



LIQUOR & TOBACCO ADVISORY BOARD
Tuesday, December 16, 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: Melissa Luciani-Beckford
Thomas Fabiano
Kimberly Wheeler-Johnsen
Alicia DiBenedetto-Neubauer
Dan Roszkowski
Craig Sockwell

Absent: Scott Sanders

Staff: Scott Capovilla – Zoning and Land Use Administrator
Angela Hammer – Assistant City Attorney
Sandra Hawthorne - Administrative Assistant
Marcy Leach – Public Works
Lafakeria Vaughn – Assistant City Attorney
Tim Morris – Rockford Fire Department
Officer Don Dulgar – Rockford 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 Monday, January 5, 2015 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 is listed on the agenda as well.

The meeting was called to order at 6:50 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the November meeting as written. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0 with Scott Sanders absent.

It was explained to those present that a letter was sent to those affected applications stating *“The Codes & Regulations Committee is still discussing ongoing issues with the liquor code specifically related to liquor by the drink. Last month, staff recommended at the request of the Code & Regulation Committee and the Liquor Tobacco Advisory Board Agreed to lay over all items related to liquor by the drink with the exception of change in ownership for existing restaurants. These items are still scheduled for the December Liquor and Tobacco Advisory Board but they would, once again, be laid over until the January meeting”*.

A **MOTION** was made by Kim Johnsen to **LAY OVER** the following items to the January 21, 2015 Liquor and Tobacco Advisory Board meeting. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Beginning of Laid Over items:

- | | |
|--|---|
| <p>014-LTAB-012
Applicant
Ward 04</p> | <p><u>6551 East Riverside Boulevard</u>
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, July, August, September, October & November</p> |
| <p>014-LTAB-017
Applicant
Ward 10</p> | <p><u>5410 and 5456 East State Street</u>
Drinc, Inc., 4 Bar Restaurant d/b/a Drinc, Inc.
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 from June, July, August, September, October & November</p> |

014-LTAB-035
Applicant
Ward 10
262 North Phelps Avenue
Mary Maggio d/b/a Sam's Slots Inc.
Sale of beer and wine by the drink in conjunction with a video gaming facility in a C-3, General Commercial Zoning District.
Laid Over from September, October & November

014-LTAB-036
Applicant
Ward 10
280 North Phelps Avenue
Brandan T. Blackler d/b/a Maxswells Eatery & Slots
Sale of beer and wine by the drink in conjunction with an eatery and a video Gaming facility in a C-3, General Commercial Zoning District
Laid Over from September, October, & November

014-LTAB-037
Applicant
Ward 07
2515 Kilburn Avenue
Ampelio Delgado Martinez for El Carrizal Inc. d/b/a Fuzzy's
Sale of liquor by the drink in conjunction with a restaurant, bar, and video gaming facility with an outdoor beer garden in a C-2, Limited Commercial Zoning District
Laid Over from September, October & November

014-LTAB-038
Applicant
Ward 10
3806 East State Street, 3800 East State Street
Dan A. Olson for Olson Enterprises LLC d/b/a Olson Gaming
Sale of beer and wine by the drink in conjunction with a video gaming facility and bar in a C-2, Limited Commercial Zoning District
Laid Over from September, October & November

014-LTAB-039
Applicant
Ward 01
7551 Walton St, 172 S. Bell School Rd, 7521, 7531 & 7541 Walton St.
John Hassett for Premier Entertainment of Illinois LLC d/b/a Pinky's
Sale of liquor by the drink in conjunction with a video gaming facility and bar in a C-3, General Commercial Zoning District
Laid Over from September, October & November

End of Laid Over Items

014-LTAB-043
Applicant
Ward 05
519 Marchesano Drive
Pedro Silva d/b/a Guanajuato Rockford Corp.
Sale of packaged liquor in conjunction with a grocery store in a C-3, General Commercial Zoning District
Laid Over from October & November

The subject property is located on the north side of Marchesano Drive and east of West Street. Attorney John Nelson and Pedro Silva were present. Attorney Nelson reviewed the applicant's request. Staff feels this site needs to be brought into conformance as it is adjacent to one of the most highly traveled corridors and entry ways to the downtown area. Attorney Nelson discussed Staff concerns that included the building having twice as many wall signs as allowed, the parking lot is in need of repair, signage, landscaping and the dumpster enclosures need to be up to code.

