



Legislation Text

File #: 19-0829, **Version:** 3

TO: Mayor Richard C. Irvin

FROM: Planning Commission

DATE: October 18, 2019

SUBJECT:

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)

PURPOSE:

The Petitioner, Primos Tacos, is requesting approval of a Special Use for a Class E Liquor License for the existing restaurant at 918 North Highland Avenue, which is located within five hundred (500) feet of a residential property.

BACKGROUND:

The subject property is currently zoned B-2, Business District - General Retail. The existing building is approximately 4,400 square feet and the parking lot has forty-nine (49) parking spaces. The property is not located within a planned Shopping Center. In the past, the building has been used as a social club and a restaurant. Additional information on the legislative history of the property can be found in the attached Property Research Sheet.

The Petitioner is presently remodeling the existing building's interior as a means to secure a Class E Liquor License with this Special Use. The restaurant will maintain one hundred thirty-two (132) seats, which exceeds the Aurora Municipal Code's minimum one hundred twenty-five (125) seats for this liquor license. The liquor license is intended to supplement services provided by this existing, successful restaurant, which has been operating at this location for a number of years.

DISCUSSION:

Staff has reviewed the Special Use petition and have sent comments back to the Petitioner on those submittals. The Petitioner has made the requested revisions to these documents and they now meet the applicable codes and ordinances

Public Input: Due public notice was given for the public hearing on this matter. As of the date of this memo, Staff has not received any public inquiries regarding this petition.

POLICIES AND GUIDELINES:

The Staff's evaluation and recommendation are based on the following Physical Development Policies:

- 14.1 (2): To promote the preservation and revitalization of older residential neighborhoods and commercial areas within the city of Aurora.
- 31.1 (5): To promote the vitality of existing commercial centers within the commercial hierarchy
- 51.1 (3): To actively promote and pursue the retention of businesses and industries presently located within the City of Aurora.

RECOMMENDATIONS:

The Planning Commission recommended APPROVAL of the 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.

ATTACHMENTS:

Floor Plan
Exhibit "A" Legal Description
Exhibit "B" Special Use Memorandum of Agreement
Land Use Petition with Supporting Documents
Property Research Sheet
Legistar History Report

Legistar Number: 19-0829

cc:

Alderman Michael B. Saville, Chairperson
Alderman Sherman Jenkins, Vice Chairperson
Alderman Carl Franco
Alderman Robert J. O'Connor
Alderman Juany Garza



CITY OF AURORA, ILLINOIS

ORDINANCE NO. _____
DATE OF PASSAGE _____

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

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may 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, Aponte, Martha 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 September 10, 2019, Primos Tacos filed with the City of Aurora a petition Requesting Approval of a Special Use for a Liquor License within Five Hundred Feet of a residential property, on Lot 48, Lot 49, and Lot 50 of the Bishop Park Subdivision, located at 918 North Highland Avenue and related required documents as attached hereto as Exhibits "A" through Exhibit "B"; 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 October 16, 2019, reviewed the petition and recommended APPROVAL of said petition; and

WHEREAS, on October 23, 2019, the Building, Zoning and Economic Development Committee of the Aurora City Council reviewed said petition and the before mentioned recommendations and recommended APPROVAL of said petition; and

WHEREAS, the City Council, based upon the recommendation and the stated standards of the Planning Commission, finds that the proposed Special Use / Liquor License is not contrary to the purpose and intent of 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 the City Council of the City of Aurora, Illinois finds as fact all of the preamble recitals of this Ordinance.

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

Section Three: That all Ordinances or part of Ordinances in conflict herewith are hereby repealed insofar as any conflict exists.

Section Four: 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.

Section Five: In accordance with Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto, and pursuant to Chapter 6, Section 6-13.(c)(2) of the City's Code of Ordinances a Special Use permit is hereby granted for a Liquor License within 500 feet of residential property use for the real estate property legally described in Exhibit "A".

Section Six: That this Special Use permit hereby granted is solely for the purpose of a Liquor License within 500 feet of residential property use and is subject to all of the conditions set forth herein which shall be binding and remain in full force and effect upon the property, the petitioner and their respective heirs, executors, administrators, successors, assigns and devisees for the duration of said Special Use.

Section Seven: That the petitioner agrees to sign the Memorandum of Agreement attached hereto as Exhibit "B" within fourteen (14) days from the date of passage of this Ordinance.

Section Eight: That should any of the above-stated conditions not be met or that the property described in Exhibit "A" is not developed in accordance with the special use the City Council shall take the necessary steps to repeal this Ordinance.

Section Nine: That future proposals for expansion or intensification of whatever kind for the 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 Ordinance Number 3100, being the Aurora Zoning Ordinance.

Section Ten: That the property legally described in Exhibit "A" shall remain in the underlying zoning classification of B-2(S) General Retail District with a Special Use and upon termination of the use of said property for a Liquor License within 500 feet of residential property use, this Special Use permit shall terminate and the classification of B-2(S) General Retail District with a Special Use shall be in full force and effect.

Section Eleven: That this Liquor License within 500 feet of residential property use shall remain subject to compliance, except as herein modified, with the minimum standards of all applicable City Ordinances.