



City of Aurora

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

Legistar History Report

File Number: 18-0983

File ID: 18-0983	Type: Petition	Status: Draft
Version: 2	General Ledger #:	In Control: Planning & Development Committee
File Name: ACs Pub / 2124 W. Galena Boulevard, Suite 107 / Special Use - Video Gaming Terminals License		File Created: 10/30/2018
		Final Action:

Title: An Ordinance Granting a Special Use Permit for a Video Gaming Terminals License on the Property located at 2124 W. Galena Boulevard (ACs Pub - 18-0983 / AU19/2-18.190-Su - SB - Ward 5) (PUBLIC HEARING)

Notes:

Agenda Date: 11/29/2018

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Exhibit "A" Legal Description - 2018-11-13 - 2018.190.pdf, Exhibit "B" Memorandum of Agreement - 2018-11-13 - 2018.190.pdf, Active VGTLs, 1/2 Mile Buffer - Tia Wanna's Cantina - 2018-11-15 - 2018.190.pdf, Active VGTLs, .5 Mile Buffer - Aurora - 2018-11-15 - 2018.190.pdf, Floor Plan - 2018-11-08 - 2018.190.pdf, Land Use Petition and Supporting Documents - 2018-10-29 - 2018.190.pdf, Property Research Sheet - 2018-11-01 - 2018.190.pdf, Legistar History Report - 2018-11-13 - 2018.190.pdf, Findings of Fact - 2018-11-13 - 2018.190.pdf

Enactment Number:

Planning Case #: AU19/2-18.190-Su

Hearing Date:

Drafter: sbroadwell@aurora-il.org

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Committee of the Whole	11/06/2018	Forward to Planning Council	Planning Council			
	Action Text:	This Petition was Forward to Planning Council to the Planning Council					
1	Planning Council	11/13/2018	Forwarded	Planning Commission	11/21/2018		Pass
	Action Text:	A motion was made by Mr. Broadwell, seconded by Mr. Minnella, that this agenda item be Forwarded to the Planning Commission, on the agenda for 11/21/2018. The motion carried by voice vote.					
	Notes:	Mr. Broadwell said I don't see that the Petitioner is here. This is for a video gaming terminal license					

for this business. I've been working with the Petitioner on the public notice process, which is complete. With that in mind, I make a motion to vote this out of Planning Council to the November 21st Planning Commission meeting. Mr. Minnella seconded the motion. The motion carried unanimously.

2	Planning Commission	11/21/2018	Forwarded	Planning & Development Committee	11/29/2018	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 11/29/2018. The motion carried.

Notes: *Mr. Broadwell said this is a Special Use for a video gaming terminal license. The Petitioner is AC's pub. They are here tonight with us. The business is located at 2124 W. Galena Boulevard. This is a Special Use for a video gaming terminal license. This is a requirement as it is located less than 2,640 feet from the property line of another similarly licensed establishment. This is a requirement from the Aurora Municipal Code. A little bit of background. The subject property is zoned B-2 Special Use. It is in a Planned Development, the Reimers development district. Right now the site is a 13,800 square foot multi-tenant building that is used for retail and restaurant uses. The surrounding area is designated by the Aurora Comprehensive Plan as commercial and office with some low density residential nearby. You can see more in the Property Research sheet. With this Special Use proposal, the Petitioner is requesting the addition of 5 new video game terminal licenses to a restaurant use in Suite 107 of this building. The restaurant itself is approximately 3,600 square feet. The Aurora City Council actually approved a request from the Petitioner for a Class E liquor license in early October and I think they just had their commercial Certificate of Occupancy for the AC's pub approved pretty recently. Inside the restaurant there will be about 97 seats in the dining area with 16 seats at the bar. In your Legistar packet, you can see there's a map that's called the Active Video Game Terminal Licenses for a 1/2 Mile Buffer. If you zoom in there, you can see Tiawanna's Cantina, which is on the north side of Galena Boulevard there in the West Aurora Plaza, and then you zoom in there and there is AC's Pub. AC's Pub is less than a 1/2 mile from Tiawanna's Cantina, which has a video game terminal license, so the Special Use is just insuring compliance here with these standards. That's a little bit of the background. A little bit of further discussion, the Special Use for the video game terminal license is something that Zoning has started working through pretty recently. I think this is the second one. We had one a few months ago that came before the Planning Commission. This is also in the Legistar packet. This is the City of Aurora's Comprehensive Plan, which you can see kind of the basic outline of the city's land use. This is the west side of Aurora. The area you can see right there, that's Tiawanna's there in the West Aurora Plaza. As you can see, the west side of Aurora doesn't have very many active video game terminal licenses. There are 31 in the city right now. As you can see, they are all kind of like near the river and then on the east side of the city near the Fox Valley Mall. Right now, there are 31 active video game terminal licenses. The ring there, the outline, is the 1/2 mile buffer for each single one. As you can see, all of the major commercial areas in Aurora are pretty much covered by active licenses. Any questions for staff so far?*

