



LIQUOR & TOBACCO ADVISORY BOARD
Tuesday, August 19, 2014
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:

LTAB Members: Aaron Magdziarz
Alicia Neubauer
Dennis Olson
Dan Roszkowski
Scott Sanders
Craig Sockwell

Absent:

Staff: Scott Capovilla – Zoning and Land Use Administrator
Todd Cagnoni – Director, Community & Economic Development Dept.
Angela Hammer – Assistant City Attorney
Sandra Hawthorne - Administrative Assistant
Tim Morris - Fire Department
Marcy Leach – Public Works
Lafakeria Vaughn – Assistant City Attorney
Officer Dan Scharlau – Police Department

Others: Kathy Berg, Stenographer
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 & 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 Tuesday, September 2nd 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 8:25 PM. A **MOTION** was made by Scott Sanders to **APPROVE** the minutes of the July meeting as written. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote 4-0 with Dennis Olson and Dan Roszkowski abstaining.

Attorney Angela Hammer informed the Liquor & Tobacco Advisory Board that the Codes & Regulations Committee (consisting of 5 Aldermen) is proposing to Lay Over all new applications for the sale of liquor at this time, including those on this agenda that would be qualify as new applications. If the Board choses to hear these items this meeting, the application will move forward to the Codes & Regulations Committee and they will make a decision as to whether the item will be Laid Over or move forward for Council vote.

Mr. Magdziarz expressed his feeling that these Applicants have already paid their fee and they deserve to be heard. He felt each Applicant had time and money wrapped up in these applications and they should be heard. When asked if there was a moratorium on liquor licenses, Ms. Hammer stated that we are not aware that there was.

Mr. Sanders stated he understands Council's concern over an increase in liquor licenses and gaming, but the timing is unfortunate that this information is decided on the night before this meeting. If the Applicants are aware that they do not know what the ultimate vote may be, than it should be at the discretion of the Applicant to decide if they wish to move forward.

Dennis Olson left the meeting at this time, 8:40 PM

Chairman Roszkowski asked each Applicant by address if they preferred to move forward with their Application or to Lay Over their application to the next month, should they be allowed to do so in September. There was a mixed response and the Board decided that those who wished to have their Applications heard should have the opportunity to do so at this meeting.

014-LTAB-012

Applicant
Ward 04

6551 East Riverside Boulevard

Jill Marsili for Bar Scorchy, Inc. d/b/a Bar Scorchy

Sale of liquor by the drink with a tavern/bar in a C-2, Limited Commercial Zoning District

Laid Over from June and July meetings

Prior to the meeting, a request was received from the Applicant's Attorney asking that this item be Laid Over again to the September meeting.

A **MOTION** was made by Scott Sanders to **LAY OVER** the sale of liquor by the drink with a tavern/bar in the name of Jill Marsili for Bar Scorchy Inc. d/b/a Bar Scorchy in a C-2, Limited Commercial Zoning

District at 6551 East Riverside Boulevard. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 4-1 with Dan Roszkowski voting Nay.

014-LTAB-015

Applicant
Ward 11

2233 Kishwaukee Street and 22XX Starr Street

Rao Ahmed for MS Gasoline Inc. d/b/a Kishwaukee Citgo

Sale of packaged liquor in conjunction with a gas station and convenience store in an I-1, Light Industrial Zoning District and I-2 General Industrial Zoning District
Laid Over from June and July Meetings

The subject properties are located one block south of the Kishwaukee Street and Blackhawk Park intersection. Attorney Nicholas Meyer and Rao Ahmed were present. Attorney Meyer reviewed the request for the sale of packaged liquor. Currently this Applicant has a license to sell beer and wine and he is now asking for the sale of packaged liquor. Attorney Meyer stated Mr. Ahmed has cleaned up the property. His employees will have a 4 hour training session on selling alcohol. There is manufacturing or commercial a block and a half on either side of his property. Attorney Meyer further stated he did not feel this was a residential area at all. He stated the residential area is not in close proximity of his gas station.

Legal had no questions.

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

Mr. Sanders and Ms. Neubauer felt gas stations do not need to sell liquor. Mr. Roszkowski stated the applicant came in several months ago and received a license for beer and wine, and now is coming back for liquor. He feels the full request should be have been made up front and he will not support this request.

