



Legislation Text

File #: 22-039, **Version:** 2

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-2 (Single-Family Residential) District, for a SHORT-TERM RENTAL for the Property Located at 5918 NORTH ELM LANE (Parcel Identification No. 14-16-426-007 and 14-16-426-012), Peoria, IL. (Council District 3)

BACKGROUND: The applicant and property owner Bill Kwon, requests to obtain a special use to use an existing four-bedroom, single-family dwelling as a short term rental. The proposal is to have up to six adult guests. Off-street parking is available on the paved driveway and attached garage. A waiver from the front yard fence maximum height standard is requested to allow the existing fence to remain.

At the time of application to the Planning and Zoning Commission, the property is not in a neighborhood association as defined by the Neighborhood Associations Map . The Unified Development Code stipulates no more than 3% or 3 special use short term rentals within a 0.25 mile radius of the subject property. If approved, this would be the first special use approved for a short term rental in this radius. The property does not have recorded private covenants restricting or prohibiting the proposed use.

The Planning & Zoning Commission found that the request, in case number PZ 642-2021, met the Findings of Fact and voted 6-0 to approve subject to the site plan and the following waivers 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.

For detailed information, see the attached case packet and meeting minutes from the Planning & Zoning Commission meeting.

FINANCIAL IMPACT: NA

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

support of the use were made during the hearing. One comment was from a neighbor who has not had any issue with the use when it was operating. The second was from a prior guest who expressed the merits of the property for such use.

Seven letters of opposition were submitted. Of those seven, two made comments during the meeting. Reasons for opposition included the following: Viewpoint Neighborhood Association is a neighborhood association and by its boundaries the 3% cap on special use short term rentals is exceeded; accessibility is not addressed; additional noise, traffic, and commercial nature of the use would decrease the enjoyment of other property, insufficient parking, the use has been operating without proper approvals, waivers should not be reviewed through the special use process. The commission discussed uses under five units are exempt from accessible design standards.

IMPACT IF APPROVED: The Special Use would be approved subject to the conditions. 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