



City of Aurora

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Legistar History Report

File Number: 16-00109

File ID: 16-00109	Type: Petition	Status: Draft
Version: 2	General Ledger #:	In Control: Planning & Development Committee
File Name: Hills Banquet Hall / Liquor License Special Use / 649 Hill Avenue		File Created: 02/16/2016
		Final Action:

Title: An Ordinance Granting a Special Use Permit for a Liquor License within 500 feet of residential property for Hills Banquet Hall located at 649 Hill Avenue (Hills Banquet Hall - L16-00109 / AU26/4-11.317-Su/Fpn - ES - Ward3) (PUBLIC HEARING)

Notes:

Agenda Date: 04/14/2016

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Exhibit A Legal Description.pdf, Exhibit B Memorandum of Agreement.pdf, Property Research Sheet - 2015-11-17 - 2011.317.pdf, Land Use Petition and Supporting Documents - 2016-02-05 - 2011.317.pdf, Plat of Survey - 2016-02-05 - 2011.317.pdf, Legistar History Report (Special Use) - 2016-03-29 - 2011.317.pdf, Findings of Facts.pdf

Enactment Number:

Planning Case #: AU26/4-11.317-Su/Fpn

Hearing Date:

Drafter: esieben@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	02/16/2016	Forward to Planning Council	DST Staff Council (Planning Council)			
	Action Text: (Planning Council)						
1	DST Staff Council (Planning Council)	02/23/2016	Notes: <i>Representatives Present: Fidel Valero and John Tebrugge</i>				

Mr. Sieben said I'll give a little bit of a background because I know we've been dealing with this for a while. Hill's Banquet purchased this property from the former Eagle's Club. They have been operating a banquet facility in the rear, or the western half, of the building approximately for the last couple of years, but without liquor. They currently have parking that's been in place from the old Eagle's Club. There is parking on the north side and then parking on the south side. I believe there is about 127 or so spaces John. Is that correct?

Mr. Tebrugge said yes.

Mr. Sieben said what they are proposing now are 2 things. They are in for a permit to build out the kitchen. They have not been having a kitchen in here. They've been just having people, I guess, cater in food in the interim, but they are in the process of permitting a kitchen and a grease trap, which is in the process of review. Then this Special Use, again, will be to allow liquor within that existing banquet facility. The parking that is on site, which about 127 is sufficient for the square footage and the seating for the current banquet area with liquor. Then if they ever wanted to expand into the rest of the building, either with an expanded banquet facility or a separate restaurant in the east half of the building, we did indicate through several DST meetings that additional parking would need to be constructed on the property, obviously at the south end and then with some stormwater management as part of that. There may also be the ability to get some off-site parking if there is a possibility of a lease, but if there is an expansion within the building probably there would have to be additional built on site. The only engineering, I think, being done with this project right now is the southern parking lot, the west end of the property, parking is being squared off. It was a little bit rough back there and I think that is being squared off. I think you submitted a grading plan for that.

Mr. Tebrugge said yes.

Mr. Sieben said but I believe it does not kick in stormwater detention at this time.

Mr. Tebrugge said no. We've listed all that in there. It is about 3,500 new square feet of parking.

Mr. Sieben said unfortunately I think I summarized everything, but Fidel or John do you want to kind of just tell us a little about yourselves, kind of what you are doing there and then your business plan and where you hope to go from there.

Mr. Valero said basically we just want to work with like more personal, like events for families, weddings, Quinceanera's, you know Sweet 16's. So it is nothing that has to do with association with people coming in every day or stuff like that. It is only on maybe Friday or Saturday, more family oriented kind of environment. We've been trying to work on that. A lot of people are kind of hesitant about the situation when we tell them you can't bring this in. We are trying our best right now trying to get everything situated. We are trying to do a step by step process. Hopefully, eventually in the long run it pays off.

Mr. Sieben said so this would allow, if this get approved, you would be able to apply for the liquor license. I believe it would be a Class E Restaurant Liquor License. I don't believe in the time you've been operating that there has really been any issues. I think there might have been a couple of incidents where people attempted to bring in some alcohol and then you guys tried to clarify that.

Mr. Valero said they've tried to bring a couple of things of alcohol and we told them you cannot bring anything in here.

Mr. Seiben said how big of an area is this? About how much seating would you potentially have?

Mr. Valero said I would say about 220.

Mr. Seiben said that would be the maximum?

Mr. Valero said yes. That's the capacity.

Mr. Sieben said and you don't always have that amount of people?

