

ORIGINAL



**CITY OF AURORA
CITY COUNCIL**

ORDINANCE NUMBER: 009-84

DATE OF PASSAGE: October 27, 2009

PETITIONER: Pepe's Mexican Restaurant

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A CLASS "E"
RESTAURANT LIQUOR LICENSE FOR THE PROPERTY LOCATED AT 749
N. LAKE STREET, AURORA, ILLINOIS**

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit as defined in Article 7 Section 6(a), of the 1970 Constitution of the State of Illinois; and

WHEREAS, said section of the Constitution authorizes a home rule unit to exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare; and

WHEREAS, Pepe's Mexican Restaurant is the owner of record of the real estate legally described on Exhibit "A", attached hereto and incorporated herein by reference as if fully set forth, and hereafter referred to as Exhibit "A;" and

WHEREAS, by petition dated July 28, 2009, Pepe's Mexican Restaurant filed a special use petition with the City of Aurora to authorize the use of the real property legally described in said Exhibit "A" for a Class "E" restaurant liquor license; and

WHEREAS, after referral of said petition from the Aurora City Council, and after due notice and publication of said notice, the Aurora Planning Commission conducted a public hearing on September 30, 2009, with respect to said petition for special use and found that said petition met the standards prescribed by Section 10.6-5 of said Ordinance Number 3100 being the Aurora Zoning Ordinance, and recommended the special use be granted subject to the following condition:

1. That the trash dumpsters shall be located within a trash enclosure.

WHEREAS, the City Council, based upon the conditional recommendation and the stated standards of the Planning Commission, finds that the proposed special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare, will not be injurious to the use of other property in the immediate vicinity, nor diminish or impair property values in the neighborhood and, further, the City Council finds that the granting of this special use will not impede normal and orderly development and improvement of surrounding property for uses permitted in the district and that adequate utilities, access roads, drainage and other facilities are being provided and that the special use will in all respects conform to the applicable regulations of the B-2 District zoning classification except as varied herein; and

WHEREAS, the City Council, finds that the proposed special use is not contrary to the purpose and intent of said Ordinance Number 3100, being the Aurora Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, As follows:

Section One: That said City Council of the City of Aurora, Illinois finds as fact all of the preamble recitals of this Ordinance.

Section Two: In accordance with the Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map Attached Thereto, Section 6-13(d)(2) of Liquor Ordinance, a special use permit is hereby granted for a Class "E" restaurant liquor license, and permitted for the real estate legally described in Exhibit "A".

Section three: That this special use permit hereby granted is solely for the purpose of a Class "E" restaurant liquor license subject to all of the conditions hereinafter set forth which shall be binding and remain in full force and effect upon the applicant and his respective heirs, executors, administrators, successors, assigns, devisees for the duration of said use.

Section Four: That said special use permit is granted specifically contingent upon the following condition:

1. That the trash dumpsters shall be located within a trash enclosure.

Section Five: That should any of the above-stated conditions not be met, the City Council shall take the necessary steps to repeal this Ordinance.

Section Six: That future proposals for expansion or intensification of whatever kind for the real property legally described in said Exhibit "A", except as provided for herein, shall be considered only upon proper application, notice and hearing as provided by Section 10.6 of said the Ordinance Number 3100, being the Aurora Zoning Ordinance.

Section Seven: That the real property legally described in said Exhibit "A" shall remain in the underlying zoning classification of B-2 District and, upon termination of the use of said property for a Class "E" restaurant liquor license, this special use permit shall terminate and the classification of B-2 shall be in full force and effect.

Section Eight: That failure to comply with any condition provided for herein shall render this special use permit null and void.

Section Nine: That this Class "E" restaurant liquor license shall remain subject to compliance, except as herein modified, with the minimum standards of all applicable City ordinances.

Section Ten: That all other ordinances or parts of ordinances in conflict herewith are hereby repealed insofar as any conflict exists.

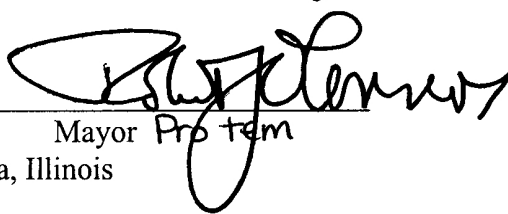
Section Eleven: That this ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

Section Twelve: That any section, phrase or paragraph of this Ordinance that is construed to be invalid, void or unconstitutional shall not affect the remaining sections, phrases or paragraphs of this Ordinance which shall remain in full force and effect.