A **MOTION** was made by Scott Sanders to **DENY** the sale of packaged liquor in conjunction with a gas station and convenience store in the name of Rao Ahmed for MS Gasoline Inc. d/b/a Kishwaukee Citgo in an I-1, Light Industrial Zoning District and I-2 General Industrial Zoning District at 2233 Kishwaukee Street and 22XX Starr Street. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 4-1 with Aaron Magdziarz voted Nay.

014-LTAB-017

Applicant
Ward 10

5410 and 5456 East State Street

Dale Nelson of Drinc, Inc. d/b/a 4 Bar Restaurant

Sale of liquor by the drink in conjunction with a restaurant, bar and grill, nightclub and video gaming facility with an outdoor seating area in a C-2, Limited Commercial Zoning District.

Laid Over and Revised Application from June and July Meetings

Prior to the meeting, a request was received by the Applicant's attorney to Lay Over this item to the September 16th Liquor & Tobacco Advisory Board meeting.

A **MOTION** was made by Aaron Magdziarz to **LAY OVER** the sale of liquor by the drink in conjunction with a restaurant, bar and grill, nightclub and video gaming facility with an outdoor seating area in the name of Dale Nelson of Drinc, Inc. d/b/a 4 Bar Restaurant in a C-2, Limited Commercial Zoning District at 5410 and 5456 East State Street. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 5-0.

014-LTAB-022

Applicant
Ward 04

3929 Mulford Road

Bond Drug Company of Illinois LLC d/b/a Walgreens
Sale of package liquor with a retail drug store with sundries in a C-2, Limited Commercial Zoning District

The subject property is located on the southeast corner of East Riverside Boulevard and North Mulford Road and is the Walgreens store. Shawn Gray, Walgreens, Tom Dowling, Manager of the Walgreens Alpine location, Kevin Hagen, Manager of the Charles Street Manager, and Attorney Irene Bahr were present.

Walgreen’s have (3) items on the agenda this evening, and all three are for the identical request. As such, they were presented under this first item.

Attorney Bahr explained that starting in 2009 Walgreens have been began securing liquor licenses within the State of Illinois, currently 420 in the State of Illinois. All of the stores have the same floor plan. 5% or less of store space is for liquor sales, accounting for 1% of total sales. She stated there will not be a large selection of beer and wine, but it is a convenience for their customers. When alcohol is scanned, the register locks until the employee verifies the customer is old enough to purchase alcohol. Their employees will have training in selling alcohol.

Staff Recommendation is for Approval with (5) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of package liquor with a retail drug store with sundries in the name of Bond Drug Company of Illinois LLC d/b/a Walgreens in a C-2, Limited Commercial Zoning District. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must meet all applicable Building, Fire and Liquor codes.
2. Window display signage is limited to 35% of the window area.
3. The sale of alcohol shall be limited to the submitted interior floor plan Exhibit E.
4. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
5. There shall be no single service sales of beer or wine in volumes of 40 ounces or less.

014-LTAB-023

Applicant
Ward 10

1145 North Alpine Road

Bond Drug Company of Illinois LLC d/b/a Walgreens
Sale of package liquor with a retail drug store with sundries in a C-2, Limited Commercial Zoning District

The subject property is located on the southeast corner of Guilford Road and North Alpine Road and is a Walgreen’s store. . Shawn Gray, Walgreens, Tom Dowling, Manager of the Walgreens Alpine location, Kevin Hagen, Manager of the Charles Street Manager, and Attorney Irene Bahr were present.

Staff Recommendation is for Approval with (5) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of package liquor with a retail drug store with sundries in the name of Bond Drug Company of Illinois LLC d/b/a Walgreens in a C-2, Limited

Commercial Zoning District at 1145 North Alpine Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must meet all applicable Building, Fire and Liquor codes.
2. Window display signage is limited to 35% of window area.
3. The sale of alcohol shall be limited to the submitted interior floor plan Exhibit E.
4. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
5. There shall be no single serving sales of beer or wine in volumes of 40 ounces or less.