Mr. Valero said no, no. We always have like a little bit less, like about 200 give or take, but it doesn't go over 220.

Mr. Sieben said and how does the parking work? How has the parking been working?

Mr. Valero said it's actually been working pretty well. Obviously, when there is an overflow, because sometimes people just come by themselves, we tell them to park on the other side and they just go around the building.

Mr. Seiben said so the overflow, they just park on your property on the south side. Is that what you

are saying?

Mr. Valero said no. They park on the other side of the building. They usually park on the south side of the building.

Mr. Tebrugge said so the parking has been adequate?

Mr. Valero said yes.

Mr. Sieben said so when you say overflow, that's all still within your property?

Mr. Valero said yes.

Mr. Sieben said so you haven't had any incidents with the banquets where there's been more cars than parking on your site?

Mr. Valero said no, no. We haven't had any issues with that.

Mr. Sieben said and the operations really shouldn't change if you were granted the liquor license. You would then be able to serve liquor at the facility.

Mr. Valero said that is correct.

Mr. Sieben said John do you have anything to add on the site?

Mr. Tebrugge said we've gone through and done the improvements for the parking, some concrete removal. The east half is going to have new sidewalk, a new deck up front. The grease trap is going on the north side of the building so that will have all new concrete entrances onto Hill Avenue. Then the south side, the parking lot was kind of rounded, so the south and west sides got squared off and got about 10 or 15 more parking places just by squaring off the parking lot. It was never really quite striped very well and people just kind of parked everywhere, so this will be able to get it organized and get a flow through there.

Mr. Sieben said do you know where it stands? I know there are outstanding comments on the grease trap and the kitchen remodel permit. Are you working with John Spoelma on that?

Mr. Tebrugge said the grease trap, everything was finalized. The only thing that John was needing was the name of the contractor that filled it out, which we got. Everything else has been taken care of. He said he was ready to process it as soon as he got the check and everything.

Mr. Sieben said I'll be going ahead, again, I don't think there is really much to review on there either. There is a little bit of a landscape plan. I think you guys were adding some landscaping up along Hill Avenue in front of the building.

Mr. Tebrugge said and around the building. There are some new bushes going in the back when we redo part of the back of the building and then also on the west side with those new parking places. Some of the perimeter is getting some new landscaping.

Mr. Sieben said like I said, I'll be the point person on this with regard to Planning and Zoning, so I'll work with you guys. There are notices for within 250 feet. What I'll do is let me get a Planning Commission date and then we'll back that out so probably within the next week or two I'll be getting back to you on that for the notices. I may do you guys and the previous church that we talked about in the same meeting then I could do them both the same day. Does Fire or Engineering have any other comments? It is pretty much an existing situation Javon. The parking is already basically already there. Did we get a fire plan as part of this?

Mr. Tebrugge said yes. The fire plan was in there. There is adequate fire hydrant coverage along Hill. It meets all the radius requirements.

Mr. Sieben said so if Engineering or Fire have any comments, just go ahead and send those out.

1 DST Staff Council 03/01/2016
(Planning Council)

Notes: Mr. Sieben said I am in the process of reviewing this. I will be working with them on notices, but the

plan is that this will go to the April 6th Planning Commission meeting.

Mr. Beneke said and just as a side note, we are still waiting for a resubmittal for the building permit, which is actually a separate process.

Mr. Feltman said fire was okay, right?

Mr. Beneke said we are fine.

Mr. Feltman said Engineering approved the engineering plans last week.

1 DST Staff Council 03/08/2016
(Planning Council)

Notes: Mr. Sieben said I'm in the process of reviewing this. I believe Engineering has already approved the plans.

Mr. Feltman said we did.

Mr. Sieben said and then there is a separate side issue with the kitchen and grease trap.

Mr. Beneke said we are still waiting for a resubmittal on the building permit.

Mr. Feltman said what's the issue with the grease trap?

Mr. Beneke said we just have to resolve our comments and get everything squared. I think we are still waiting for your approval.

Mr. Frankino said was there a new unit installed at this location within the last year?

Mr. Beneke said not yet.

Mr. Frankino said maybe I'm thinking of another building then.

Mr. Beneke said no. They were looking at putting in an interior one at one time for just a little banquet area, but they are expanding this and the new plan shows an exterior grease trap on it.

Mr. Feltman said think we got a little ahead of ourselves because that's what we approved was an exterior grease trap.

Mr. Frankino said I just remember something in this area having a previous submittal for a 1500 on the north side of the building connecting to the front of the building. Is that this design?

Mr. Beneke said I think it is the same thing.

