



City of Aurora

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

Legistar History Report

File Number: 19-0829

File ID: 19-0829

Type: Petition

Status: Draft

Version: 2

**General
Ledger #:**

In Control: Building, Zoning,
and Economic
Development
Committee

File Created: 09/11/2019

File Name: Primos Tacos / 918 N. Highland Avenue / Special Use
for Liquor License

Final Action:

Title: An Ordinance Granting a Special Use Permit for a Liquor License within Five Hundred Feet of a Residential Property, for the Property located at 918 North Highland Avenue (Primos Tacos - 19-0829 / AU16/2-17.161-Su - SB - Ward 6) (PUBLIC HEARING)

Notes:

Agenda Date: 10/23/2019

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Floor Plans - 2019-09-10 - 2017.161.pdf, Exhibit "A"
Legal Description - 2019-09-05 - 2017.161.pdf, Exhibit
"B" Special Use Memorandum of Agreement -
2019-10-08 - 2017.161.pdf, Land Use Petition and
Supporting Documents - 2019-09-10 - 2017.161.pdf,
Property Research Sheet ID 18939-55398 -
2017-08-14.pdf, Legistar History Report - 2019-10-08 -
2017.161.pdf, Findings of Fact - 2019-10-08 -
2017.161.pdf

Enactment Number:

Planning Case #: AU16/2-17.161-Su

Hearing Date:

Drafter: sbroadwell@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	09/17/2019	Forward to Planning Council	Planning Council	09/24/2019		
	Action Text: This Petition was forwarded to Planning Council.						
1	Planning Council	09/24/2019					
	Notes: <i>Representatives Present: Stuart Peterson and Carlos Martinez</i> <i>I'm attorney Stu Peterson. I've been representing Carlos Martinez who is buying the property at 918</i>						

N. Highland. It was for deed. We've got about a year left on a purchase before it is deeded over to him. Anybody who grew up in Aurora knows the area. It is the old Irish Club if you are trying to reference a building.

Mr. Sieben said I've got the floor plan up for the main floor of the restaurant. Stu, do you want to just maybe give a little history? We had to clean some of it. There was an issue with the use of the basement.

Mr. Peterson said there used to be another bar and rental facility for like banquets and parties in the basement. We removed all that. That's all been removed. Everything is going to be on the first floor. It is 125 seats. The bottom is incapable of being rented out for anything. Everything has been removed in regard to that. In regard to the modifications as well, the grease traps and everything have been modified and approved and permitted and closed out with Fox Metro as well. We reconfigured the seating configuration, which is shown on this diagram. It is basically a Mexican family restaurant. There will not be entertainment there at all. At one point in time, there was a plan that showed a food window, but we nixed that and we're not going with that at this time. In essence, that's what we are seeking. We did speak to Mike Saville, the Alderman in the area, and he did not have any objections and then we proceeded forward. That's really where we are at and what we are seeking at this point in time.

Mr. Sieben said so you have 132 seat and you need a minimum of 125.

Mr. Peterson said 125 is the minimum. We have 132. The parking is compliant. The parking lot has been redone and striped.

Mr. Sieben said we had a couple of violations that were not in compliance. I believe the fence and dumpster enclosure have been repaired and any holes in the parking lot have been patched. I believe with Building and Permits you are all up to speed where you need to be. That was kind of a big holdup too for a while there to get everything documented. Steve is handling this on Planning's end.

Mr. Broadwell said because this is a Special Use, it does require the public notice process. I sent the public mailing information last week. We are moving forward with that.

Mr. Peterson said we are on track to have the letters go out. I think the plan is to get it at the Commission meeting on the 16th of October.

Mr. Sieben said it will be Planning Commission for the public hearing and then it will go on from there to BZE. I believe it will eventually go to City Council for the first meeting in November, which would be the 2nd Tuesday.

Mr. Broadwell said just as long as everything stays on track, we should be okay.

Mr. Sieben said it looks like November 12 would be your final date.

Mr. Peterson said we submitted everything basically already for the liquor license as well. We are waiting on this, so once this is done we can complete that.

Mr. Sieben said I think we are up to speed on what we need for permits because we weren't going to start this until that was up to speed.

Mr. Beneke said I don't remember where we are at, but I think if we're not done, then we are pretty close on the permit side.

1 Planning Council 10/01/2019

Notes: *Mr. Broadwell said this is the Special Use for Primos Tacos. The Petitioner is going through the public notification process, so I'm working with them right now. I think the last step is to get the signs posted. We are still working toward the Planning Commission meeting on October 16th. We'll vote it out next week.*

1	Planning Council	10/08/2019	Forwarded	Planning Commission	10/16/2019	Pass
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Action Text: A motion was made by Mr. Broadwell, seconded by Mrs. Vacek, that this agenda item be Forwarded to the Planning Commission, on the agenda for 10/16/2019. The motion carried by voice vote.

Notes: *Mr. Broadwell said this is the liquor license for Primos Tacos. The Petitioner has completed the public notice and the signs are up. It is ready for the October 16th Planning Commission. I make a motion to vote this out for the October 16th Planning Commission. Mrs. Vacek seconded the motion. The motion carried unanimously.*

2	Planning Commission	10/16/2019	Forwarded	Building, Zoning, and Economic Development Committee	10/23/2019	Pass
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Action Text: A motion was made by Ms. Tidwell, seconded by Mr. Elsbree, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 10/23/2019. The motion carried.