014-LTAB-024

Applicant
Ward 02

2323 Charles Street

Bond Drug Company of Illinois LLC d/b/a Walgreens #03322
Sale of package liquor with a retail drug store with sundries in a C-3, General Commercial Zoning District and I-1, Light Industrial Zoning District

The subject property is located on the southwest corner of 20th Street and Charles Street and is a Walgreen's store. . Shawn Gray, Walgreens, Tom Dowling, Manager of the Walgreens Alpine location, Kevin Hagen, Manager of the Charles Street Manager, and Attorney Irene Bahr were present.

Attorney Bahr addressed the reported number of 153 service calls for this property. It was her option that only a little over 20 of them were for retail theft at the store. This Walgreens is open 24 hours and the Applicant is asking to sell liquor during those hours allowed under the liquor code. Coolers will be locked after hours and registers are not programmed to ring up alcoholic beverages after the close of liquor hours. Mr. Hagen, manager of this store, stated he was not concerned with the safety of selling liquor until 2:00 in the morning.

Mr. Sanders expressed concern that this was a 24 hour store and this could bring a different element to the store at late hours.

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

Alicia Neubauer stated she lives in the neighborhood and that she was not comfortable with approving this site. Mr. Roszkowski was concerned with people coming in after 2:00 AM and stealing liquor off the shelves. At this point the Attorney Baher announced from the public seating area and they would like to have a Lay Over. The Board decided they wished to vote on this item.

A **MOTION** was made by Alicia Neubauer to **DENY** the sale of package liquor with a retail drug store with sundries in the name of Bond Drug Company of Illinois LLC d/b/a Walgreens #03322 in a C-3, General Commercial Zoning District and I-1 Light Industrial Zoning District. The Motion **FAILED** for lack of a second. A **SECOND MOTION** was made by Scott Sanders to **APPROVE** the sale of package liquor with a retail drug store with sundries in the name of Bond Drug Company of Illinois LLC d/b/a Walgreens #03322 in a C-3, General Commercial Zoning District and I-1 Light Industrial Zoning District with the same conditions as the previous two applications. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 4-1 with Alicia Neubauer voting Nay.

Approval is subject to the following conditions:

1. Must meet all applicable Building, Fire and Liquor codes.
2. Window display signage is limited to 35% of window area.
3. The sale of alcohol shall be limited to the submitted interior floor plan Exhibit E.
4. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
5. There shall be no single serving sales of beer or wine in volumes of 40 ounces or less.

014-LTAB-025

Applicant
Ward 01

275 Deane Drive

Gary M. Leff, Laredo Hospitality Ventures d/b/a Stella's Place
Sale of beer and wine by the drink with a restaurant and gaming facility in a C-2, Limited Commercial Zoning District

The subject property is located within a shopping center at the northwest corner of North Perryville Road and East State Street and is currently a vacant tenant space. Gary Leff and Charity Johns, VP of operations were present. This same request from the Applicant was Denied by City Council in January of this year.

Ms. Johns stated they have 22 locations, describing their operation as neighborhood cafes. She further explained that she feels what sets them apart is their internal décor, calling their business a premium experience for the customer. Ms. Johns further stated employees treat the customers as if they were having a party in their own home. They have a full menu. Each gaming machine station is a private station. Mr. Leff stated both of them have extensive experience in running this type of business.

There were no questions by Legal.

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

Mr. Sanders asked Attorney Hammer if an applicant could come back before the board so quickly if they were denied. Attorney Hammer did not know the procedure in this case. .

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of beer and wine by the drink with a restaurant and gaming facility in the name of Gary M. Leff, Laredo Hospitality Ventures, d/b/a Stella's Place in a C-2, Limited Commercial Zoning District at 275 Deane Drive. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 3-2 with Alicia Neubauer and Craig Sockwell voting Nay.

014-LTAB-026

Applicant
Ward 08

1609 South Alpine Road

Steven LeRoy Swoboda/ Swoboda Entertainment Inc. d/b/a Big Foot Gentleman's Club
Sale of package liquor with live entertainment, dancing and video gaming, the sale of liquor by the drink with live entertainment, dancing and video gaming in a C-2, Limited Commercial Zoning District

The subject property is Big Foot Gentlemen's Club, located Southwest corner of S. Alpine Rd. and Charles Street.

