



PLANNING & ZONING COMMISSION

TO: City of Peoria Planning & Zoning Commission
FROM: Development Review Board (prepared by Kerilyn Weick)
DATE: March 3, 2022
CASE NO: PZ 730-2022

REQUEST: Hold a Public Hearing and forward a recommendation to City Council on the request of Branden Martin to obtain a Special Use in a Class R-1 (Single-Family Residential) District for a Short Term Rental, for the property located at 5628 N Knoxville Avenue (Parcel Identification No. 14-16-451-015), 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 5628 N Knoxville Ave in an existing single family dwelling with three 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 applicant owns and resides at the adjacent property to the south.

The proposal is further described as follows:

Development Item	Applicant Proposal	Applicant Waiver Request & Justification	DRB Comment
Use	Whole house short term rental. The dwelling has three bedrooms.	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 guests in the short term rental. The dwelling has three bedrooms.	N/A	Condition that the use may not exceed the 2018 IRC Residential Group R-3 occupancy of 10 persons and the performance standard of no more than 6 adults. Condition to install fire extinguishers, interconnected smoke alarms, and carbon monoxide detectors.
Parking	Off-street parking in the two-stall attached garage. Driveway surface is gravel.	Waiver from Section 8.1.7 to allow continuance of the gravel driveway surface.	Parking plan shows two legal parking spaces in the attached garage. Staff does not support the waiver request. Recommend a condition that the gravel driveway shall be replaced with an all-weather, durable, and dustless surface such as concrete or asphalt.
Neighborhood 3% Cap on the Number of Special Use Short Term Rentals	The property is not within a defined neighborhood association.	None	The 3% cap allows up to 10 special use Short Term Rentals within a 0.25 mile radius of the subject property. If approved, this would be the first special use short term rental in this area.
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 is 1.08 acres and is currently developed with a single family dwelling with attached garage. The property fronts N Knoxville Avenue and includes a 0.04 acre area on the east side of the Rock Island Greenway. The property is in good standing with code enforcement. The property is in the Class R-1 (Single-Family Residential) District. Surrounding zoning is Class R-1 (Single-Family Residential) District to the east and south, Class R-2 (Single-Family Residential) District to the west, and Class C-1 (General Commercial) District and C-2 (Large-Scale Commercial) to the north. The Rock Island Greenway is in Class I-2 (Railroad/Warehouse Industrial) District. Surrounding land use is residential to the east and south, recreation to the west, and undeveloped commercial to the north.

History

Zoning class has consistently been low density residential.

Date	Zoning
1931 - 1958	Not in the City
1958 - 1963	Not in the City
1963 - 1990	R1 (Low-Density Residential)
1990 - Present	R1 (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
If a public use/service, then a public benefit	NA	NA
Conforms to all district regulations	No	Condition to replace the driveway material with an all-weather, dustless surface.
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 short term rental, not including the requested waiver, and subject to the following conditions:

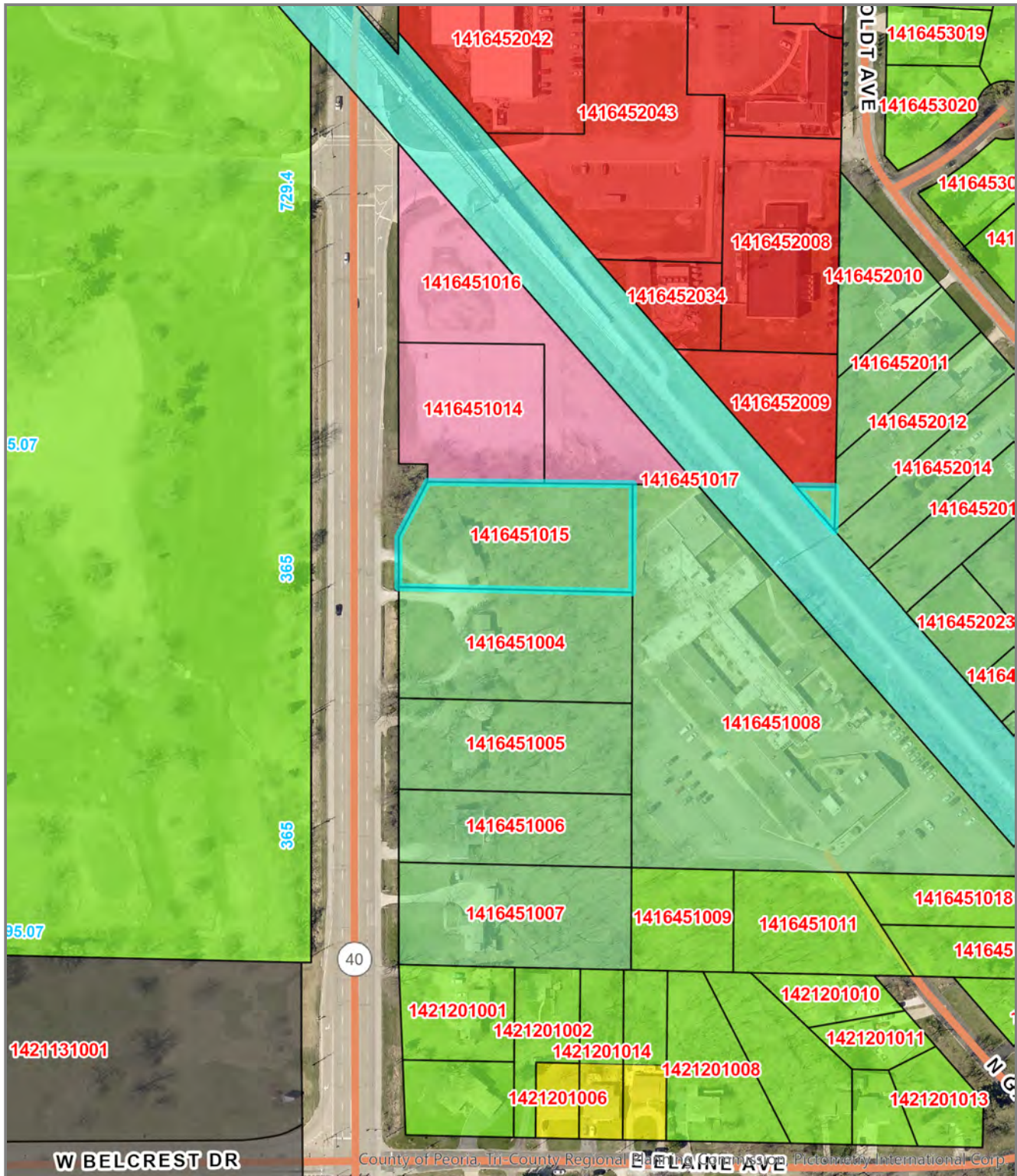
1. The driveway shall be replaced with an all-weather, dustless surface such as asphalt or concrete. Any work in the right-of-way, including improvements to the driveway requires a permit from the Illinois Department of Transportation (IDOT).
2. Fire extinguishers shall be installed according to the 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) guests. Of the maximum occupancy allowed, no more than six (6) 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

Zoning 5628 N Knoxville Ave



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 = 200 feet
 2/7/2022

5628 N Knoxville Ave



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This home is located next to our personal home and we would like to use it as a short term rental. We have been in the short term space now for almost 2 years and have tremendous success. We have a perfect 5 star rating as we strive to have some of the best properties available. We limit our total guest occupancy to no more than (6) guests overnight. We have a very strict NO party policy and closely monitor activity via the outside security cameras. In our house rules and printed inside the home our guests will have access to all the local noise ordinances and times. We would ask that we would be granted a waiver to allow us to keep the driveway un paved. It would be a tremendous cost to us and very difficult to keep clean since the two properties have a driveway that crosses property lines. The home consists of the following, (3) Beds & (2) Baths.

Bedroom #1 14' x 30'

Bedroom #2 12' x 14'

Bedroom #3 11' x 12'

LEGAL DESCRIPTION: 1416451015

ALL OF THAT PART OF LOT 15 IN BRYANT AND LINDSAY'S SUBDIVISION OF SCHOOL SECTION 16, TOWNSHIP 9 NORTH, RANGE 8 EAST OF THE FOURTH PRINCIPAL MERIDIAN, LYING NORTH OF THE RIGHT-OF-WAY OF THE ROCK ISLAND AND PEORIA RAILROAD COMPANT; ALSO, THAT PART OF LOT 15 IN BRYANT AND LINDSAY'S SUBDIVISION OF SCHOOL SECTION 16, TOWNSHIP 9 NORTH, RANGE 8 EAST OF THE FOURTH PRINCIPAL MERIDIAN, LYING SOUTH AND WEST OF THE RIGHT-OF-WAY OF THE ROCK ISLAND AND PEORIA RAILROAD COMPANY;

