

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

A virtual meeting of the Planning & Zoning Commission was held on Thursday, January 6, 2022, at 1:00 PM with Chairman Mike Wiesehan presiding and with proper notice having been posted.

ROLL CALL

The following Planning & Zoning Commissioners were present: George Ghareeb, Eric Heard, Branden Martin, Edward Barry, Richard Unes, Robin Grantham and Mike Wiesehan – 7. Absent:– 0.

City Staff Present: Leah Allison, Joe Dulin, Josh Naven, Kerilyn Weick, Matt Smith, Julia Hertaus and Irina Riegenbach.

SWEARING IN OF SPEAKERS

Speakers were sworn in by Matt Smith.

MINUTES

Commissioner Ghareeb moved to approve the minutes of the Planning & Zoning Commission meeting held on December 2, 2021; seconded by Commissioner Heard.

The motion was approved unanimously by a roll call vote 7 to 0.

REGULAR BUSINESS**PZ 610-2021**

Hold a Public Hearing and forward a recommendation to City Council on the request of Nathaniel and Jillian Cover to obtain a Special Use in a Class R-3 (Single-Family Residential) District for a Short Term Rental, for the property located at 5435 N Longwood Drive (Parcel Identification No. 14-19-227-020), Peoria IL (Council District 4)

Senior Urban Planner, Josh Naven, Community Development Department, read the case into the record and summarized the request.

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 915.2.1.
4. Additional dwelling units cannot be added to the single family residence.
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) 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

Jill Cover, applicant and property owner, stated they have been successfully utilizing the house as a short-term rental for 3 years. Initially the house was worth \$60,000 but after renovations the house is now worth \$120,000. Ms. Cover communicates with the neighbors and takes care of any issues they bring up.

Chairperson Wiesehan opened the public hearing at 1:15 PM.

There being no public testimony, Chairperson Wiesehan closed the Public Hearing 1:17 PM.

Discussion on the Findings of Fact was held.


Motion:

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

The motion was approved by roll call vote 7 to 0.

Yes: Wiesehan, Heard, Barry, Martin, Ghareeb, Unes, Grantham - 7

Nay: None



PZ 623-2021

Hold a Public Hearing and forward a recommendation to City Council on the request of Rick Ellis to amend Appendix A, the Unified Development Code, relating to Manufactured/Modular Building Sales. (All Council Districts)

Chairperson Wiesehan abstained from this case; Chairperson Pro Tem Ghareeb led the discussion.

Assistant Community Development Director Leah Allison, read the case into the record and summarized the request.

Commissioner Heard asked if they could apply for a special use instead of a change to the code.

Assistant Community Development Director Allison, stated modular building sales are only allowed as a permitted use in an industrial zoning district.

The Development Review Board recommends denial of this request.

Rick Ellis, applicant, stated they will keep display buildings in a straight-line display and will have someone on staff full time managing the location. Additionally, parking spots will be clearly marked and will provide the required number of accessible spots.

Eric Boreup, Koch Portable Warehouses, stated their company has been in business since 1984. They operate in 14 different states and understand the City's concerns.

Chairperson Pro Tem Ghareeb opened the public hearing at 1:31 PM.

Commissioner Barry asked for clarification on the request. The request is to change the code, a permanent change to the ordinance and not just a special use request for the property.

Assistant Community Development Director Allison stated the request is a text amendment to the Unified Development Code and it will affect all C2 zoned properties.

Eric Boreup stated their company takes pride in their business and they don't operate like other portable building manufactures do.

There being no further public testimony, Commissioner Ghareeb closed the Public Hearing 1:36 PM.

Motion:

Commissioner Unes made a motion to defer, with direction to bring forward this proposed use as Special Use; seconded by Commissioner Heard.

The motion was approved by roll call vote 6 to 0 with 1 Abstention.

Yes: Unes, Grantham, Heard, Barry, Martin, Ghareeb - 6

Nay: None

Abstention: Wiesehan - 1

PZ 627-2021

Hold a Public Hearing and forward a recommendation to City Council on the request of Carissa Duran to obtain a Special Use in a Class R-3 (Single-Family Residential) District for a Short Term Rental, for the property located at 1522 E Paris Avenue (Parcel Identification No. 14-27-404-033), Peoria IL (Council District 3)

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

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 six (6) 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.

