

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

A special meeting of the Planning & Zoning Commission was held on Thursday, May 11, 2023, at 8:30 AM, 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, Eric Heard, Richard Unes, Robin Grantham, George Ghareeb, and Mike Wiesehan – 6. Absent: Edward Barry – 1.

City Staff Present: Leah Allison, Kerilyn Weick, Josh Naven, Blake Eggleston, Matt Smith, and Grace Burgener.

**SWEARING IN OF SPEAKERS**

Speakers were sworn in by Matt Smith.

**REGULAR BUSINESS****PZ 1304-2023**

Hold a Public Hearing and forward a recommendation to City Council on the request of Charles Morris to rezone property from Class R-4 (Single-Family Residential) District to Class CN (Neighborhood Commercial) District for the property located at 1716 W Lincoln Avenue (Parcel Identification No. 18-17-103-001), Peoria IL (Council District 1).

Senior Urban Planner, Josh Naven, Community Development Department, read the case into the record and summarized the request to rezone from R-4 and CN.

The Development Review Board recommends approval of the rezoning request.

Charles Morris, owner and petitioner, was present and stated that he intends to use the building as a laundromat as opposed to the original proposal of a corner market.

Mr. Naven confirmed that this use is allowed in the CN district and would still require rezoning.

Discussion was held between Chairperson Wiesehan, Commissioner Grantham, and Mr. Naven in regard to parking at the laundromat.

Chairperson Wiesehan opened the public hearing at 8:42 am.

Deborah Totten objected to the request to rezone due to concerns of losing the neighborhood-like feel of the area and the lack of space for on-street parking.

Ms. Totten provided Mr. Naven with a letter of public testimony from a nearby resident (Exhibit 1).

Margaret Gulley objected to the request to rezone due to concerns of neighborhood commercialization and the stark contrast between the proposed use and the previous use of the building as a church.

Sandra Hines objected to the request to rezone due to concerns of public safety, an abundance of existing stores in the area, and a lack of available parking.

Mr. Naven read a letter of objection from Atanacio Andrade (Exhibit 1).

Mr. Morris stated that he understands the neighbors' concerns. Mr. Morris explained that the modification of the proposed use arose after a conversation with Councilwoman Denise Jackson in which she expressed objection to the corner store. Mr. Morris stated that a laundromat would be more valuable to the community than a corner store.

Commissioner Grantham inquired about any efforts made to canvass the neighborhood prior to submitting the request to rezone.

Mr. Morris stated that he did not seek public input due to a lack of familiarity with the Commission process when submitting the request to rezone.

With no further public testimony, the public hearing was closed at 8:56 AM.

**Motion:**

Commissioner Unes made a motion to defer to the next regularly scheduled meeting; seconded by Commissioner Grantham.

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

Chairperson Wiesehan stated that the intention of deferral is to allow Mr. Morris time to canvass the neighborhood for public input on the request to rezone.

**PZ 1317-2023**

Hold a Public Hearing and forward a recommendation to City Council on the request of Board of Education of Dunlap Community Unit School District No. 323 to approve an Annexation Petition and Annexation Agreement for the property located at 12610 N Allen Road, Dunlap IL. The subject property is identified as Parcel Identification No. 09-19-200-001.

Leah Allison, Community Development Department, read the case into the record and summarized the request to approve an Annexation Petition and Annexation Agreement.

Ms. Allison explained that the property is located within the 1.5 extraterritorial area of the City of Peoria and is currently not contiguous to the City's corporate boundary. Ms. Allison explained that an approval of the request must be accompanied by contiguity to the corporate boundary in order for the property to be annexed. Ms. Allison stated that the intention of the agreement is to allow Banner Elementary school to connect to the public sanitary sewer located along Allen Road.

The Development Review Board recommends approval of the annexation agreement.

Discussion was held between Chairperson Wiesehan and Ms. Allison in regard to taxes and City services. Ms. Allison stated that the agreement does not include any changes current tax system with the subject property.

Commissioner Unes asked if the school will incur costs for sanitary services upon connection to the public sewer.

Ms. Allison responded yes; the Dunlap school district is responsible for costs to connect to the public sewer system.