Mr. Frankino said okay. Maybe it is an old design and just being revamped.

Mr. Beneke said this has been out there for a long time.

Mr. Feltman said you probably saw it and thought that it got built and it actually didn't get built.

Mr. Frankino said I don't know if we have this on our desk yet.

Mr. Beneke said you may have approved it. I'm not sure.

Mr. Sieben said this goes back a ways.

Mr. Feltman said it has been stop and go for years.

Mr. Sieben said so we'll look at this. This will probably go to the April 6th Planning Commission, so this will probably be voted out within the next couple of weeks.

1 DST Staff Council 03/15/2016
(Planning Council)

Notes: Mr. Sieben said I did forward them the required notice packet that needs to go out. They need to return it by tomorrow for this to go to the April 6th Planning Commission meeting, so we'll see if that

happens.

1 DST Staff Council 03/22/2016
(Planning Council)

Notes: *Mr. Sieben said the notices have gone out. This will go to the April 6th Planning Commission. One item I wanted to discuss today that has been brought up is the issue of a possibility of a sidewalk along their frontage on Hill Avenue. We did look at this. There are some problematic issues here with utilities with overhead. There's overhead poles exactly where a sidewalk would typically be here and other utilities. Dan do you want to suggest maybe what we could do here?*

Mr. Feltman said well what talked about was maybe trying to get an easement adjacent to the right-of-way that would then be on the west side of the overhead poles.

Mr. Sieben said so if we ever did then, if the city did a sidewalk, we'd have room to go around the utilities?

Mr. Feltman said yes because the sidewalk ends just south of 5th Avenue, so it is pretty far.

Mr. Sieben said right. We don't have any other sidewalks south of that point. Is that the Pepsi Plant, or the old Pepsi? It ends just south of 5th Avenue there and then we've got no sidewalk the rest of the way.

Mr. Feltman said the rest of the way all the way, I think when we looked at it, it was all the way down to Montgomery Road. I don't think there was anything along that entire frontage.

Mr. Sieben said correct. This won't be voted out until next week, so we'll look at what conditions we can put onto that.

1 DST Staff Council 03/29/2016 Forwarded Planning 04/06/2016 Pass
(Planning Council) Commission

Action Text: A motion was made by Mr. Sieben, seconded by Mrs. Vacek, that this agenda item be Forwarded to the Planning Commission, on the agenda for 4/6/2016. The motion carried by voice vote.

Notes: *Mr. Sieben said this is going to go to the April 6th Planning Commission meeting, so I make a motion to move this forward to the April 6th Planning Commission. Mrs. Vacek seconded the motion. The motion carried unanimously.*

2 Planning Commission 04/06/2016 Forwarded Planning & 04/14/2016 Pass
Development Committee

Action Text: A motion was made by Mr. Engen, seconded by Mrs. Cole, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 4/14/2016. The motion carried.

Notes: *Mr. Sieben said this is the former Eagles Club. Many of you may remember that. It is zoned B-3. Hills Banquet Hall is the new owner of the property. They've actually owned the property for a few years and they have operated on the property a banquet hall called Hills Banquets in the rear half of the building. They have operated without a liquor license and actually without a kitchen, so what they do is they will rent out the space and people will cater in their own food and there is no alcoholic liquor. Again, the other half, the front half of the building is separated and currently vacant. They are applying for a Class E Restaurant Liquor License for the half of the building that is currently being used. Per the floor plan this may contain up to about 160 seats as shown in your packet. They are also slightly modifying the existing parking lot. This will accommodate fully 127 parking spaces. I have the actual Final Plan shown on the screen here. There is actually parking on both the north and south side of the building. One of the parking lots does come up to 6th Avenue there and then the other parking lot just has access off of Hill Avenue to the south. They are also making some improvements to the building. They are upgrading the kitchen. There was a kitchen in there. They are upgrading that so they will be able to serve food in the future then. They are also adding a grease trap and adding some new areas of concrete and brick paver sidewalk to the front of the building. Concurrently with this, but a separate petition, is the Final Plan Petition. With that being said, unless there are any questions for me right now, I can turn it over to the Petitioner and his engineer.*

Mrs. Cole said I have a question, a couple of questions in fact. You said it is for 160 people?

Mr. Sieben said that's what their seating plan shows.

Mrs. Cole said okay but when he's giving testimony at one of the meetings, he keeps referring to a maximum of 220 people.

Mr. Siebel said I'll let him answer that. His floor plan that he submitted does show 160 seats in there.

Mrs. Cole said so that would be the maximum?

