



# City of Aurora

44 East Downer Place  
Aurora, Illinois 60505  
www.aurora-il.org

## Legistar History Report

**File Number: 17-00976**

**File ID:** 17-00976

**Type:** Ordinance

**Status:** Agenda Ready

**Version:** 3

**General Ledger #:**

**In Control:** Planning & Development Committee

**File Created:** 10/19/2017

**File Name:** Muniz Restaurant / Special Use - Liquor License/ 518 S. Lake Street

**Final Action:**

**Title:** An Ordinance Granting a Special Use Permit for a Liquor License within 500 feet of residential property located at 518 S. Lake Street generally located east of Lake Street south of Prairie Street

**Notes:**

**Agenda Date:** 11/30/2017

**Agenda Number:**

**Sponsors:**

**Enactment Date:**

**Attachments:** Exhibit "A" Legal Description.pdf, Exhibit "B" Memorandum of Agreement.pdf, Property Research Sheet - 2017-03-01 - 2017.030.pdf, Land Use Petition Submittal - 2017-10-18 - 2017.030.pdf, Final Plan - 2017-10-18 - 2017.030.pdf, Landscape Plan - 2017-10-18 - 2017.030.pdf, Floor Plan - 2017-10-18 - 2017.030.pdf, Legistar History Report - 2017-11-07 - 2017.030.pdf

**Enactment Number:**

**Planning Case #:** AU28/2-17.030-Su

**Hearing Date:**

**Drafter:** tvacel@aurora-il.org

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	10/24/2017	referred to	DST Staff Council (Planning Council)			
	<b>Action Text:</b> This Petition was referred to the DST Staff Council (Planning Council)						
1	DST Staff Council (Planning Council)	10/31/2017					
	<b>Notes:</b> <i>Mr. Sieben said the entitlement process is for the liquor license, but as part of the process, the restaurant is expanding their space and this project will also expand parking to meet the requirements of the liquor code.</i>						
	<i>Representatives Present: David Rawlings, Adam Killey and Diana Muniz</i>						

Mr. Rawlings said currently the Muniz Taqueria is located on the south half of that building. There is a balloon tenant on the north half of that building. In the lower level there is an architectural woodwork restoration contractor. We're looking to expand the restaurant to about half of the north tenant to get to the magical 125 seats. The number of parking spaces and all the calculations of the manufacturing and the retail tenant is right on the number. It is about a half parking space over. It works out perfectly. We're not asking for a variance on the parking. The landscape setback is not being able to be met, but we've got retaining walls going in to handle the topography on the site.

Mr. Sieben said well just to clarify that, it is actually business to business zoning, so technically it is a zero setback.

Mr. Rawlings said there is a zero setback, right.

Mr. Sieben said and then you guys are supplementing some landscaping along Lake up there at the corner.

Mr. Killey said correct. We're going to add some landscaping on the north side there and around the dumpster.

Mr. Sieben said and when you guys say the manufacturing portion, do you want to just touch on that? Isn't that more processing?

Mr. Rawlings said I saw window sashes down there. They are basically replacing some rotted wood and putting them back together because there are a lot of historic windows that need to be refurbished. Restoration of millwork.

Mr. Sieben said so there is a separate business down in the basement?

Mr. Rawlings said yes.

Mrs. Vacek said and it is a permitted use under the B-3.

Mr. Rawlings said we applied the manufacturing parking count and we are right there on the money. I think we have 126 seats. We are not taking any stock into consideration for the retail, so we are comfortably meeting the regulation.

Ms. Muniz said I really want this to happen.

Mr. Rawlings said the purpose is to get a liquor license and get more seats. We're getting maybe a little less than doubling the amount of seats. That's big for the restaurant. They do good business, but if you are going to have a decent restaurant you have to serve wine and beer and in a Mexican Restaurant you've got to serve Margaritas, so we need that full liquor license.

Mr. Sieben said I believe this business has been there...

Ms. Muniz said 16 years.

Mr. Sieben said since 2002.

Ms. Muniz said since 2001 or 2002.

Mr. Sieben said so you are just looking at expanding. You have a good reputation in town, good food and a good location.

Mr. Rawlings said there is a lower level walkout and an existing stair on the southeast that we are linking to that sloped parking lot. You see that little landing at the southeast corner of the building. That will help with accessible parking to the lower level.

Mr. Sieben said do you want to touch just a little bit the engineering for the parking lot?

Mr. Killey said we've had Dan Rundy design some retaining walls. As you can see the existing grades there, they drop off significantly at the building. John had designed, you can see with the 78 feet at about 8% give or take, just kind of flowing we've got structural walls on the south and north side and then the east side is just going to be a thickened barrier curb. Stormwater, we are putting an inlet down there and tying it into the existing inlet down there on the southeast corner.

Mr. Rawlings said so the slope starts at the beginning of the old parking layout, correct?

