RESOLUTION NO. 24-08

A RESOLUTION GRANTING APPROVAL OF A 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.

WHEREAS, New Visions Homeless Services (NVHS) has applied for a temporary use permit to allow a 'warming center' on property located at 1607 Avenue I; and

WHEREAS, The proposed facility will be used as a temporary warming center for individuals experiencing street-level homelessness; and

WHEREAS, 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; and

WHEREAS, The following comments for the proposed temporary use permit are summarized below:

A. 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.

B. 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.

C. 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; and

WHEREAS, 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:

A. 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;

B. Staff from New Visions Homeless Services must be present on-site at all times during the hours of operation;

C. 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;

D. The applicant shall maintain the property in a clean and orderly manner at all times for the duration of the temporary use permit;

E. 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;

F. 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

G. Any extension of time for the temporary use permit shall be reviewed by City Council.

H. 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.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA

That the request for a temporary use permit by New Visions Homeless Services to allow for 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 is hereby approved subject to the comments and conditions set forth above.

ADOPTED
AND
APPROVED: January 15, 2024

_____
Matthew J. Walsh Mayor

ATTEST: _____
Jodi Quakenbush City Clerk