

into the record and provided a summary of the request. The Development Review Board recommends approval of the special use subject to the site plan and the following conditions and waivers:

1. Condition that vehicle access to the wireless telecommunication facility shall enter and exit the property from Sheridan Road only.
2. Condition that the color of the privacy fence, for the equipment facility enclosure, as shown on the site plan, is a close match to the color of the garage walls.
3. Waiver to eliminate the landscaping requirement for the perimeter of the facility, according to the site plan.
4. Waiver to allow vinyl fence material for the equipment facility enclosure.
5. Waiver to reduce the total number of commercial applications (carrier spaces) to three.

Ray Shinkle of Vertical Bridge Development LLC, the representative of the petitioner, explained the request and answered questions. Mr. Shinkle referred to slides attached hereto as Exhibit 1 (Petitioner's Slides).

Monica Hendrickson, Peoria City/County Public Health Administrator, requested approval of the request.

Chairperson Wiesehan opened the public hearing at approximately 2:38 PM. With no public testimony provided, Chairperson Wiesehan closed the public hearing at 2:40 PM.

Findings of facts were read by Commissioner Ghareeb at 2:41 PM.

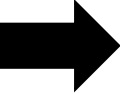
Motion:

Commissioner Heard made a motion to APPROVE the request with the noted Staff conditions and requested waivers; seconded by Commissioner Ghareeb:

The motion was approved unanimously by roll call vote 7 to 0.

Yeas: Barry, Ghareeb, Grantham, Heard, Martin, Unes, and Wiesehan – 7

Nays: None - 0



PZ 405-2021

Public Hearing and forward a recommendation to City Council on the request of Good Stay Properties, LLC on behalf of property owners John Wolter and Jantagorn Makswon to obtain a Special Use in a Class R-4 (Single Family Residential) District for a Short Term Rental, for the property located at 1030 N Elmwood Ave (Parcel Identification No. 18-05-328-021), Peoria IL (Council District 2)

Senior Urban Planner, Kerilyn Weick, Community Development Department, read Case No. PZ 405-2021 into the record and provided a summary of the request. Ms. Weick responded to questions regarding the difference between short term rental use and long term rental. The Development Review Board recommends approval of the special use subject to the parking plan and the following conditions:

1. Occupancy is limited to no more than five bedrooms and ten overnight guests.
2. The dwelling shall comply with the 2018 IRC Section R310 Emergency Escape and Rescue Openings.
3. Fire extinguishers shall be installed according to the 2018 International Fire Code Chapter 9, Section 906
4. Interconnected smoke detectors shall be installed according to the 2018 International Fire Code Chapter 9, Section 907
5. The owner shall comply with the residential property registration code of the City of Peoria.
6. The owner shall obtain and maintain a valid Hotel Motel license from the City of Peoria and the owner shall pay Hotel or Motel Room Rental Use or Privilege tax to the City of Peoria.
7. Additional dwelling units cannot be added to the single family dwelling.

John Wolter, petitioner summarized the request and answered questions.

Chairperson Wiesehan opened the public hearing at approximately 3:06 PM.

James Hinchee, President of the Uplands Residential Association, requested denial of the request, asked for more conditions, and answered questions.

Ms. Weick read the written comments from the following neighbors into the record and attached hereto:

Fulvio Zerla requested denial of the request.

Andrew Kelley & Jennifer Brady requested denial of the request.

Jana Shoun Hausam requested denial of the request.

Meg Tomlins requested denial of the request.

Mr. Wolter responded to public comments.

Chairperson Wiesehan closed the public hearing at 3:25 PM.

Joe Dulin, Assistant Community Development Director, discussed enforcement staffing levels, procedures and response timelines.

Findings of facts were read by Commissioner Ghareeb at 3:42 PM.

Motion:

Commissioner Martin made a motion to APPROVE the request with the noted Staff conditions; seconded by Commissioner Barry:

The motion was approved by roll call vote 5 to 2.