Mr. Killey said yes. At the very top, we are doing a saw cut line. There is existing parking currently all around there. The existing dumpster pad is in the middle there where the contours kind of wrap around. We are going to remove that and relocate it up to the side and then saw cut basically from the entrance there on an angle to the new retaining wall and then slope it down from there.

Mr. Rawlings said at what, 7% to 8%, did you say?

Mr. Killey said yes, about 8% give or take. It gets a little steeper toward the bottom.

Mr. Rawlings said the existing grease trap is new and it is the large one that met Fox Metro in 2002. I'm sure it meets it today.

Mr. Killey said and the wall's been designed so we will not have to relocate that, so it won't be undercutting underneath.

Mr. Feltman said we'll need to review it.

Mr. Killey said and plans have been submitted to Engineering at this point. I think we submitted those last week. We had talks with Souts about how to get preliminary, how to get stuff accomplished.

Mrs. Vacek said so we sent out the public notice. This will go on November 22nd. I did need those documents just to have them in the file. Did you guys already send out your public notices?

Mr. Killey said yes. I did that yesterday, so those were all mailed.

Mrs. Vacek said it will go on the November 22nd Planning Commission and that's at 7:00 p.m. I think that we are all pretty much set with everything. I didn't have really any more comments. The 30th will be Planning and Development Committee. The 5th will be Committee of the Whole and December 12th will be the full City Council, so you will have approval by then.

Mr. Killey said and the hope is that we can get some of the engineering going so we hopefully could start construction as soon as possible.

Mr. Sieben said we can issue that permit. Technically it is separate from the Special Use for the liquor, so you guys can proceed at your own risk.

Mr. Rawlings said it is not a Special Use for the liquor?

Mr. Sieben said the Special Use is for the liquor. The Special Use is not for the parking. You guys can start the parking lot at your own risk. I'm not anticipating any issues with the Special Use for the liquor.

Mr. Rawlings said that's kind of the point of this whole exercise and we don't really want to build that parking lot if it is not going to go.

Mr. Sieben said right, but you still have to go through the process for it.

Mrs. Vacek said and then you should get with the City Clerk's office to make sure that you have everything for the liquor license so once it is approved by us and we sign off on the liquor license.

Mr. Rawlings said is that generally a guarantee when it is an approved Special Use that we would get our liquor license?

Mr. Sieben said yes. Have you been in touch with Wendy McCambridge, the City Clerk? I know she was at our initial meeting. She is aware you are going through the process, so once it is complete with us then you would finish up with her.

Ms. Muniz said I have not.

Mr. Sieben said I would touch base with her, maybe get a little bit more familiar with that and where you are at with that. Maybe she can give you some ideas of timing and stuff.

Mr. Rawlings said this is a new license that will be (inaudible)?

Mr. Sieben said correct. Each license is new. You have to ask for it, but the fact you are going through this due diligence, that's really 98% of it, as long as you pass the background check.

Ms. Muniz said we can get that done. We really want this. There is no reason for us to spend over \$300,000 or \$400,000 on something that is not going to be ready. It is in a good location. It is close to downtown. We believe it is time for us to upgrade.

Mrs. Vacek said so just contact her and get kind of going with that as well.

1	DST Staff Council (Planning Council)	11/07/2017	Forwarded	Planning Commission	11/22/2017	Pass
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**Action Text:** A motion was made by Mrs. Vacek, seconded by Mrs. Morgan, that this agenda item be Forwarded to the Planning Commission, on the agenda for 11/22/2017. The motion carried by voice vote.

**Notes:** Mrs. Vacek said this is going to the November 22nd Planning Commission. I do make a motion to move this forward. There's really not anything to review on this. It is just for a liquor license within 500 feet of residential. Mrs. Morgan seconded the motion. The motion carried unanimously.

2	Planning Commission	11/22/2017	Forwarded	Planning & Development Committee	11/30/2017	Pass
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**Action Text:** A motion was made by Mrs. Cole, seconded by Mr. Reynolds, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 11/30/2017. The motion carried.

**Notes:** Mrs. Vacek said the subject property is located at 518 S. Lake Street with B-3 Business and Wholesale zoning. The existing building currently has 2 commercial units on the first floor. The unit on the north half is currently a retail use and the unit on the south half of the building is currently a restaurant, which has been operating there since 2002. In addition, there is a woodworking shop in the basement of the building. The Petitioner before you tonight is looking to expand the restaurant into half of the northern unit and is requesting approval of a Special Use for a Class E liquor license since the property is within 500 feet of residential and is not in a shopping center. The restaurant is being renovated to include 126 seats, which is what they need for the liquor license. In addition, the parking lot is being expanded to have a total of 53 parking spaces to comply with the city's parking regulations. They are doing a couple of things to the parking lot. The dumpster enclosure is being relocated and they are supplementing some landscaping. The Petitioner is here, so unless you have some questions for me, I can turn it over to the Petitioner.

The Petitioners were sworn in.

