

**MINUTES
LAND USE COMMITTEE - SPECIAL
FEBRUARY 9, 2023 @ 4:00 P.M.
ROOM 403**

MEMBERS PRESENT: Paul Rosenbohm - Chairperson; Linda Daley – Vice Chairperson; Eden Blair, James Dillon, Terry Ruhland, Sharon Williams, Matt Windish, and Daniel Kelch

MEMBERS ABSENT:

OTHERS PRESENT: Jennie Cordis Boswell - State's Attorney's Office; Scott Sorrel, Shauna Musselman, Gretchen Pearsall, Nick Ruyabald, - County Administration, Kathi Urban, Andrew Braun, Adam Willard - Planning & Zoning

Call to Order:

Mr. Rosenbohm called the meeting to order at 4:03 p.m.

Zoning Cases:

ZBA-2023-004, Petition of Doug Huff

Ms. Daley made a motion to put the item on the floor and was seconded by Dr. Blair.

Mr. Braun stated that he is joined by Director Urban and inspections coordinator, Adam Willard and following last month's vote by the Land Use Committee and in the discussion, there was a request for planning and zoning to look for some additional information about inspections that could be part of a short-term rental requirement. Mr. Braun summarized the already approved restrictions. The restrictions are as follows:

1. The Special Use is null and void in the event that the subject parcel is no longer owned by Doug Huff or any entity solely controlled by Doug Huff.
2. No more than eight (8) overnight guests may be present at the subject parcel at any one time.
3. The operator shall keep a log identifying the name, address, and telephone number of all guests. This log must be provided to the Zoning Administrator upon request.
4. The operator shall notify all adjacent property owners that Overnight Accommodations will be offered at the subject property by sending a letter through Certified Mail. This letter shall include the contact information of the operator. The operator must provide the Zoning Administrator with a copy of the letters sent and a verification receipt showing that each letter was delivered or that a delivery attempt was made.
5. Overnight accommodations may not be offered at the subject property until a Certificate of Occupancy has been issued by the Department of Planning and Zoning, per Section 20-7.8, "Overnight Accommodations," of the Peoria County Unified Development Ordinance.
6. Overnight guests cannot hunt or use firearms. The property owner and his personal guests are not subject to this requirement.
7. Overnight guests cannot use ATV's, recreational vehicles, and similar such vehicles. The property owner and his personal guests are not subject to this requirement.
8. The Special Use Permit may be terminated by the Zoning Administrator upon violation of the above restrictions, per Section 20-3.5.9 of the Peoria County Unified Development Ordinance.

Mr. Braun stated that for discussion purposes, the Department looked at some additional restriction language at the committee's request to facilitate that discussion:

Subject property must pass inspection by the Department of Planning and Zoning prior to a Certificate of Occupancy being issued, and again every 2 years. Any applicable cost of the same shall be paid to the Department of Planning & Zoning prior to inspection. Inspections shall encompass safety concerns on the following items:

1. Interior & Exterior Stairway Railings
2. Deck & Balcony components
3. Electrical Panel
4. Basement egress windows
5. Bedroom egress windows
6. GFI outlets in bathrooms and kitchen
7. Smoke/CO Detectors working properly and located in all required areas
8. Switches, outlets and lighting fixtures working properly and with proper covers

Mr. Braun stated that he is not suggesting this is our recommendation or an all-inclusive list, but it is to facilitate the discussion. He also stated that the City of Peoria's policies concerning short-term rentals were brought up in the January meeting. The City of Peoria requires an inspection before issuance of a license to operate a short-term rental, and the inspection is done with a building inspector, fire inspector, and the planner, at no cost. A code enforcement officer may also be present if it is complaint driven. After the initial inspection, no other re-inspection is required.

Mr. Braun stated that some of the considerations that were brought up were in reference to cost. The Department reached out to five area home inspectors and most of the home inspection companies in Peoria County do not offer a specific 'life safety inspection'. A regular home inspection would be required to satisfy the needs of a 'life safety inspection' and the average cost of a home inspection in the area is \$350.

Mr. Braun stated that an analysis was done as to what it would cost for an inspection by the Department's building inspections team. Staff time would be roughly \$80. Using the 2023 IRS mileage reimbursement rate, we looked at the midpoint in Peoria County and determined that that would be about \$40, making the total cost about \$120 for an in-home inspection. Mr. Braun stated that there is no inspection of this rate in the fee schedule, so, in order to implement something such as that, it would have to come back as an amendment to the ordinance.

Mr. Rosenbohm asked if there were any questions for Mr. Braun or Ms. Urban.

Ms. Daley thanked Mr. Braun and the rest of the department for researching, addressing and answering all of the topics that were brought up.

Dr. Blair thanked Mr. Braun for taking the time to do the research and asked if other areas similar to Peoria County require an inspection like this. Mr. Braun stated that other than the City of Peoria, we are not aware of any other communities, whether cities or counties, that are doing these types of inspections.

Mr. Rosenbohm asked if there were any other questions or discussion. There were none.