Yeas: Barry, Ghareeb, Heard, Martin, and Wiesehan – 5

Nays: Grantham, Unes - 2

PZ 415-2021

Public Hearing and forward a recommendation to City Council on the request of Dawn Wilkie of Honegger Sign Co. to amend Special Use Ordinance No. 13,105, as amended in a Class R-8 (Multi-Family Residential) District for Elderly Housing to add a 14 sq. ft., 5-foot tall entrance sign for the property located at 1201 W. Northmoor Road (Parcel Identification No. 14-17-251-007), and commonly known as Independence Village, Peoria, IL (Council District 4)

This case was withdrawn. No action was taken.

PZ 418-2021

Public Hearing and forward a recommendation to City Council on the request of Linda and Steven Fairbanks to obtain a Special Use in a Class R-4 (Single-Family Residential) District for a Short Term Rental, for the property located at 2319 N Prospect Road (Parcel Identification No. 14-34-329-014), Peoria IL (Council District 3)

Senior Urban Planner, Kerilyn Weick, Community Development Department, read Case No. PZ 418-2021 into the record and provided a summary of the request. The Development Review Board recommends approval of the special use subject to the parking plan and the following conditions:

1. Driveway surface must be repaired and maintained with an all-weather, durable and dustless surface.

Kerilyn Weick

From: Fulvio Zerla <zerlaproperties@mchsi.com>
Sent: Wednesday, July 28, 2021 9:34 AM
To: Kerilyn Weick
Subject: [External]RE: City of Peoria special use requests

From: Kerilyn Weick <kweick@peoriagov.org>
Sent: Monday, July 26, 2021 1:28 PM
To: zerlaproperties@mchsi.com
Subject: City of Peoria special use requests

If you have comments on any of the cases, you can submit them to me via email by 5pm this Wednesday.

Kerilyn Weick, Senior Urban Planner
City of Peoria
Cell 309.370.7130
Voicemail Only 309.494.8606

*For information on COVID-19, including updates, closures, and links to resources, please visit the website www.pcchd.org.
For information regarding the City of Peoria, please visit www.peoriagov.org. We thank you for your patience.*

We totally oppose approval of the case below about granting special use to operate short term rentals (air b&b) at 1030 N Elmwood Ave (Parcel Identification No. 18-05- 328-021), Peoria IL (Council District 2) .We own the property at 1206 N Elmwood and 1017 N University that would be very adversely effected by the special use. We recommend complete denial.

Best regards
Fulvio N. Zerla, member
Zerla Properties, LLC
309-286-7335
309-657-8725 mobile

CASE NO. PZ 405-2021 Hold a Public Hearing and forward a recommendation to City Council on the request of Good Stay Properties, LLC on behalf of property owners John Wolter and Jantagorn Maksuwon to obtain a Special Use in a Class R-4 (Single Family Residential) District for a Short Term Rental, for the property located at 1030 N Elmwood Ave (Parcel Identification No. 18-05- 328-021), Peoria IL (Council District 2)

Kerilyn Weick

From: Leah Allison
Sent: Wednesday, August 4, 2021 12:58 PM
To: Kerilyn Weick
Subject: Fw: [External]Public Comment for the August 5, 2021 Meeting PZ 405-2021

From: J.R. <jrhinch@gmail.com>
Sent: Wednesday, August 4, 2021 12:43 PM
To: Leah Allison <lallison@peoriagov.org>
Subject: [External]Public Comment for the August 5, 2021 Meeting PZ 405-2021

[I plan to attend virtually and should be able to read this aloud. It takes about 5:30 in length.]

Dear Commissioners,

My name is James Hinchee. I am a twenty-five-year resident of the Uplands, living at 1027 N Maplewood Ave. I am the President of the Uplands Residential Association, which includes 419 residences, of which approximately 28% are long term rental units.

I come before you today regarding PZ-405-2021 for the dwelling located 1030 N Elmwood.