Carissa Duran, applicant and property owner, stated this is a newer property to the short term market but they are a super host on Air BnB. Ms. Duran stated they have a contractor who will install all necessary fire equipment and a local cleaning team. Ms. Duran communicates with the neighbors and is very eyes on the property.

Chairperson Wiesehan opened the public hearing at 1:49 PM.

There being no further public testimony, Chairperson Wiesehan closed the Public Hearing 1:49 PM.

Discussion on the Findings of Fact was held.

Motion:

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

The motion was approved by roll call vote 7 to 0.

Yes: Wiesehan, Heard, Barry, Martin, Ghareeb, Grantham, Unes - 7

Nay: None

PZ 630-2021

Hold a Public Hearing and forward a recommendation to City Council on the request of Chris Gezzer to obtain a Special Use in a Class R-4 (Single-Family Residential) District for a Short Term Rental, for the property located at 303 W Columbia Terrace (Parcel Identification No. 18-04-181-019), Peoria IL (Council District 2)

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

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

1. Waiver to increase the cap on special use short term rentals in the Randolph Roanoke Neighborhood Association to 4% or one (1) total.
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. Occupancy of the short term rental shall not exceed six (6) total guests.
6. Additional dwelling units cannot be added to the single family dwelling.
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.

Chairperson Wiesehan asked for clarification regarding the requested waiver. The city council directed that no more than 3% of homes in a neighborhood district can be short-term rentals. Based on this percentage there should be 0 allowed in Randolph-Roanoke neighborhood district.

Senior Urban Planner Weick stated that part of the applicant's request is the waiver, Community Development Department considered this request to increase the cap to allow for one short-term rental in the Randolph-Roanoke neighborhood district.

Commissioner Unes asked if this would set a precedent to continue to increase the allowance.

Chairperson Wiesehan stated if there is any neighborhood district that is so small that a 3% cap will not allow for any, we will have a waiver request to allow for just one. City Council put a 3% cap on every neighborhood district for a reason.

Community Development Director Dulin stated if someone wants a waiver for something established by council they can ask, council will evaluate on a case by case basis and will determine if they will allow these waivers or not.

Commissioner Barry stated he would encourage the City to consider a text amendment down the road to satisfy concerns over setting precedent.

Chris Gezzer, applicant and property owner stated he has done a lot of work on the property and has helped neighbors try to clean up the area. Mr. Gezzer stated they cut down the number of bedrooms from 6 to 4 to minimize the number of guests to try to make up for the $\frac{3}{4}$ short-term rental allowed in the neighborhood district.

Chairperson Wiesehan opened the public hearing at 2:05 PM.

Brian Mooty, Kavanagh Law Firm, stated the issue of 3% allowance will create a precedent. City staff and reviewers do not have authority to grant the waiver, it must go to City Council.

There being no further public testimony, Chairperson Wiesehan closed the Public Hearing 2:09 PM.

Discussion on the Findings of Fact was held.

Motion:

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

Commissioner Barry stated he will not be supporting this motion. Commissioner Barry believes the intent of the percentage was to be appropriate to the neighborhood, the language to the ordinance should say 3% or a minimum of 1.

Chairperson Wiesehan stated he will not be supporting this, the direction needs to come from City Council.

Commissioner Heard, stated he agrees with Wiesehan and Barry, it comes down to language the City put in place.

Commissioner Unes stated he would agree with consensus of committee and will not support the motion.

The motion was failed by roll call vote 2 to 5.

