



Liquor and Tobacco Advisory Board Meeting
Tuesday, March 19, 2013
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Minutes on Website: <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

Present:

LAB Members:

Alicia Neubauer
Aaron Magdziarz
Dennis Olson
Dan Roszkowski

Absent:

Craig Sockwell
Scott Sanders

Staff:

Jennifer Cacciapaglia – City Attorney (left at 7:30)
Kerry Partridge – City Attorney (arrived at 7:00)
Todd Cagnoni – Deputy Director, Construction & Development Services
Mark Marinaro - Fire Department
Marcy Leach – Public Works
Sandra Hawthorne - Administrative Assistant

Others:

Kathy Berg, Stenographer
Alderman Venita Hervey
Applicants and Interested Parties

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Liquor and Tobacco Advisory Board secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.

- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, April 1st, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 6:10 PM. A **MOTION** was made by Aaron Magdziarz to **APPROVE** the minutes of the February 20, 2013 meeting as submitted. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 3-0 with Dennis Olson absent and Craig Sockwell and Scott Sanders abstaining.

012-LAB-037

Applicant
Ward 14

2428 South Alpine Road

Samir R. Rathod d/b/a Pridom Liquor

Modification to an existing liquor license for the sale of packaged liquor in conjunction with a liquor store to include the sale of liquor by the drink in conjunction with a bar and monthly beer, liquor, and wine tasting in a C-3, Commercial General District

Laid Over from January and February meetings

The subject property is located within the Alpine Village Shopping Center on the northeast corner of South Alpine Road and Harrison Avenue. This item was Laid Over from the January and February meetings to allow the Applicant time to provide further information to Staff as requested by the Board at that meeting.

Prior to the meeting, the Applicant's attorney requested this item be Laid Over to the April meeting.

A **MOTION** was made by Aaron Magdziarz to **LAYOVER** the Modification to an existing liquor license for the sale of packaged liquor in conjunction with a liquor store to include the sale of liquor by the drink in conjunction with a bar and monthly beer, liquor, and wine tasting in the name of Samir R. Rathod d/b/a Pridom Liquor in a C-3, Commercial General District at 2428 South Alpine Road. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 4-0.

013-LTAB-001

Applicant
Ward 02

2233 Charles Street

Donald Cuppini d/b/a Slots of Fun
Sale of beer and wine by the drink in conjunction with a bar in a C-3, Commercial
General Zoning District

Laid Over from February meeting

The subject property is located within a strip center south of the Charles Street and Shaw Street intersection. Donald Cuppini, Applicant, and Attorney Tom Green were present. Mr. Cuppini recently met with Staff and submitted a drawing showing some landscaping around the base of the existing pylon sign and conceptual potted landscaping. The existing large sign will not be added to – they will only put a business identification sign on their tenant space. Attorney Green stated his understanding is that signage and landscaping are the main issues that need to be resolved. He explained the amount of space involved in the proposed business, stating it does not give the Applicant much leverage to encourage the landlord to invest a lot of money in landscaping. The Applicant's tenant space is a 1,000 square foot use, catering to a quiet group of patrons. Attorney Green explained it is not the Applicant's intent to have live music or a high volume of patrons, basically catering to those patrons who wish to enjoy the gambling machines on an infrequent basis. He further stated these type of establishments do not get a lot of police calls because it is a small, quiet type of establishment. He feels this use will improve the overall use of the center, bring new income, and provide employment. Attorney Green stated this is an ideal location for this type of use. He stated another location recently applied for, and obtained, a similar use and requests a positive vote.

Legal had no questions. Mr. Sanders stated he has no objection of the use, and understands that the Applicant is in a tough spot because he is not the landlord of the property. He stated this property was in terrible condition – the parking lot is full of pot holes, the striping is almost nonexistent, there is no defined system of vehicle movement through the parking lot. He felt the landscaping needs to include some shade trees as well as additional landscaping rather than that shown on the Applicant's proposal. Mr. Sanders stated in regards to the previous application referenced by Attorney Green, that property was in much better condition. Mr. Cuppini stated there are 6 tenants there at this time. Mr. Sanders stated there is an abundance of pavement and the site could benefit from removal of some of the pavement rather than have no directions for vehicles driving through the parking lot. Mr. Cuppini stated he received an estimate of \$40,000 to prepare the space for rental. This will be absorbed partial in the rental agreement. Mr. Sockwell asked about the 8% gross sales for liquor. Mr. Cuppini stated the majority of sales would be from the machines.

