



Legislation

Agenda Date: 9/27/2022

File #: 22-324, Version: 1

**ACTION REQUESTED:**

Communication from the City Manager and Director of Community Development with a Request to Concur with the Recommendation from the Planning and Zoning Commission and Staff to ADOPT an ORDINANCE Approving a SPECIAL USE in a Class R-1 (Single-Family Residential) District for a SHORT-TERM RENTAL for the Property Located at 3119 NORTH KNOXVILLE AVENUE (Parcel Identification No. 14-28-377-071) and Including, for Access only, the Property Located at 3207 NORTH KNOXVILLE AVENUE (Parcel Identification No. 14-28-377-070 and 14-28-377-048) in a Class R-1 (Single-Family Residential) District and a Class R-3 (Single-Family Residential) District, Peoria IL. (Council District 2)

**BACKGROUND:** The applicants and property owners, Dimitar Atanasov and Keila Sierra request to obtain a special use to use an existing single-family dwelling, with four bedrooms, as a short term rental. Renting all or part of a dwelling to transient guest(s) for a period less than thirty (30) consecutive days is considered a short term rental. The property is in the North Florence Neighborhood Association. The Unified Development Code stipulates no more than 3% or 14 special use short term rentals in this neighborhood association. If approved, this would be the third special use Short Term Rental in this neighborhood association. The applicant also owns the property to the north which is approved for a special use short term rental. The property at 3114 N Linnhill Ct is also approved for a special use short term rental.

Applicant's proposal: Short term rental of up to 10 guests, with a waiver from the occupancy standard to increase the number of adults from 6 to 8 (total number of guests remains 10). Off-street parking is available in the 2-stall detached garage and paved driveway.

Staff's recommendation: Approve the short term rental without a waiver from the occupancy standard. When regulations for Short Term Rentals were originally formed, Council limited the number of adults to six to alleviate concerns for overcrowding, parking, and vehicle trips to the property. The standards in the Building and Fire code permit up to 10 persons, at this property, based on use and bedroom sizes.

The Planning & Zoning Commission found that the request, in case number PZ 1032-2022, met the Findings of Fact and voted 4-0 to approve without a waiver from the occupancy standard, and subject to the parking plan and 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 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.
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.

8. Install a gate or similar barrier to prohibit vehicle access from the property to Linnhill Court.

For detailed information, see the attached case packet to the Planning & Zoning Commission and the attached meeting minutes with public comments.

**FINANCIAL IMPACT:** NA

**NEIGHBORHOOD CONCERNS (at the Planning & Zoning Commission Meeting):** One neighbor submitted support for the request, citing the property is well maintained and the convenience of a short term rental nearby. Three area residents submitted comments in opposition, citing concerns regarding noise, sense of safety, sense of belonging, traffic, overflow parking, and proximity to two other short term rentals. In response to the comments, the applicant described their reservation policies, use policies, and property maintenance practices, as well as personal experience living next to a short term rental and operating a short term rental.

**IMPACT IF APPROVED:** The Special Use would be approved for a short term rental subject to the conditions and no more than 6 adults, 10 guests in total. The property owner would need to obtain a license before operating the short term rental.

**IMPACT IF DENIED:** The Special use would not be approved and a non owner occupied short term rental use would not be permitted.

**ALTERNATIVES:** NA

**EEO CERTIFICATION NUMBER:** NA

**WHICH OF THE GOALS IDENTIFIED IN THE COUNCIL'S 2017 - 2032 STRATEGIC PLAN DOES THIS RECOMMENDATION ADVANCE?**

1. Grow Peoria

**WHICH CRITICAL SUCCESS FACTOR(S) FROM THE COMPREHENSIVE PLAN DOES THIS RECOMMENDATION IMPLEMENT?**

1. Reinvest in neighborhoods.

**DEPARTMENT:** Community Development