Ms. Tidwell said so in the circle that we are talking about here, how many gaming licenses are there within a 1/2 mile of the applicant?

Mr. Broadwell said there is 1. That's Tiawanna's.

Ms. Tidwell said that's what I understood. It is also my understanding that there's an ordinance that says that gaming licenses cannot be awarded to facilities that are within a 1/2 mile of another facility that has a license. Is that correct?

Mr. Broadwell said if they are within a 1/2 mile of the property line of another business that has this license, a Special Use is required. So they can have it, but a Special Use is required for that license.

Chairman Truax said so it is not that it is forbidden within that area, it's just that it is really set up to be a kind of an extra step in deciding whether there should be one. That's what the Special Use is about.

Ms. Tidwell said so then what are the criteria for recommending that the Special Use be granted?

Mr. Broadwell said you mean what we based our recommendation on?

Ms. Tidwell said correct.

Mr. Broadwell said our recommendation is basically what I was saying earlier. Right now there is only 1 other active video game terminal license here on the west side of Aurora and it is in a different shopping center, so kind of our recommendation is that it is in a different shopping center and essentially serves a different clientele, a different part of the city. This is Tiawanna's right here and then AC's is on the south side of the street, so you can see there is residential here and residential here and it is a major shopping center area on the west side that is pretty underserved.

Ms. Tidwell said I know this is a relatively recent ordinance. Has the Planning Department developed criteria or does it have a history of when the Special Use Permit is granted? This is a very heavily residential area as compared to, for example, along Route 59 or right downtown. Is that taken into consideration and if so, how?

Mr. Broadwell said you mean why...

Ms. Tidwell said why recommend it when it is a heavily residential area. Was the residential nature of the area taken into account?

Mr. Broadwell said I think I would say it was. It is a restaurant, so there will be clientele, customers that can easily come and then come to the restaurant and if they want to utilize the video game terminals it is an option for them and then it contributes to the business's success. I would say the proximity to residential, I think, would serve the business and visa versa.

Ms. Tidwell said then I guess my question was more since this is a heavily residential area, might not residents be concerned? I realize nobody came here tonight to raise objections and maybe there has been no opportunity because of how recent the ordinance is to look at, what saturation is like on Route 59 versus in this part of town. Would that be fair to say?

Mr. Broadwell said I think so, but I also think that there are 31 active licenses in the city, so this isn't the 2nd video game terminal license ever to come into the City of Aurora. This isn't something that's entirely new. The review process is new, but the terminals and the licenses are existing.

Ms. Tidwell said right. I didn't think they were new, but the review process is new.

Mr. Broadwell said yes it is as of March of this year.

Chairman Truax said I don't know that City Council has given us any guidelines on why they made the recommendation that this should be a Special Use.

Alderman Franco said can I shed some light on all this? I'm Carl Frank, Alderman from the 5th Ward. The history of why we did this is multi-faceted. First of all we were trying to get a handle on how many terminals and the price of the terminals based on what other communities were doing. We didn't really have any parameters. We didn't have any windows of where they need to be, so we wanted to get control of that. The other one was that the proceeds from the gaming machines do not generate the revenue percentage-wise that the casino would, so we were concerned about protecting the casino. If we were talking about putting terminals near the casino, that would be a little bit more of a problem for us and we would take a closer look at it, so we wanted to protect that revenue. The other part of it was that we wanted to protect residential areas. So when you mentioned this residential, I wouldn't consider this residential. I would consider this a shopping plaza. I would consider the Spartan House residential because they are literally next to homes where this is a plaza. There are a number of reasons why we have these, but basically at the end of the day, we just want to make sure that there is no negative on the community and we have control over it and we protect the casino. So there are a variety of reasons that we did this. Not so we couldn't have them, just so we can kind of watch and regulate where they go and how they go. So that's why the process. It is just a

control type of thing with some variables involved. This is going to come across you deck a number of times in the future, so I just wanted to kind of give you a history of why that was so as you make decisions going forward you have an idea of what our philosophy was, what our thought process was when we did this a few months ago.

