

 **PZ 630-2021**

Hold a Public Hearing and forward a recommendation to City Council on the request of Chris Gezzer to obtain a Special Use in a Class R-4 (Single-Family Residential) District for a Short Term Rental, for the property located at 303 W Columbia Terrace (Parcel Identification No. 18-04-181-019), Peoria IL (Council District 2)

Senior Urban Planner, Kerilyn Weick, Community Development Department, read the case into the record and summarized the request.

The Development Review Board recommends approval of the request for a short term rental with the following waiver and conditions:

1. Waiver to increase the cap on special use short term rentals in the Randolph Roanoke Neighborhood Association to 4% or one (1) total.
2. Fire extinguishers shall be installed according to the 2018 International Fire Code Chapter 9, Section 906.
3. Interconnected smoke alarms shall be installed according to the 2018 International Fire Code Chapter 9, Section 907.
4. Carbon monoxide detector shall be installed according to the 2018 International Fire Code Chapter 9, Section 915.
5. Occupancy of the short term rental shall not exceed six (6) total guests.
6. Additional dwelling units cannot be added to the single family dwelling.
7. The owner shall obtain and maintain a valid Short Term Rental license from the City of Peoria and the owner shall pay Room Rental Use or Privilege tax to the City of Peoria.
8. An approved Special Use is valid for the Applicant only as identified on the special use application submitted to the Planning & Zoning Commission. An approved Special Use shall become null and void upon any change in ownership of the property which results in the removal of all prior applicants. Such change in ownership of the property will require a new special use application and approval.

Chairperson Wiesehan asked for clarification regarding the requested waiver. The city council directed that no more than 3% of homes in a neighborhood district can be short-term rentals. Based on this percentage there should be 0 allowed in Randolph-Roanoke neighborhood district.

Senior Urban Planner Weick stated that part of the applicant's request is the waiver, Community Development Department considered this request to increase the cap to allow for one short-term rental in the Randolph-Roanoke neighborhood district.

Commissioner Unes asked if this would set a precedent to continue to increase the allowance.

Chairperson Wiesehan stated if there is any neighborhood district that is so small that a 3% cap will not allow for any, we will have a waiver request to allow for just one. City Council put a 3% cap on every neighborhood district for a reason.

Community Development Director Dulin stated if someone wants a waiver for something established by council they can ask, council will evaluate on a case by case basis and will determine if they will allow these waivers or not.

Commissioner Barry stated he would encourage the City to consider a text amendment down the road to satisfy concerns over setting precedent.

Chris Gezzer, applicant and property owner stated he has done a lot of work on the property and has helped neighbors try to clean up the area. Mr. Gezzer stated they cut down the number of bedrooms from 6 to 4 to minimize the number of guests to try to make up for the  $\frac{3}{4}$  short-term rental allowed in the neighborhood district.

Chairperson Wiesehan opened the public hearing at 2:05 PM.

Brian Mooty, Kavanagh Law Firm, stated the issue of 3% allowance will create a precedent. City staff and reviewers do not have authority to grant the waiver, it must go to City Council.

There being no further public testimony, Chairperson Wiesehan closed the Public Hearing 2:09 PM.

Discussion on the Findings of Fact was held.

**Motion:**

Commissioner Ghareeb made a motion to approve; seconded by Commissioner Martin.

Commissioner Barry stated he will not be supporting this motion. Commissioner Barry believes the intent of the percentage was to be appropriate to the neighborhood, the language to the ordinance should say 3% or a minimum of 1.

Chairperson Wiesehan stated he will not be supporting this, the direction needs to come from City Council.

Commissioner Heard, stated he agrees with Wiesehan and Barry, it comes down to language the City put in place.

Commissioner Unes stated he would agree with consensus of committee and will not support the motion.

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

Yes: Martin, Ghareeb - 2

Nay: Grantham, Barry, Wiesehan, Heard, Unes - 5

**PZ 641-2021**

Hold a Public Hearing and forward a recommendation to City Council on the request of Kristin Otto, on behalf of Anthony Bleull, to obtain a Special Use in a Class R-4 (Single-Family Residential) District for a Short Term Rental, for the property located at 308 W Maywood Avenue (Parcel Identification No. 14-33-128-002), Peoria IL (Council District 2)

Senior Urban Planner, Kerilyn Weick, Community Development Department, read the case into the record and summarized the request.

The Development Review Board recommends approval of the request for a short term rental with the following waiver and conditions:

1. Waiver to permit a 4 foot tall, wrought iron style fence in the front yard. Said waiver applies only to the existing location and length of the fence as identified on the site plan.
2. Waiver to permit a 3 foot tall chain link fence in the front yard. Said waiver applies only to the existing location and length of the fence as identified on the site plan.
3. Repair the broken and bent sections of the chain link fence.
4. Fire extinguishers shall be installed according to the 2018 International Fire Code Chapter 9, Section 906.
5. Interconnected smoke alarms shall be installed according to the 2018 International Fire Code Chapter 9, Section 907.
6. Carbon monoxide detector shall be installed according to the 2018 International Fire Code Chapter 9, Section 915.
7. Additional dwelling units cannot be added to the single family dwelling.
8. Occupancy of the short term rental shall not exceed the standards set forth in the Building and Fire Code of two (2) total persons.
9. The owner shall obtain and maintain a valid Short Term Rental license from the City of Peoria and the owner shall pay Room Rental Use or Privilege tax to the City of Peoria.