This request for a Short-Term Rental Special Use should be denied. The governing ordinance as currently written insufficiently protects legacy neighborhoods such as those surrounding these properties.

I'd like to bring your attention to a few of these shortcomings, relevant to this request and forming the primary basis for our request to vote no:

I) Occupancy. All residential zoning is limited to no more than three unrelated adults. When a special use for short term rentals is granted, the property falls to a different standard that is far too generous for residential areas, introducing a negative dynamic for which the neighbors have no recourse. **The proposed ten-person occupancy is far beyond what is allowed for long term residential occupancy. It is unacceptable.**

II) Parking. Some neighborhood residents are wholly dependent on street parking as they have no dedicated driveway or garage. Each guest in a short-term rental can potentially bring a vehicle. There is no requirement under the ordinance to provide off street parking, and even

if it were provided, there is no way to ensure guests choose to use it. Residential neighbors will be impacted and have little recourse if the situation gets out of hand.

III) Durability of Special Use Permits. Once granted, Special Use Permits are very difficult to repeal, especially as they are associated with the property, not the owner. It takes two years for a special use to lapse. It only takes one day of use, or a good faith effort to let out a room, in that timeframe, to reset the clock. Two years is an unacceptably long time to perpetuate a special use in a residential neighborhood. The ability to transfer the special use from one owner to the next creates perpetual state for the property that is incompatible with a single-family residential neighborhood.

IV) Enforcement. City staff work hard and do their best but there simply are not enough people and resources to address issues. The neighbors of these establishments will be left with the burden of being constantly vigilant and having to pursue enforcement with police and other authorities when there are issues.

We have precedent in our neighborhood from which these concerns arise. From 2017 to 2019, the house at 1210 N Parkside operated ILLEGALLY as a short-term rental. Many problems arose during this time. Many complaints were filed again and again and again. The response from the city was a failure. Nothing shut it down until the owner's untimely demise. Nearly all the residents on that street are firmly opposed to these applications today. That same owner operated the house at 1030 N Elmwood, which has operated illegally as a short-term rental and had its own complaint history since 2017.

V) The erosion of social cohesion. A number of older residents have expressed their great discomfort with the parade of transient guests that has been occurring with these operations. For these residents knowing who your neighbors are, knowing they will be there tomorrow and the next day, is critical to their sense of security and wellbeing. Looking out for your neighbor is fundamental to the foundation of a stable residential neighborhoods, especially in the city's urban core

VI) It has been the position of the Uplands Residential Association dating back to at least 1996, that we will oppose commercial encroachment into the Uplands. This is a key reason why I am here today. In 1996 we filed a neighborhood plan with the City, that was then incorporated in the City's master plan, that expressed this position. This position has been reinforced repeatedly over the intervening years. These special use requests to operate a short-term rental business, within the residential neighborhood, is a commercial encroachment. This is not compatible with our vision of single-family residential neighborhood.

An offer:

It has been expressed by many dozens to whom I have spoken, and received comments from, in our neighborhood, that if this commission should choose to proceed with approval, that at a minimum the following additional three conditions need to be applied to help mitigate some of the shortcomings of the current Short Term Rental ordinance:

1) That occupancy be limited to four persons or less per dwelling. The ten-person limit proposed by 1030 N Elmwood is excessive and not at all compatible with the surrounding densely populated residential neighborhood. We ask that this be reduced to 4 persons.

