: OFFICIAL PROCEEDINGS :

: OF THE CITY OF PEORIA, ILLINOIS:

A meeting of the Planning & Zoning Commission was held on Thursday, May 5, 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: George Ghareeb, Branden Martin, Edward Barry, Eric Heard, Robin Grantham, and Mike Wiesehan – 6. Absent: Richard Unes – 1.

City Staff Present: Josh Naven, Kerilyn Weick, Julia Hertaus, Blake Eggleston and Matt Smith.

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 April 7, 2022; seconded by Commissioner Heard.

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



PZ 791-2022

District 2).

REGULAR BUSINESS

Hold a Public Hearing and forward a recommendation to City Council on the request of Zuhair Madanat, to obtain a Special Use in a Class R-4 (Single-Family Residential) District for a Short Term Rental, for the property located at 1709 W Sherman Ave (Parcel Identification No. 18-08-151-026), Peoria IL (Council

<u>Senior Urban Planner, Josh Naven, Community Development Department</u>, read the case into the record and summarized the request for short term rental in a single family dwelling.

The Development Review Board recommends approval of the short term rental, subject to 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 detectors shall be installed according to the 2018 International Fire Code Chapter 9, Section 915.2.1.
- 4. Additional dwelling units cannot be added to the site.
- 5. The residence shall comply with the 2018 International Building, Property Maintenance & Fire Codes prior to any occupancy. Inspections shall be required to verify compliance.
- 6. Occupancy of the short term rental shall not exceed the standards set forth in the Building and Fire Code of six (6) guests.
- 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.

9. The driveway from Sherman Avenue and the alley shall be replaced with an all-weather dustless surface such as asphalt or concrete. Appropriate driveway permits shall be obtained.

Mr. Naven responded to the commission that staff's recommendation includes the condition for an inspection for compliance with the property maintenance code, including maintenance of the porch.

Zuhair Madanat, owner and applicant was not present at the meeting.

Chairperson Wiesehan opened the public hearing at 1:11 PM. There being no public comment, closed the public hearing at 1:11 PM.

Discussion on the Findings of Fact was held.

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 6 to 0.

PZ 815-2022

Hold Public Hearing and forward a recommendation to City Council on the request of Branden Martin, on behalf of property owner Josh Lee, to obtain a Special Use in a Class R-2 (Single-Family Residential) District for a Short Term Rental, for the property located at 1506 W Teton Dr (Parcel Identification No. 14-08-376-001), Peoria IL (Council District 5).

Commissioner Martin abstained from the case.

<u>Urban Planner Julia Hertaus, Community Development Department</u>, read the case into the record and summarized the request.

The Development Review Board recommends approval of the short term rental, subject to 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 915.2.1
- 4. Additional dwelling units cannot be added to the site.
- 5. The residence shall comply with the 2018 International Building & Fire Codes prior to any occupancy. Inspections shall be required to verify compliance.
- 6. Occupancy of the short term rental shall not exceed the standards set forth in the Building and Fire Code of six (6) guests.
- 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.

Ms. Hertaus referenced four public comments, in opposition to the request, included in the case packet.

Braden Martin, representative for the property owner and co-host, explained the proposal and property maintenance in place. Further, that guests are not given access to the pool operated by the residents' association.

Chairperson Wiesehan opened the public hearing at 1:28 PM.

John Hartwig, resident and president of Willow Knolls Residents Recreation Association for the Willow Knolls North and South Subdivisions, explained the subdivision was developed with the restriction that the use for lots shall be for single family use. Mr. Hartwig, on behalf of the association expressed opposition to the short term rental, primarily because the owner does not occupy the property.

Mr. Naven explained that recorded restrictions on property are enforced by the residential association.

Ms. Hertaus read written public comment on the request from the following persons:

Becky Balkema - In opposition.

Joyce Sutton – In opposition.

Jim and Trina Hartman – In opposition.

Debbie Shehan - In opposition.

Deborah Stevens - In opposition.

LeeAnn Syck - In opposition.

Willow Knolls Residents Recreation Association Board- In opposition.

Zach Pauli was sworn in by Matt Smith.

Zach Pauli expressed opposition to the use due to traffic and safety concerns.

Sally Yocum expressed opposition to the request based on the restriction in the subdivision covenants that permits single family dwelling only.

Joyce Sutton was sworn in by Matt Smith.

Joyce Sutton expressed opposition to the request based on subdivision covenants and residents association membership bylaws.

Chairman Weisehan suggested the resident association board discuss intent of the covenants and bylaws as they specifically relate to short term rentals.