Yes: Martin, Ghareeb - 2

Nay: Grantham, Barry, Wiesehan, Heard, Unes - 5

PZ 641-2021

Hold a Public Hearing and forward a recommendation to City Council on the request of Kristin Otto, on behalf of Anthony Bleull, to obtain a Special Use in a Class R-4 (Single-Family Residential) District for a Short Term Rental, for the property located at 308 W Maywood Avenue (Parcel Identification No. 14-33-128-002), Peoria IL (Council District 2)

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

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

1. Waiver to permit a 4 foot tall, wrought iron style fence in the front yard. Said waiver applies only to the existing location and length of the fence as identified on the site plan.
2. Waiver to permit a 3 foot tall chain link fence in the front yard. Said waiver applies only to the existing location and length of the fence as identified on the site plan.
3. Repair the broken and bent sections of the chain link fence.
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. Additional dwelling units cannot be added to the single family dwelling.
8. Occupancy of the short term rental shall not exceed the standards set forth in the Building and Fire Code of two (2) total persons.
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. 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.

Kristin Otto, applicant, stated her and Anthony Bleull, manage multiple properties on Air Bnb and this property is more unique than a hotel experience. Additionally, Ms. Otto will be repairing the fence.

Chairperson Wiesehan opened the public hearing at 2:22PM.

Brian Mooty, Kavanagh Law Firm, questioned the fence waiver. Mr. Mooty believes it's highly inappropriate to allow for waivers through a special use, they should go before the Zoning Board of Appeals.

Senior Urban Planner Weick, read letter from Demeatra Annan, 323 W Corrington Ave, asking for property to be donated to her day care.

Anthony Bleull, property owner, stated they are not interested in donating the property. Additionally, Mr. Bluell stated the fence was there prior to them purchasing the property in 2015.

There being no further public testimony, Chairperson Wiesehan closed the Public Hearing 2:26 PM.

Discussion on the Findings of Fact was held.

Chairperson Wiesehan stated the commission has granted waivers long before he's been a part of it. It won't set a precedent; they have been granted and accepted by City Council.

Motion:

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

The motion was approved by roll call vote 7 to 0

Yes: Wiesehan, Heard, Barry, Ghareeb, Grantham, Martin, Unes - 7

Nay: None

PZ 642-2021

Hold a Public Hearing and forward a recommendation to City Council on the request of Bill Kwon and the Bill Kwon Trust #8322-BK Dated 11-6-2008, to obtain a Special Use in a Class R-2 (Single-Family Residential) District for a Short Term Rental, for the property located at 5918 N Elm Lane (Parcel Identification Nos. 14-16-426-007 and 14-16-426-012), Peoria IL (Council District 3)

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

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

1. Waiver to permit a 4 foot tall wrought iron and brick fence in the front yard. Said waiver applies only to the existing location and length of the fence as identified on the site plan.
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) total persons. Of the maximum occupancy allowed, no more than six 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.

Senior Urban Planner Weick explained neighborhood association covenant.

Bill Kwon, applicant and property owner, stated he bought house in 2016 and spent over \$100,000 to upgrade the house. They started Air Bnb a little over a year ago and are a super host. The main clientele are physicians are business owners.

Chairperson Wiesehan opened the public hearing at 2:45 PM.

Brian Mooty, Kavanagh Law Firm, 301 SW Adams St Suite 700, representative of the Viewpoint Neighborhood Association. Mr. Mooty stated the neighbors sought to prepare a declaration to formalize their neighborhood association and is not aware of any neighbors who support this application. Mr. Mooty stated the City doesn't count them as a neighborhood association even though they meet all requirements to be recognized as one. This special use should not move forward. Additionally, Mr. Mooty has issues with the findings of the City of Peoria, they are not making these properties disable accessible.

Senior Urban Planner Weick, stated they are following building code requirements for the properties. The City walks through each home if there is a special use and are addressing those elements through interior inspections.

Commissioner Unes asked Mr. Mooty to submit his language to City Council or city attorneys, it is not the Planning and Zoning Commission jurisdiction.

Mr. Mooty stated it's a commercial business, it's a hotel/motel use. Mr. Mooty stated the City has not applied those standards to the short-term rental. Additionally, Mr. Mooty has submitted a 5-page letter to the City laying out most of these statements.

