

**MINUTES
LAND USE COMMITTEE REGULAR
JANUARY 24, 2022 @ 4:00 P.M.**

MEMBERS PRESENT: James Dillon – Chairperson, Eden Blair – Vice Chairperson, William Watkins, Sharon Williams, Jennifer Groves Allison, Brian Elsasser (via teleconference), Matthew Windish

MEMBERS ABSENT:

OTHERS PRESENT: Jennie Cordis Boswell - State's Attorney's Office; Scott Sorrel, Shauna Musselman - County Administration; Andrew Braun, Sarah Cox - Planning & Zoning; Jack Walton – Management Analyst, James Fennell – Peoria County Board Member

Call to Order:

Mr. Dillon called the meeting to order at 4:01 p.m.

A motion to approve the participation of Mr. Elsasser via teleconference was made by Ms. Allison and seconded by Dr. Blair. A vote was taken on the motion and carried. (6-0).

Mr. Dillon welcomed a new member to the committee, Matthew Windish.

Approval of Minutes:

A motion to approve the Land Use Committee minutes from January 3, 2022, was made by Mr. Windish and seconded by Mr. Watkins. A vote was taken, and the motion carried. (7-0).

Reports/Other Minutes/Updates:

Tri-County Regional Planning Commission Minutes: No questions or comments.

Unsafe Structures: No questions or comments.

Development Summary: No questions or comments.

Mr. Dillon moved to receive and file the reports.

Zoning Cases:

ZBA-2022-000001 Petition of Robert and Carol Meischner

Ms. Williams made a motion to approve the special use request and was seconded by Dr. Blair.

Mr. Braun summarized the case. A Special Use request from Section 20-6.2.1.1.b of the Unified Development Ordinance. This section allows for a special use when a proposed land split does not meet the 40 acre minimum lot size in the A-1 Agricultural Preservation Zoning District. The petitioner proposes to divide 1.5 acres from an existing 19.19 acre parcel in order to separate and

sell 2 existing buildings from the remaining agricultural use. This parcel is the site of the former Doubet Seed Company. on Farmington Road. There are about 19 acres of agricultural land, and the petitioner would like to split off the former Doubet Seed Company buildings. The petitioners will retain the agricultural land, and no crops will be taken out of production. The parcel is served by Illinois American Water and has an existing private septic system. The parcel has frontage on N. Taylor Rd., a primary County Highway, and W. Farmington Rd., a State Route. An easement off of N Taylor Rd., that will be recorded at the time of the split, will be utilized to access the remaining farmland. Staff recommends approval and the Zoning Board of Appeals recommended approval with a vote of 5-0.

A vote was taken on the motion, and the motion carried. (7-0).

ZBA-2022-000005 Petition of Peoria County

Mr. Dillon thanked Mr. Andrew Keyt, an attorney and member of the Zoning Board of Appeals, for his extra time and effort on this amendment.

Ms. Allison made a motion to approve the special use request and was seconded by Mr. Windish.

Mr. Braun presented the case. A Text Amendment to amend Chapter 20, Article 3, Section 3.5 ("Special Use Permits") and Article 11, Section 11.1 ("Definitions") of the Peoria County Code. Mr. Braun stated that this amendment addresses application requirements for special use permits. The amendments clarified the decisions available to the Zoning Board of Appeals and the Committee.

There is a section that specifies Wind Energy Conversion System Towers and how they can be voted on individually. The amendments also establish protections for the County from the continuous costs of land use regulations associated with development approvals. The amendments increase the amount of information required to file an application, which aids the Department of Planning & Zoning, the Zoning Board of Appeals, and the Peoria County Board, in the Special Use Permit decision making process. Additional requirements include bats being specifically named in the avian study requirement, location of emergency signage and contact information must be identified on the site plan, noise level certification is required, and increased liability insurance. These amendments ensure that the County and its citizens are adequately protected from end of project life or facility abandonment, both financially and structurally. The amendments outline detailed requirements for decommissioning plan, defines "turbine abandonment", describes conditions for financial security, and requires the decommissioning agreement to be approved by a resolution of the County Board. The new definitions establish which properties are subject to certain setback regulations for WECS, and which properties are included in Special Use filing fees. Staff had discussions with 23 Illinois counties containing wind energy generation facilities. There were discussions with planners, building officials, road officials, fire departments, & attorneys about application requirements, restrictions, road use agreements, decommissioning plans, special use project area description, and fees.