Notes: *Mr. Broadwell said this is a Special Use for a Class E liquor license for Primos Tacos at 918 N. Highland Avenue. We do have the owner and a representative here. So you can see some background of the property itself. I believe this used to be the Irish Club and it has been Primos Tacos for a few years. Right now they are going through the Special Use hearing. They've been working with the city's Building and Permits Division to basically remodel the interior of the building so that they can comply with the municipal code standards for the Class E liquor license. They are exceeding the minimum 125 seat requirement. They have 132 seats. Because they are less than 500 feet from a residential property the Special Use is required. It is just intended to supplement the existing successful restaurant business at this location. There is a floor plan in the Legistar packet.*

Ms. Tidwell said how close is the residence? I couldn't find that information.

Mr. Broadwell said I believe there is one right across the street and a little bit to the north, certainly less than 500 feet.

Ms. Tidwell said less than 500, but 50 feet, 450?

Mr. Broadwell said I didn't measure it and I don't recall exactly. I would say you could see one probably less than 60 feet across.

Mr. Sieben said it looks like it would be property line to property line. I believe that's a 66 foot right-of-way on Highland, so the northeast corner of Highland and Florida, see that ranch house, that would be the closest.

Chairman Pilmer said that's commercial directly across the street on the other corner, correct?

Mr. Sieben said correct. The southeast corner is commercial and residences start up just one more lot to the north.

Ms. Tidwell said would granting this be consistent with prior actions in similar circumstances?

Mr. Broadway said yes, certainly.

Chairman Pilmer said is there a liquor license there now?

Mr. Broadwell said no.

Chairman Pilmer said but there had been previous?

Mr. Broadwell said yes. I think it was where the Irish Social Club used to be.

Mr. Sieben said correct. This was the Irish Club, so it had a club license and then since Mr. Martinez purchased it, I don't believe it has had a liquor license. He is now coming in for that for a restaurant. I

believe his attorney is here if there any questions.

Mr. Cameron said how long was the Irish Club there operating under a club license? It seems to me like forever.

Mr. Reynolds said back in the 50's.

Mr. Divine said 50 years probably.

Mr. Reynolds said I remember my mom and dad going there and then I went there.

The Petitioner was sworn in.

My name is Attorney Stuart Peterson. My address is 2631 Ginger Woods Parkway in Aurora, Illinois. As you correctly stated, the primary use for that building historically in the City of Aurora was the Irish Club. It had a social club liquor license for a long time. Mr. Martinez, who is here, is under our articles for deed for contract of purchase and he only has a couple of years left until he has paid the full purchase price. He's done some remodeling inside. He has repaved and repainted the parking lot. He does have an excess of the required number of parking spaces. He has painted outside of the building. I've spoken to Alderman Mike Saville. He has no objections to this proposal for the Special Use permit. This has been going on for a couple of years. We've had a lot of remodeling to do. We had to comply with Fox Metro and put new grease traps in. There used to be a banquet kind of reception facility in the basement. That has been removed as part of the condition of the Special Use permit. We are only going to have an establishment on the first floor. There will not be entertainment there. That is currently a family style restaurant that has not had a liquor license. They intend it remain the same with hours during the week from 11:00 a.m. to 11:00 p.m. and then on the weekend just extending it to midnight. If you look at the zoning planned to the immediate south of the building is some commercial that proceeds down Highland toward Illinois Avenue. Behind there is the old railroad tracks with commercial behind. There are some residents across the street and then to the north. I don't think there have been any issues with any ordinance violations in terms of noise complaints or improper operations at that facility for several years. That is his goal to keep this establishment running. He's been successful there, but it is very difficult to run a restaurant of that nature of that size without the liquor license and continue a viable ongoing operation. I think it is the highest and best use for the property as it exists.

Mr. Elsbree said is liquor going to be allowed outside?

Mr. Peterson said no.

Mr. Elsbree said because they cook outside in the summer and the parking lot is full of picnic tables and people outside. So how are we going to restrict that?

Mr. Peterson said there will no liquor outside. At one point in time, we had proposed to have a kind of window where you could walk up and order stuff and food to go. We have removed that from the plans after discussions with the city. But there will be no liquor allowed served outside and we do have security cameras inside and out. Of course, any alcohol outside the property outside the building would be a violation of their obligation under the liquor license because we are not seeking any type of outdoor patio where people can eat and consume alcoholic beverages.

Mr. Cameron said is this a similar license as to the one we granted a year or so ago to Munos down on Prairie and Route 31?

Mr. Sieben said I believe it was, yes.

Mr. Peterson said it is a Class E restaurant license.

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. Broadwell staff would recommend approval of the Ordinance granting a Special Use Permit for a liquor license within 500 feet of a residential property for the property located at 918 N. Highland Avenue.

MOTION OF APPROVAL WAS MADE BY: Ms. Tidwell

MOTION SECONDED BY: Mr. Elsbree

AYES: Mr. Cameron, Mr. Chambers, Mr. Divine, Mrs. Duncan, Mr. Elsbree, Mr. Hull, 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?

Mr. Chambers said yes and 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 yes, 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?

Mr. Chambers said this should not have any adverse effect on the traffic.

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. Cameron said they are already in place and if not, they will be finished in accordance with the requirements.

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. Cameron said there is really no change.

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 based upon the area in question, the Special Use should not preclude the normal and orderly development of that 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 yes.

Mr. Broadwell said this will next be heard at the Building, Zoning and Economic Development Committee on Wednesday, October 23, 2019, at 4:00 p.m. on the fifth floor of this building.

Aye: 8 At Large Cameron, Aurora Twnshp Representative Reynolds, Fox Metro Representative Divine, SD 204 Representative Duncan, Fox Valley Park District Representative Chambers, SD 131 Representative Hull, At Large Tidwell and At Large Elsbree