Mr. Rosenbohm confirmed with Ms. Cordis Boswell that there was not yet a motion on the floor to add an additional restriction. Ms. Cordis Boswell stated that there is no motion on the floor right now to add an additional restriction, and procedurally, if that is what the committee wants to do, there are two routes that could be taken. The committee already voted at the last meeting

to approve with the ZBA's recommendation, so, in order to amend a motion to rescind and amend would need to be made. The other route would be to make this a discussion topic and someone could make a motion to amend at the board level at the 6:00 meeting, because that's the first time that the full board is taking up the issue.

Mr. Dillon stated that it might be, since this group had the discussion, easier and cleaner, to move to rescind an amend here unless Mr. Braun was going to give this presentation to the whole board to explain, so that they understand the restriction. Mr. Dillon asked if he was allowed to move to rescind and amend since he had not voted at the January meeting. Ms. Cordis Boswell stated that anyone could move to rescind and amend.

Mr. Dillon made a motion to rescind and amend to add a restriction and was seconded by Ms. Williams.

Ms. Daley stated that she was satisfied with an occupancy certificate which requires an inspection, and then to have anything beyond that be complaint driven. She stated that she didn't need to amend the eight restrictions that were already put on.

Dr. Blair agreed with Ms. Daley and didn't want more onerous restrictions than fellow counties and would be ok with an occupancy certificate inspection.

Mr. Windish stated that as it is, he doesn't support the addition of the restriction, but thinks that he could.

Mr. Dillon stated that it might be easier to have Ms. Urban or Mr. Braun explain, but in order to have a one-time inspection, it needs to be added as a restriction. Ms. Daley stated that she misunderstood because she thought that one of the restrictions was that they had to have an occupancy permit.

Ms. Urban stated that an occupancy permit is required as it stands, however, it's not based on a building inspection at this point. It's based on the other requirements in the Unified Development Ordinance. If you wanted the types of inspections that were listed in the slide there would need to be some sort of restriction on this case.

Mr. Rosenbohm stated that right now, there is no inspection done, just an occupancy certificate. Ms. Urban stated this was correct. Mr. Rosenbohm clarified that this can be done by adding the restriction for this case and if they would like to add it for future cases, there would need to be a resolution made at a future meeting. Ms. Urban stated that if the committee wanted to add this restriction on future cases, staff could continue to add it as a restriction, or the ordinance could be amended to require it.

Mr. Rosenbohm stated that the inspections can be done every two years, every three years, or complaint driven, and asked the committee to discuss more on how they would like to do it. Mr. Dillon stated that what he would be looking to amend would be adding a one-time inspection and after that, it's complaint driven. He clarified that this is not coming in saying that stair pitch is too high, but that if the owners are marketing a house with a bedroom in the basement that there is an actual egress window, or that the electrical panel is not off where a young child could touch the electrical panel. A basic, quick building safety inspection. Nothing too in depth. Mr. Dillon continued that this one-time inspection, at no cost, would be consistent with the city and this would put everybody in Peoria on a level playing field. Mr. Dillon stated that this is what the motion to rescind and amend would be.

Mr. Windish asked why the complaint-driven part and stated that this is the only part he didn't like. Mr. Dillon stated that there is already a restriction that at any time staff can review the property. He continued that staff is not going to respond when it is determined that people are just upset that the short-term rental exists and are constantly calling to complain, but if there was a legitimate complaint, such as a child fell off a deck because the railing wasn't there, staff would go to inspect the house. Mr. Rosenbohm asked if the part about being complaint driven needed to be added to the restriction. Ms. Urban stated that the department already operates on a complaint driven basis.

Mr. Windish stated that he is fine with everything except the complaint driven part and the recurring inspections. He continued that he doesn't want to be policing a short-term rental that receives complaints just because someone doesn't like it.

Mr. Dillon stated that for the restriction, the wording about an inspection every two years would need to be removed from the proposed restriction in Mr. Braun's presentation. Mr. Windish stated that he would be okay with that.

Mr. Rosenbohm asked if there was any other discussion.

Mr. Rosenbohm asked if Ms. Urban and Ms. Cordis Boswell understood what the committee wanted.

Ms. Cordis Boswell clarified that the current motion on the floor was the originally proposed restriction in Mr. Braun's presentation. She continued that if there's an amendment to that wording of the restriction that just calls for an inspection before the certificate of occupancy is issued, it would allow staff to investigate a complaint. Ms. Boswell asked staff to clarify this. Ms. Urban stated that if the department received a complaint for an unsafe structure, staff would go out and investigate that complaint.

Mr. Rosenbohm asked what motion was needed to vote on the amended restrictions. Ms. Cordis Boswell stated that what was on the floor right now is the motion to rescind and amend to the restriction proposed in Mr. Braun's presentation. She continued that now the first motion needed to be amended to change the wording to the restriction without the recurring inspections. The second amendment would be voted on first, then the original motion to rescind and amend would be voted on.

Ms. Daley made a motion amend the previously made motion to add a restriction and was seconded by Dr. Blair. A vote was taken and the motion carried (Mr. Ruhland abstained)

A vote was taken on the motion to rescind and amend as amended and the motion carried (7-0) (Mr. Ruhland abstained)

Mr. Rosenbohm asked if there was any public comment and there was none.

Miscellaneous

Mr. Rosenbohm asked if there were any items under Miscellaneous and there were none.

Adjournment: Mr. Rosenbohm adjourned the meeting at 4:30 p.m.