RESOLUTION NO. 23-07

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), represented by Brandy Waller, has applied for a temporary use permit to allow a 'warming center' 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; and

WHEREAS, The facility will be open 9:00 a.m. to 4:00 p.m. daily and will operate from January 10, 2023 to April 1, 2023; 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. 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:
   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.

C. On January 10, 2022, the Council Bluffs City Council approved Resolution No. 22-11, which authorized approval of a temporary use permit for New Visions Homeless Services to operate to operate an emergency shelter and warming center on the subject property from January 11, 2022 to April 15, 2022. The applicant abided by all conditions of the temporary use permit and 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.

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.

Council Bluffs Permits and Inspections Division stated they have no comments or objections for the temporary use permit request.
Council Bluffs Public Works Department stated they have no comments for the temporary use permit request.
Council Bluffs Police Department stated they have no objection to the temporary use permit request.

Public notices were mailed to all property owners within 200 feet of the subject property and to all public facilities (e.g., Council Bluffs School District and Charles E. Lakin Campus) located within close proximity of the subject property. No comments in opposition of the request were received.

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 10, 2023 through April 1, 2023 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.

**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 9, 2023.

_____
Matthew J. Walsh Mayor

ATTEST: _____
Jodi Quakenbush City Clerk