Ms. Tidwell said thank you. I think it is important, at least I'm sure everyone feels this way, to understand the criteria that we are using because we want to be consistent for any and all applicants that come forward with this kind of request. For myself, I would be very happy if we were to get some written guidelines for the Planning Commission if that's possible.

Mr. Broadwell said okay.

Mr. Cameron said it is my understanding from, I think maybe at this previous hearing we had, that from the operator of the facility that the approximate revenue would be like \$80,000 and the city's share of the revenue is like \$60,000. Is that a reasonable estimate of the dollars?

Mr. Curley said I don't have a good handle on that either.

Chairman Truax said that may be a question that the Petitioner can answer for us. Are there any other questions for staff before we have the Petitioner up?

Mr. Hull said well I want to chime in and say at the last, I believe it was in October when we had this come before us, I had an opportunity and reached out to some of the Aldermen and I guess my concern is that with them just recently passing this ordinance that it is put upon the Planning Commission to grant these Special Use Permits and I can tell you that some of the Aldermen said well if it comes before the Commission and you guys say it is okay then we are going to vote. I've been told that this has been laid upon the Commission and if it comes from the Commission, the Planning committee will probably approve everything. So Mr. Franco I'm concerned. Is there any chance that the Aldermen can amend this ordinance so that it is just not laid in our lap to continue to grant all the special permits?

Mr. Franco said I'm on the Planning committee, so I would say that, obviously, we take into consideration what you say, what your recommendation is and why it is yea or nay on some things, but still we can override it. That has happened before. I would agree that maybe the minutes of when we had our meeting to come up with the ordinance, I think that would be important for you to see in writing. I mean you could take what I say verbatim, but also I might be missing a couple of things, so if you could see that and have that criteria, because like I said, it is going to come before you and now you can have in your own mind this is why they did it. The city staff put a pretty good project together, a presentation of why this was happening. I think if you had that in writing it would make your job a lot easier. It is not exact because there is discretion, but at least you have a better handle of why we thought what we thought and that would make it easier for you and I understand that. But I would say that this is not necessarily in your lap because anything that comes before you when it goes to Planning committee we can still yea or nay it, so it is just one step, but we certainly do take into consideration what you looked at. We get the minutes. We take a look at all the dialogue and stuff like that and we take a look at that. But some things are a little bit more difficult than others to decide on.

Mr. Curley said as an Alderman of the Ward in this particular project you are made aware of the fact that this meeting is happening and this type of project is in your Ward, correct?

Mr. Franco said correct.

Mr. Curley said so you have every opportunity to participate in this forum should you have any concerns.

Mr. Franco said yes and that's why I'm here tonight because I think I'm going to run across this again, but for me, from what I understand, and believe me I know everything that's going on in West Plaza, unfortunately I know too much sometimes, but this is something that I have given a lot of thought to

and I think it is an enhancement for the area. We had gaming machines in that establishment before and had no problems. I understand the potential problems with gambling and other things like that, but this was one that already had it. They didn't do good business. Not because of gaming, just because they didn't do good business. I don't think that's going to happen here and I would like to support this business owner and other owners who show that they've had a good business in the past, a good reputation, to potentially do what they need to do to get the gaming machines that they so desire. That would be my support or my not support based on it. In this particular one, they have my full support because I know what they've done in the past and I'm very excited that they are going in there. But yes, I think we should talk about getting you those minutes. It is kind of important because I can see the questions on all your faces because what are the criteria.

Chairman Truax said I think that's right if we can get access to that. Can we have you do that or should we approach some other way to get that?

Mr. Franco said if you would make a note to do that we can get that done.

Chairman Truax said can you say something to Ed or Tracey or someone to make sure that that gets into our hands before the next one comes up?

