



PLANNING & ZONING COMMISSION

TO: City of Peoria Planning & Zoning Commission
FROM: Development Review Board (prepared by Kerilyn Weick)
DATE: January 6, 2022
CASE NO: PZ 642-2021

REQUEST: Hold a Public Hearing and forward a recommendation to City Council on the request of Bill Kwon and the Bill Kwon Trust #8322-BK Dated 11-6-2008, to obtain a Special Use in a Class R-2 (Single-Family Residential) District for a Short Term Rental, for the property located at 5918 N Elm Lane (Parcel Identification Nos. 14-16-426-007 and 14-16-426-012), Peoria IL (Council District 3)

SUMMARY OF PROPOSAL & REQUESTED WAIVERS

The applicant is requesting to obtain a Special Use for a short term rental at 5918 N Elm Lane in an existing single family dwelling with four bedrooms. The intended use is to rent the whole house to guests for a period less than 30 consecutive days. Such use is considered a short term rental and requires special use approval.

The proposal is further described as follows:

Development Item	Applicant Proposal	Applicant Waiver Request & Justification	DRB Comment
Use	Whole house short term rental.	None	Additional dwelling units cannot be added to the single family dwelling. The use and property must comply with the Code of the City of Peoria or codes adopted by reference. This includes, but is not limited to property maintenance, building and fire, public nuisance, noise, and alcoholic beverages.
Building & Life Safety	Up to 6 adult guests in the short term rental. The house has four bedrooms.	N/A	Condition that the use may not exceed the 2018 IRC Residential Group R-3 occupancy of 10 persons. Condition to install fire extinguishers, interconnected smoke alarms, and carbon monoxide detectors.
Parking	Parking is provided on the paved driveway.	None	Parking plan identifies two legal off-street parking spaces. The paved driveway could accommodate additional vehicles, however, these spaces would not be independently maneuverable or would be in the front yard.
Fencing	No change to the existing front yard fence.	Waiver to allow a 4 foot tall fence in the front yard.	Existing wrought iron and brick fence exceeds the 3 foot maximum height for a fence in the front yard.
Neighborhood 3% Cap on the Number of Special Use Short Term Rentals	The property is not in a defined neighborhood association.	None	The 3% cap allows up to 3 special use Short Term Rentals within a 0.25 mile radius of the subject property.

Development Item	Applicant Proposal	Applicant Waiver Request & Justification	DRB Comment
Response by Homeowner's Association (if any)	The property is not a member of a Homeowner's Association.	None	Viewpoint Subdivision Homeowner's Association includes properties adjacent to the subject property in the Viewpoint and Viewpoint Extended subdivisions. The HOA recorded covenants on December 13, 2021. The covenants include a restriction prohibiting short term rentals. The subject property is not a member of the HOA. The covenant does not apply to the subject property.
License	Obtain yearly Short Term Rental License and remit the Room Rental Use or Privilege tax to the City of Peoria.	N/A	Compliance is a condition of maintaining the special use. A special use for a Short Term Rental is only valid for the applicant and does not transfer with the property.

BACKGROUND

Property Characteristics

The subject property consists of two parcels in Viewpoint Subdivision. The main parcel, with address 5918 N Elm Lane is 0.85 acres and is currently developed with a single family dwelling and attached garage. The second parcel is a 0.69 acre outlot of the subdivision and is not developed. The property fronts N Elm Lane. Prior to application, the property had been operating as a short term rental without a license. The property is in the Class R-2 (Single-Family Residential) District. Surrounding zoning is Class R-2 (Single-Family Residential). Surrounding land use is residential.

History

Zoning class has consistently been low density residential.

Date	Zoning
1931 - 1958	Not in City Limits
1958 - 1963	Not in City Limits
1963 - 1990	R1 (Low-Density Residential)
1990 - Present	R2 (Single-Family Residential)

DEVELOPMENT REVIEW BOARD ANALYSIS

The DRB examines each application against the appropriate standards found in the Code of the City of Peoria and/or in case law.