Noah Benckendorf, 100 N Main St. Morton, Il., lawyer for Bill Kown. Stated there is no recorded written agreement for a neighborhood association, a 2.5 mile radius standard should apply here. The timing of the application for the short-term rental was substantially before the application for the home owners association. Mr. Kwon did not receive a notice for the meeting until the day after it was schedule. As for safety Mr. Kwon has wonderful tenants and renters and has had no issues regarding stately. Parking has been accepted, two full spaces street side and 2 parking in garage. Mr. Kwon has put a lot of money in this house. The property complies with all ordinances regarding short-term rentals.

Matt Smutz, 5922 N Elm Ln, stated he lives next door to the Kwon property. The neighborhood association has been informal for decades, the Kwon's have paid dues into that over the years, and the property listing states it is part of an HOA.

Jennifer Albert, Santa Rosa Beach FL., stated she went to Richwoods High School, owns a business and a home. Ms. Albert stayed at the property through Air BnB and found the property to be exclusive and private. The driveway is long Ms. Albert does not see a problem with parking. Ms. Albert stated it is nice to stay in a quality home while visiting family in Peoria and not a hotel.

Dar Mathison, 5933 N Elm Ln, stated he is not part of the neighborhood association and has not seen any issues, problems, or extra traffic due to the Air BnB.

Senior Urban Planner Weick read letters on the request

- John Wilkins, 5902 N Elm Ln., letter in opposition
- Gene and Becky Doubleday, 5934 N Elm Ln., letter in opposition
- Sanda Spalding, letter in opposition
- Matt Smutz, 5922 N Elm Ln., letter in opposition
- Dave Thompson, 5925 N Elm Ln., letter in opposition.
- Steven Heine, 5950 N Elm Ln., letter in opposition

Bill Kwon, stated he takes special consideration with the guests, they have a 3 day minimum stay and a no party rule. Mr. Kwon asked the commission to approve this short term rental since he is following the rules and trying to do what's right.

Commissioner Ghareeb asked how long the house has been a short term rental and if any neighbors complained.

Mr. Kwon stated they have been renting out the house for 14 months and not a single neighbor has complained.

Commissioner Grantham asked when Mr. Kwon applied for the special use.

Senior Urban Planner Weick stated they received the application November 30, the HOA covenant was December 13.

There being no further public testimony, Chairperson Wiesehan closed the Public Hearing 3:32 PM.

Commissioner Unes stated he will not be supporting this request, the commission has never had such a large amount of opposition.

Chairperson Wiesehan stated he needs direction from legal and council for the issues addressed.

Senior Urban Planner Weick stated the department has determined the standards as being met based on opinion, some may find some standards are not being met.

Commissioner Barry asked the City legal staff to vet the ordinance.

Discussion on the Findings of Fact was held.

Commissioner Unes left the meeting at approximately 3:35 pm.

Motion:

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

The motion was approved by roll call vote 6 to 0.

Yes: Wiesehan, Heard, Barry, Martin, Grantham, Ghareeb - 6

Nay: None

Absent: Unes -1

PZ 647-2021

Hold a Public Hearing and forward a recommendation to City Council on the request of Kenzie Neely of Neely Brothers to obtain a Special Use in a Class C-N (Neighborhood Commercial) District for Auto Sales and Repair

for the property located at 3038 W Starr Street, (Parcel Identification No. 18-18-301-024), Peoria IL (Council District 1)

Assistant Community Development Director, Leah Allison, read the case into the record and summarized the request.

The Development Review Board recommends approval of the request with the following conditions and waivers:

1. Stripe the parking lot for the handicap accessible space with overall dimensions of 16 ft in width and 18.5 ft in length. Handicap space may be striped with an 11 ft parking area and a 5 ft aisle, or alternatively, with an 8 ft parking area and 8 ft aisle.
2. Install the R 7/8 and \$350 fine identification signs for the handicap parking.
3. Provide for one bicycle parking space.
4. Replace deteriorated and non-ADA compliant sidewalks and curbs along property frontage.
5. Two-way driveways must be a minimum of 24 feet in width or if less than 24 feet, be signed for one-way use.
6. If a garbage dumpster is located on site it must be placed in a four-sided, six to seven foot tall solid enclosure with a gate for access.
7. Waiver of landscaping requirements due to existing site conditions.
8. Waiver of building siting and elements dues to existing building conditions.

