

WHEATON PLANNING AND ZONING BOARD

I. CALL TO ORDER AND ROLL CALL VOTE

Chair Weller called the February 25, 2020 Wheaton Planning and Zoning Board meeting to order at 7:00 p.m. in the Council Chambers of the Wheaton City Hall, 303 W. Wesley Street. Upon roll call, the following were:

Roll Call Vote

Present: Nicole Aranas
Christopher Dabovich
Bob Gudmundson
Mark Plunkett
Dan Wanzung
Scott Weller

Absent: Cecilia Horejs

City Staff Present: Tracy Jones, Staff Planner

II. APPROVAL OF MINUTES – FEBRUARY 11, 2020

The minutes were approved as presented.

III. PUBLIC COMMENT

There was none.

IV. OLD BUSINESS

ZA #20-02/ PARKING AND SETBACK VARIATIONS/ 201 W. WESLEY STREET AND 210-214 N. HALE STREET/ NORTH HALE LLC

Chair Weller reconvened the public hearing on Tuesday, February 25, 2020. He stated that the public hearing was called to order on February 11, 2020 but was continued until February 25, 2020 to give the applicant and staff time to provide additional information to the Board.

Mr. Myefski stated that no parking variations were granted for the existing restaurant use at 201 W. Wesley Street or the existing combined office use at 210-214 N. Hale Street. In addition, no parking variation was granted for Gary United Methodist Church at 224 N. Main Street. A future zoning amendment to have 7,639 square feet of restaurant use instead of retail use on the main floor would require an additional 44 parking spaces, which would increase the overall parking required for the project from 47 parking spaces to 91 parking spaces.

Mr. Werthmann stated that the original parking study indicated that 55 public parking spaces were available. After further review, the parking study addendum reduced this number to 43 public parking spaces. The net gain/ loss to the number of existing on-street parking spaces is zero. He added that a range of on-street parking options are available for customers and employees in Downtown Wheaton.

Elizabeth Albert, 1017 Penny Lane, Wheaton was sworn in. Ms. Albert stated that there is a lack of commercial parking in Downtown and many people don't like the new parallel parking spaces.

Mr. Ostensen stated that Gary United Methodist Church is not opposed to this project, but he suggested that the City should conduct additional parking studies. He added that the City should implement a trolley system in Downtown and expand the existing valet system in Downtown.

Director Kozik stated that the City is in the process of gathering data for a future Downtown parking study. He added that the City feels there is adequate parking in the Downtown but it's not being managed correctly.

Mr. Kosirig stated that his existing building has no on-site parking and new buildings should have parking when possible.

Mr. Gudmundson moved and then Ms. Aranas seconded the motion to close the public hearing. On a voice vote, all voted aye.

The Board decided to vote this evening.

Mr. Wanzung moved and then Mr. Dabovich seconded the motion to approve ZA #20-02 requesting a setback and parking variation request for the three story mixed-use building at 201 W. Wesley Street and 210-214 N. Hale Street.

Roll Call Vote

Ayes: Nicole Aranas
Christopher Dabovich
Bob Gudmundson
Mark Plunkett
Dan Wanzung
Scott Weller

Nays: None

Absent: Cecilia Horejs

Motion Passed Unanimously

V. NEW BUSINESS

Attached to this memorandum is a proposed text amendment, initiated by City Staff, to the text of Article 2 and Article 24 of the Wheaton Zoning Ordinance pertaining to short-term rentals available through hosting platforms such as Airbnb. Currently, the City prohibits short-term rentals. The proposed amendment would allow short-term rentals of individual rooms where the homeowner or "host" is present. The proposed amendment would not allow the short-term rental of an entire home.

Director Kozik stated that in addition to being published in the Daily Herald, the proposed text amendment was featured in the Wheaton Weekly newsletter. City Staff also reached out to Wheaton College and some existing Airbnb operators within the City to make them aware of the proposed changes.

Director Kozik stated that the proposed text amendment considers adding additional definitions to Article 2 - Definitions. Specifically, City Staff is proposing to add the following wording shown in blue font:

"Guest or Visitor - A person who rents or occupies a Short-Term Home Sharing Rental.

Short-Term Home Sharing Rental - An activity whereby Owners of a Dwelling Unit, host guest(s) or visitor(s) in their homes, for compensation, for periods of no more than fourteen consecutive days, while at least one of the Dwelling Unit's Owners' lives on site in the Dwelling Unit throughout the visitor's stay.