Steven Swoboda reviewed his request as new owner of the club. They currently have liquor sales at this time, and they are now wishing to add the sale of package liquor. He stated he has met with the Alderman of the Ward and has addressed a lot of the concerns. He acknowledged that the neighborhood has had some problems with this property. Mr. Swoboda stated if he was not allowed to purchase the property, it was as if they were saying "business as usual is ok".

Legal asked if the applicant was agreeable to Staff conditions. Mr. Swoboda responded he was. He stated there was a fence issue that he spoke about with the Alderman and there is already a fence on the property. The Board pointed out that there is no condition pertaining to a fence.

Staff Recommendation is for Denial of packaged liquor sales and Approval of the sale of liquor by the drink subject to (8) conditions. Objectors or Interested Parties were present.

David & Diane McCue, 1602 Remington Road were present. Mr. McCue stated the understanding at the time they came before the Board originally was that this would be a restaurant. 60 days after this business was given a liquor license they became a gentleman's strip club. He stated promises from this establishment have been broken in the past. It was Mr. McCue's opinion that plumbing cannot pass code. Mrs. McCue stated the fence has been knocked down because of a car hitting into it and it took Big Foot (3) months to repair. Patrons have damaged the McCue's own fence by pushing it back trying to get onto their property.

In response Mr. Swoboda clarified that he is not the owner of the restaurant at this time. He stated he agreed that it should not take 3 months to repair a fence – it should be repaired in a couple of days. He stated he would have employees in the parking lot to move customers along at closing time.

Mr. Swoboda stated he had owned a medical company for 15 years and works part time in a bar. He decided he wanted to establish his own business.

A **MOTION** was made by Scott Sanders to **DENY** the sale of packaged liquor with live entertainment, dancing and video gaming and **APPROVE** the sale of liquor by the drink with live entertainment, dancing and video gaming in the name of Steven Leroy Swoboda d/b/a Big Foot Gentlemen's Club at 1609 South Alpine Road. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must meet all applicable liquor codes.
2. Must meet all applicable building and fire codes.
3. Removal of roof sign and all other non-conforming signs and any future signage must comply with the current sign ordinance.
4. Landscaping improvements must be in accordance with the submitted site plan Exhibit D inclusive of maintenance to existing planting and/or replacement of dead plantings.
5. That the windows shall not be covered with bars or other devices that block the windows.
6. Window display signage is limited to 35% of window area.
7. The sale of liquor is limited to indoors.
8. Security must be provided at a minimum of one (1) per 50 patrons by a State of Illinois licensed Security Firm.

014-LTAB-027

Applicant
Ward 01

755 Clark Drive

Abduraman Isai and Istref Sam Sabini / Menns Inc.d/b/a Tavern on Clark
Modification of Existing Liquor License by the drink and outdoor seating area with a restaurant to extend hours of operation to 2:00 A.M. in a C-3, General Commercial Zoning District

The subject property is located on the east side of Clark Drive and is currently a restaurant with the sale of liquor. . Abduraman Isai, and Sam Sabani were present. Mr. Sabani explained when they applied for their original liquor license there was a misunderstanding on the hours of operations. When the request for Liquor sales was approved in April 2014, the Applicant had listed earlier closing hours on his business plan, and that those hours were added as a condition of approval. The applicant is looking to extend the hours of liquor sales to 2:00 AM Sunday through Saturday.

There were no questions from Legal.

Mr. Sabani asked how the conditions of approval worked. Scott explained that the conditions were there to ensure compliance. Mr. Sabani also asked if he wanted to have a musician on occasion, such as piano or violin, for some events what he would need to do. The Board decided to add a condition to accommodate this request.

Staff Recommendation is for Approval with (4) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Modification of Existing Liquor License by the drink and outdoor seating in the name of Abduraman Isai and Istref Sam Sabini / Menns Inc.d/b/a Tavern on Clark with modification to condition 4 and the addition of condition 5.. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. The hours are limited to Sunday through Saturday 7:00 AM to 2:00 AM
3. Window display signage shall be limited to 35% of the window surface area.
4. There shall not be a cover charge, dance floor, or DJ's.
5. Live entertainment shall be limited to a single performer playing a single instrument.

