

Overnight Warming Location Refuses to Apply for Special Use Permit, Gets Cited by Edwardsville

by Sydney Sinks, News Reporter
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EDWARDSVILLE - The conflict between the Overnight Warming Location (OWL) and City of Edwardsville continues.

The OWL, located at First Baptist Church at 534 St. Louis Street in Edwardsville, provides a space for unhoused community members to eat dinner, shower, sleep and have breakfast on nights when the temperature is forecasted to drop below 20 degrees Fahrenheit. The City of Edwardsville has issued a citation requiring the church to submit a special use permit or pay \$750 for every night they remain open.

In a Facebook post that has over 400 comments and 1,000 shares, the OWL encouraged people to contact city officials to “speak and persist.” The OWL also shared their response to the City of Edwardsville’s request.

“While we affirm and support the City’s responsibility and authority to regulate the commercial activities of businesses, it does not extend to regulating the religious activities of churches,” Pastors Drew Patton and Lindsey Apple said in a letter to the City. “We respectfully decline the request to submit a Special Use Permit and have secured pro bono representation from Simmons Hanly Conroy should the matter go to court. The City is currently trying to force the church to lock its doors under penalty of \$750 fines per day when we’re in the brunt of winter, with several nights with negative temperatures, without a plan in place to care for its citizens. As leadership and community members, we request cooperation among City leadership, not threats of shutting down a solution that can save lives and meets an actual need in our community.”

The [City responded with a press release](#) that outlines their reasons why the church needs a special use permit to operate as an overnight warming location. The City said the permit will “ensur the safety of all involved” and that city officials “have been communicating for months with the organizers...to help them navigate zoning processes that would apply to many property uses in that zoning district, including an overnight warming facility.”

“City officials have made ongoing attempts since October to provide guidance on the applicable requirements and even hosted a meeting in early December between the overnight warming center organizers and concerned residents in the hopes of furthering understanding and communication,” the City continued. “The City is not asking anything of the overnight warming location organizers that would not be required for any property use that falls outside of Edwardsville’s zoning guidelines.”

The church is within the MU-1 Downtown Mixed Use zoning district. The City said a special use permit is needed for any facility with “uses that are not specifically included in this zoning district.”

If OWL organizers complete a special use permit request, they will be required to undergo a public hearing before the Zoning Board of Appeals, which also allows

community members to comment. The Zoning Board of Appeals would submit a recommendation to the City Council, and the Council would approve or deny the special use permit request.

The City said they “shared this guidance” with organizers on Oct. 26, 2023, and offered to waive the application fee if the request was submitted by Nov. 13, 2023. The City ultimately sent a citation to the church on Dec. 19, and the church and OWL organizers gave their response on Jan. 11, 2024, where they said they will not apply for a special use permit.

The OWL posted their letter to the City of Edwardsville on Facebook on Jan. 13, 2024. They said the City has “ordered” the church to appear in court on Thursday, Jan. 18, 2024. In their Facebook post and attached response to the City of Edwardsville, the church and OWL organizers reaffirmed their commitment to operating as an overnight warming location.

“The doors to First Baptist Church are open tonight because no one should have to flee Edwardsville at sundown,” the OWL said in their post.

Temperatures have been in the single digits this week, with a forecasted high of ten degrees and a low of zero degrees in Edwardsville on Jan. 15, 2024. There are [several daytime warming centers available in Edwardsville](#), and the City of Edwardsville added that they will keep the Public Safety Building open overnight as a warming location.

“During this period of extremely low temperatures, the City also will open the lobby of the Public Safety Building, 333 S. Main Street, for those who need overnight shelter from the cold,” the City said.