2) That off street parking be required; with a minimum of two spaces per dwelling. [With ten persons it is hard to imagine how parking could ever be accommodated in a satisfactory manner. This block of Elmwood during the school year, is regularly full of vehicles. Without an occupancy limit, the parking situation is simply unacceptable. The proposal provides for some parking but not enough to reflect the occupancy limit they ask for but would be in line with a 4-person occupancy limit.](#)

3) That the Special Use will be restricted in its transferability, with a built-in sunset provision. Should the owner of the property change, or the owner of the business holding the property change, that the Special Use would automatically lapse. There is precedent for this - Bradley Epworth Church has such a limit on 1215 N University. [Out of consistency with the other Special Use requests and the points made above, we insist on this limitation.](#)

In Conclusion

Many in our neighborhood have voiced their firm opposition to the granting of this Special Use. We do not believe a short-term rental business is an appropriate use within our legacy residential neighborhoods which lack the protections of covenants and other measures available to newer neighborhoods. We respectfully request that if, despite our opposition, this Special Use is granted, that the three conditions we proposed be applied to help mitigate the impact.

Thank you.

Kerilyn Weick

From: Leah Allison
Sent: Wednesday, August 4, 2021 5:54 PM
To: Kerilyn Weick
Subject: Fwd: [External]Public Comment for the August 5, 2021 Meeting" (about 1030 N. Elmwood from 1024 N. Elmwood Ave.[Jennifer Brady/Andrew Kelley])

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From: andy .kelley <andy.k.kelley@gmail.com>
Sent: Wednesday, August 4, 2021 4:55:17 PM
To: Leah Allison <lallison@peoriagov.org>
Cc: Andrew Kelley <andy.k.kelley@gmail.com>; Jennifer Brady <jenbradykelley@gmail.com>
Subject: [External]Public Comment for the August 5, 2021 Meeting" (about 1030 N. Elmwood from 1024 N. Elmwood Ave.[Jennifer Brady/Andrew Kelley])

4 August 2021

To: Leah Allison
From: Andrew Kelley/Jennifer Brady, Owners, 1024 N. Elmwood Ave.
Re: Application for Special Use Permit to Good Stay Properties LLC (owners of 1030 N. Elmwood Ave.)

Dear Ms. Allison:

We have lived at our current address (1024 N. Elmwood Ave.) for 22 years. We would like to make a comment concerning a possible zoning change to the property at 1030 N. Elmwood Ave., (Parcel ID #: 18-05-328-021). The company owning the property is Good Stay Properties LLC (John Wolter/Jantagorn Maksuwon). My wife and I are **against a special use permit for this property** largely because the special use permit would pass on to anyone else who purchased the property in the future. We are two doors down from this property. The owners have never come and talked with us about the special use permit, let alone even simply to say "hello." If the permit were that important to them, it seems as if they could have even come to talk with us. **Again, we vote "no" on this special use permit.**

Sincerely,
Andrew Kelley & Jennifer Brady, 1024 N. Elmwood Ave

Kerilyn Weick

From: Leah Allison
Sent: Wednesday, August 4, 2021 5:55 PM
To: Kerilyn Weick
Subject: Fwd: [External]Public Comment for the August 5, 2021 Meeting

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From: jana.hausam@campusoutreach.org <jana.hausam@campusoutreach.org>
Sent: Wednesday, August 4, 2021 3:53:27 PM
To: Leah Allison <lallison@peoriagov.org>
Subject: [External]Public Comment for the August 5, 2021 Meeting

I am writing to express my opposition to granting the special use request for short term rental for CASE NO. PZ [379-2021](#) & CASE NO. PZ [405-2021](#). As a resident near both of these properties I believe that short term rentals (& non owner occupied rentals in general) have a negative impact on the neighborhood. I moved to the Uplands for the small town neighborhood feel it provides in a larger city. These rentals disrupt that community. In addition while these properties are well maintained currently I fear that if they are sold future owners would not be so conscientious and they would begin to resemble many of the long term rentals. In addition with this type of rental while occupancy limits are listed having no one onsite makes it hard to ensure those are being followed which can create noise and safety concerns for surrounding dwellings. A friend of mine who was operating this type of rental nearby had guests who smoked on the back porch then left to go to downtown Peoria. The ashtray they left on the porch ended up catching the deck on fire. Thankfully the porch is on a lake so a neighbor saw it and reported it so the entire house did not burn. While I understand an owner could have something similar happen I think there is a level of care one uses in their own home that is not present when in a rental. Lastly, I have concern about the precedent this type of special use sets and what it could lead to with 'halfway house' type situations, etc.

