such uses may be allowed in any zoning district, provided that such temporary use is consistent with the purpose and intent of this Ordinance and the zoning district in which it is located*.'

Section 15.03.250, *Definitions*, of the Council Bluffs Municipal Code (Zoning Ordinance) defines 'Emergency Shelter and Homeless Service Center' as a *"facility managed by a public or non-profit agency providing emergency shelter for homeless individuals. This shall include other accessory uses, including transitional housing, meals sites with food preparation and other supportive services necessary to supervise, counsel and assist homeless and near homeless individuals"*. An 'Emergency Shelter and Homeless Service Center' land use is only allowed in an I-2/General Industrial District with issuance of a conditional use permit from the Council Bluffs Zoning Board of Adjustment. The proposed warming center is considered an 'Emergency Shelter and Homeless Service Center', as per the zoning definition stated above, and is not classified as a temporary use that can be administratively approved by City staff. Therefore, City Council must approve the issuance of a temporary use permit in order for the proposed warming center to be allowed on the subject property.

All City Departments were notified of the proposed temporary use permit request. The following comments were received:

Council Bluffs Community Development Department stated the following:

1. The subject property contains .37 acres (16,200 square feet) and is zoned C-2/Commercial District. Per Section 15.15 of the CBMC (Zoning Ordinance), the C-2 District which is intended *"to provide for major commercial retail shopping and service areas adjacent to major traffic corridors. This district also provides a variety of commercial services to the community and adjacent residential neighborhoods"*. Surrounding zoning and land uses in the general vicinity includes:
    a. North – Gibbs Rentals and three single-family residential dwellings (zoned C-2 District);
    b. East – Undeveloped land and a non-conforming single-family residential dwelling (zoned C-2 District);
    c. South – Three single-family residential dwellings and two undeveloped lots (zoned R-1 District); and
    d. West – Two single-family residential dwellings (zoned C-2 District).
2. The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as Local Commercial.
3. This is the third consecutive year that New Visions has requested a temporary use permit for a 'warming center' on the subject property. City Council approved the previous two temporary use permit requests (Resolution No. 22-11, dated January 10, 2022 and Resolution No. 23-07, dated January 9, 2023) and the applicant has abided by all permit conditions thus far. Furthermore, there were no incidents of criminal and/or violent behavior from individuals using the emergency shelter/warming center reported to the Council Bluffs Police Department while the facility operated in 2022 and 2023.

Council Bluffs Fire Department stated the following:

1. No person(s) shall occupy the mezzanine and the door leading to said area shall be locked at all times;
2. Smoke and carbon monoxide detectors shall be installed and all fire extinguishers must be serviced and have a current tag;
3. All exit and emergency lighting shall be functional at all times; and
4. The maximum occupant load for the warming center area shall not exceed 36 people.

Council Bluffs Permits and Inspections Division stated they have no comments for the request.
Council Bluffs Public Works Department stated they have no comments for the request.
Council Bluffs Police Department stated they have no comments for the request.
Council Bluffs Parks and Recreations Department stated they have no comments for the request.

Public notices were mailed to all property owners within 200 feet of the subject property and to all public and human services related entities (i.e. Charles E. Lakin Campus) located within close proximity of the subject property. No comments in opposition of the request were received. The Community Development Department recommends that any future temporary use permit requests from NVHS to operate 'warming center' on the subject property be reviewed by City Council without direct notifications being to property owners within 200' since the applicant has demonstrated compliance with all permit conditions over the past two years without incident of criminal and/or violent behavior from their individuals they are serving. Public notifications are not required by the City's ordinance for a temporary use permit and were provided as a courtesy to inform the adjacent property owners of the proposed request.

Recommendation

The Community Development Department recommends approval of the temporary use permit request by New Visions Homeless Services to allow a 'warming center' on property legally described as being Lots 354 through 356 along with the north ½ of the vacated east/west alley adjacent, Belmont Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments stated above and the following conditions:

1. The warming center shall be allowed to operate from January 9, 2024 through April 30, 2024 and shall be allowed hours of operations from 9:00 a.m. to 4:00 p.m., Monday through Friday;
2. Staff from New Visions Homeless Services must be present on-site at all times during the hours of operation;
3. The warming center shall not be used as an emergency overnight shelter and all hot meals provided to individuals at the warming center shall be prepared off-site;
4. The applicant shall maintain the property in a clean and orderly manner at all times for the duration of the temporary use permit;
5. No person(s) shall be allowed to loiter and/or utilize any automobile, recreational vehicle, tent, and/or other makeshift alternative for sleeping and/or housing purposes on the subject property;
6. City Council shall have the authority to revoke the temporary use permit at any time if the warming center becomes unsafe, a public nuisance, or disrupts the surrounding neighborhood; and
7. Any extension of time for the temporary use permit shall be reviewed by City Council.
8. Any future temporary use permit requests from NVHS to operate a 'warming center' on the subject property shall be reviewed by City Council without need for direct public notification to adjacent property owners or public/human service entities within close proximity of the site.

Attachment A: Letter of Intent
Attachment B: Floor plan layout
Attachment C: Location/zoning map

Prepared by: Christopher Gibbons, AICP, Planning Manager