Mr. Dillon asked if there were any questions or comments.

Mr. Elsasser asked Mr. Braun to clarify what was said about noise level certification.

Ms. Allison clarified that this was just to have the requirements in place should it be needed in the future.

A vote was taken on the motion, and the motion carried. (7-0).

Discussion:

Mr. Dillon stated that there would be a discussion regarding short-term rentals, Mr. Braun would give a presentation, there would be some public comment, and then an opportunity for the Board to give comments and recommendations.

Mr. Braun gave a presentation of the County's classification of short-term rentals as defined in Section 20-7.8, Overnight Accommodations, and whether they are permitted or special uses for each zoning district. The presentation also detailed a map indicating short-term rental requests that have been filed with the County, and the total number of short-term rentals in the County. Staff researched best practices nationwide. Some of the themes are hosted vs. un-hosted, special use, occupancy, inspections, reporting and record keeping, density, parking regulations, licensing/registration, insurance, taxing, and use limits. Mr. Braun gave a list of pros and cons for short-term rentals.

Mr. Dillon stated that there had been some discussion about licensing, and that for the number of properties in the County's jurisdiction, it wouldn't be worth the effort to collect the fee. The County is already aware of the properties since they must apply for a special use permit.

Mr. Dillon opened the discussion to Board Members.

Mr. Fennell asked if a special use permit was granted, would the owner be able to use the property as both a short-term rental and a residential use.

Mr. Braun stated that the special use permit would allow a property to be used as a short-term rental but would not restrict it to that use.

Mr. Windish asked about the comments from Mr. Laukitis. Mr. Dillon read the comments/suggestions into the record.

Mr. Elsasser asked if Mr. Braun spoke about density in his presentation. Mr. Dillon stated that the City of Peoria has a density regulation that was mentioned.

Dr. Blair asked if any of the short-term rental operators were present and if they would be willing to talk about improvements that had been made to the properties, including flood protections.

John McCarthy thanked the Committee for the opportunity to speak, and thanked Mr. Braun for his presentation. Mr. McCarthy continued that the owners have invested large sums of money in the properties they are renting in order to attract guest. Airbnb and VRBO rentals offer advantages over a hotel. Mr. McCarthy stated that he and his clients feel the distance and density are arbitrary and would stymie competition. Mr. McCarthy also stated that the guest log is somewhat of a problem for the owners of the property to obtain. Mr. McCarthy stated that his client would address the flooding issue.

Jason Briscoe stated that all of the homes that he has purchased meet County standards for flood regulations. Mr. Briscoe stated that they recently had their first negative experience as Airbnb owners. They received a call from a neighbor at 1:15 a.m. stating that there were approximately 30 cars parked at the home. Mr. Briscoe stated that he called the non-emergency sheriff's number and officers responded. He was thankful that no damage was done, but he understands why neighbors would be upset, and is open to more discussion regarding the issue.

Mr. Dillon stated that part of the demand for short-term rentals in this particular area is not just the river, but one of Peoria's largest employers in the area, Caterpillar, is nearby. Also, there is a soccer complex and the Chillicothe Park District hosts sports tournaments. There aren't many options for hotels in that area.

Mr. Briscoe stated that probably 80% of rentals are coming for a purpose, i.e., sporting events, concerts, or work.

Mr. Dillon brought up the issue of leaving emergency contact information with a neighbor. Mr. Braun stated that this was found to be a best practice nationwide.

Dr. Blair stated that she would like a restriction applied that would require contact information to be left with a neighbor or posted somewhere on the property.

Mr. Briscoe stated that he plans to put up a sign on his properties that will have the address of the property, owner name, and telephone number, placed where it can be seen. He stated that this will reduce confusion.