EXCEPTING HOWEVER, THE SOUTH 140 FEET OF THE PREMISES ABOVE DESCRIBED AND ALSO EXCEPTING THE FOLLOWING DESCRIBED TRACT; COMMENCING AT THE SOUTHWEST CORNER OF LOT 15; THENCE NORTH ALONG THE CENTER SECTION LINE OF SAID SECTION 16 A DISTANCE OF 365 FEET; THENCE AT RIGHT ANGLES AND IN AN EASTERLY DIRECTION A DISTANCE OF 61 ½ FEET, BEING THE PLACE OF BEGINNING; THENCE IN AN EASTERLY DIRECTION AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 15 A DISTANCE OF 318 FEET; THENCE AT RIGHT ANGLES AND IN A SOUTHERLY DIRECTION AND PARALLEL WITH THE CENTER SECTION LINE OF SAID SECTION 16, 125 FEET; THENCE AT RIGHT ANGLES AND IN A WESTERLY DIRECTION AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 15, 318 FEET; THENCE AT RIGHT ANGLES AND IN A NORTHERLY DIRECTION AND PARELLEL WITH THE CENTER SECTION LINE OF SAID SECTION 16, 125 FEET TO THE PLACE OF BEGINNING, BEING A TRACT OF GROUND 125 FEET ON KNOXVILLE AVENUE BY 318 FEET IN DEPTH;

AND FURTHER EXCEPTING THE FOLLOWING DESCRIBED TRACT: COMMENCING AT THE SOUTHWEST CORNER OF LOT 15; THENCE NORTH ALONG THE CENTER SECTION LINE OF SAID SECTION 16 A DISTANCE OF 240 FEET; THENCE AT RIGHT ANGLES AND IN AN EASTERLY DIRECTION A DISTANCE OF 62.40 FEET, BEING THE PLACE OF BEGINNING; THENCE IN AN EASTERLY DIRECTION AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 15 A DISTANCE OF 318 FEET; THENCE AT RIGHT ANGLES AND IN A SOUTHERLY DIRECTION AND PARALLEL WITH THE CENTER SECTION LINE OF SAID SECTION 16, 100 FEET; THENCE AT RIGHT ANGLES AND IN A WESTERLY DIRECTION AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 15, 318 FEET; THENCE AT RIGHT ANGLES AND IN A NORTHERLY DIRECTION AND PARALLEL WITH THE CENTER SECTION LINE OF SAID SECTION 16, 100 FEET TO THE PLACE OF BEGINNING, BEING A TRACT OF GROUND 100 FEET ON KNOXVILLE AVENUE BY 318 FEET IN DEPTH;

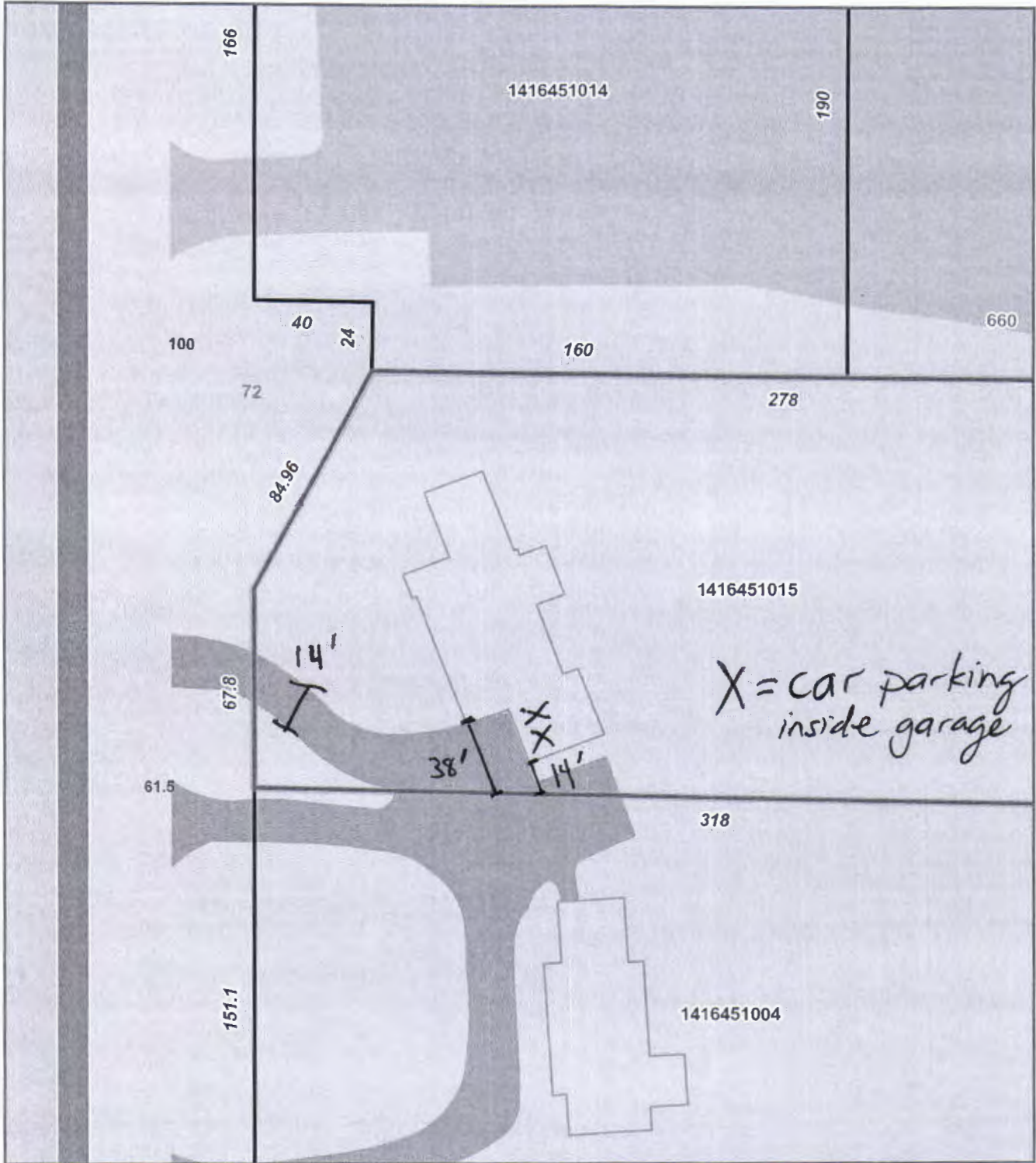
AND FURTHER EXCEPTING THE FOLLOWING DESCRIBED TRACT: COMMENCING AT THE SOUTHWEST CORNER OF LOT 15; THENCE NORTH ALONG THE CENTER SECTION LINE OF SAID SECTION 16 A DISTANCE OF 516.1 FEET; THENCE AT RIGHT ANGLES AND IN AN