Commissioner Martin asked if the Greater Peoria Sanitary District (GSPD) has the capacity to support this connection.

Ms. Allison responded yes and added that there is an agreement between GSPD and the Dunlap Community Unit School District 323.

Discussion was held between Chairperson Wiesehan and Ms. Allison in which Ms. Allison clarified that Banner Elementary School will be permitted to connect to the public sewer system upon City Council approval, but the City will not provide additional public services until contiguity is established and annexation occurs.

Kathleen Carter, petitioner, was present and provided additional context on the intentions of the agreement. Ms. Carter stated that the school district is seeking an alternative sewer system because the existing septic system at Banner Elementary is failing. Ms. Carter stated that the Peoria County Health Department is requiring connection to GSPD's public sanitary sewer due to the school's proximity to the City of Peoria. Ms. Carter stated that all costs related to connection will be incurred by the school district.

Commissioner Unes asked when they intend to transfer to the public sewer system.

Ms. Carter stated that they hope to do so over the summer.

Dr. Scott Adreon, petitioner, provided additional details on the events that led to the agreement, adding that GSPD and the Health Department rejected their initial proposal to re-do the failing septic system.

Chairperson Wiesehan opened the public hearing at 9:14 am.

There being no public testimony, the public hearing was closed at 9:14 am.

**Motion:**

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

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

**PZ 1318-2023**

Hold a Public Hearing and forward a recommendation to City Council on the request of Michael Loser for the Mel Family Trust, to obtain a Special Use in a Class R-4 (Single-Family Residential) District for a Short Term Rental, for the property located at 4016 N Ashton Avenue (Parcel Identification No. 14-27-209-002), Peoria, IL (Council District 3).

Urban Planner, Blake Eggleston, Community Development Department, read the case into the record and summarized the request to obtain a Special Use for a Short Term Rental.

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 two (2) 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 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.

Michael Loser, owner and petitioner, was present and stated that he currently operates three short term rentals in Peoria Heights that have produced no complaints from neighbors or businesses.

Chairperson Wiesehan opened the public hearing at 9:20 am.

There being no public testimony, the public hearing was closed at 9:20 am.

Commissioner Ghareeb read the findings of fact.

**Motion:**

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

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

**PZ 1320-2023**

Hold a Public Hearing and forward a recommendation to City Council on the request of Scott Lewis, of Scott Lewis Homes, to amend an existing Special Use Ordinance No. 17,543, in a Class R-4 (Single-Family Residential) District for Townhomes to include a Short Term Rental, for the property located at 824 W Moss Avenue (Parcel Identification No. 18-08-236- 001), Peoria, IL (Council District 2).

Senior Urban Planner, Kerilyn Weick, Community Development Department, read the case into the record and summarized the request to amend an existing Special Use Ordinance No. 17,543 for Townhomes to include a short term rental.

The Development Review Board recommends DENIAL of the request for a special use short term rental.

Should the Planning & Zoning Commission recommend approval, the following conditions should be considered:

1. Additional dwelling units cannot be added to the four-unit townhome.
2. Short term rental use is permitted for Unit 1 only in the four-unit townhome.
3. Occupancy of the short term rental unit shall not exceed four (4) total persons.
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. Add the address to the exterior of the building.
8. Parking lot parking spaces shall be striped.
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.
10. Owner shall remit the Room Rental Use or Privilege tax owed from all previous stays.
11. 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.

Ms. Weick stated that this unit has been used as a short term rental prior to this application. The City of Peoria identified the use as early as March 2021. Through code enforcement action, the owner was contacted in 2021 and 2022 about license violations for operating a short term rental without required approvals. The most recent enforcement action was in January 2023. The last documented stay identified by the City of Peoria was in March 2023.

Discussion was held between Commissioner Unes and Ms. Weick in regard to the recommendation to deny the request and DRB's conditions if the request is approved.

Chairperson Wiesehan asked if the recommendation to deny is based on the length of time it has taken the owner to obtain approval and proper licensing.

Ms. Weick responded yes.