Mr. Briscoe also addressed density, and the fact that he has multiple properties in the same neighborhood. He stated that from the perspective of monitoring and maintaining the property, it is actually better. There are also many vacant lots in this area, so the neighborhood is not that dense.

Mr. Dillon asked if there was anyone else from the public that would like to speak. There was no one.

Mr. Dillon referenced a letter that was sent in which the commenter stated they were not opposed to the Airbnb, but felt there should be restrictions regarding distance, contact information, and complaints. Mr. Dillon stated that he didn't feel that density was an issue at this point and there has been a restriction added to the special use permits stating that the permit could be revoked at any time. Mr. Dillon agreed that the contact information would be a good restriction and feels that the County should add it going forward.

Mr. Briscoe added that his concern with complaints and possible three strikes rules, is that neighbors that don't want the Airbnb would make bogus complaints. Mr. Dillon stated that he thinks there is an understanding by the Board what a legitimate complaint versus a neighborly fight would be.

Dr. Blair asked where complaints would be made should there be any. Mr. Braun stated that complaints for any type of land use issue would come to the Department of Planning and Zoning,

and it would be thoroughly investigated by either a code enforcement officer or a planner before recommending revoking a special use permit. Dr. Blair asked if the recommendation to revoke could come from one or multiple complaints. Mr. Braun stated that there is currently no threshold, and the decision would be up to the Zoning Administrator, Kathi Urban.

Dr. Blair stated that having thought about this for a while, she thinks that the current restrictions are good and the only thing she would add would be the contact information. She believes that most problems between neighbors could be solved if they would just talk to each other, and this could eliminate escalating it to complaints and full investigations. Dr. Blair also stated that she is not a fan of putting in population density restriction, because she agrees that it is arbitrary.

Ms. Allison stated that she agrees with Dr. Blair, but also wanted to know if there was some sort of mailing that goes out to the neighborhood so that they know what is going on, who to contact, and what to look out for. Mr. Braun stated that currently the only notification that adjacent owners receive is sent out by Planning and Zoning when the special use request is filed. There is a notice of public hearing placed on the property, and a mailing goes out to adjacent owners. The Department could work on sending out such a notification or work with the owners to making sure the owners send out the notice. Ms. Allison said that it didn't necessarily need to be taken on by the County, but it could be added as a restriction.

Mr. Dillon stated that of the four Airbnb cases that have already come before the Board, the first had the majority of the complaints, and the others had mostly proponents of the proposals. All of the neighbors had the owners' contact information, but the neighbors on the first case just didn't agree with the premise of an Airbnb in that location. The objectors have the Department of Planning and Zoning contact information and continue to call.

Dr. Blair thanked Ms. Urban and Mr. Braun for their hard work and research. She stated that she prefers to be proactive rather than reactive. Dr. Blair also stated that she is a proponent of small businesses and entrepreneurs and thinks that short-term rentals are more of a benefit than a detriment to the area.

Mr. Dillon asked Mr. Briscoe how the log portion of the restrictions are burdensome. Mr. Briscoe stated that on the Airbnb platform, you have the registrant's name and contact information, but it does not provide the home address of the registered guest, nor the contact information for any guests whose names are not on the registry. Mr. Briscoe stated that he is asking for the information, but guests are hesitant to provide that information to the owners as they have already been vetted through the Airbnb website. Mr. Briscoe also stated that when a host cancels reservations, Airbnb penalizes the host by dropping their listings to the bottom of a search.

Mr. Dillon stated that what the County is requiring, is that everyone that is at the property is registered in the logbook. The book is not submitted on a regular basis, however, must be produced if the County asks for it. He stated that he would have Mr. Braun look into addressing those concerns.

Miscellaneous:

Mr. Dillon thanked Mr. Leonard Unes for his service to the Zoning Board of Appeals. Mr. Unes submitted his resignation letter and is retiring.

APPROVED 02/28/2022

Adjournment:

Mr. Dillon adjourned the meeting at 5:10 p.m.

Recorded by: Sarah Cox, ZBA Administrative Assistant