Mr. Franco said and it will also say how many gaming terminals we can have in the city. There is a cap on the amount, the whole thing, the 5 per entity and the 200 total and why we did it. So I think that's a good education thing for you guys to know because like I said, it is going to happen. It is going to come across your desk a number of times.

Mrs. Anderson said I have a question as well. Once these gaming licenses are approved and installed in these establishments are they continually regulated once they are installed or is it up to the owner to work with whoever installed them?

Mr. Franco said I'm not quite sure when you say regulated. John you may know more about this than I do.

Mrs. Anderson said well once they are installed, what happens? If there are any issues with them and people come and complain about things once they are installed, what happens?

Mr. Curley said it is actually a highly regulated function through the state licensing and we issue annual licenses through the city's Revenue and Collections Department, so there are receipts that have to be traded. If there are any issues we have, we can evaluate that not only on an annual basis, but if there are problems, I believe we have the right to step in and leverage the license for correcting whatever the issues are that we are aware of.

Ms. Tidwell said I have one more comment and I don't mean to repeat myself, but I'm happy to make a decision, but I need to know what the criteria are and I've asked for that. I think several people have, so we look forward to getting those. My other request would be that we have the Planning folks keep a running list of the circumstances when these permits have been given and when they have been denied, when the recommendation has been made or been denied, so that there is continuity and so that the group can see the facts and the circumstances under which the past recommendations were either made or not made. Does that make sense to you?

Mr. Broadwell said yes.

Ms. Tidwell said a running log, I guess.

Mr. Broadwell said yes. I think that's a good point.

Mr. Cameron said that we have 31 issued, 31 licenses currently issued.

Mr. Broadwell said active licenses.

Mr. Cameron said since the passage of this ordinance, have there been any other licenses issued that didn't require a Special Use?

Mr. Broadwell said not that I know of.

Mr. Curley said there have been a couple.

Mr. Cameron said so at this point, we're at 50%, which means that...

Mr. Curley said the 31 represents what's been issued, so some of those would be part of the 31.

Mr. Cameron said and those would have been prior to the ordinance.

Mr. Curley said no, 31 is the current number that we have issued. Some of those were issued after the passage of the ordinance, but did not require a Special Use. So 31 is the correct number today. It might get expanded by 1.

Mr. Cameron said and 2 you just stated were issued without conflict. One has been issued with a requirement of a Special Use and we have a second one here at this point in time. So that represents 50% having a potential conflict because of a violation of the ordinance and that's a pretty significant factor and generally typifies a potentially bad ordinance in the way it's written. Somehow the ½ mile doesn't, now this one is a fair distance. The one out at the Plaza was 800 feet, I think. City Council really needs to give us direction as to what the expectations are because my philosophy has always been my wife was on the County Board for 24 years and from that I drew the worst thing when you are in public office is to have to change an ordinance because you didn't draw it correctly in the first place. That's why I try to always make sure we had communication between the building community and the city. I'm very uncomfortable at having to take a new ordinance and interpret it without any guidelines and frankly uncomfortable enough that I probably will vote no simply because we're not given much to go on and if we decided we needed an ordinance then it needs to be drafted, maybe drafted properly, but we shouldn't have these many variations and force passage even though I realize we are an advisory Board.

Mr. Curley said I guess I would suggest to you I think we all understand the concerns. I think Alderman Franco spoke to some of them as well. I would not classify this as a violation. It truly is a point of control that City Council asked for some additional eyes to be placed on so that we could control the proliferation of licenses. I think the reason Steve showed you the overall map of the city is that we do not have a larger confluence of licenses on the west side. In fact, I think if you talk from someone from the gaming terminal industry, they'd say it is underserved. Looking at this area, even if you compared it to other areas of town, there are far fewer of these establishments on the west side than there are in other areas of town. But placing the ½ mile radius was, I believe, the direction of Council so that we would actually pay attention to the fact that we are being asked to make sure that there are not too many of these establishments that would conflict with each other or conflict with the uses that are already permitted in the area. At least in this instance, staff's feeling is we only have 1 in the area. There have been licenses in this facility in the past and we're recommending that it should be approved.