Staff Recommendation was for Denial. Objectors or Interested Parties were present.

Venita Hervey, Alderman of the Ward, was present. She wished to make it clear to the Applicants that her objection was not toward them personally. She stated the intent of this application is for gaming machines. She stated the City has not determined a policy or guidelines on decision making for these types of uses. She mentioned a possible moratorium until guidelines could be established. In response, Attorney Green stated he felt the State understood that there was a likelihood that there would be a lot of applications for this type of use once the law took effect. He stated if such a moratorium was placed, he would like to "keep their place in line" while this is being considered.

Mr. Sanders and Mr. Roszkowski both agreed with Alderman Hervey that more guidance needs to be given by the City on dealing with gaming machine requests. Mr. Sanders asked Staff how they felt about this. Attorney Cacciapaglia stated this is in the process of discussion, but at this point it is a case by case situation. In this case, the poor condition of the property has a strong bearing on Staff's recommendation.

Mr. Roszkowski stated this property is a blight on the area and has been in terrible condition for years and years.

A **MOTION** was made by Craig Sockwell to **DENY** the sale of beer and wine by the drink in conjunction with a bar in the name of Donald Cuppino d/b/a Slots of Fun in a C-3, Commercial General Zoning District. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 4-1 with Aaron voting Nay.

013-LTAB-003

Applicant
Ward 05

1128 South Main Street

Ali Abbas d/b/a Laredo Food & Liquor
Sale of packaged liquor in conjunction with a liquor store in a C-2, Limited Commercial Zoning District

The subject property is located on the northeast corner of the intersection of South Main Street and Loomis Street. The Applicant, Ali Abbas, is also applying for the sale of tobacco in conjunction with a liquor store, which is item number 013-LTAB-004 of this meeting. Attorney Mario Tarara, Majeb Abbas (one of the corporate officers) , and William Motisi (security personnel) were present. Mr. Abbas has an existing liquor store located at 1634 South Main Street since 1997. The business needs to relocate due to the widening of South Main Street by the State of Illinois. Attorney Tarara stated currently there is no on-site parking . Attorney Tarara stated there is a limitation on how much parking that can be installed but it is the intent of the applicant to put in additional parking on site. The Applicant is willing to reduce the amount of shelf space for liquor should that be required. Mr. Motisi owns a security firm named Illinois State Enforcement and he handles the security at the Applicant's 1634 South Main Street location. He stated his firm has contributed in a positive manner to reduce crime at their current location and to make this a safer area. Security at this point is on Friday, Saturday and Sunday nights. He further stated they have not had to use violence or force against any person there.

Attorney Cacciapaglia asked how long exactly did they have security at the current location? Mr. Motisi responded 5 years. She discussed the calls for service provided by the police, stating there has not been any decrease of calls for service over the last 5 years and asked Mr. Motisi to explain how he feels they have lessened the crime situation. She asked why the Board should have any confidence in his ability to lower crime at the new location when he has been unable to control them for the last 5 years at their present location. She explained if there is a business in the City that is a high crime location, offices will be watching it. The location of their current business at 1634 South Main Street has been under scrutiny for a number of years. She stated they did have a police officer scheduled to speak in support of Staff's recommendation but she was unable to attend due to illness the past couple of days.

Staff Recommendation is for Denial. Objectors or Interested Parties were present. A letter of Objection was received from the Ethnic Heritage Museum, 1129 South Main Street and they were present.

Celena Quinonez, 1215 South Main was present as a supporter. She stated the building the Applicant is considering is an eyesore to the area. She felt if the Applicant wants to move to this area the City should give them a chance.

