



TO: The Honorable Mayor and City Council

FROM: Ty Livingston, Director of Planning & Community Development

DATE: June 2, 2022

SUBJECT: Petition of All American Air BNB, LLC for a Special Use to permit a short-term rental on property location at 400 Fondulac Drive, 01-01-33-203-001.

BACKGROUND: The petition here is to allow a short-term rental at this property located at the corner with Fairview. Since late last fall, this property has gone through some amount of rehabilitation and has been inspected by our building inspector. Not surprisingly, this is a desirable location for short-term rentals. While there does not appear to much space for outdoor gatherings, a reasonable time limitation on outdoor activities is advisable. The use should also cease with the current owner.

At their meeting, the ZBA 4-2 to recommend this proposed Special Use. The vote was not unanimous as neighbors submitted concerns in writing regarding potential traffic, noise, off-street parking and the overall number of short-term rentals that will be permitted in the area. At this time, only 617 Fondulac Drive has received a Special Use for a short-term rental. The board recommended approval with the following conditions.

- No outdoor activity (a curfew) 10pm-6am
- A limit of 6 guests at a time
- No more than 4 vehicles on-site, at a time
- House rules to limit parties/additional visitors
- Use to cease upon change of ownership

Since the last City Council meeting, staff has reviewed the recommended conditions. They address many of the concerns mentioned by neighbors but do not include requiring certified letters to be sent by the operator to neighbors regarding contact information (this will be on-file with the City) or keeping a log book of guests since most sites (including VRBO and Airbnb) already capture this information, as well as a few others that were mentioned. This summer, staff will present updates to the City's Code on short-term rentals to both the ZBA and City Council to continue to refine our requirements for these uses to ensure safe and consistent regulation of them.

RECOMMENDATION: Approval, with conditions as noted.

ORDINANCE NO. 4644

**AN ORDINANCE AUTHORIZING A SPECIAL USE
FOR PROPERTY LOCATED AT 400 FONDULAC DRIVE
IN THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS**

WHEREAS, All American Air BNB, LLC (the "Petitioner"), has petitioned for a special use for a short-term rental use for the residential property zoned "R-1, One-Family Dwelling District" and located at 400 Fondulac Drive in East Peoria, as shown and described at "Exhibit A", attached hereto and incorporated herein by reference (which property as so described hereinafter is referred to as the "Property"); and

WHEREAS, after hearing pursuant to duly published notice, the East Peoria Zoning Board of Appeals has recommended approval of the proposed Special Use subject to certain conditions hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. A Special Use to allow for a short-term rental on the Property is hereby approved.

Section 2. The establishment and continuation of the special use hereby authorized is contingent upon continual compliance with all applicable provisions of the City Code and the following special conditions:

1. No more than six (6) persons are permitted as overnight guests at one time on the Property.
2. No outdoor activity shall be permitted on the Property between the hours of 10:00 p.m. and 6:00 a.m.
3. No more than four (4) vehicles may be parked on the Property, and all vehicles must park on the paved area comprising the driveway on the Property.
4. Petitioner shall establish and maintain house rules consistent with the provisions of this Ordinance and further prohibit parties and events on the Property and limits the number of additional visitors on the Property who are not overnight guests on the Property. Petitioner shall provide a copy of the house rules for guests staying at and visiting the Property to the Director of Planning and Community Development prior to any short-term rentals being conducted on the Property.

5. Petitioner shall allow a life-safety inspection of the short-term rental facilities and areas by the East Peoria Fire Department.

6. Before permitting any short-term rentals on the Property pursuant to the special use granted by this Ordinance, the Petitioner shall provide the City with a certificate regarding compliance with the hotel-motel tax provisions of Chapter 28 of Title 3 of the City Code, while thereafter properly collecting and submitting all required hotel-motel taxes to the City for any short-term rentals on the Property.

7. The Special Use granted by this Ordinance shall only remain in place for the Property while owned by Petitioner. Should the Property be sold to any party, the Special Use granted by this Ordinance shall immediately cease upon such transfer of title of the Property. As provided herein, the Petitioner's ownership of the Property shall include maintaining title of the Property in any legal entity in which Petitioner holds the majority ownership and controlling interest.

Upon the violation of or failure to comply with the foregoing conditions or with any provisions of the City Code applicable to the Property or its use, the City Council may, after providing reasonable notice and an opportunity for a hearing, terminate the Special Use hereby approved.

Section 3. This Ordinance is hereby ordered to be published in pamphlet form by the East Peoria City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 4. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS _____ DAY OF _____, 2022.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel

EXHIBIT A
Map of Location of Special Use (400 Fondulac Drive)

All American AirBnB, LLC
400 Fondulac Dr
Case 22-SU-14

P.I.N - 01-01-33-203-001