Attorney Nelson stated his client is the tenant, not the owner, and his lease prohibits him making any repairs over the amount of \$1,000. One of the conditions Staff requested was removal of some of the signs, and they have removed 3 of the 4. Inside window signage has been reduced per Staff's request. Attorney Nelson stated he contacted the landlord and asked if he could assist them in their endeavors to meet Staff's requests. The landlord told Mr. Nelson that he has a five year plan to improve the parking lot. He provided a copy of the letter from Rock River Development Corporation which included a site plan indicating the approved landscaping for this site. The site plan was dated 1995.

Attorney Nelson stated they cannot guarantee the landlord will start improvements when he says he will. He expressed that the tenant is not unwilling to make necessary repairs, but that he is tied into a lease that prevents him from making any repairs over \$1,000. He feels that the City is imposing issues they have with the landlord on to the tenant, who has no ability to comply.

Attorney Hammer pointed out Alderman Hervey's objections that were expressed in an e-mail received November 18, 2015, a copy of which is in the Staff report.

Attorney Nelson stated there is a need for a grocery store in this area and this is what Mr. Silva is wanting to provide.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present. One letter of Objection was received.

Venita Hervey, Alderman of the Ward submitted a letter a letter of objection to this Application. In her letter, Alderman Hervey stated..."One of my main objectives is to control the density of liquor for on-premises consumption as well as package liquor sales along the S. Main corridor and its feeder streets and commercial lower traffic corridors". She expressed concern with packaged liquor sales in close proximity to businesses such as Gasparini & Oliveri Funeral Home, Roma Bakery, and Sisters of Por Clare. Her letter stated her concern that the condition of the building will invite disrespect for the neighborhood and result in after-hours drinking and bad behavior on the premises.

During discussion, the Board asked Staff what could be done to force the property owner to comply with improvement needs of the property. Mr. Capovilla stated they cannot regulate parking lot conditions. Public Works would review and approve plans for a new parking lot or improvements to the existing one, but the City is unable to enforce parking lot conditions. The only mechanism the City has is via the LTAB process.

A **MOTION** was made by Alicia Neubauer to **DENY** the sale of packaged liquor in conjunction with a grocery store in the name of Pedro Silva d/b/a Guanajuato Rockford Corp in a C-3, General Commercial Zoning District at 519 Marchesano Drive. The Motion was **SECONDED** by Dan Roszkowski and **CARRIED** by a vote of 4-2 with Melissa Beckford and Kim Johnsen voting Nay.

014-LTAB-049

Applicant
Ward 01

7801 East State Street

Chintana Sengchannavong d/b/a Sister's Thai Cafe

Sale of liquor by the drink in conjunction with a restaurant in a C-3, General Commercial Zoning District

Laid Over from November

The subject property is located on the southwest corner of East State Street and South Lyford Road and is part of the Clock Tower Hotel Resort. Because this restaurant is under separate ownership within the hotel, a liquor license must be obtained under this ownership. Chintana Sengchannavong was present and reviewed her request for sale of liquor by the drink.

Staff Recommendation is for Approval subject to (8) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Kim Johnsen to **APPROVE** the sale of liquor by the drink in conjunction with a restaurant in the name of Chintana Sengchannavong d/b/a Sister's Thai Café in a C-3, General Commercial Zoning District at 7801 East State Street. The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must meet all applicable building, liquor and fire codes.
2. The restaurant shall not have a dance floor.
3. The restaurant shall not have a cover charge.
4. The restaurant shall not have any DJ's
5. The restaurant shall not have any live entertainment.
6. The restaurant shall not operate as a night club.
7. The hours of operation are limited to Monday through Thursday, 11:00 AM to 2:30 PM lunch; and 5:00 PM to 9:00 PM dinner; Friday to Saturday 11:00 AM to 2:30 PM lunch;; 5:00 PM to 10:00 PM dinner; and Sunday 5:00 PM to 9:00 PM dinner.
8. The sale of beer and wine is limited to the tenant space shown on Exhibit D.

014-LTAB-050

Applicant
Ward 09

2225 West Riverside Boulevard

Mac's Convenience Stores LLC. d/b/a Circle K 1437

Sale of tobacco products in conjunction with a gas station and convenience store in a C-1, Limited Office Zoning District

The subject property is located 240 feet northeast of the North Rockton Avenue and West Riverside Boulevard intersection and is an existing gas station and convenience store. Because the property has a new owner, a tobacco license must be obtained. This application is the same request and Applicant as 014-LTAB-051 and presentations were combined.