Sue Lewandowski, Ethnic Heritage Museum, 1129 South Main Street was present as an Objector. They are located across from the proposed site. Students are their main clientele. She stated they are concerned with the amount of traffic and the limited parking available. She feels that the climate will change with more people coming and going to the Applicant's establishment. She also expressed concern with the possibility of liquor by the glass. She wondered if any slot machines will be installed in the future. Ms. Lewandowski stated there are several locations in the area that already sell liquor. She is excited with the trend Rockford is taking to improve this section of Rockford in this historic area. She wishes to continue to head in that direction. She is also concerned with hours of operation, stated she wants to feel secure in what is going on around the Museum.

Joe Bove, 1005 S. Main, was present as an Objector. He is with SWIFT, located a block away from the Applicant's proposed site. Mr. Bove says they have been waiting 20 years to develop South Main and

would like to see a better image. There are already several bars in this area. He would prefer to see retail, hardware, and similar types of uses.

Alderman Venita Hervey was present as an Objector. She stated she was shocked by the statement that Laredo Liquors has been a good neighbor. She stated the building is debilitated, the awnings are in poor shape, the behavior in the parking lot is reprehensible, and there is a history of drug dealing. She explained she has been on patrol 4 times in her Ward and each time the officers have stopped in that area and shone a light on the Laredo property, people scatter in all directions. She further stated IDOT is pouring 28 million dollars into South Main to rid it of its blight. She said she is not against alcohol or alcohol establishments. What she wants to do is to allow the area the opportunity to develop without the sale of liquor. She is extremely concerned that she will see a pattern of the same problematic behavior at this new location as is at the Applicant's current location. She believes that it would be more beneficial for Laredo to move to a new location.

Lynell Cannell, 2119 Montague Road, was present as an Objector as the Vice President of the Ethnic Heritage Museum. She stated she went to the existing Laredo liquors and there was a strong smell of smoking in the business and smoking is not allowed by law. She stated she could not imagine having that much traffic going in and out of the proposed location. She was concerned with her personal safety because she works late in the evening. She feels people will be on the museum property when they are closed, using the grass and the porch. She does not feel Laredo's security will not do anything to keep patrons off of their property.

Sergio Ortiz, 1126 South Main Street stated he owns a jewelry store next to the proposed site. He stated they do not have much parking on South Main and that is a concern. He explained he has been in business for 10 years, with their customers age between 18 and 22 years old. Las Palmas gets very busy on the weekends and parking is very difficult already.

In response, Attorney Tarara stated they do not intend to have gaming machines. If the City has suggestions on how to expand or improve their security plan the Applicant is willing to do so. They are willing to make improvements to the site regarding parking and landscaping.

Mr. Sockwell stated he did not feel this was the right location.

A **MOTION** was made by Scott Sanders to **DENY** the sale of packaged liquor in conjunction with a liquor store in the name of Ali Abbas d/b/a Laredo Food & Liquor in a C-2, Limited Commercial Zoning District at 1128 South Main Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

013-LTAB-004

Applicant
Ward 05

1128 South Main Street

Ali Abbas d/b/a Laredo Food & Liquor
Sale of tobacco in conjunction with a liquor store in a C-2, Limited Commercial Zoning District

The subject property is located on the northeast corner of the intersection of South Main Street and Loomis Street and is in conjunction with item number 013-LTAB-003. Attorney Mario Tarara stated the two items were tied together so they are presenting the same arguments in asking for the sale of tobacco.

Staff Recommendation is for Denial.

A **MOTION** was made by Scott Sanders to **DENY** the sale of tobacco in conjunction with a liquor store in the name of Ali Abbas d/b/a Laredo Food & Liquor in a C-2, Limited Commercial Zoning District at 1128 South Main Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

013-LTAB-005

Applicant
Ward 09

3818 West Riverside Boulevard, Suite 115

Clifford L. Sterling d/b/a Betties Place
Sale of liquor by the drink with a video gaming and bar sales in a C-3,
Commercial General Zoning District

The subject property is located in an outlot strip center within the Wal-Mart Super Center and is one of 15 tenant spaces. Mark Cook, Anthony Harrolle providing equipment. Mr. Cook is a business associate of the Applicant and Mr. Harrolle stated he is providing the equipment. They stated the Applicant was in Los Vegas. Mr. Roszkowski told Mr. Cook and Mr. Harrolle that the Applicant needs to attend the April meeting.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present.

