

: OFFICIAL PROCEEDINGS :**: OF THE CITY OF PEORIA, ILLINOIS :**

A meeting of the Planning & Zoning Commission was held on Thursday, November 3, 2022, at 1:00 PM, at City Hall, 419 Fulton St., in Room 400 with Chairman Mike Wiesehan presiding and with proper notice having been posted.

ROLL CALL

The following Planning & Zoning Commissioners were present: Branden Martin, Edward Barry, George Ghareeb, Robin Grantham, Eric Heard, and Mike Wiesehan – 6. Absent: Richard Unes – 1.

City Staff Present: Leah Allison, Kerilyn Weick, Julia Hertaus, Matt Smith, and Grace Burgener.

SWEARING IN OF SPEAKERS

Speakers were sworn in by Matt Smith.

MINUTES

Commissioner Ghareeb moved to approve the minutes of the Planning & Zoning Commission meetings held on October 6, 2022; seconded by Commissioner Heard.

The motion was approved unanimously by a viva voce vote 6 to 0.

REGULAR BUSINESS**PZ 1089-2022**

Hold a Public Hearing and forward a recommendation to City Council on the request of Felicia W. Triplett, to obtain a Special Use in a Class R-3 (Single-Family Residential) District for a Short Term Rental, for the property located at 6525 N Talisman Terrace (Parcel Identification No. 13-14-205-012), Peoria, IL (Council District 4).

Urban Planner, Julia Hertaus, Community Development Department, read the case into the record and summarized the request for a short term rental in an existing single family dwelling.

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

1. Fire extinguishers shall be installed according to the 2018 International Fire Code Chapter 9, Section 906.
2. Interconnected smoke alarms shall be installed according to the 2018 International Fire Code Chapter 9, Section 907.
3. Carbon monoxide detector shall be installed according to the 2018 International Fire Code Chapter 9, Section 915.
4. Additional dwelling units cannot be added to the single family dwelling.
5. Occupancy of the short term rental shall not exceed the standards set forth in the Building and Fire Code of eight (8) guests. Of the maximum occupancy allowed, no more than six (6) adult guests may stay in the dwelling at any given time.
6. 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 of Privilege Tax to the City of Peoria.
7. 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.

Felicia Triplett, owner and petitioner, was present and explained that she was illegally operating a short term rental because she had no knowledge of the requirements for short term rentals in Peoria. Ms. Triplett elaborated on the rules and expectations for guests in her short term rental.

Chairperson Wiesehan asked Ms. Triplett if she agreed to the conditions set forth by the Development Review Board.

Ms. Triplett said yes.

Chairperson Wiesehan opened the public hearing at 1:17 PM.

Rick Simkins, president of the Lynnhurst Neighborhood Association, objected to the short term rental. Mr. Simkins explained that, while they have no covenants for short term rentals, many have expressed a desire to add a covenant restricting short term rentals because they do not want rental property or strangers in their neighborhood.

Kyle Rose, speaking on behalf of himself and his wife, objected to the short term rental. Mr. Rose stated that this is a family-oriented neighborhood and short term rentals raise safety concerns.

Barbara Pierce objected to the short term rental because it will raise safety concerns for the children and bring in strangers that have no investment in neighborhood.

Ms. Triplett stated she understands the neighbor's concerns. Ms. Triplett assured the neighbors that not all guests will be strangers. Ms. Triplett explained that people are coming with a purpose, not to walk around the neighborhood, and they want a place to stay that has accommodations beyond what hotels offer.

With no further public testimony, public hearing was closed at 1:23 pm.

Commissioner Ghareeb read the Findings of Fact.

Motion:

Commissioner Heard made a motion to approve with staff recommendations; seconded by Commissioner Martin.

The motion was approved unanimously by a viva voce vote 6 to 0.

PZ 1112-2022

Hold a Public Hearing and forward a recommendation to City Council on the request of Tyler and Kaci Hampton, to obtain a Special Use in a Class R-3 (Single-Family Residential) District for a Short Term Rental, for the property located at 423 W Lakewood Avenue (Parcel Identification No. 14-21-305-017), Peoria, IL (Council District 3).