Mr. Martin responded that in 2020 a board member of the residents' association told the property owner that short term rentals are allowed. Mr. Martin shared policies and practices for operating the short term rental and reaffirmed the recreation facilities would not be available to the short term rental guests. Mr. Martin also affirmed membership fees are paid.

There being no further public testimony, Chairperson Wiesehan closed the Public Hearing 2:03 PM.

Chairman Wiesehan stepped out of the meeting at approximately 2:03 PM.

Staff responded that the city does not have a report on short term rental effects on crime or property values.

Chairman Wiesehan returned to the meeting at approximately 2:05 PM.

Discussion on the Findings of Fact was held.

Motion:

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

Commissioner Heard recognized the property has been improved since current ownership but is not able to support the request due to comments from the residents association.

Commissioner Ghareeb suggested the single family residential restriction, mentioned by neighbors, is consistent with the request.

Commissioner Grantham does not support the request due to comments from the residents association.

Commissioner Barry found the request conforms to the city ordinance pertaining to short term rentals.

Wiesehan expressed support for the request based on ordinance standards for short term rentals.

The motion was approved by viva voce vote 3 to 2 (Abstention – 1)

Yea: Barry, Ghareeb, and Wiesehan

Nay: Heard, Grantham Abstain: Martin

PZ 817-2022

Hold a Public Hearing and forward a recommendation to City Council on the request of Danielle Sands of National Youth Advocate Program and property owners Justin and Jessica Ball, to obtain a Special Use in a Class R-4 (Single Family Residential) District for an Assisted Living Facility for the property located at 1621 N Missouri Ave (Parcel Identification No. 18-04-209-026), Peoria, IL (Council District 3).

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

The Development Review Board recommends approval of the assisted living facility as described, subject to the following conditions:

- 1. Maximum number of three (3) residents, not including staff personnel.
- 2. Maximum number of four (4) vehicles are allowed on the property.
- 3. Fire extinguishers shall be installed according to the 2018 International Fire Code Chapter 9, Section 906.
- 4. Interconnected smoke alarms shall be installed according to the 2018 International Fire Code Chapter 9, Section 907.
- 5. Carbon Monoxide Detection shall be installed according to the International Fire Code Chapter 9, 915.2.1 for dwelling units.
- 6. Driveway shall be maintained free from potholes, ruts, channels, growth of weeds, and other similar obstructions.

Bethany Smith, Director of Juvenile Justice Programs and Services for the National Youth Advocate Program, submitted a presentation on the Front Door Program and described the request to establish community-based housing for up to three residents at a time.

Shequile Jones, Juvenile Justice Programs and Services for the National Youth Advocate Program, answered questions from the Commission.

Chairperson Wiesehan opened the public hearing at 2:35 PM.

Jessica Ball, property owner, addressed the Commission and gave the history/characteristics of the property and program. She also answered questions from the Commission.

There being no public testimony, Chairperson Wiesehan closed the Public Hearing at 2:38 PM.

Discussion on the Findings of Fact was held.

Motion:

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

The motion was approved by viva voce vote 5 to 1. Yea: Barry, Heard, Ghareeb, Martin, and Wiesehan

Nay: Grantham

Commissioner Ghareeb left the meeting at 2:42 PM.

PZ 818-2022

Hold a Public Hearing and forward a recommendation to City Council on the request of Pastor Richard Hammonds of Gospel Experience Church, to rezone property from Class R-4 (Single Family Residential) District to Class P-1 (Parking) District for the property located at 414 Phelps Street and 418 Phelps Street (Parcel Identification Nos. 14-35-326-002 and 14-35-326-003), Peoria IL (Council District 1)

<u>Senior Urban Planner, Kerilyn Weick, Community Development Department</u>, read the case into the record and summarized the map amendment request. The Development Review Board recommends approval of the proposed map amendment. Senior Urban Planner Kerilyn Weick answered questions from the Commission regarding the future development of the property in question.

Pastor Richard Hammonds, applicant, described the need for the request and history on ownership of property. Pastor Hammonds answered questions from the Commission.

Chairperson Wiesehan opened the public hearing at 2:54 PM.

There being no public testimony, Chairperson Wiesehan closed the Public Hearing at 2:55 PM

Discussion on the Findings of Fact was held.

Motion:

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

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

PZ 675-2022

Hold a Public Hearing and forward a recommendation to City Council on the request of Dimitar Atanasov and Keila Sierra to obtain a Special Use in a Class R-4 (Single-Family Residential) District for a Short Term Rental, for the property located at 1005 W Moss Avenue (Parcel Identification No. 18-05-469-026), Peoria IL (Council District 2).

This case has been withdrawn. No action took place.

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 Barry at approximately 2:57 PM.

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

Kerilyn Weick, Senior Urban Planner

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