



City of Aurora

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

Legistar History Report

File Number: 19-0213

File ID: 19-0213

Type: Ordinance

Status: Forwarded to Committee of the Whole

Version: 2

General Ledger #:

In Control: Planning & Development Committee

File Created: 03/14/2019

File Name: Café Jefe Restaurant / 1271-1273 N. Lake Street / Special Use for a Liquor License

Final Action:

Title: An Ordinance Granting a Special Use Permit for a Liquor License within 500 feet of residential property on the property located at 1271 N. Lake Street generally located on the east side of Lake Street, north of Indian Trail Road (Arechiga Group 1, Inc., DBA El Jefe - 19-0213 / AU10/3-18.104-Su - JM - Ward 6) (PUBLIC HEARING)

Notes:

Agenda Date: 04/25/2019

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Exhibit "A" Legal Description - 2019-04-10 - 2018.104.pdf, Exhibit "B" Memorandum of Agreement - 2019-04-10 - 2018.104.pdf, Floor Plans - 2019-03-14 - 2018.104.pdf, Elevations - 2019-03-014 - 2018.104.pdf, Property Research Sheet - ID #21243-72543 - 2019-03-12 - 2018.104.pdf, Land Use Petition and Supporting Documents - 2019-03-14 - 2018.104.pdf, Plat of Survey - 1271 N. Lake 2015-03-10 - 2013.071.pdf, Legistar History Report - 2019-04-10 - 2018.104.pdf

Enactment Number:

Planning Case #: AU10/3-18.104-Su

Hearing Date:

Drafter: jmorgan@aurora-il.org

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Committee of the Whole	03/19/2019	Forward to Planning Council	Planning Council			
	Action Text:		This Petition was Forward to Planning Council to the Planning Council				
1	Planning Council	03/26/2019					

Notes: Representative Present: Alvaro Guerrero

Mr. Guerrero said we are working on the property at 1271 N. Lake Street. It was a restaurant before and we are trying to open a Mexican Restaurant. We are applying for a liquor license. We already did many remodeling on the property. We are putting everything back in shape. We are working to get all the steps to get the liquor license. I'm doing the mailing thing today. I'm ready. We are ready to roll. We are pretty much ready. We just need to get the approval here and then do all the final steps to get this done to go to City Council.

Mrs. Morgan said staff is working with them now to do the public notices for the April 17th Planning Commission meeting. I think that's really it on the Planning side. Is there any Engineering or anything?

Mr. Phipps said no.

1	Planning Council	04/02/2019				
	Notes:	Mrs. Morgan said they were here last week. They are looking for a Special Use for a liquor license within 500 feet of residential. Staff is working with them on the public notifications and that should be fine for the April 17th Planning Commission public hearing.				
1	Planning Council	04/09/2019	Forwarded	Planning Commission	04/17/2019	Pass
	Action Text:	A motion was made by Mrs. Morgan, seconded by Mr. Broadwell, that this agenda item be Forwarded to the Planning Commission, on the agenda for 4/17/2019. The motion carried by voice vote.				
	Notes:	Mrs. Morgan said this is going to the April 17th Planning Commission. There weren't a whole lot of comments from staff. Everything has been addressed. They've advertised. I make a motion to move this forward to the Planning Commission meeting on April 17th. Mr. Broadwell seconded the motion. The motion carried unanimously.				
2	Planning Commission	04/17/2019	Forwarded	Planning & Development Committee	04/25/2019	Pass
	Action Text:	A motion was made by Mr. Cameron, seconded by Mrs. Duncan, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 4/25/2019. The motion carried.				
	Notes:	Mrs. Morgan said the Petitioner, El Jefe, is requesting approval of a Special Use for a liquor license within 500 feet of residential property, which includes the development of a restaurant with a Class E liquor license. The subject property is currently zoned B-2(S) General Retail District with a Special Use. It is part of the Maruti Special Use Planned Development. The Petitioner is requesting the Special Use for the Class E liquor license since it is within the 500 feet of residential and not part of a shopping center. The residential properties within the 500 feet are vacant lots adjacent to N. River Street that are zoned residential and three single family homes. The remainder of the surrounding area is zoned business or manufacturing. The applicant is currently renovating the existing building on the site for a new restaurant with the capacity of 160 customers and it currently has 72 parking spaces. The proposed renovations include some minor alterations to the façade, outdoor seating area, interior renovations to the bar, including bar seating and tables. Here is just kind of some renderings they did for the building. The elevations, you can see the outdoor seating they added and some changes to the interior of the bar area, so a slight change to the façade, just some alterations to that. Here is the floor plan showing the seating. The Petitioner has met the minimum requirements for the Class E liquor ordinance to obtain the Special Use, including providing enough off-street parking at 1 space per 3 seats. It meets the minimum number of 125 seats required to obtain a liquor license. The majority of the surrounding area is business. With providing adequate off-street parking along with the area being mostly a commercial corridor abutting a major arterial, staff supports the approval of allowing a liquor license on this property.				

Mr. Cameron said did this site formerly have a liquor license?

Mr. Sieben said that's a good question. I know it used to be Mayberry's. It was briefly Pub 31 about 15 or so years ago, so I believe it did have a liquor license before this provision was added to the liquor ordinance, so you are correct.

Chairman Pilmer said and when it was Mr. Steak, Ken, I think it had one too.

Mr. Sieben said I think it was Hoops or something too. That was a long time ago.

Mr. Elsbree said so the housing we're talking about is back behind?

Mrs. Morgan said yes.

