City Council Communication

Department: Community Development CASE #TU-21-008 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 10, 2022

Subject/Title

Request: Temporary use permit to operate a warming center and emergency overnight shelter 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 Waller, for a temporary use permit to allow a warming center and an emergency overnight shelter on property located at 1607 Avenue I (Legal Description: Lots 354 through 356, along with the north ½ of the vacated east/west alley adjacent, Belmont Addition). The proposed facility will be used as a temporary warming center for individuals experiencing street-level homelessness, as well as, an emergency overnight shelter for up to 15 homeless women. The facility will be open 9:00 a.m. to 4:00 p.m. daily and will operate from January 14, 2022 to April 15, 2022. Staff with NVHS will be on-site to monitor the individuals using this facility at all times.

The following attachments are included with this report regarding the proposed temporary use permit request:

Attachment A – Letter of intent
Attachment B – Floor plan layout
Attachment C – Location/zoning map (provided by the Community Development Department)

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 and overnight emergency shelter' uses are 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"*. This specific land use is only allowed within an I-2/General Industrial District with issuance of a conditional use permit from the Council Bluffs Zoning Board of Adjustment. The requested use is not defined as a temporary use that can be administratively authorized by City staff. Therefore, in order for the 'warming center and emergency overnight shelter' to be allowed on the subject property City Council must authorize the use through the issuance of a temporary use permit.

All City Departments were notified of the proposed temporary use request. Additionally, staff with the Council Bluffs Community Development Department, Fire Department, and Permits and Inspections Division toured the subject building to determine if it's suitable for human occupancy from a life safety perspective. The following comments for the proposed temporary use permit are summarized below:

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 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"*, as per Section 15.15. of the Council Bluffs Municipal Code (Zoning Ordinance). Surrounding zoning and land uses in the general vicinity includes:
    a. North – Gibbs Rentals (zoned C-2 District) and three single-family residential dwellings (zoned R-1 District);
    b. East – Undeveloped land and a non-conforming single-family residential dwelling (zoned C-2 District);
    c. South – One non-conforming single-family residential dwelling (zoned C-2 District) along with two undeveloped lots and two single-family residential dwellings (zoned R-1 District); and
    d. West – Two single-family residential dwellings (zoned R-1 District).
2. The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as Local Commercial.

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 the maximum occupant load for the overnight emergency shelter shall not exceed 15 people.

Council Bluffs Permits and Inspections Division stated the following:

1. The warming center and emergency overnight shelter is classified as an R-1 occupancy classification, as per the 2015 International Building Code (IBC);

2. The maximum occupant load for the overnight emergency shelter shall not exceed 15 people and no cots and/or mats shall be located within 44" of the egress doors;
3. Emergency lighting shall be operational, and smoke and carbon monoxide detectors shall be installed with an audible alarm, and all fire extinguishers must be operational;
4. A "unisex" placard shall be installed on the bathroom door;
5. A maximum of 15 showers within a 24-hour period, with no more than five per hour, shall be allowed for the temporary shower set-up. This can be amended to allow a 6th shower per hour if the on-site management notices no flooding and/or back-up issues with the floor drain;
6. The facility shall maintain a minimum 68 degrees temperature;
7. Pre-heated food can be brought into the facility; and
8. The 2015 IBC prevents the locking of egress doors without special knowledge of unlocking in a transient use, so if the doors are locked there must be a note advising the exits are monitored by staff in person the entire time occupants are sleeping.

Council Bluffs Public Works Department stated they have no comments for this request.

Public notices were mailed to all property owners within 200 feet of the subject property. The following comments were received for this request:

1. Dr. Vicki Murrillo stated the Council Bluffs School District does not have any concerns regarding the proposed temporary warming center/emergency women's overnight shelter and that they understand the importance of providing these types of facilities for people in need.
2. Roger Frieze, 1702 Avenue H, Council Bluffs, Iowa, stated he is opposed to the temporary use permit request as it will increase transient traffic in the surrounding neighborhood.
3. Roger Staniford, 1603 Avenue I, Council Bluffs, Iowa, stated he is opposed to the temporary use permit request as it will increase transient traffic and subsequent litter in the surrounding neighborhood, as well as, potentially allow for people to sleep in cars outside of the facility.

Recommendation

The Community Development Department has identified potential alternatives for City Council action:

1. Approve the temporary use permit to allow a warming center and emergency overnight women's shelter as requested, subject to all the comments stated above, for a period of time starting January 14, 2022 and ending April 15, 2022, with the following conditions:
   a. The applicant shall maintain the property in a clean and orderly manner at all times for the duration of the temporary use permit;
   b. 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;
   c. City Council shall have the authority to revoke the temporary use permit at any time if the facility becomes unsafe, a public nuisance, and/or disrupts the surrounding neighborhood;
   d. Any extension of time for the temporary use permit shall be approved by City Council.
2. Find that the proposed warming center and emergency overnight women's shelter will be disruptive and incompatible with the surrounding area and deny the temporary use permit.

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

Prepared by: Christopher Gibbons, AICP, Planning Manager