EASTERLY DIRECTION A DISTANCE OF 61.5 FEET, BEING THE PLACE OF BEGINNING; THENCE IN AN EASTERLY DIRECTION AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 15 A DISTANCE OF 318 FEET; THENCE AT RIGHT ANGLES AND IN A SOUTHERLY DIRECTION AND PARALLEL WITH THE CENTER SECTION LINE OF SAID SECTION 16, 151.1 FEET; THENCE AT RIGHT ANGLES AND IN A WESTERLY DIRECTION AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 15, 318 FEET; THENCE AT RIGHT ANGLES AND IN A NORTHERLY DIRECTION AND PARALLEL WITH THE CENTER SECTION LINE OF SAID SECTION 16, 151.1 FEET TO THE PLACE OF BEGINNING, BEING A TRACT OF GROUND 151.1 FEET ON KNOXVILLE AVENUE BY 318 FEET IN DEPTH;

AND FURTHER EXCEPTING THE FOLLOWING DESCRIBED TRACT: COMMENCING AT A POINT ON THE SOUTH LINE OF LOT 15 AFORESAID, 382.15 FEET EAST OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 16 AS MEASURED ALONG THE SOUTH LINE OF LOT 15; THENCE NORTH 1 DEGREES 21 MINUTES WEST, 1140 FEET TO THE PLACE OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE NORTH 1 DEGREES 21 MINUTES WEST, 523.9 FEET MORE OR LESS TO THE NORTH LINE OF LOT 15; THENCE EAST ALONG THE NORTH LINE OF LOT 15, 94.07 FEET TO THE SOUTHWESTERLY RIGH-OF-WAY LINE TO THE CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD; THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID RAILROAD, 712.28 FEET; THENCE WEST 564.46 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING;

AND FURTHER EXCEPTING THE FOLLOWING DESCRIBED TRACT: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 15; AND RUNNING THENCE EAST A DISTANCE OF 72.0 FEET, MORE OR LESS, ALONG THE NORTH LINE OF SAID LOT 15 TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF KNOXVILLE AVENUE (ROUTE 88), SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED FROM THE POINT OF BEGINNING CONTINUING EAST A DISTANCE OF 120.0 FEET ALONG THE NORTH LINE OF SAID LOT 15; THENCE SOUTH A DISTANCE OF 143.9 FEET PARALLEL WITH THE EASTERLY LINE OF KNOXVILLE AVENUE (ROUTE 88); THENCE WEST A DISTANCE OF 160.0 FEET PARALLEL WITH THE NORTH LINE OF SAID LOT 15 TO A POINT ON THE EASTERLY LINE OF KNOXVILLE AVENUE (ROUTE 88); THENCE NORTH A DISTANCE OF 67.8 FEET ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF KNOXVILLE AVENUE (ROUTE 88); THENCE NORTHEASTERLY A DISTANCE OF 84.96 FEET (RECORDED 86.0 FEET), MORE OR LESS, ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING; SITUATED IN PEORIA, COUNTY, ILLINOIS.

5628 N Knoxville Ave



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