014-LTAB-028

Applicant
Ward 13

320 North Court Street

Samir R. Rathod / Veer Mahi Inc d/b/a 320 Grocery

Sale of tobacco products with a grocery store in a C-3, General Commercial Zoning District

Samir Rathod and Indra Rathod were present. Mr.'s Rathod are brothers. They have previously applied for the sale of tobacco products and were Denied. He stated the reason for denial was based in part on the concerns of the adjacent church. They have since reached an agreement with the Church and a representative of the church was present.

Staff recommendation is for Approval with 8 conditions. Attorney Hammer pointed out that condition 8 was a duplicate of condition 4 and should be removed. Objectors and Interested Parties were present.

Bill Hoff, 16621 Comly Road, Pecatonica was present as a Supporter. Mr. Hoff stated he is president of endowment of the Second Congregational Church and is speaking as their representative. Mr. Hoff stated when the Applicants first applied for tobacco sales, they had not developed a rapport with the applicants and their first reaction was to object to tobacco sales. They have since had numerous discussions and the Applicants have made it very clear that they are making a genuine effort to be good for the community. The Applicants have agreed not to advertise tobacco visible on the windows to address the Church's concerns. Mr. Hoff stated the 320 Grocery has proven to run a good business in the neighborhood and proven their ability to work to help the neighborhood as well. He encouraged the Board to approve this Application.

Alderman McNeely spoke in Objection to this application the last time it was before the Board. She felt when the new owners purchased this store the neighbors assumed it would remain the same as it was under previous ownership. She agrees that they have changed the business but that change is good. There are several stores that sell tobacco in this area. She does not feel the community needs another business that sells tobacco.

In response, Mr. Samir Rathod stated all stores sell tobacco. He stated they will never want a liquor license – they just want to run a grocery store. The applicants feel they need to provide tobacco to serve their customers.

Mr. Sockwell stated he felt this application should be approved. They have agreed not to advertise for the better of the community which shows they are willing to work with neighborhood concerns.

A **MOTION** was made by Sockwell to **APPROVE** the sale of tobacco products with a grocery store in the name of Samir R. Rathod, Veer Mahi Inc., d/b/a 320 Grocery Store in a C-3, General Commercial Zoning District at 320 North Court Street with the elimination of condition 8. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0

Approval is subject to the following conditions:

1. Must meet all applicable building, fire and tobacco codes.
2. Hours are limited to Monday-Saturday 8:00 AM to 8:00 PM, Sunday 9:00 AM to 7:00 PM.
3. Inside signage cannot exceed more than 35% of the window surface and any temporary signs in violation must be removed.
4. That the windows shall not be covered with bars or other devices that block the windows.
5. A dumpster enclosure must be constructed and the fenced must be repaired on the north side.
6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
7. The sale of water pipes and "huka" or "hookah" pipes are prohibited.

014-LTAB-029 **4307, 4311, 4315, 43XX, 44XX and 4417 Auburn Street**
Applicant 4Less Inc. d/b/a 4Less Inc.
Ward 07 **Sale of packaged liquor** in conjunction with a gas station and convenience store
in a C-3, Commercial General Zoning District

This item will be Laid Over to the September meeting.

A **MOTION** was made by Aaron Magdziarz to **LAY OVER** the sale of packaged liquor in conjunction with a gas station and convenience store in the name of Fadi Hamed d/b/a 4Less, Inc. in a C-3, Commercial General Zoning District. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 5-0.

014-LTAB-030 **913 Kilburn Avenue**
Applicant Junaid Ahmed for JR Gasoline, Inc. d/b/a Kilburn Shell
Ward 07 **Sale of tobacco products** in conjunction with a gas station in a C-3,
Commercial General Zoning District

Attorney Nicholas Meyer, and Junaid Ahmed were present. Attorney Meyer reviewed his Client's request. Mr. Ahmed had originally applied for the sale of packaged liquor as part of this application but has withdrawn his request for the sale of packaged liquor and is only asking for the sale of tobacco products. The applicant has agreed to make required improvements to the parking lot and any other rehab necessary. He will be working closely with the Alderman of the Ward. Mr. Ahmed is in danger of having his business closed down and hopes to have these issues resolved prior to his hearing date.

