RESOLUTION NO. 24-363

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 6, 2025 through April 4, 2025 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 fourth consecutive year that New Visions has requested a temporary use permit for a 'warming center' on the subject property. City Council approved the previous three temporary use permit requests via Resolution No. 22-11, Resolution No. 23-07, and Resolution No. 24-008 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 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; and

C. Public notifications are not required by the City's Zoning Ordinance for a temporary use permit. In previous years, the Community Development Department mailed a courtesy notice to all property owners and any public/human service related entity (i.e. Charles E. Lakin Campus and C.B. School District) that were located within 200 feet of the subject property. Public notifications were not mailed for this temporary use permit request, as City Council approved a condition in Resolution No. 24-008 that stated "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". This condition was adopted in said resolution because the applicant complied with all temporary use permit approval conditions over the previous three years and did not have any incidents of criminal and/or violent behavior from individuals using the emergency shelter/warming center; 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 6, 2025 through April 4, 2025 and shall be allowed hours of operations from 9:00 a.m. to 4:00 p.m., Monday through Friday. Any changes to the aforementioned hours of operation must be reviewed and approved by the Community Development Department Director or their designee prior to said changes being allowed;
B. Staff from New Visions Homeless Services must be present on-site at all times during the hours of operation;
C. The applicant shall comply with all comments and conditions stated in the case staff report for the temporary use permit request;
D. The warming center shall not be used as an emergency overnight shelter and any hot meals provided to individuals at the warming center shall be prepared off-site;
E. The applicant shall maintain the property in a clean and orderly manner at all times for the duration of the temporary use permit;
F. 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;

G. 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
H. Any extension of time for the temporary use permit shall be reviewed by City Council.
I. 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: December 16, 2024

_____
Matthew J. Walsh Mayor

ATTEST: _____
Jodi Quakenbush City Clerk