Senior Urban Planner, Kerilyn Weick, Community Development Department, read the case into the record and summarized the request for short term rental in an existing single family dwelling. 3% cap, max 10 in 0.25 mile radius, this would be the first in the area.

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

1. Fire extinguishers shall be installed according to the 2018 International Fire Code Chapter 9, Section 906.
2. Interconnected smoke alarms shall be installed according to the 2018 International Fire Code Chapter 9, Section 907.

3. Carbon monoxide detector shall be installed according to the 2018 International Fire Code Chapter 9, Section 915.
4. Additional dwelling units cannot be added to the single family dwelling.
5. Occupancy of the short term rental shall not exceed the standards set forth in the Building and Fire Code of four (4) total persons.
6. 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.
7. An approved Special Use if 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.

Ms. Weick read Jennifer Clope's objection into the record (see Exhibit 1).

Tyler Hampton, owner and petitioner, was present. Mr. Hampton stated that he is aware that several neighbors are against this short term rental. Mr. Hampton elaborated on the rules and requirements of tenets for the proposed short term rental.

Chairperson Wiesehan opened the public hearing at 1:40 PM.

Terry Redshaw objected to the short term rental based on potential safety concerns, and the existing demographic of and relationships within the neighborhood.

Justteen Wolstenholm objected to the short term rental. Ms. Wolstenholm expressed concerns over the lack of background checks for tenets and parking availability.

Mr. Hampton says he understands neighbors' concerns. Mr. Hampton stated that he noticed a gap in rental properties in Peoria (several extended stays but a lot of people did not want/need those). Mr. Hampton stated that he understands the safety concerns, but instead of a short term rental, he could also sell the property to someone that the neighbors still feel uncomfortable or unsafe with.

With no further public testimony, public hearing was closed at 1:54 PM.

Commissioner Ghareeb read the Findings of Fact.

Motion:

Commissioner Martin made a motion to approve with staff recommendations; seconded by Commissioner Grantham.

The motion was approved by viva voce vote 6 to 0.

PZ 1113-2022

Hold a Public Hearing and forward a recommendation to City Council on the request of Stephanie Theobald, to obtain a Special Use in a Class R-2 (Single-Family Residential) District for a Short Term Rental, for the property located at 5525 N Briarcrest Court (Parcel Identification No. 14-17-478-015), Peoria, IL (Council District 3).

Senior Urban Planner, Kerilyn Weick, Community Development Department, read the case into the record and summarized the request for a short term rental in an existing single family dwelling. 1st in neighborhood association. 3% cap allows up to 7 in association.

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

1. Fire extinguishers shall be installed according to the 2018 International Fire Code Chapter 9, Section 906.
2. Interconnected smoke alarms shall be installed according to the 2018 International Fire Code Chapter 9, Section 907.
3. Carbon monoxide detector shall be installed according to the 2018 International Fire Code Chapter 9, Section 915.
4. Additional dwelling units cannot be added to the single family dwelling.
5. Occupancy of the short term rental shall not exceed the standards set forth in the Building and Fire Code of eight (8) guests. Of the maximum occupancy allowed, no more than six (6) adult guests may stay in the dwelling unit at any given time.
6. 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.
7. An approved Special Use if 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.

Discussion was held between Chairperson Wiesehan, Commissioner Martin and Grantham, and Ms. Weick regarding real estate taxes for owner and non-owner occupied properties.

Stephanie Theobald, owner and petitioner, was present and elaborated on her desire to open a short term rental in Peoria as well as the rules and expectations for tenets in the short term rental.

Chairperson Wiesehan opened the public hearing at 2:06 PM.

Roger Moon objected to the short term rental due to concerns about the screening process. Mr. Moon inquired on the process of accountability if the short term rental goes south.