Mr. Sieben said well that's what's shown. With 127 parking spaces, the parking requirement is 1 per 3 seats, so they do have enough parking if the seating were to be a little bit larger, but I'll have him answer that.

Mrs. Cole said and the other question I have is with regard to the liquor license. There is a shelter just to the south of this building that I think is part of the property. Would they be able to serve alcohol outside?

Mr. Seiben said no. The alcohol all has to be within the building.

Mrs. Cole said thank you.

The Petitioners were sworn in.

My name is Fidel. I live at 414 Jefferson Street in Aurora, Illinois.

I'm John Tebrugge with Tebrugge Engineering, 146 Huntsman Lane in Plano.

Chairman Truax said if you want you can make a statement before us or we can just ask you questions, whatever you'd like.

Mr. Valerio said we've been working at this for a couple of years. It took us a lot to work at this. This is a family owned business. We have been working hard like mostly all our lives just to save money to try to do something positive for us. These past 3 years have been a struggle, but I think it's been a vision for us. We struggled a little bit. We work very hard and we are trying to improve and, hopefully, with your approval we'll get this business moving.

Mrs. Cole said I a question about the number of people that you are going to serve. Is it 160 or 220?

Mr. Valerio said originally Linda when the Fire Marshall came he said 168, but then he actually said we had to send him a revised plan. I guess he said the max in there was like 220 for the capacity of the building. We have the occupancy for that too. That's what the Fire Marshall said.

Chairman Truax said so the occupancy number is 220?

Mr. Valerio said 220.

Mr. Engen said so then there is plenty of parking then for 220 if you had that amount of people there?

Mr. Valerio said that is correct Mark.

Mr. Garcia said you had indicated earlier that there are going to be renovations inside the restaurant. Are you making sure that this is handicap accessible as well as bathroom stalls that are children size?

Mr. Valerio said on the north side of the building, like it shows in our plan here, we have actually 5 handicap spots that we have accessible for the building on the south side. On the west end of the building there are 2 handicap so they can enter at the south side of the building. The other 3 are for when we do open the east side of the building, they could easily access it through the front.

Mr. Garcia said how about your toilet facilities? Are those going to be accessible to children? There is a toilet height for both a child as well as the adult. Are there going to be urinals in there at different heights?

Mr. Valerio said there are going to be urinals at different heights. We actually have for the bathroom, we also have the handicap accessible, so everything is kind of up to code for that. We tried to figure it mostly trying to figure everybody out in that.

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

Mr. Sieben said staff would recommend approval of the Ordinance granting a Special Use for a Liquor License within 500 feet of residential property for Hills Banquet Hall located at 649 Hill Avenue.

Chairman Truax said are there any conditions to your recommendation?

Mr. Sieben said I do have conditions on the Final Plan, but we'll have to open that up right after to do the public hearing.

Mr. Engen said one other question. I don't know if I missed it here. Were there any comments from neighbors or anything?

Mr. Sieben said no. I don't believe we received any calls.

MOTION OF APPROVAL WAS MADE BY: Mr. Engen

MOTION SECONDED BY: Mrs. Cole

AYES: Mr. Bergeron, Mr. Cameron, Mr Chambers, Mrs. Cole, Mr. Divine, Mrs. Duncan, Mr. Engen, Mr. Garcia, 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. Pilmer said this is a commercial corridor continuing use of a neighborhood properties. I believe at one time there was a prior license issued at this property as well.

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 I believe the proposal represents the highest and best use of the property at this time.

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. Engen said well because this was a business under a different name before, they always saw a traffic pattern, so we should not really see any difference. We did find out that there is plenty of parking to adequately park all cars who are using this facility, so we should not really see a big difference in traffic pattern.

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. Engen said this is already in place right now.

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. Garcia said the Petitioner did answer the question, in fact, that they made some renovation, handicap accessibility, so I believe that they have met this.

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 in the past has been a very similar use and while there are several other similar uses along that portion of Hill Avenue, I don't think it is going to, certainly not, over saturate since it's been this design for many years.

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?

Mr. Engen said this Special Use does comply with all the applicable regulations.

Mr. Sieben said this will next be heard at the Planning and Development Committee meeting on Thursday, April 14, 2016, at 4:00 p.m. in the 5th floor conference room of this building.

Aye: 10 At Large Bergeron, At Large Cameron, At Large Cole, At Large Pilmer, Aurora Twnshp Representative Reynolds, At Large Divine, At Large Engen, SD 204 Representative Duncan, SD 131 Representative Garcia and Fox Valley Park District Representative Chambers
