RESOLUTION NO. 22-11

A RESOLUTION GRANTING APPROVAL OF A 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.

WHEREAS, New Visions Homeless Services (NVHS), represented by Brandy Waller, has applied 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); and

WHEREAS, 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; and

WHEREAS, 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; and

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

Council Bluffs Community Development Department stated the following:

A. 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:
    1. North – Gibbs Rentals (zoned C-2 District) and three single-family residential dwellings (zoned R-1 District);
    2. East – Undeveloped land and a non-conforming single-family residential dwelling (zoned C-2 District);
    3. 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
    4. West – Two single-family residential dwellings (zoned R-1 District).
B. 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:

A. No person(s) shall occupy the mezzanine and the door leading to said area shall be locked at all times;

B. Smoke and carbon monoxide detectors shall be installed and all fire extinguishers must be serviced and have a current tag;
C. All exit and emergency lighting shall be functional at all times; and
D. 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:

A. The warming center and emergency overnight shelter is classified as an R-1 occupancy classification, as per the 2015 International Building Code (IBC);
B. 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;
C. 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;
D. A "unisex" placard shall be installed on the bathroom door;
E. 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;
F. The facility shall maintain a minimum 68 degrees temperature;
G. Pre-heated food can be brought into the facility; and
H. 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.

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

A. 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.
B. 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.
C. 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; and

WHEREAS, The Community Development Department has identified an alternative for City Council action and if approved, suggests 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.

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

That the temporary use permit is hereby approved subject to the comments and conditions set forth above.

ADOPTED
AND
APPROVED: January 10, 2022.

_____
Matthew J. Walsh Mayor

ATTEST: _____
Jodi Quakenbush City Clerk