Legal asked if conditions of approval were agreeable to Staff and Attorney Meyer responded they were.

Staff Recommendation was for Approval subject to 11 conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the the sale of tobacco products in conjunction with a gas station in the name of Junaid Ahmed for JR Gasoline Inc. d/b/a Kilburn Shell in a C-3, Commercial General Zoning District at 913 Kilburn Avenue. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.

3. The sale of tobacco products shall be limited to the interior site plan that was submitted Exhibit F.
4. Submittal of a civil plan to include improvements to the parking lot and 12 parking spaces.
5. Submittal of a revised landscape plan to include perimeter landscaping along Kilburn Avenue and Whitman Street, interior islands, open green space, removal of the raised timber planter that is replaced with a new concrete curbed island around the existing perimeter landscaping at the southwest corner of the property, and plant species for Staff review and approval.
6. Submittal of a dumpster detail, rendering, and dumpster enclosure permit for staff's review and approval.
7. The hours of operation and days will be 5:00 A.M. to Midnight Monday through Sunday.
8. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
9. That the windows shall not be covered with bars or other devices that block the window.
10. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
11. Window display signage is limited to 35% of window area.

014-LTAB-031

Applicant
Ward 05

2019 and 2021 South Main Street

Carolyn Martinez of El Carrizal, Inc. d/b/a Mi Ranchito

Sale of beer and wine by the drink in conjunction with a restaurant and lounge with a video gaming facility in a C-3, Commercial General Zoning District

It was noted that Alderman Hervey was unable to attend this meeting and was asking to Lay Over this item; however, the Applicant wished to proceed.

The subject property is located on the northwest corner of South Main Street and Marchesano Drive. Carolyn Martinez was present and reviewed her application. She stated they have expanded their business and would now like to sell beer and wine along with gaming. She stated she does not want to serve alcohol or keep the gaming area open beyond midnight – only the restaurant portion. Ms. Martinez stated she would prefer later hours but was concerned that her application would not be approved. She is asking that the restaurant hours be allowed to stay open until 2:00 AM on Friday and Saturday.

Alicia Neubauer asked if the applicant could close out the gaming side and still have gaming machines in the restaurant. Attorney Hammer stated this would not be allowed.

Staff recommendation is for Approval with (14) conditions. No Objectors or Interested Parties were present. It was noted that Alderman Hervey was unable to attend this meeting and was asking to Lay Over this item; however, the Applicant wished to proceed.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of beer and wine by the drink in conjunction with a restaurant and lounge with a video gaming facility in the name of Carolyn Martinez of El Carrizal, Inc. d/b/a Mi Ranchito in a C-3, Commercial General Zoning District at 2019 and 2021 South Main Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meeting all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes.
3. Submittal of Building Permit for Staff review and approval.
4. The sale of beer and wine by the drink shall be limited to the submitted plan Exhibits E and F.
5. That the facility shall include a full service restaurant and lounge.
6. The amount of liquor sales as a percentage of gross annual sales of the business shall not exceed 30%.
7. The hours of operation will be limited to 9:00 AM to 10:00 PM Monday through Thursday.
8. The hours of operation will be limited to 9:00 AM to Midnight Friday and Saturday.
9. The hours of operation will be limited to 10:30 AM to 10:00 PM Sunday.
10. Window display signage is limited to 35% of window area.
11. The restaurant and lounge shall not have a cover charge.

12. The restaurant and lounge shall not have a dance floor.
13. The restaurant and lounge shall not have any DJs
14. The restaurant and lounge shall not operate as a nightclub.
15. Hours of liquor sales be limited from 9:00 AM to midnight Friday and Saturday.
16. Hours of liquor sales be limited from 10:30 AM to 10:00 PM
17. Hours of business operation be limited from 9:00 AM to 2:00 AM Friday and Saturday.

014-LTAB-032

Applicant
Ward 09

3005 North Rockton Avenue

Rao Ahmed d/b/a RKH Gas Corp.

Sale of packaged liquor and sale of tobacco products in conjunction with a gas station and convenience store in a C-2, Limited Commercial Zoning District

This item will be Laid Over to the September meeting.