A **MOTION** was made by Scott Landers to **LAY OVER** the sale of liquor by the drink with a video gaming and bar sales in the name of Clifford L. Sterling d/b/a Betties Place in a C-3, Commercial General Zoning District at 3818 West Riverside Boulevard, Suite 115. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

013-LTAB-006

Applicant
Ward 12

3402 North Main Street

Anthony R. Seminero d/b/a Big Shots
Sale of liquor by the drink in conjunction with a bar in a C-2, Limited Commercial
Zoning District

The subject property is located on the northwest corner of North Main Street and Halsted Road and is currently a vacant bank with drive-thru. Attorney Robert Calgaro, and Anthony Seminero (Applicant) were present. Attorney Calgaro reviewed the request. He stated Mr. Seminero's family owns Deli Italia and they will be providing food for the proposed business. Mr. Seminero's other business is a landscaping business so he will be able to provide landscaping as required. The primary use will be a sports bar with no gaming. Ms. Neubauer asked about the assembly area without seating. Attorney Calgaro did not respond to the seating area but stated this is not intended to be a night club and they would be willing to accept a condition of approval that this not be a night club. Mr. Sanders stated this property backs up to residential. He asked the Applicant if he had any discussion with IDOT on the proposed improvement of North Main Street. He stated he did not. Attorney Calgaro stated the site plan submitted included the reduction of 15 feet as part of the proposed improvement. Mr. Sanders stated parking is show right up to the sidewalk and this is not feasible. Mr. Cagnoni stated he did not believe the site plan showed the proposed improvement because the parking goes right up to the side walk now. The Applicant stated this was correct and the plan did not include the proposed 15 foot improvement

Mr. Cagnoni stated parking is a concern that needs to be addressed to avoid parking for commercial uses on a residential street.

Legal had no questions of the applicant.

Staff Recommendation is for Denial. Objectors or Interested Parties were present.

Joseph Ricotta, 3431 Ridge Avenue, spoke in support of the Application. He stated he has known the Applicant since he was 5 years old. States his family has an impeccable reputation. He feel this would be a terrific project for this neighborhood. He said he is looking forward to the opening because he lives in the area.

Cathy Ritts, 1711 Camp Avenue was present as the Attorney on behalf of Scott Adams, 1112 Halsted. Mr. Adams was also present and spoke his presentation. Attorney Ritts felt the security plan submitted by the Applicant was inadequate. She felt the plan does contemplate video gaming, and specified that the business plan states they will cater to mostly women who come for the video gaming. She stated there was no mention of security outside the building and is concerned with the impact on the neighborhood. She stated this area does not need more alcohol sales. In looking at the last 4 months there were 4 DUI arrests, most of which were on the corner of Halsted. There is residential area is right up next to the proposed site and parking is a concern. She stated the application talked about video gaming at length and further stated it was a bar with video gaming. Mr. Adams stated he does not feel the neighborhood needs another bar.

In response, Attorney Calgaro stated he feels this is an appropriate use in an appropriate place and they are willing to accept conditions of approval and improve the property as required.

Mr. Sockwell stated his concern was with the Exhibit F which stated the main attraction would be gaming machines.

A **MOTION** was made by Craig Sockwell to **DENY** the sale of liquor by the drink in conjunction with a bar in the name of Anthony R. Seminero d/b/a Big Shots in a C-2, Limited Commercial Zoning District at 3402 North Main Street. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 5-0.

With no further business to report, the meeting was adjourned at 7:55 PM

Respectfully submitted,
Sandra A. Hawthorne, Administrative Assistant
Liquor & Tobacco Advisory Board