Mr. Elsbree said between there and the river.

Mr. Sieben said there are only a few houses to the north. It is mostly commercial.

Mrs. Morgan said there are three homes and the rest of them are just vacant residential. The property is zoned residential.

Ms. Tidwell said I realize that these are vacant lots, the residential lots. If they were built on would staff recommend a barrier of any kind between the properties?

Mrs. Morgan said no because the properties don't really abut the residential properties, as well as the Comp Plan actually shows the area for high density residential, so if the whole area was redeveloped staff would probably talk to the people developing the high density residential maybe to have some type of barrier to the property. It would be high density, not like single family homes.

Ms. Tidwell said but did you not say it was zoned for single family?

Mrs. Morgan said it is currently zoned, but the long term plan is for high density residential.

Ms. Tidwell said I noted, of course, there was public notice. I assume the owners of the vacant lots were informed.

Mrs. Morgan said correct, yes, anything within 250 feet.

Mr. Cameron said what is the elevation change between, all of the red is all basically at street level and there is what, a 15 or 20 foot...

Mr. Sieben said a minimum. For example where the McDonalds is further south of Indian Trail, that's 50 feet from the McDonalds down to the riverbank, but down to River Street it is probably more like 20.

The Petitioner was sworn in.

My name is Alvaro Guerrero. I live at 1213 Joliet Street in West Chicago, Illinois. We are planning to open a new restaurant in the building. As a group, as a family, we own 6 other restaurants, but this is a completely new idea, a completely new concept that we're trying to establish now and use this restaurant for future locations. Our restaurant will be family friendly. We have in all the restaurants a liquor license and we've never had an issue with that. We wanted to do like a more family friendly environment. It is not going to be like a bar or something like that.

Ms. Tidwell said I did notice that there is outdoor seating proposed. Will that have music amplified outside?

Mr. Guerrero said no. Probably like a meal to music, not speakers outside.

Ms. Tidwell said so just acoustic?

Mr. Guerrero said yes.

Mrs. Anderson said what will be your working hours of the restaurant?

Mr. Guerrero said we are proposing from 11:00 in the morning to 10:00 p.m. Monday through Thursday and for Friday, Saturday and Sunday from 11:00 a.m. to 12:00 midnight.

Mr. Cameron said Ed, maybe you could define what a Class E liquor license is. I general know, but not sure.

Mr. Sieben said a Class E is called a restaurant liquor license. It is basically a restaurant with a full liquor license.

Mr. Guerrero said our main income will be food, not liquor.

Mrs. Head said I was just going to ask what kind of food is this going to be?

Mr. Guerrero said the name of the restaurant that we own is Salsa Verde. We own one in Joliet, Oswego, Batavia, St. Charles and two in Indiana. This will like a Mexican restaurant with steakhouse, something a little more upscale. Something different in the area.

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. Morgan staff would recommend approval of an Ordinance granting a Special Use Permit for a Liquor License within 500 feet of residential property on the property located at 1271 N. Lake Street, generally located on the east side of Lake Street, north of Indian Trail Road.

Mr. Cameron said I have just one question. This property has been before us, I think, before and there was some question of the right-of-way, the extension of River coming up or through.

Mr. Sieben said right. What happened was the Dunkin Donuts had come in and the adjacent lot to the north was approved for a small drive-thru Dunkin Donuts. If that were to develop, and it hasn't come in yet, the current access from River Street, which now comes up through the middle of the parking lot to Lake Street, that will be moved to the north side of the new Dunkin Donuts and then there is actually a city right-of-way through the middle of this parking from Lake Street to River. The agreement is that will be vacated and then there is, I believe, a 24 foot easement will be then on the north property line for River Street will come up to Lake Street at that point. They are aware of it. It will not affect using the existing restaurant.

MOTION OF APPROVAL WAS MADE BY: Mr. Cameron

MOTION SECONDED BY: Mrs. Duncan

AYES: Mrs. Anderson, Mr. Cameron, Mr. Divine, Mrs. Duncan, Mr. Elsbree, Mr. Gonzales, Mrs. Head, Mr. Hull, Mrs. Owusu-Safo, Mr. Reynolds, Ms. Tidwell

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. Anderson 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, the proposal represents 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?

Mrs. Owusu-Safo said the proposal should not have any adverse effects since the use is going to be similar to what was existing there.

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. Owusu-Safo said these should already be in place or will be included in the development.

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. Owusu-Safo said these should not have any adverse effect to the existing traffic patterns.

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

Chairman Pilmer said this area is zoned business. It should have no negative impact of the general area.

9b. Is the special use in all other respects in conformance to the applicable regulations in 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?

Mr. Cameron said it is.

Chairman Pilmer said it is in conformance.

Mrs. Morgan said this will next be heard at the Planning and Development Committee on Thursday, April 25, 2019, at 4:00 p.m. on the fifth floor of this building.

Aye: 12 At Large Cameron, At Large Pilmer, Aurora Twnshp Representative Reynolds, At Large Anderson, Fox Metro Representative Divine, SD 204 Representative Duncan, At Large Owusu-Safo, SD 129 Representative Head, SD 131 Representative Hull, At Large Tidwell, At Large Gonzales and At Large Elsbree

3	Planning & Development Committee	04/25/2019	recommended for approval	Pass
	Action Text:	A motion was made by Alderman Jenkins, seconded by Alderman Franco, that this agenda item be recommended for approval. The motion carried.		
		Aye: 3	Chairperson Saville, Alderman Jenkins and Alderman Franco	
