



Legislation Details (With Text)

File #: 21-275 **Version:** 3 **Name:**
Type: Ordinance **Status:** Adopted
File created: 8/4/2021 **In control:** City Council
On agenda: 10/12/2021 **Final action:** 10/12/2021

Title: 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 R4 (Single Family Residential) District for a SHORT TERM RENTAL at 1030 N. ELMWOOD AVENUE (Parcel Identification No. 18-05-328-021), Peoria, IL (Council District 2).

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance for PZ 405-2021, 2. Attachment A Parking Plan for 1030 N Elmwood Ave, 3. Case Packet for PZ 405-2021 1030 N Elmwood Ave, 4. Minutes and comments for PZ 405-2021, 5. ORD 17895

Date	Ver.	Action By	Action	Result
10/12/2021	3	City Council	adopted	Pass
9/28/2021	2	City Council	deferred	Pass
9/28/2021	2	City Council	reconsidered	Pass
9/14/2021	1	City Council	denied	Pass

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 R4 (Single Family Residential) District for a SHORT TERM RENTAL at 1030 N. ELMWOOD AVENUE (Parcel Identification No. 18-05-328-021), Peoria, IL (Council District 2).

BACKGROUND: The petitioner and property owner, John Wolter of Good Stay Properties, LLC requests to obtain a special use to use an existing single family dwelling as a short term rental. The property owner intends to use the property for short term rental when it is not rented on a month-to-month basis. The property has three off-street parking spaces. Parking on Elmwood is by permit only. The property owner would not provide parking permits to the occupants of the 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. A short term rental, in the R-4 (Single Family Residential) District, that is not occupied by the property owner, must receive special use approval in addition to the following registration/licensing requirements:

1. The owner shall comply with the residential property registration code of the City of Peoria.
2. The owner shall obtain and maintain a valid Hotel Motel license from the City of Peoria and the owner shall pay Hotel or Motel Room Rental Use or Privilege tax to the City of Peoria.

The Planning & Zoning Commission found that the request, in case number PZ 405-2021, met the Findings of Fact and voted 5-2 to approve the request subject to the parking plan and the following conditions:

1. Occupancy is limited to no more than five bedrooms and ten overnight guests.

2. The dwelling shall comply with the 2018 IRC Section R310 Emergency Escape and Rescue Openings.
3. Fire extinguishers shall be installed according to the 2018 International Fire Code Chapter 9, Section 906
4. Interconnected smoke detectors shall be installed according to the 2018 International Fire Code Chapter 9, Section 907
5. The owner shall comply with the residential property registration code of the City of Peoria.
6. The owner shall obtain and maintain a valid Hotel Motel license from the City of Peoria and the owner shall pay Hotel or Motel Room Rental Use or Privilege tax to the City of Peoria.
7. Additional dwelling units cannot be added to the single family dwelling.

See the attached case packet to the Planning & Zoning Commission and meeting minutes for detailed information.

FINANCIAL IMPACT: NA

NEIGHBORHOOD CONCERNS (at the Planning & Zoning Commission Meeting):

Four neighborhood households submitted letters in opposition to the request. Reasons for objection included: occupancy is more than 3 unrelated adults, sense of safety, sense of community, parking needs, a special use if not expired transfers to the next property owner, no geographic limit on the number of short term rentals, and a complaint driven enforcement process. Included in the letters of opposition, the president of the Uplands Residential Association expressed he has heard pros and cons for the use in the neighborhood.

Staff find the concerns raised for a short term rental at the subject property are mitigated by the recommended conditions, parking plan, and requirements of the city code and codes adopted by reference.

IMPACT IF APPROVED: The Special Use would be approved subject to the parking plan and conditions. The property owner would need to obtain a license to operate 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