Jacob Holmes and Michael Neels were present. Mr. Neels reviewed their request for the sale of tobacco at this location as well as for the 3819 Broadway location (014-LTAB-051). Attorney Hammer asked if they had the opportunity to review Staff conditions. Mr. Neels stated he did not. She read them to him and Mr. Neels stated all conditions were already met.

Alicia Neubauer asked why tobacco sales was not requested in the previous month when they came before the Board for liquor sales. The Applicants stated it was an oversight – that their corporation had acquired numerous convenience stores and did not think to apply for tobacco at the same time as liquor sales.

Staff Recommendation is for Approval with (7) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of tobacco products in conjunction with a gas station and convenience store in the name of Mac's Convenience Stores LLC d/b/a Circle K 1437 in a C-1, Limited Office Zoning District at 2225 West Riverside Boulevard. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all applicable building and fire codes.
2. Compliance with all City of Rockford Tobacco Codes.
3. Window display signage is limited to 35% of window area.
4. Must submit an interior floor plan indicating the display area for tobacco products for Staff's review and approval.
5. That the windows shall not be covered with bars or other devices that block the windows.

6. The sale of water pipes and “huka” or “hookah” pipes are prohibited.
7. All conditions must be met prior to establishment of use.

014-LTAB-051

Applicant
Ward 08

3819 Broadway

Mac’s Convenience Stores LLC d/b/a Circle K 1425
Sale of tobacco products in conjunction with a gas station and convenience store in a C-2, Limited Commercial Zoning District

The subject property is located on the southeast corner of Broadway and Eastmoreland and is currently a gas station and convenience store. Because the property has a new owner, a tobacco license must be obtained. (See item 014-LTAB-051)

Staff Recommendation is for Approval with (7) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of tobacco products in conjunction with a gas station and convenience store in the name of Mac’s Convenience Store LLC d/b/a Circle K 1425 in a C-2, Limited Commercial Zoning District at 3819 Broadway. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote 6-0

Approval is subject to the following conditions:

1. Meet all applicable building and fire codes.
2. Compliance with all City of Rockford Tobacco Codes.
3. Must submit an interior floor plan indicating the display area for tobacco products for Staff’s review and approval.
4. Inside signage cannot exceed more than 35% of the window surface
5. The sale of water pipes and “huka” or “hookah” pipes are prohibited.
6. That the windows shall not be covered with bars or other devices that block the windows.
7. All conditions must be met prior to establishment of use.

Other

2015 Liquor & Tobacco Advisory Board Meeting Schedule

Mr. Capovilla explained that the January and February filing deadlines and meeting dates for 2015 will remain the same at this time. He explained that a change in City Council meeting dates may have an affect on the remaining months of the year for Liquor & Tobacco filing deadlines and meeting dates. Therefore, Mr. Capovilla asked the Board to Approve the filing deadlines and meeting dates for January and February 2015 only, until a decision is made on the months of March through December 2015.

A **MOTION** was made by Craig Sockwell to **APPROVE** the 2015 Zoning Board of Appeals Filing Dealing and Meeting Dates for January and February as presented. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 6-0.

NOTE: After this meeting it was confirmed that the Liquor & Tobacco Advisory Board filing and meeting dates will not be affected and will remain as originally proposed for 2015. Below is a listing of the approved schedule for the complete year of 2015.

It was brought to the attention of the Board that the January and February 2015 meeting dates are on a Wednesday due to the Monday holidays.

Schedule on following page.

LIQUOR & TOBACCO ADVISORY BOARD

2015 SCHEDULE of PUBLIC HEARINGS

FILING DEADLINE: (Thursday, 5:00 P.M.)	MEETING DATE: (Third Tuesday of the Month)
<u>December 18, 2014</u>	<u>January 21, 2015-Wed</u>
January 15, 2015	February 18, 2015-Wed
February 12, 2015	March 17, 2015
March 19, 2015	April 21, 2015
April 16, 2015	May 19, 2015
May 14, 2015	June 16, 2015
June 18, 2015	July 21, 2015
July 16, 2015	August 18, 2015
August 13, 2015	September 15, 2015
September 17, 2015	October 20, 2015
October 15, 2015	November 17, 2015
November 12, 2015	December 15, 2015
December 17, 2015	January 20, 2016-Wed

With no further business to report, the meeting was adjourned at 7: 25 PM

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