Chairman Truax said so the issue really is saturation in one area of the community and presumably the people who issue licenses which don't apply too close to another one have some criteria and are using that when they approve a license for someone who is not within "X" number of feet of another establishment. In other words, the ones that don't come before us have already passed some criteria before they are approved. Is that true?

Mr. Curley said that is correct.

Mr. Franco said before the ordinance there probably were a number of them that were within that ½ mile. Basically this is a variance. It is not a violation. When this first came up, the history of it, is that there are no variances and we said wait a second, you've got shopping plazas. This is not about protecting the casino anymore. This is not about putting them in neighborhoods. When you have a

shopping plaza on Route 59, there are establishments that would be perfectly fine to have those there. How do we do that? Well then let's not be that tight on it. Let's say okay we'll give it a variance because as long as we can control that we can put it in a plaza or at Route 59, that's a little bit better than saying no you can't have it because that's how it started out. That was too much. It didn't make any sense because in my mind, and I can only speak for the 5th Ward, if I'm going to have some in the 5th Ward I want them in a shopping plaza. I don't want them on the outskirts. The congestion a little bit in something like that would be beneficial as opposed to having them by, and obviously can't be by the schools, but in the neighborhoods. That's what I was looking at. I like this to have it, but I also want to make sure that we appreciate the spirit of the rule, which basically is control it, but keep them in areas that are business oriented, shopping plaza type things. That's how this is unfolding over there.

Chairman Truax said so we are not being asked to judge whether or not a particular license should be issued. We are being ask to recommend whether it should be varied, whether the place it is located is the issue and whether or not (inaudible).

Mr. Franco said and I would apologize that you don't have written criteria in front of you. I guess you kind of go with the spirit that I'm telling you, but that's how that unfolded. At least you have that. This is what the spirit of it was. This is why we did it and then maybe it would be easier for you to make a decision tonight, but going forward it should be in front of you because you almost have a checklist in mind on this is a variance because this is okay and this is what the thought process was. I understand that.

Mrs. Cole said I have a question. Did the restaurant/bar that occupied this space prior to this, did they not have some gaming machines there?

Mr. Franco said they did.

Mrs. Cole said so this isn't like...

Mr. Franco said this is basically replacing. It is a replacement.

Mrs. Cole said I understand that. The ordinance basically follows the same premise as the ordinance that you passed not too long ago about Pay Day Loan stores. It is a different industry, but the premise is the same, that you don't want a saturation of this type of business in any one area.

Mr. Franco said that's an element. There are more elements to this because you look at the casinos and the neighborhoods and stuff like that, but that's an element. It is one of the elements. I think the Pay Day one was more singularly focused. This one has more tentacles let's say because of reasons.

Mrs. Owusu-Safo said I have one question on saturation. I know the word is being used, but what is the definition of your idea of saturation? Is 5 in a plaza saturation? Is 2?

Mr. Franco said if you have 4 stores in a plaza and you had 4 with gaming I would say that is saturation. If you had 30 stores and you had 5, then I would consider that maybe not saturation. It really depends on the size of the plaza. I guess it is a variable that I can't put an exact number on. In my mind, West Plaza on both sides in that Galena corridor there is a number that we could have without being saturated because we have a number of different businesses in there. I guess it is a discretionary thing too. It is not a number. Even when we get you the record of what we did, it is still a discretionary type of thing. I know it is easier when it's not, but I sometimes like that because sometime you need human beings to make up their mind as things evolve without having to change ordinances. Like I said, it is going to go through here. It is going to go through my committee. It is going to go to Committee of the Whole. So at 4 different levels it is going to have to be approved. I like that. There are a certain number of checks and balances with that.

Chairman Truax said I think we appreciate having the discretion to advise City Council on this and other issues. Whether or not our advice is taken is fine, but we do have the discretion to do that.

The Petitioner was sworn in.

I'm Steve Edwards with AC's pub. I think some of the stuff earlier on that you were talking about might help you. We went through a process where everybody with 250 feet of our building I had to send letters to. I had to go to Aurora Township to get all their parcel numbers and mail it out so everyone knew in that area what was going on with the gaming license. I had to put a sign out on Galena Boulevard to let everyone know the hearing was coming today. I didn't know if you guys knew that process because it didn't seem like you knew how this went. Did you guys know that?

The Commission responded yes.