Kenzie Neely, applicant and property owners, stated he is in compliance with everything needed to approve the special use.

Commissioner Heard, asked if Mr. Neely is comfortable with replacing the sidewalks and curbs.

Mr. Neely, stated he is.

Chairperson Wiesehan opened the public hearing at 3:53 PM.

There being no further public testimony, Chairperson Wiesehan closed the Public Hearing 3:53 PM.

Discussion on the Findings of Fact was held.

Motion:

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

The motion was approved by roll call vote 6 to 0.

Yes: Wiesehan, Heard, Barry, Martin, Ghareeb, Grantham - 6

Nay: None

Absent: Unes -1

PZ 654-2021

Hold a Public Hearing and forward a recommendation to City Council on the request of Grant and Hannah Herrmann to obtain a Special Use in a Class R-3 (Single-Family Residential) District for a Short Term Rental, for the property located at 4307 N Nelson Drive (Parcel Identification No. 14-20-355-014), Peoria IL (Council District 4)

Senior Urban Planner, Josh Naven, Community Development Department, read the case into the record and summarized the request.

The Development Review Board recommends approval of the request 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 915.2.1.
4. Additional dwelling units cannot be added to the single family residence.
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) guests may stay in each individual 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. The existing fence shall be altered to comply with current fence regulations or removed.

Grant Hermann applicant and property owner, stated they purchased the property 3 weeks ago and has not been utilized as a short-term rental. Mr. Hermann argued the front yard fence offers privacy from the baseball diamond and the other parts of the fence follow the City code. The street with the fence is a dead end and requested a waiver to allow for privacy in the yard with the 6ft fence.

Chairperson Wiesehan opened the public hearing at 4:04 PM.

Josh Naven read email,

- Steve and Donna Gerber 7105 W Alat Ave letter in opposition.

Mr. Hermann stated he never heard from the Gerber's but has contacts for the other properties he manages, and they are all reputable properties.

There being no further public testimony, Chairperson Wiesehan closed the Public Hearing 4:07 PM.

Discussion on the Findings of Fact was held.

Motion:

Commissioner Heard made a motion to approve with staff recommendation; seconded by Commissioner Barry.

The motion was approved by roll call vote 6 to 0.

Yes: Wiesehan, Heard, Barry, Martin, Grantham, Ghareeb - 6

Nay: None

Absent: Unes - 1

PZ 663-2021

Hold a Public Hearing and forward a recommendation to City Council on the request of Kavan Shay and Mari Halliday of JEG Properties, LLC to obtain a Special Use in a Class R-2 (Single Family Residential) District for a Short Term Rental for the property located at 620 W Mount Hawley Terrace, (Parcel Identification No. 14-04-302-021) Peoria, IL (Council District 5)

Assistant Community Development Director, Leah Allison, read the case into the record and summarized the request.

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 six (6) total persons. 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.

Commissioner Martin recused himself from this case.

Kavan Shay, applicant and property owner, stated him and Ms. Halliday are native Peorians and small business owners, Mr. Shay runs the Blue Duck Tavern and wants to bring people to Peoria to live and recreate. Mr. Shay stated they have created a premium residence.

Chairperson Wiesehan opened the public hearing at 4:17 PM.

Allison read letter

- Heather Baraskko, letter in opposition.

Mr. Shay, stated they bought the house under JEG Properties, their property manager is Matthew so he is listed on the Air Bnb app, Matthew is local and has great reviews on Air Bnb, he is responsive and cares about the properties and tenants. Ms. Halliday and Mr. Shay are involved with the properties and visit them often. Mr. Shay stated they don't book anyone with previous complaints or bad reviews.

There being no further public testimony, Chairperson Wiesehan closed the Public Hearing 4:22 PM.

Discussion on the Findings of Fact was held.