A **MOTION** was made by Scott Sanders to **LAY OVER** the sale of packaged liquor and sale of tobacco products in conjunction with a gas station and convenience store in the name of Rao Ahmed d/b/a RKH Gas Corp. in a C-2, Limited Commercial Zoning District at 3005 North Rockton Avenue. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

014-LTAB-033

Applicant
Ward 14

3299 South Alpine Road

Robbin Madhok for Magnum Oil 1 Inc. d/b/a Alpine Marathon

Sale of package liquor with a gas station in a C-3, General Commercial Zoning District and R-4, Multi-family Residential Zoning District

The subject property is located on the northwest corner of Mayflower and North Alpine Road. Robbin Madhok reviewed his request for package liquor sales. He explained the pumps for the gas station were delivered and they were the wrong ones. New pumps are expected in a few weeks or less. Landscaping is being done at this time.

Legal asked if Mr. Madhok had an opportunity to review Staff conditions of approval. Mr. Madhok stated his copy of the zoning application arrived at his home today and he was not home so did not get an opportunity to review. Attorney Hammer read the conditions and he was also given a hard copy of them as well. Mr. Madhok is agreeable to all conditions.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of package liquor with a gas station in the name of Robbin Madhok for Magnum Oil 1 Inc. d/b/a Alpine Marathon in a C-3 General Commercial Zoning District and R-4 Multi-family Residential Zoning District at 3299 South Alpine Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Compliance with all City of Rockford Liquor Codes.
3. The hours of operation to be in accordance with the Liquor Code.
4. The sale of liquor shall be limited to the interior floor plan that will not exceed more than 10% of floor area.
5. That the window signage shall not exceed 35% of window area and all temporary outdoor signs shall be removed.
6. Maintenance of the landscaping area and the adjacent green area next to the residential uses must be free of debris/garbage.

7. Installation of landscaping units that have been removed along Mayflower and South Alpine Road.
8. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into crack pipes is prohibited.
9. The sale of water pipes and 'huka' or 'hookah' pipes are prohibited.
10. That the window shall not be covered with bars or other devices that block the windows.

014-LTAB-034

Applicant
Ward 12

700 West Riverside Boulevard

Cliffbreakers Riverside Resort, LLC d/b/a Cliffbreakers Riverside Resort
Sale of liquor by the drink in conjunction with a catering, restaurant, bar, banquet hall and hotel and the **Sale of liquor by the drink** in conjunction with an outdoor seating area in a C-3, General Commercial Zoning District.

The subject property is located on the south side of West Riverside Boulevard. Andrea Riegsecker and William Wolfe were present. Ms. Riegsecker represents the ownership of Cliffbreakers. There has been a change in the ownership structure. She stated the lender was on the verge of foreclosure proceedings and closing the hotel. The Applicants have made substantial improvements to the interior and the parking lot. They have an application for a HUD108 loan for wall coverings, new roof, and various other structural repairs

Staff Recommendation was for Approval with (6) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of liquor by the drink in conjunction with a catering, restaurant, bar, banquet hall and hotel and the sale of liquor by the drink in conjunction with an outdoor seating area in the name of Cliffbreakers Riverside Resort, LLC d/b/a Cliffbreakers Riverside Resort in a C-3, General Commercial Zoning District at 700 West Riverside Boulevard. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0

Approval is subject to the following conditions:

1. Must meet all applicable liquor codes.
2. Must meet all applicable building and fire codes.
3. The proposed use shall not operate as a night club.
4. The proposed use shall not have a cover charge.
5. The sale of alcohol shall be limited to the submitted plans.
6. The hours of operation shall be in accordance with the liquor code.

Other Business

Mr. Roszkowski asked if there was the possibility of limiting the number of items on the agenda each month. Mr. Capovilla stated they could not, but he will discuss this at their Monday morning management meeting. Mr. Sanders asked if the Legal Department would continue to take liquor applications in view of the requests for Lay Over from Codes & Regulations. Attorney Hammer stated they would continue to accept applications.

With no further business to come before the Board, the meeting was adjourned at 10.34 PM

Respectfully submitted,
Sandra A. Hawthorne, Administrative Assistant