Commissioner Unes stated that the Commission has previously approved requests of short term rentals that were previously operating without approval and licensing.

Chairperson Wiesehan suggested pausing further discussion until it is time to make a motion.

Ms. Weick finished her summarization of the petitioner's request.

Chairperson Wiesehan asked for clarification on the DRB's second condition.

Ms. Weick stated that an approval of the request only allows for one, not all, of the units to be used as a short term rental. Ms. Weick added that the petitioner must come before the Commission if they would like to use any of the remaining units as short term rentals.

Chairperson Wiesehan asked if the petitioners have paid all fines incurred as a result of illegally operating the short term rental.

Ms. Weick responded yes.

Commissioner Ghareeb asked for clarification on the DRB's second condition.

Ms. Weick reiterated her statements made to Chairperson Wiesehan.

Commissioner Grantham asked for clarification on the DRB's tenth condition.

Ms. Weick explained that this condition requires all back taxes to be paid. Ms. Weick stated that this condition is consistent with prior enforcement actions in regard to the illegal operation of short term rentals.

Commissioner Ghareeb stated that it appears the petitioners are being targeted as the proposed enforcement actions are without precedent.

Ms. Weick stated that the City of Peoria Finance Department has processed back taxes for unlicensed short term rentals since the passage of Ordinance No. 17,832 relating to short term rentals. Ms. Weick added that others have been more expeditious in their response to enforcement action and reiterated that the petitioner has ignored such correspondence since 2021.

Commissioner Unes stated that there is a short term rental in his neighborhood that has been operating illegally for the past five years.

Ms. Weick stated that back taxes have been enforced regardless of being identified as a condition of the DRB.

Chairperson Wiesehan reiterated Ms. Weick's statements in regard to the Finance Department's actions toward those that have illegally operated short term rentals.

Commissioner Unes expressed skepticism in regard to the Finance Department's enforcement on back taxes.

Commissioner Martin reminded Commissioner Unes that the Finance Department enforces the payment of back taxes from the time the ordinance was passed.

Ms. Weick stated that the ordinance was passed three years ago.

Chairperson Wiesehan reiterated that the Finance Department is not collecting back taxes from those operating a short term rental before the ordinance was passed.

Commissioner Ghareeb stated that the Commission has never utilized this enforcement mechanism.

Chairperson Wiesehan reiterated that the petitioners have ignored the City's short term rental requirements since being notified of illegal operation in 2021. Commissioner Wiesehan stated that others have been more agile in their response.

Scott and Karen Lewis, owners and petitioners, were present and provided context on their intentions prior to development and the positive attributes since competition of the development. Mr. Lewis stated that compliance was delayed because the units have been for sale.

Mrs. Lewis stated that they have paid more in City fines than in taxes. Mrs. Lewis explained that the short term rental is not the end goal but rather a temporary solution to generate revenue while the unit is for sale. Mrs. Lewis stated that many people have shown interest in the unit but have backed out due to concerns of the neighborhood. Mrs. Lewis stated that they will never build in interior Peoria again and that this project was a failure from a builder's perspective.

Commissioner Heard asked the petitioners if they concur with the occupancy of the short term rental proposed by the DRB.

Mrs. Lewis said yes.

Mr. Lewis expressed opposition to the DRB's eighth condition.

Chairperson Wiesehan stated that he understands his contention, but the parking lot must adhere to the City of Peoria's codes and ordinances on parking regulations which includes, but is not limited to, ensuring the parking lot is compliant with the Americans with Disabilities Act (ADA).

Chairperson Wiesehan opened the public hearing at 9:57 am.

With no public testimony, the public hearing was closed at 9:57 am.

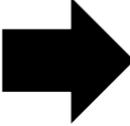
Commissioner Martin stated that the fees were avoidable as they were a result of the petitioners' failure to respond to enforcement action.

Commissioner Ghareeb read the Findings of Facts.

**Motion:**

Commissioner Ghareeb made a motion to approve without condition 10; seconded by Commissioner Heard.