Motion:

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

The motion was approved by roll call vote 5 to 0, with 1 abstention
Yes: Wiesehan, Heard, Barry, Grantham, Ghareeb - 5
Nay: None
Absent: Unes - 1
Abstention: Martin - 1

PZ 670-2021

Hold a Public Hearing and forward a recommendation to City Council on the request of Kavan Shay and Mari Halliday of JEG Properties LLC, to obtain a Special Use in a Class R-3 (Single-Family Residential)

District for a Short Term Rental, for the property located at 3124 N Isabell Avenue (Parcel Identification No. 14-29-457-002), Peoria IL (Council District 2)

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

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

1. Verify the dwelling is at least two (2) feet above the base flood elevation (BFE) for this area.
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 six (6) total persons.
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.

Commissioner Martin recused himself from this case.

Senior Urban Planner Weick clarified for the commission that staff's recommendation is revised to remove the first condition in the staff memo which reads: Verify the dwelling is at least two (2) feet above the base flood elevation (BFE) for this area. This condition has been satisfied prior to the hearing.

Kavan Shay, applicant and property owner, stated they intend to run and manage this property in the same fashion as the previous petition that was approved. Mr. Shay reached out to the previous head of the Biltmore Neighborhood Association and he is in support of the STR.

Chairperson Wiesehan opened the public hearing at 4:31 PM.

Weick read letter

- Todd Arnold, 3129 N Isabell Ave. letter in opposition.

Mr. Shay stated they specifically forbid parties or large gatherings and don't anticipate any further safety issues for his neighbors.

There being no further public testimony, Chairperson Wiesehan closed the Public Hearing 4:34 PM.

Discussion on the Findings of Fact was held.

Motion:

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

The motion was approved by roll call vote 5 to 0, with 1 abstention.

Yes: Wiesehan, Heard, Barry, Grantham, Ghareeb - 5

Nay: None

Absent: Unes - 1

Abstention: Martin – 1

PZ 671-2021 THIS CASE HAS BEEN WITHDRAWN

Hold a Public Hearing and forward a recommendation to City Council on the request of Candace Martin to obtain a Special Use in a Class R-4 (Single Family Residential) District for a Short Term Rental, for the property located at 1010 E Corrington Avenue (Parcel Identification No. 14-34-127-006), Peoria IL (Council District 3)

PZ 675-2021

Hold a Public Hearing and forward a recommendation to City Council on the request of Maverick and Stacy Woodward to obtain a Special Use in a Class R-4 (Single-Family Residential) District for a Short Term Rental, for the property located at 811 W Moss Avenue (Parcel Identification No. 18-05-483-016), Peoria IL (Council District 2)

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

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

1. Approval is contingent on the conversion of the dwelling to a duplex, of which one unit may be used as a short term rental. After conversion to a duplex, no additional dwelling units can be added to the two-family dwelling.
2. Driveway and all parking areas shall be repaired and maintained as an all-weather, durable and dustless surface.
3. Coach stop along Moss Avenue shall be repaired and maintained as an all-weather, durable and dustless surface.
4. Exterior improvements, alterations, and landscaping shall comply with Chapter 16 Historic Preservation of the Peoria City Code. The owner shall obtain a Certificate of Appropriateness for repairs made to existing soffits.
5. Fire extinguishers shall be installed according to the 2018 International Fire Code Chapter 9, Section 906. 6. Interconnected smoke alarms shall be installed according to the 2018 International Fire Code Chapter 9, Section 907.
7. Carbon monoxide detector shall be installed according to the 2018 International Fire Code Chapter 9, Section 915.
8. Occupancy of the short term rental shall not exceed the standards set forth in the Building and Fire Code of ten (10) total persons. Of the maximum occupancy allowed, no more than six (6) adult guests may stay in the dwelling unit at any given time.
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. 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.

Chairperson Wiesehan questioned the shared driveway and stated it is hard to control parking in a shared driveway. Additionally, how many short-term rentals are in this district?

Senior Urban Planner Weick stated one has been approved by council on Cooper, one has been deferred. The Moss-Bradley residential association allows for 17 short-term rentals.