Host - An owner engaged in providing Short-Term Home Sharing Rentals.

Hosting Platform - A market place entity, in whatever form or format, which facilitates Short-Term Home Sharing Rental through advertising, matchmaking, or any other means, using any medium of facilitation, or from which the operator of the Hosting Platform derives revenue, including booking fees or advertising revenues for providing or maintaining the market place.

Lives on Site - Being present in the dwelling unit where the Short-Term Home Sharing Rental is being offered, which includes but is not limited to sleeping overnight, preparing and eating meals, entertaining and engaging in other typical activities enjoyed by a homeowner in their Dwelling Unit.

Owner - A person holding title or co-title of a dwelling unit. When such person occupies a Dwelling Unit, typically a house or an apartment, that serves as their primary residence, they may share the residence on as a Short-Term Home Sharing Rental but only in accordance with the terms of this ordinance. For purposes of home sharing, an Owner may not have more than one residence within the City of Wheaton.

Transient Occupancy Tax ("TOT") - A local transient tax as set forth in Article III of this Ordinance which is paid by the guest or visitor for renting a short-term rental their short-term rental and remitted to the City no less than five business days. TOT shall be paid to the City prior to the short-term occupancy."

Director Kozik stated that the proposed text amendment further considers adding additional language and omitting some existing language from Article 24 - Accessory Uses and Home Occupations. Specifically, City Staff is proposing to add the wording shown in blue font and omit the wording shown in strikethrough font; the rest of the wording is existing text:

"24.9 Standards for Home Occupations.

In addition to all the standards applicable to the district in which it is located, any home occupation shall comply with the following standards:

1. Not more than one (1) person other than members of the immediate family occupying such dwelling shall be employed or report to work on the premises.
2. No stock in trade (except articles produced by the members of the immediate family residing on the premises) shall be displayed or sold upon the premises.
3. No alteration of the principal building shall be made which changes the character thereof as a dwelling.
4. No more than twenty-five percent (25%) of the gross floor area of the residential dwelling unit shall be devoted to any home occupation except the letting of rooms to roomers or boarders, **Short-Term Home Sharing Rentals**, or the operation of a day care home.
5. The home occupation shall be conducted entirely within the principal building that is used as the residential dwelling. A special use permit shall be required for any home occupation conducted in an accessory building.
6. No outdoor storage shall be permitted.
7. There shall be no noise, odor, dust, vibration, smoke, glare, television and radio interference, electrical interference, fire hazard or any other hazard emanating from the dwelling relating to the home occupation. No home occupation shall involve the use or production of toxic or harmful materials.

The purpose of this standard is to ensure that the home occupation has no adverse environmental impact on adjoining properties.

8. The home occupation shall not involve the receipt or delivery of merchandise, goods, or equipment other than by U.S. Mail, United Parcel Service, Federal Express, or similar carriers that typically deliver packages to residences. No deliveries by semi-tractor/trailer trucks shall be permitted.
9. The home occupation shall not result in the simultaneous presence on the zoning lot and adjoining street of more than three motor vehicles in excess of the number of vehicles attributable to the residential use of the premises.
10. The distribution of articles, products, or equipment from the dwelling by commercial contractors to independent contractors or other employees shall be prohibited.
11. No visitors, clients, patrons, pupils, etc., of the home occupation, except those in conjunction with the letting of rooms to roomers or boarders, [Short-Term Home Sharing Rentals](#), or day care homes, shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.

24.10 Particular Home Occupations Permitted.

Permitted home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of Section 24.9 hereof, as well as to any limitations specifically imposed on such occupation by this Section 24.10.