Standard	Standard Met per DRB Review	DRB Condition Request & Justification
No detriment to public health, safety, or general welfare	Yes	Condition to install fire extinguishers, smoke alarms, carbon monoxide detectors.
No injury to other property nor diminishment to property values	Yes	None
No impediment to orderly development	Yes	None
Provides adequate facilities	Yes	None
Ingress/Egress measures designed to minimize traffic congestion	Yes	None

Standard	Standard Met per DRB Review	DRB Condition Request & Justification
If a public use/service, then a public benefit	NA	NA
Conforms to all district regulations	No	Waiver from the maximum front yard fence height.
Comprehensive Plan Critical Success Factors	Reinvest in Neighborhoods	Reinvest in the existing dwelling.
City Council Strategic Plan Goals	Attractive Neighborhoods with Character; Safe and Livable	Reinvest in the existing dwelling.

DEVELOPMENT REVIEW BOARD RECOMMENDATION

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

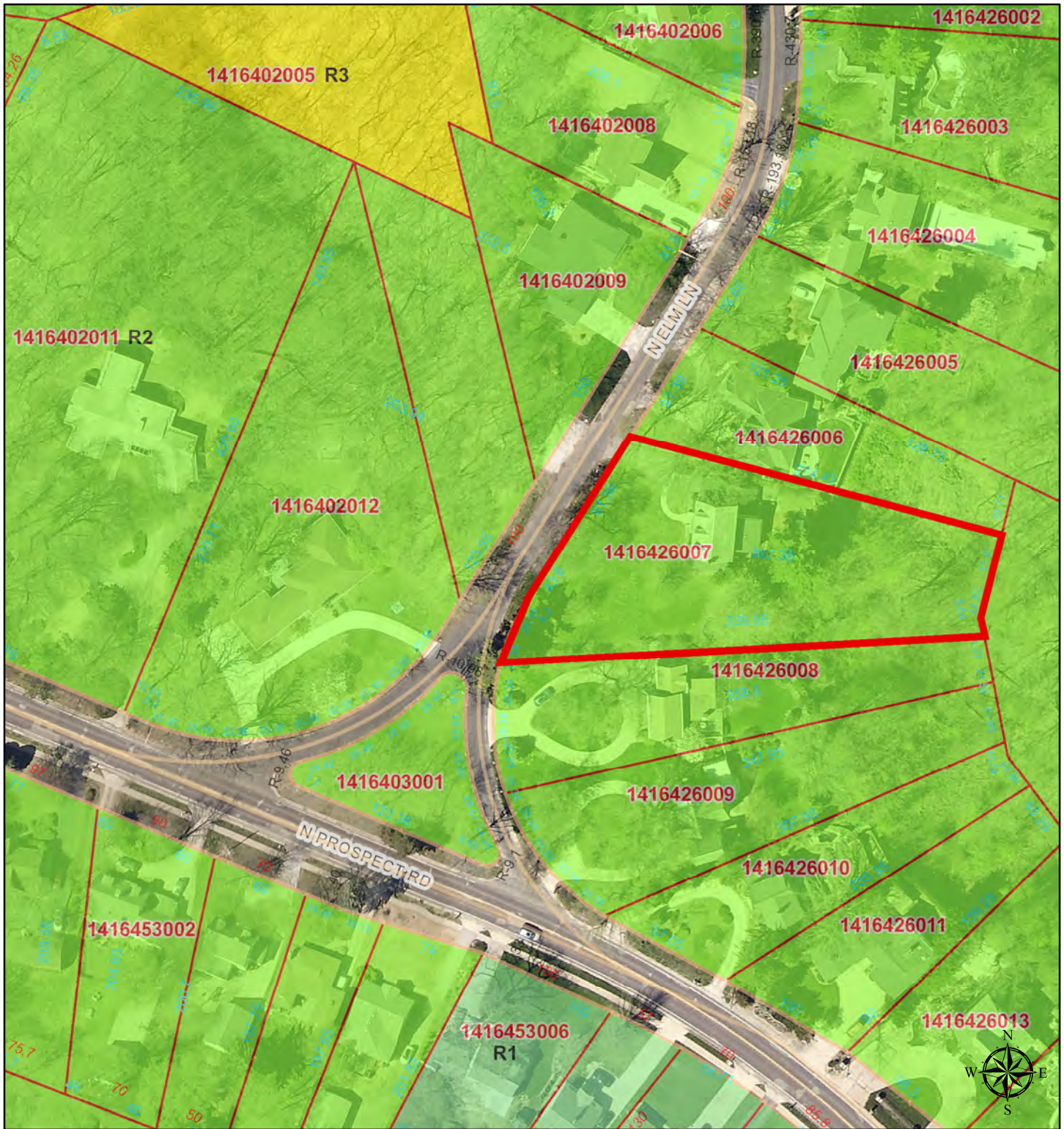
1. Waiver to permit a 4 foot tall wrought iron and brick fence in the front yard. Said waiver applies only to the existing location and length of the fence as identified on the site plan.
2. Fire extinguishers shall be installed according to the 2018 International Fire Code Chapter 9, Section 906.
3. 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. Additional dwelling units cannot be added to the single family dwelling.
6. Occupancy of the short term rental shall not exceed the standards set forth in the Building and Fire Code of ten (10) total persons. Of the maximum occupancy allowed, no more than six adult guests may stay in the dwelling unit at any given time.
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.