Thank you for your time & consideration!

Jana Shoun Hausam
1202 N Maplewood Ave

Sent from my iPhone

Kerilyn Weick

From: Leah Allison
Sent: Wednesday, August 4, 2021 5:54 PM
To: Kerilyn Weick
Subject: Fwd: [External]Public Comment for the August 5, 2021 Meeting

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From: Margaret Tomlins <margarettomlins@gmail.com>
Sent: Wednesday, August 4, 2021 4:49:03 PM
To: Leah Allison <lallison@peoriagov.org>
Subject: [External]Public Comment for the August 5, 2021 Meeting

Dear Ms. Allison,

Please accept this public comment for the meeting, and have it read into the record. I am a resident of the Uplands neighborhood.

Thank you!

Thank you to the Committee and the Peoria City Council for accepting this comment.

My name is Meg Tomlins, and I am a resident of the Uplands neighborhood near Bradley University. My husband and I moved into the city, specifically to this neighborhood, for its look and feel and the friendliness of the people. Our comments today relate to the pending applications for short-term rental permits.

We understand the city staff supports the three application requests pending today, as they are in line with the language of the code passed by the Council in Spring 2021. However, for several reasons, we feel these permits should be denied.

The language in the code enables a short-term rental permit holder to pass that permit on to a new property owner without requiring reapplication for the permit by the new owner. The majority of Uplanders who responded to a recent neighborhood poll do not support this permit transferability.

Additionally, the code requires that a home be inspected prior to the granting of the permit. As we have learned, the city is not staffed to accommodate such inspections, and has created a sort of "self-inspection" to be completed by the permit applicant themselves. This does not seem to align with the intent of the code, ensuring that a property be suitable for a permit, nor would it reveal any structural or safety concern prior the granting of the permit. Once the permit is granted, it seems nearly impossible to lose the permit-holder. Trusting a self-interested party to inspect a property in their interest to certify worthy of a permit seems foolhardy.

The code language neglected to include any expectation that a short-term rental permit holder or non-resident owner maintain or improve a property in any way. While it is in their financial interest to do so, there is absolutely NO language to require this, or risk losing the permit. As residents in the neighborhood, we have seen that several of the properties recently acquired for short-term rentals are lacking maintenance and structural integrity-- some have damaged garages, completely missing garages, broken doors, and one has a shifting front porch. Nothing about granting a permit to these applicants would rectify these circumstances or improve the properties.

Given that renting a property on a short-term basis for \$90+/night would secure a sizable income for a permit holder with even 50% occupancy in a month, surely the tax dollars collected by the city for such *do not warrant superseding the*

neighborhood quality of our residential experience. Short-term rentals would likely be far more lucrative than traditional rentals, and the Uplands already has quite a few traditional rentals. Nothing would stop the rapid conversion of these traditional rentals to short-term rentals-- and we could be over-run by converted residential properties by visitors who eschew traditional hotels. The code does not limit the number of short-term rental permits granted in a geographic location.

Our last point is regarding oversight: a short-term rental has been operating on Glenwood Ave. in the Uplands neighborhood by a non-resident owner from Colorado *without any permits since November 2020* (per its reviews on [airbnb.com](https://www.airbnb.com)).

That is over 8 months of a former family residence being used as a defacto hotel, in our residential neighborhood, which is not zoned for additional traffic flow, parking or proper visitor safety (per inspections). Commercial properties *are* required to have proper zoning, which requires adequate road/parking access, and do undergo in-person business inspections by the Peoria Fire Department. If the city is not equipped to handle inspections, oversight and proper permitting of short-term rentals in a program that started in Spring 2021, how could it possibly handle the swell in applications and new short-term rentals which may explode in neighborhoods throughout the city, largely unwilling to embrace them?