Chairperson Wiesehan elaborated on the City's accountability mechanisms as they pertain to short term rental licenses.

Joyce Steinbach objected to the short term rental. Ms. Steinbach explained that there are children in the neighborhood and there is no way to surveil tenet behavior. Ms. Steinbach stated that the current demographic is homogenous, and she is concerned a short term rental will change the complexion of the neighborhood.

Ms. Theobald explained that this is her residence and intends to manage the use herself.

With no further public testimony, public hearing was closed at 2:16 pm.

Commissioner Ghareeb read the Findings of Fact.

Motion:

Commissioner Heard made a motion to approve with staff recommendations; seconded by Commissioner Martin.

The motion was approved by viva voce vote 6 to 0.

Commissioner Ghareeb left the meeting at 2:20 pm.

PZ 1072-2022 – *Deferred from the October meeting*

Hold a Public Hearing and forward a recommendation to City Council on the request of the City of Peoria to Amend Appendix A, of the Unified Development Code, relating to the definition of Family Care Facilities.

Assistant Director, Leah Allison, Community Development Department, read the case into the record and summarized the request to amend the Unified Development Code as it relates to Family Care Facilities. The Development Review Board recommends approval.

Chairperson Wiesehan asked if opening houses of this type would require commission review. Chairperson Wiesehan stated that residents are upset about short term rentals while the City simultaneously allows this living situation which could cause a larger disruption than short term rentals.

Ms. Allison Leah stated that if this text amendment is approved by Council, then staff will review the currently adopted performance standards for family care facilities with the Oxford Houses.

Chairperson Wiesehan asked what the difference is between short term rentals and this living situation.

Masum Perkins, Assistant City Attorney, stated that people living in the Oxford Homes are protected under United States Housing Act and Americans with Disabilities Act. Ms. Perkins explained the text amendment is intended to reasonably accommodate the Oxford Home individuals and the first step is to address the definition of Family Care Facilities. Oxford Home requested reasonable accommodation to one of two code enforcement actions.

Chairperson Wiesehan expressed a lack of fairness for those already residing in the neighborhood.

Commissioner Barry asked about the existing mechanisms in place for accountability purposes.

Discussion was held between Chairperson Wiesehan, Commissioner Heard, Ms. Allison, and Ms. Perkins regarding the length and location of existing operations.

Discussion was held between Commissioner Martin and Ms. Perkins regarding the process of starting and operating sober living homes in Peoria.

Commissioner Grantham asked about criminal offenders potentially living in the Oxford Homes.

Ms. Perkins stated that the individual houses decide how to proceed with criminal offenders, but the City has a criminal nuisance property ordinance that still applies to the Oxford Homes.

Motion:

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

The motion was approved by viva voce vote 4 to 1.

Yea: Martin, Barry, Heard, and Wiesehan

Nays: Grantham

CITIZENS' OPPORTUNITY TO ADDRESS THE COMMISSION

There were no citizen requests to address the Commission.

ADJOURNMENT

Commissioner Heard made a motion to adjourn; seconded by Commissioner Martin at 2:40 PM.

The motion was approved unanimously by viva voce vote 5 to 0.

A handwritten signature in black ink, appearing to read "Grace Burgener". The signature is written in a cursive style with a horizontal line underneath it.

Grace Burgener, Development Technician

Exhibit 1

Kerilyn Weick

From: jenniferclope@gmail.com <jenniferklusmanr@gmail.com>
Sent: Wednesday, November 2, 2022 2:43 PM
To: Kerilyn Weick
Subject: [External]Public Hearing Notice PZ 1112-2022

Good afternoon Kerilyn,

My name is Jennifer Clope, and I received a public hearing notice in the mail. It is my understanding that there is a meeting regarding this on Thursday, November 3. Unfortunately, I will be out of town at that time, but I would like you to know that my husband and I don't agree with the permit. We have two children under the age of five, and we are uncomfortable with people coming and going a few doors down.

I just wanted to express my concern. Thanks for your time,

Jennifer