NOTE: If a City Code Requirement is not listed as a waiver, then it is a required component of the development. The applicant is responsible for meeting all applicable code requirements through all phases of the development.

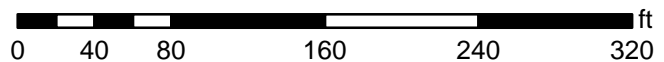
ATTACHMENTS

1. Surrounding Zoning
2. Aerial Image
3. Applicant’s Description of the Use
4. Site Plan
5. Photos – Existing Conditions

5918 N Elm Ln - 2019 Aerial + Zoning



1 inch = 100 feet

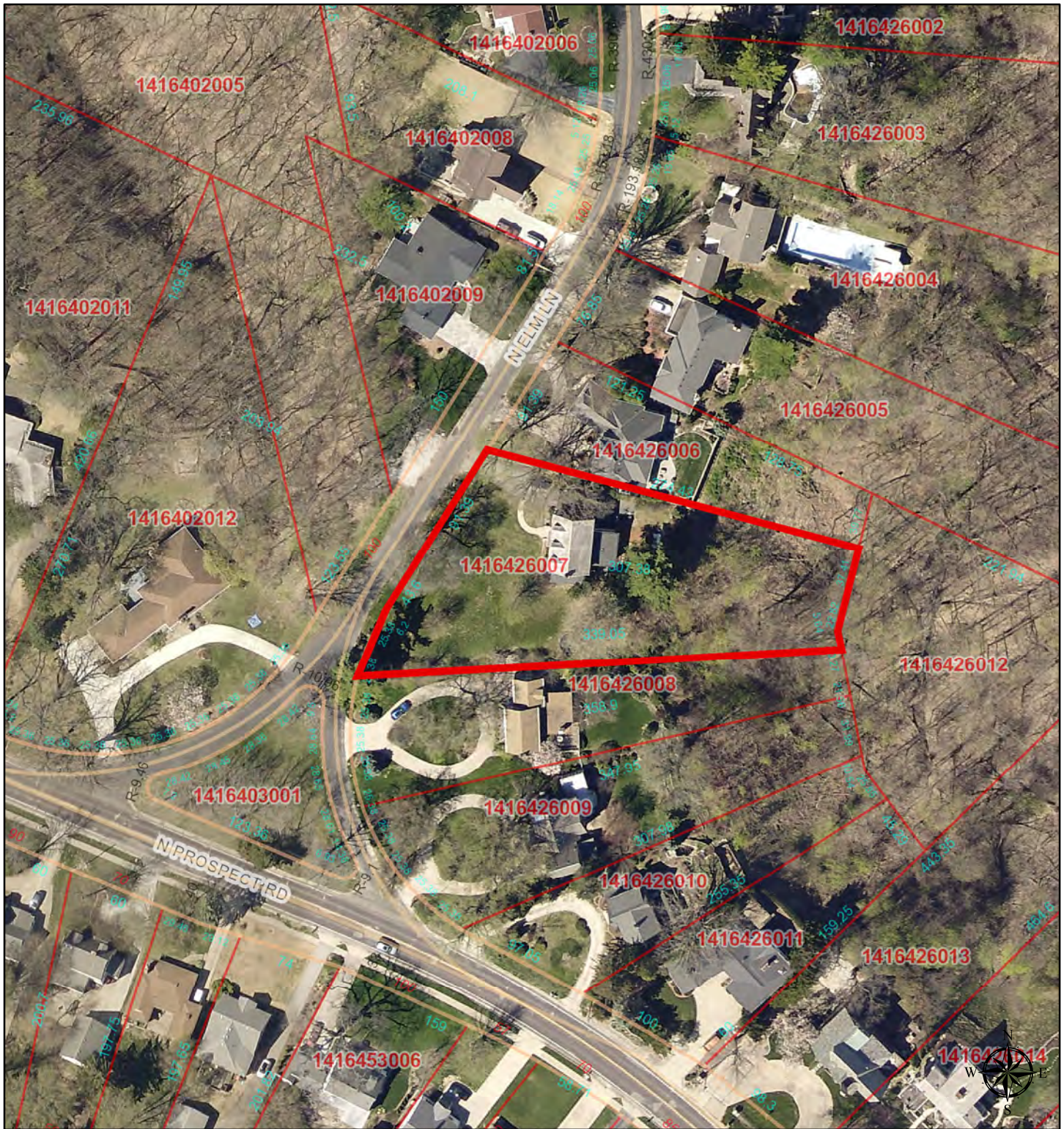


Disclaimer: Data is provided 'as is' without warranty or any representation of accuracy, timeliness or completeness. The burden for determining fitness for, or the appropriateness for use, rests solely on the requester. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is in a constant state of maintenance. This website is NOT intended to be used for legal litigation or boundary disputes and is informational only. -Peoria County GIS Division

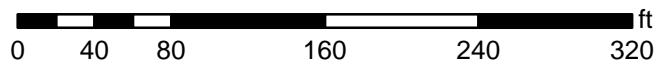
Peoria County, IL
Peoria County, IL, HERE, USGS



5918 N Elm Ln - 2019 Aerial



1 inch = 100 feet



Disclaimer: Data is provided 'as is' without warranty or any representation of accuracy, timeliness or completeness. The burden for determining fitness for, or the appropriateness for use, rests solely on the requester. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is in a constant state of maintenance. This website is NOT intended to be used for legal litigation or boundary disputes and is informational only. -Peoria County GIS Division

Peoria County, IL
Peoria County, IL, HERE, USGS



5918 N Elm Lane

We will have a limit of 6 adult guests for the short term rental. there are 4 bedrooms, and their sizes:

Master Bedroom Dimensions: 13.1' x 20.4', Bedroom 2 Dimensions: 11.0' x 13.2', Bedroom 3 Dimensions: 11.0' x 13.2', Bedroom 4 Dimensions: 13.9' x 19.4'

We will promote through websites like Airbnb, VRBO, etc.

My wife, Cathy Kwon, a realtor locally, runs the property Day to Day.

Check in will be 3pm and checkout will be 10AM

We will have a 3 day minimum to attract serious and renters that will appreciate and respect the home and the neighborhood.