Mr. Edwards said that's kind of all I needed to say. Any questions about anything?

Mr. Broadwell said do you want to give a little bit of background about the business?

Mr. Edwards said I live in that neighborhood too. I live in Alschuler Subdivision over there. There are a lot of nights where I'd like go well where do I want to go get something to eat. There really wasn't anywhere over that way to go. I started working for Dolan and Murphy Real Estate. Dan Dolan, they own that strip mall there. So we started talking a little bit and I've been in the business before. I had a pizza place in North Aurora that I sold like 6 years ago. So we started talking and one thing led to the other and I've got a good partner here that's a lot younger than I am and can move around a lot faster than I can, so I'm giving her some pointers and we're getting it together. We've got another partner involved and we are planning on bringing the fish fry there on Friday, steak on Saturday and just pretty much Aurora food. I'll have my pizza in there from Eddie's Pizza in North Aurora. It is just somewhere to go hang out, I guess. We've had a lot of places close around there. This place was on its last leg. Brodie's or Uncle Pat's closed up and there wasn't anywhere for anyone really to go eat unless you went out of town or on Orchard and went to the Chili's and places like that. We thought it was an opportunity and it is a lot of work, a lot of hard work. Hopefully everything will work out. The gaming is kind of secondary. We want it, but our deal is to get the families in there, get the food going. Sometimes it is hard to survive nowadays without it, but we are going to do our best because we are not going to get it for at least 4 months anyway. We probably won't get it until April even if everything goes right. So in the meantime from when we open up in the next few weeks until then we will survive on our own with food and hospitality there.

Chairman Truax said do you already have a liquor license?

Mr. Edwards said we will be getting it. Monday they come for Occupancy Permit. I've already had the Health Department through. Building codes went through. I think the Fire Department is coming and the plumbing is coming Monday, but everything should be fine. By Tuesday, we should be able to go to the Clerk's office and get it. With the holidays, everything's got pushed back.

The public input portion of the public hearing was opened. The witnesses were sworn in.

Mr. Franco said well I just want to reiterate I think this is going to be an enhancement for the West Plaza area. We've been working on that diligently since I've come into office about getting establishments in there. This is going to replace a bar/restaurant that was already there that was not doing well. We think this is going to do very well. We need a little shot in the arm over there, so this is going to be one of hopefully many different establishments that come over there, but this is just another piece of the puzzle. I'm hoping the Commission looks the same way as I do on this as a benefit to the west side.

The public input portion of the public hearing was closed.

Mr. Broadwell said staff would recommend approval of the Ordinance granting a Special Use Permit for a Video Gaming Terminal License on the property located at 2124 W. Galena Boulevard.

MOTION OF APPROVAL WAS MADE BY: Mrs. Cole

MOTION SECONDED BY: Mr. Reynolds

AYES: Mrs. Anderson, Mrs. Cole, Mr. Divine, Mr. Hull, Mrs. Owusu-Safo, Mr. Reynolds

NAYS: Mr. Cameron, Ms. Tidwell

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 does represent the logical establishment. A gaming terminal, in my opinion, will compliment the restaurant in the same way as a bar compliments a restaurant.

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 the development is consistent with what's going on in that Ward. It does represent the best interest for the City of Aurora and the 5th Ward.

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?*

Mrs. Cole said this has been a restaurant/bar for a good many years. There's adequate parking. Traffic flow is well established in that 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?*

Mrs. Anderson said those are 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?*

Mrs. Cole said these are already established. If you are walking, the pedestrian access might not be as easy as it could be, but I'm not sure what we could do there.

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?*

Mrs. Cole said this should actually have a positive, I would hope, effect on the surrounding area that the surrounding building owners will see new development in the area and perhaps be willing to invest again.

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?*

Mrs. Owusu-Safo said I think it is in conformance with applicable regulations and that's why he is here to request a Special Use Permit.

Mr. Broadwell said this will next be heard at the Planning and Development Committee on Thursday, November 29, 2018, at 4:00 p.m. on the fifth floor of this building.

Aye: 6 At Large Cole, Aurora Twnshp Representative Reynolds, At Large Anderson, Fox Metro Representative Divine, At Large Owusu-Safo and SD 131 Representative Hull

Nay: 2 At Large Cameron and At Large Tidwell