I'm Diana Muniz and it is 202 S. Lake Street. I'm the daughter of the owners and we are trying to request a liquor license. We've been in business for about 15 years. It is a family owned restaurant. Business has been good and my parents would like to expand. We bought the property about a couple of years ago. Of course, we have expanded our family and more people are coming up the road so we want to bring more business and then have our family keep in the restaurant business. So we would like to get the special permit to have better business. We have good food. Everyone

likes us so it is practically what we need. We are in a good area. The downtown is expanding and it is looking good, so remodeling the inside and the outside of it will look pretty for the city too.

The public input portion of the public hearing was opened. No witnesses came forward. The public input portion of the public hearing was closed.

Mrs. Vacek said staff would recommend approval of the Ordinance granting a Special Use for a liquor license within 500 feet of residential located at 518 S. Lake Street, generally located east of Lake Street and south of Prairie Street.

Mrs. Cole said I do have one question of staff. You're not recommending that they put any barrier fence or anything up? If you drive in, I think it would be right behind. I think their dumpster might be there now. It is like a cliff.

I'm John Tebrugge with Tebrugge Engineering. The redesign of the parking lot is requiring retaining walls, so the retaining walls will be built on the south property line and the east property line and those would be extended 3½ feet above the parking lot surface for protection. There was a lot of relief on this property. There was about 10 feet of fall going from west to east, but we were able to redesign the grades to get everything to work and get the parking that we needed.

Mr. Cameron said that's what, about a 12 foot fill on that area? You are at about 655 or so and you are at about 642 probably at the back.

Mr. Tebrugge said the existing grade of the parking started at 55 and it went down to about 43, which is matching the existing small retaining wall that was on the east side. The main amount of fill is going to be in the center just to taper it down, so some of the dirt is going to go down for fill if it is suitable.

Mr. Cameron said and what will you finish up with the back end on the finish? Will there be a drop and then you pick the water up at the bottom end?

Mr. Tebrugge said correct. We are installing storm sewer in the southeast corner. Most of the retaining wall is varying between 4 and 6 feet, so ironically with all the grade differential we have, there are not tremendously large retaining walls, so the cost was kept reasonable.

MOTION OF APPROVAL WAS MADE BY: Mrs. Cole

MOTION SECONDED BY: Mr. Reynolds

AYES: Mrs. Anderson, Mr. Bergeron, Mr. Cameron, Mrs. Cole, Mr. Divine, Mrs. Head, Mrs. Owusu-Safo, Mr. Pilmer, Mr. Reynolds.

NAYS: None

#### FINDINGS OF FACT

1. Is the proposal in accordance with all applicable official physical development policies and other related official plans and policies of the City of Aurora?

Mrs. Cole said these are listed in the staff report.

2. Does the proposal represent the logical establishment and/or consistent extension of the requested classification in consideration of the existing land uses, existing zoning classifications, and essential character of the general area of the property in question?

Mr. Reynolds said the proposal represents the highest and best use of the property.

3. Is the proposal consistent with a desirable trend of development in the general area of the property in question, occurring since the property in question was placed in its present zoning classification, desirability being defined as the trend's consistency with applicable official physical development policies and other related official plans and policies of the City of Aurora?

Mr. Reynolds said again, this is the highest and best use of the property.

4. Will the proposal maintain a compatible relationship with the traffic pattern and traffic volume of adjacent streets and not have an adverse effect upon traffic or pedestrian movement and safety in the general area of the property in question?

Mr. Pilmer said this is an existing business that's been operating here over 12 years and the expansion here and the increase in parking will be a positive for the area.

5. Will the proposal allow for the provision of adequate public services and facilities to the property in question and have no adverse effect upon existing public services and facilities?

Mr. Bergeron said all the services are presently in place.

6. Does the proposal take adequate measures or will they be taken to provide ingress and egress so designed as to maximize pedestrian and vehicular circulation ease and safety, minimize traffic congestion, and not substantially increase the congestion in the public streets?

Mr. Bergeron said all that area is presently under some kind of remodeling or transferring of traffic, so I'm not sure what's going to happen.

Mr. Pilmer said I would add that there should be no, again the existing business has been operating there for a number of years, so there should be no change.

9a. Will the Special Use not preclude the normal and orderly development and improvement of surrounding properties due to the saturation or concentration of similar uses in the general area?

Mr. Pilmer said this is an expansion of an existing business. I don't believe there are that many similar uses in the general area.

9b. Is the Special Use in all other respects in conformance to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the City Council pursuant to the recommendations of the Plan Commission?

Chairman Truax said I believe it does conform in all respects to the applicable regulations.

Mrs. Vacek said this will next be heard at the Planning and Development Committee on Thursday, November 30, 2017, at 4:00 p.m. on the fifth floor of this building.

Aye: 9 At Large Bergeron, At Large Cameron, At Large Cole, At Large Pilmer, Aurora Twnshp Representative Reynolds, At Large Anderson, Fox Metro Representative Divine, At Large Owusu-Safo and SD 129 Representative Head

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