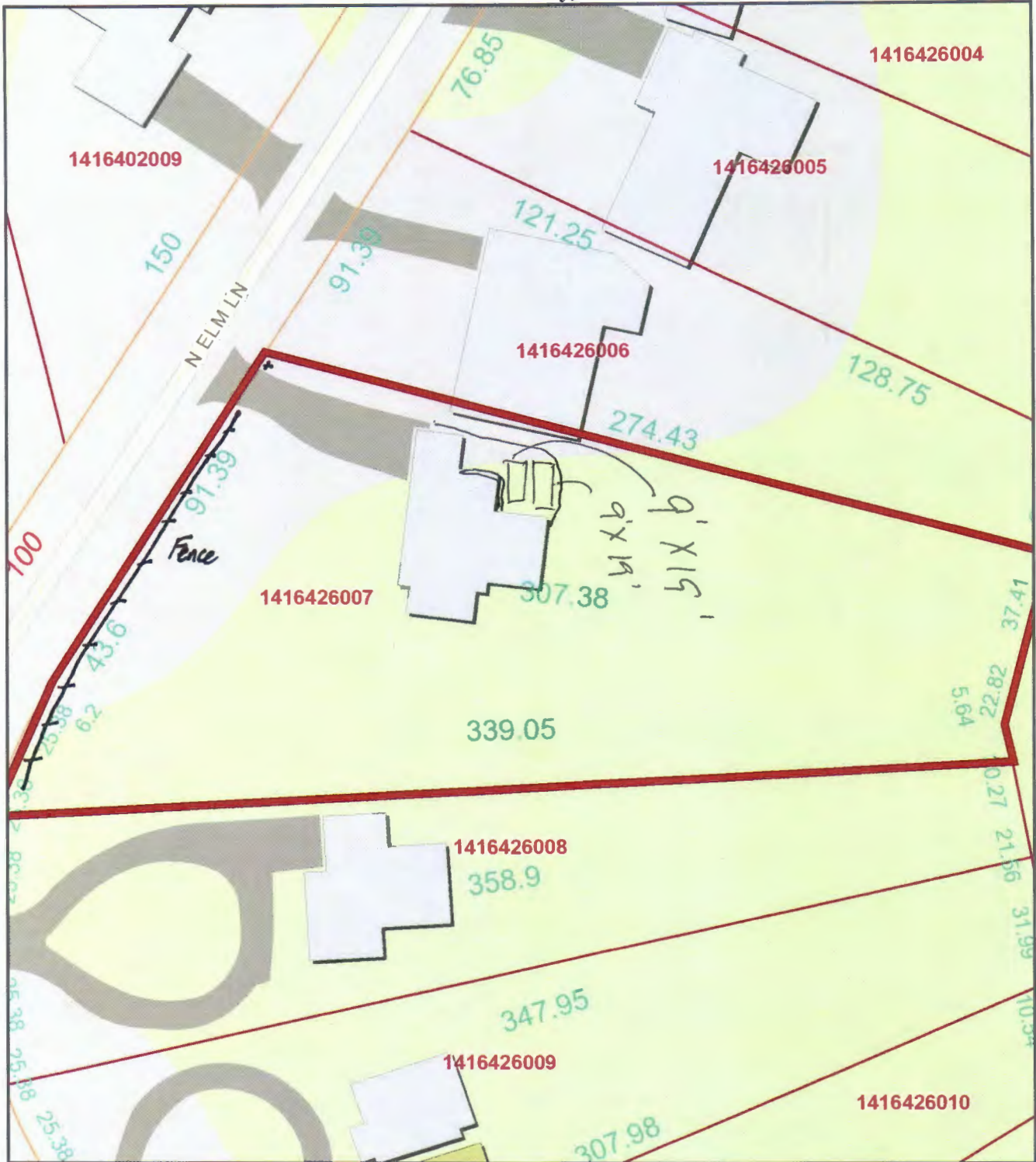
There are no events, no smoking and no pets allowed on the property and quiet hours are at 10pm - 8 am.

There is room for up to 6 cars for parking, but we will limit it to 4 cars maximum per guest stay.

Finally,

This is a beautiful home and we want to provide a great place for visitors such as former Peoria residents coming back to visit family, Physicians who are providing healthcare at our local hospitals and clinics , professionals who can experience the comforts of home while traveling , and finally potential Peoria residents to have a positive experience staying in a safe, clean and comfortable home in Peoria, IL looking to find their own piece of happiness!

Peoria County, IL



Disclaimer: Data is provided 'as is' without warranty or any representation of accuracy, timeliness or completeness. The burden for determining fitness for, or the appropriateness for use, rests solely on the requester. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is in a constant state of maintenance. This website is NOT intended to be used for legal litigation or boundary disputes and is informational only. -Peoria County GIS Division

Map Scale
1 inch = 50 feet
 12/17/2021



2 cars can be Parked