Maverick Woodward, applicant and property owner, stated they bought this house has a 4plex and decided to restore the house and finish the basement. Mr. Wood expects the home to be finished by summer of 2022. The exterior will be restored as close to the original, including the sidewalks and carriage stop, woodwork, new foliage, updates to backyard, and the interior will be restored with as much period appropriate materials. The two units will have no access to each other, and motion detected lighting and video doorbells have been installed. Mr. Wood stated they have property management company to manage property and tenants will obtain and return keys to property manager. Mr. Wood stated there is nothing recorded about a shared driveway and his attorney's findings show the driveway is his.

Chairperson Wiesehan opened the public hearing at 4:54 PM.

Dan Butler, 815 W Moss Ave. expressed concern about Mr. Woodward living in California and not being around to check on the house during the week or maintain the property to City standards.

Jonna Randleman, 807 W Moss Ave., read a letter in objection. Ms. Randleman stated that Mr. Woodward sent a threatening legal letter and cannot be trusted. Ms. Randleman attempted to discuss the shared driveway with Mr. Woodward. Ms. Randleman did research and believes it is a shared driveway and would like to discuss with driveway if Mr. Woodward will give her the time.

John Salch, 810 W Moss Ave., stated he has lived on Moss over 30 years and the driveway has always been shared. Mr. Woodward has based his information regarding the driveway on a document that explicitly says the overlays are not to be used for boundary disputes.

Weick read letter

- Fulvio Zerla, 315 Whitaker St., letter in opposition

Mr. Woodward stated he supplied a written response to Dan stating they always planned on using the house as a short-term rental but would like to retire there. Mr. Woodward has plans for all the renovations but has had difficulty finding contractors. Mr. Woodward has gone through 3 different masons and 2 roofers. Mr. Woodward stated he let the attorney take care of the easement problem and who said nothing was recorded.

Commissioner Ghareeb asked how parking was handled prior to the house being purchased.

Ms. Randleman stated there were parking blocks on the back side of the house and someone parked on the street. Ms. Randleman had a verbal agreement with the tenant.

Commissioner Heard asked if anyone has done a survey or title.

Mr. Woodard stated the title and deed on 811 Moss do not mention a shared driveway, but he will have a surveyor come out to get accurate measurements.

There being no further public testimony, Chairperson Wiesehan closed the Public Hearing 5:20 PM.

Discussion on the Findings of Fact was held.

Chairperson Wiesehan clarified if this gets approved it cannot be used as a short-term rental until it is converted into a duplex and a certificate of appropriateness gets approved. Additionally, Mr. Wiesehan cannot approve anything in the Moss Bradley area that doesn't have an agreement by property owners about the driveway.

Commissioner Grantham question if this a problem for the commission or a matter that needs to be settle by the petitioner and the neighbor, as long as they are showing the required number of parking places.

Commissioner Ghareeb stated that part B of the findings of fact could be impacted with the shared driveway.

Senior Urban Planner Weick clarified the parking plan shows the vehicles will be out of the driveway and park on the side and not block the driveway.

Community Development Directed Dulin stated City Council will be interested in this issue and asked the commission to defer and have the applicant provide an agreement on utilizing the shared driveway.

Motion:

Commissioner Ghareeb made motion to defer the request to the next regular scheduled hearing. The commission requests written evidence pertaining to the ownership of the driveway on the east side of the property or written agreement between adjoining property owners on the use or sharing of the driveway; seconded by Commissioner Grantham.

The motion was approved by roll call vote 6 to 0.

Yes: Wiesehan, Heard, Barry, Martin, Grantham, Ghareeb - 6

Nay: None

Absent: Unes -1

Commissioner Heard stated residents should have a stronger say in short term rentals, the commission rarely has grounds to deny a request. Applicants should be required to gather neighbor support to be approved.

Commissioner Martin clarified Air Bnb's regulation for accessibility.

Commissioner Barry stated if you have less than 5 units you do not need to be ADA accessible and asked to get clarification from the Cities legal department.

Senior Urban Planner Naven, clarified that covenant and shared driveway agreements are personal property right issues which are typically handled in the Civil Courts versus a legislative recommendation to the Council.

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 approximately 5:47 PM.

The motion was approved unanimously by roll call vote 6 to 0.



Irina Rigganbach, Development Technician