1. Day Care Homes licensed by the State of Illinois.
2. Dressmakers, seamstresses, tailors.
3. Private tutoring provided that the instruction shall be limited to one pupil at a time except for occasional groups.
4. Artists, sculptors, photographers, authors or composers.
5. Physicians, dentists, or other licensed medical practitioners.
6. Architects, attorneys, engineers, realtors, insurance agents, brokers, and members of similar professions.
7. Ministers, rabbis, priests, or members of religious orders.
8. The letting for hire of rooms for rooming or boarding use for [a lease term of at least six \(6\) months to not more than four \(4\) persons unrelated to the owner of the property or lessor](#). Provided, however, that this provision shall not allow the occupancy of a dwelling unit by more than five (5) unrelated individuals. Prior to the letting for hire of rooms for rooming or boarding use, the operator of the home occupation shall obtain a letter approving the occupancy from the Director of Planning & Economic Development, ~~pursuant to~~ certifying that all [applicable life safety ordinances and codes and standards](#) have been satisfied.
9. Offices of salespeople, sales representatives, or manufacturers' representatives; provided that no retail transactions shall be made on the premises except through telephone, e-mail, facsimile or mail, and that no wholesale transactions shall include the acceptance or delivery of merchandise on the premises.
10. Home Kitchen and Cottage Food Operations as defined by the State of Illinois Food Safe Handling Regulation Act.
11. [Short-Term Home Sharing Rentals, subject to the following conditions and requirements:](#)
 - A. [Short-Term Home Sharing Rental Hosts shall provide the City with their contact information in a form provided by the City.](#)
 - B. [All Short-Term Home Sharing Rental dwellings shall comply with the terms and conditions of this Article and the zoning district they are located in.](#)
 - C. [No dwelling shall be occupied as a Short-Term Home Sharing Rental unless an owner lives on-site during the entire short-term rental period.](#)

- D. No persons shall provide a Short-Term Home Sharing Rental to any person or persons for a period of more than fourteen consecutive days.
- E. Prior to the operation of the Short-Term Home Sharing Rental, the host shall obtain a letter approving the occupancy from the Director of Planning & Economic Development, certifying that all applicable life safety ordinances and codes of the City have been satisfied.
- F. Short-Term Home Sharing Rental Hosts shall provide guests the following disclosure:

“On (INSERT) the City of Wheaton Council adopted the Short-Term Home Sharing Ordinance reiterating its ban on the rental of entire units as vacation rentals. The Short-Term Home Sharing Ordinance also legalized the short-term rental of a portion of a person’s home but only when the host lives on-site throughout the visitor’s stay.”

24.11 Particular Home Occupations Prohibited.

1. Nonconforming Uses.
All home occupations which do not comply with the provisions of this Ordinance (Ordinance No. F-0119, adopted March 17, 1997) shall comply with all such provisions prior to (a date one year from the date of adoption).
2. Permitted home occupations shall not in any event be deemed to include:
 - a. Animal hospitals.
 - b. Clinics or hospitals.
 - c. Dancing schools, except as permitted above.
 - d. Mortuaries.
 - e. Nursery schools.
 - f. Private clubs.
 - g. Renting of trailers.
 - h. Repair shops or service establishments, except the repair of computers, cameras, locks, clocks, or other similar small items.
 - i. Restaurants.
 - j. Stables or kennels.
 - k. ~~Tourist homes.~~
 - k. Towing companies.
 - l. The sale of firearms and/or ammunition.”

Elizabeth Albert, 1017 Penny Lane, Wheaton was sworn in. Ms. Albert stated that since Wheaton has no hotel, Airbnb is a needed option. However, she stated that she was in favor of more City oversight.

Tony Stefancic, 961 Royal Glen Lane, Carol Stream was sworn in. Mr. Stefancic stated that many apartment developments in downtown areas cater to out of town wedding and funeral guests by allowing short-term rentals. He added that they require a substantial security deposit.

Liz Corry, 719 S. Naperville Road, Wheaton was sworn in. Ms. Corry stated that she is an existing Airbnb host in Wheaton. She stated that she rents out her coach house that was her former art studio. She stated that she is always present when she is hosting an Airbnb guest. She added that since 2016 she has hosted guests for Wheaton College events, guest with family ties to the area and business travelers.

Director Kozik stated that he would revise the proposed language to accommodate longer short term stays for existing residents who are doing home renovation projects and need to be out of their house for a certain period of time.

Mr. Gudmundson moved and then Mr. Plunkett seconded the motion continue the public hearing until March 24, 2020 for staff to provide additional information to the Board. On a voice vote, all voted aye.

VI. MISCELLANEOUS

There was none.

VII. ADJOURNMENT

Mr. Dabovich moved and then Mr. Wanzung seconded the motion to adjourn the meeting at 8:30 p.m. On a voice vote, all voted aye.

Respectfully submitted,
Tracy L. Jones, Staff Planner