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



**PZ 1321-2023**

Hold a Public Hearing and forward a recommendation to City Council on the request of Dimitri Atanasov of The Midwest Concierge, for Dawn M Siegel Trust, to obtain a Special Use in a Class R-3 (Single-Family Residential) District for a Short Term Rental, for the property located at 4733 N Edgebrook Drive (Parcel Identification No. 14-21-301-025), Peoria, IL (Council District 3).

Senior Urban Planner, Kerilyn Weick, Community Development Department, read the case into the record and summarized the request to obtain a Special Use for a Short Term Rental.

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 five (5) guests.
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 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.

Dimitri Atanasov, petitioner, described his request and practices for this property based on experience at other short term rental properties.

Chairperson Wiesehan opened the public hearing at 10:03 am.

There being no public testimony, the public hearing was closed at 10:03 am.

Commissioner Ghareeb read the Findings of Facts.

**Motion:**

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

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

**PZ 1322-2023**

Hold a Public Hearing and forward a recommendation to City Council on the request of Julie Jackson of Just BU Properties, for KLBGC, LLC, to obtain a Special Use in a Class R-4 (Single-Family Residential) District for

a Short Term Rental, for the property located at 1507 W Main Street (Parcel Identification No. 18-05-326-054), Peoria, IL (Council District 1).

Mr. Naven requested deferral on the case per the petitioner's request.

Chairperson Wiesehan opened the public hearing at 10:07 am.

There being no public testimony, the public hearing was closed at 10:07 am.

**Motion:**

Commissioner Martin made a motion to defer to the next regularly scheduled meeting; Commissioner Grantham seconded.

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

**PZ 1323-2023**

Hold a Public Hearing and forward a recommendation to City Council on the request of Ryan Foster for Pelia Academy Inc. and Southside Mission of Peoria, to rezone property from Class R-4 (Single-Family Residential) District to Class CN (Neighborhood Commercial) District for the property located at 3006; 3008, and 3012 W Garden Street (Parcel Identification Nos. 18-18-153-010; 18-18-153-011; 18-18-153-023; 18-18-153-024), Peoria IL (Council District 1).

Senior Urban Planner, Josh Naven, Community Development Department, read the case into the record and summarized the request to rezone the property from R-4 to CN. The current use of the property is a single-family home and a community garden. The applicant proposes to establish an Urban Farm at the site and use the existing home as a Farm Stand / Commercial Kitchen / Cold Food Storage. The Development Review Board recommends approval of the rezoning request.

Chairperson Wiesehan expressed dissent toward spot zoning.

Mr. Naven stated that City staff reviewed the request and recommended approval due to CN zoning adjacent to the subject property.

Ryan Foster, owner and petitioner, was present. Mr. Foster stated that the intention is to provide training in urban agriculture and food preservation and preparation. Mr. Foster stated that the site will allow the community to grow their own produce, and the proposed kitchen will provide an opportunity to process the produce for sale.

Commissioner Grantham asked if the home is still on the property.

Mr. Foster responded yes.

Discussion was held between Commissioner Grantham and Mr. Foster in regard to the involvement of the South Side Mission. Mr. Foster stated that the organization will assist in the preparation and distribution of the produce.

Discussion was held between Commissioner Grantham and Mr. Foster in regard to additional local organizations that may be of interest.

Chairperson Wiesehan opened the public hearing at 10:17 am.

There being no public testimony, the public hearing was closed at 10:17 am.

Commissioner Ghareeb read the Findings of Fact.

**Motion:**

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

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

**CITIZENS' OPPORTUNITY TO ADDRESS THE COMMISSION**

There were no citizen requests to address the Commission.

**ADJOURNMENT**

Commissioner Martin made a motion to adjourn; seconded by Commissioner Unes at approximately 10:19 am.

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

  
Grace Burgener, Development Technician

**Exhibit 1**

To Whom it may concern  
as husband and wife owners  
of 708 S. Blaine - Peoria, Ill.  
61605 are against the property  
at 1716 Lincoln Ave. to be rezoned  
from Class R 4 (Single Family  
Residential Dist. to Class CN  
Have lived at this address  
since 7-7-77 and not needing  
another store here.

Alton and Andrade

Beatriz C Andrade

Phone - 1-309-657-1073