PASSED AND APPROVED by the City Council of the City of Aurora, Illinois on this 27th day of Oct., 2009.


AYES 10 **NAYS** 0 **NOT VOTING**

SIGNED by the Mayor of the City of Aurora, Illinois, on this 27th day of Oct., 2009.



Mayor Pro Tem
City of Aurora, Illinois

Attest:



Cheryl Vonnhoff, City Clerk

Case File Number: AU15/3-09.195-Su
Parcel Number: 15-15-328-010

This instrument prepared by:
Aurora Land Use and Zoning Division
1 South Broadway
Aurora, Illinois 60505

EXHIBIT "A"**LEGAL DESCRIPTION**

For the property located at 749 N. Lake Street, Aurora, Illinois

THAT PART OF LOT "L" AS SHOWN ON THE MAP OF CLARK WILDER'S FARM IN SECTIONS 15 AND 16, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE NORTHERLY LINE OF ILLINOIS AVENUE WITH THE EASTERLY LINE OF NORTH LAKE STREET AS SAID LINES EXISTED PRIOR TO JUNE 29, 1959, SAID POINT BEING 300.00 FEET WESTERLY OF THE NORTHWESTERLY CORNER OF ILLINOIS AVENUE AND ORCHARD AVENUE; THENCE NORTHERLY ALONG THE EASTERLY LINE OF NORTH LAKE STREET, AFORESAID, 195.55 FEET TO A LINE DRAWN PARALLEL WITH AND 158 FEET WESTERLY OF AS MEASURED ALONG THE PROLONGATION OF THE LAST MENTIONED COURSE, THE WESTERLY LINE OF ORCHARD AVENUE; THENCE NORTHERLY ALONG SAID PARALLEL LINE 120 FEET; THENCE WESTERLY PARALLEL WITH THE NORTHERLY LINE OF ILLINOIS AVENUE, AFORESAID, 207.44 FEET TO THE EASTERLY LINE OF NORTH LAKE STREET, AFORESAID; THENCE SOUTHERLY ALONG SAID EASTERLY LINE OF 121.08 FEET TO THE POINT OF BEGINNING, (EXCEPT THE WESTERLY 7.00 FEET AS MEASURED AT RIGHT ANGLES TO THE EASTERLY LINE OF NORTH LAKE STREET AFORESAID) IN AURORA, KANE COUNTY, ILLINOIS

COMMONLY KNOWN AS: 749 N. LAKE STREET
TAX PARCEL NUMBER: 15-15-328-010

EXHIBIT "B"

INFORMATION SHEET

For the Plat of Survey for the property located at the 749 N. Lake Street, Aurora, Illinois

OWNER:	Pepe's Mexican Restaurant Jose R. Castro 749 N. Lake Street Aurora, Illinois 60506
DATE PLAT RECEIVED BY PLANNING:	September 18, 2009
PLAT PREPARED BY:	Nekola Survey, Inc. 400 N. Schmidt Road, Suite 203 Bolingbrook, Illinois 60440

NOTE: A COPY OF THIS PLAT AS REFERENCED HEREON IS ON FILE IN THE CITY OF AURORA PLANNING DIVISION OFFICE ON THE SECOND FLOOR, 1 SOUTH BROADWAY, AURORA, ILLINOIS, 60505.

RECOMMENDATION

TO: THE COMMITTEE OF THE WHOLE

FROM: THE PLANNING & DEVELOPMENT COMMITTEE

The Planning & Development Committee At Their Regular Meeting On Thursday, October 15, 2009

Recommended **APPROVAL** An Ordinance Granting A Special Use Permit For A Class "E" Restaurant
Liquor License For The Property Located At 749 N. Lake Street, Aurora, Illinois (Pepe's Mexican
Restaurant - AU15/3-09.195-SU - JR - Ward 6)

VOTE: 3-0

Submitted By

Michael B. Saville
Alderman Michael Saville, Chairman

Rick Mervine
Alderman Rick Mervine

Abby Schuler
Alderman Abby Schuler

John "Whitey" Peters
Alderman John "Whitey" Peters, Alternate

Dated This 16th Day Of October 2009