We respectfully ask that the Committee deny every short-term rental application until the matters outlined above can be re-addressed by the Council. We hope that the Council sees that residents may be far less supportive of a code that grants non-resident short-term rentals for the reasons we have given, and revises the code significantly to ensure the neighborhood integrity of our city's neighborhoods.

Thank you very much,
Meg Tomlins
1203 Glenwood Ave.
Peoria, IL 61606

My name is Sondra McEnroe

I own and reside at 1207 N. Glenwood
I am a resident in this same house for
over 43 years. My husband and I raised
our family in this home and now my
grandchildren enjoy visiting and playing
here.

My concern is that short term rental
houses drastically change the dynamics
of the neighborhood

There has been a long time history
of encouraging home ownership by
families in this area. We also know
that this generally means better main-
tenance of properties.

We have a strong, vibrant neighborhood
with an active Neighborhood Association
which deals with current and long
term issues. This includes annual picnic
Easter egg hunt, Mom's get-together
group snow removal program for
clearing our sidewalks, speed control
efforts in conjunction with the city of
Peoria, beautification of the boulevard
spaces with trees + flowers, annual
dumpster day placement, garage sale
and even wreaths on our light poles @

Christmas time. These events occur through coordination and cooperation of neighbors.

This has been a safe, sociable and enjoyable place for children to play in and grow. We have excellent sidewalks which encourage walking and other activities as drawing of sidewalk chalk.

My concern is that our neighborhood can't be changing from what we have now, where people sit on their front porches, gather, talk with each other and use the park.

One realtor just sent a postcard to the Upland residents listing seven homes which she alone had sold in the ^{our} area. How many of the buyers were families? how many were investors for short term rentals? Homes in the Uplands are priced in a range which families can afford to buy and become home owners which means they will be more likely to maintain than renters, and become active in upland events + issues.

We have excellent schools in our ~~area~~ within walking distance both public

and parochial as well as Bradley University which will not be supported by out of neighborhood people. There are shopping and restaurants along Main Street.

Several years ago Bradley U attempted to rezone and buy all of the houses along Main Street and tear them out for additional parking. As a historic, over 100 year old neighborhood we challenged and won. BU built a parking deck on campus which was a better solution anyway.

The homes are still occupied even if often rented to students.

We know this is a desirable location because of its proximity to BU, the hospital and even downtown. Allowing short-term rentals changes the dynamics, those buying can afford to outbid families who wish to live here.

I have one of these "short terms" next door to me. I understand the advantage to the owner since one of my relatives owns two houses for such use in nearby towns. Also when the next door house was purchased I was told that father who lives several states away bought it. Since then the son who lives in the Uplands stated

that his father own over 20 houses. for this purpose. Another house across the street seems to be a like "short-term. Sometimes vacant - sometimes out of state licensed cars - lights on - no lights!

Who will regulate this change to living next to "hotels"? People in them don't usually interact or even greet the neighbors. Hotels are located in like areas and have to collect taxes which defray some of the cities expenses. We have more vacancies in hotels changed neighborhoods which are not zoned for "hotels".

I do not support allowing this use to become acceptable even if regulated. We are zoned residential. I intend to stay in my home, which is a one family residence and participate in this almost unique historic neighborhood. While I know some will maintain the properties - others like my relatives have 3-4 units in one house eventually to increase their profit because it is after all a business enterprise no matter how it is regulated and owners often will live far away in neigh-

#5

neighborhoods which are not so affected.

This is not a personal decision opposing any particular party but rather concern about the issue of the total transformation of a beautiful family owned type of neighborhood. Young couples even move back here because they value the memories of being in the Uplands as children.

Please consider this plea as you look at rezoning or zoning options.

I regret that this could not have been an open forum - thank you for considering my objections.

The 2 properties don't even include the many other which are already I believe are in use —