



**LIQUOR & TOBACCO ADVISORY BOARD**  
**Tuesday, May 17, 2016**  
**5:30 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:**

**ZBA Members:** Alicia DiBenedetto-Neubauer  
Kimberly Wheeler-Johnsen  
Dan Roszkowski  
Scott Sanders  
Craig Sockwell  
Tom Fabiano

**Absent:** Melissa Beckford

**Staff:** Scott Capovilla – Zoning and Land Use Administrator  
Angela Hammer - Assistant City Attorney  
Marcy Leach - Public Works  
Sandra Hawthorne - Administrative Assistant  
Lafakeria Vaughn - Assistant City Attorney  
Tim Morris – Fire Department

**Others:** Alderman Teena Newburg  
Kathy Berg - Court Stenographer  
Applicants and Interested Parties

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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 will 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 to the Zoning Board of Appeals 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, May 23, 2016, at 5:30 PM in City Council Chambers 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 6:45 PM. A **Motion** was made by Alicia Neubauer to **Approve** the minutes from the April meeting with the correction noting that there were no Objectors or Interested Parties present for item 016 LTAB 003. The Motion was **Seconded** by Scott Sanders and passed by a vote of 6-0 with Melissa Beckford absent.

**016-LTAB-002**

Applicant  
Ward 06

**3209 11<sup>th</sup> Street**

Ankit Patel / Jai Shiva 7 LLC d/b/a Marathon

**Sale of packaged liquor** and the **Sale of tobacco products** in conjunction with a gas station and convenience store in a C-3, General Commercial Zoning District

**Laid Over from April meeting**

Attorney Nicholas Meyer, and Applicant Ankit Patel were present. Attorney Meyer explained that the Applicant is in the process of purchasing this business. Regarding landscaping at the present time, Attorney Meyer stated the property is mostly pavement with only one planter. He explained to do landscaping would require extensive cost to rip up the pavement; however, the Applicant is willing to do so. Because of the expense, he is asking for a 12 month time frame to meet landscaping requirements. Attorney Meyer challenged the request by Staff to remove the existing sign and replace it with a monument sign. He stated the Road Ranger is located about 3 or 4 blocks to the south of his client's property. When Road Ranger gas station came before the Board they were not required to replace their sign with a monument sign. Mr. Patel would like the same consideration. Because they are the only two gas stations in the area they are competing for the same customers and Mr. Patel would be at a disadvantage if he was required to lower his sign.

Attorney Hammer asked what the Applicant was going to do to prevent the high number of police calls to this location. Attorney Meyer explained they would have 16 security cameras, including the dumpster area which would reduce the number of police calls. She then asked if Mr. Patel could complete the landscaping within 6 months and Attorney Meyer responded he could. He further stated the existing owner does have a full packaged liquor license.

Staff Recommendation was for Approval with 15 conditions. No Objectors or Interested Parties were present. Two letters of Objection were received and were attached to Staff report.

Teresa Guerrero submitted a letter of Objection stating "...some of the homeless guys or some that live around here, buy their liquor and drink it behind the gas station. My house is directly behind the gas station and the space between their fence and mine is full of bottles, cans, rags and who knows what else. Sometimes they get into arguments and I have seen women back there too. So at this point I can't even sit outside in my back yard."

D. Hansen also submitted a letter of objections stating “I have had to deal with the drunk homeless people camping out under the tree behind there dumpster. People sitting on there crates behind the building drinking throwing bottles and trash on my property. Prostitutes performing oral sex behind there building. Shootings have happened at this location. These incidents are an a all to common occurrence that limit the use of my personal space of my property for family entertainment. The owners of this property have no respect for there neighbors and are not family friendly to the neighborhood.”

Regarding the Road Ranger sign, Scott Capovilla explained that Road Ranger came before the Board about 6 months ago for several gas stations. This Board did vote to replace the signage to monument signs; however, Codes & Regulations reversed this decision for all locations except one.

A **Motion** was made by Alicia Neubauer to **Approve** the sale of packaged liquor and the sale of tobacco products in conjunction with a gas station and convenience store in the name of Ankit Patel / Jai Shiva 7 LLC d/b/a Marathon in a C-3, General Commercial Zoning District at 3209 11<sup>th</sup> Street with an amendment to condition (4) to allow a timeframe of six (6) months for installation of landscaping. The **Motion** was **Seconded** by Tom Fabiano and **Carried** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fore Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. The sale of alcohol and tobacco products shall be limited to the interior site plan that was submitted Exhibit E.
4. Submittal of a revised landscape plan to include perimeter landscaping with concrete curbing along Sawyer Street and 11<sup>th</sup> Street, removal of the raised timber planter and plant species for Staff review and approval, and installation within 6 months of the date of approval of this application.
5. Submittal of a dumpster detail, rendering, and dumpster enclosure permit for Staff’s review and approval.
6. The sale of packaged liquor will be 6:00 AM to 2:00 AM Monday through Saturday.
7. The sale of packaged liquor will be 9:00 AM to 2:00 PM on 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 20% of window area.
12. That the freestanding sign shall be a landmark-style sign in accordance with the Sign Ordinance replacing the existing freestanding sign by August 1, 2016.
13. Must obtain sign permit for new landmark-style free-standing sign.
14. Parking spaces including the handicapped accessible stall must be striped per ordinance requirements by June 1, 2016.
15. All conditions must be met prior to establishment of use.

**016-LTAB-006**

Applicant  
Ward 03

**214 East State Street**

Brent Hughes / John Koehler 214 East State, LLC d/b/a The Standard  
**Sale of liquor by the drink** in conjunction with a night club, banquet hall and an outdoor beer garden in a C-4, Urban Mixed-Use Zoning District

The subject property is located on the east side of Rock River and on the north side of East State Street.

Brent Hughes, Applicant, reviewed his request for the sale of liquor by the drink. He stated they are considering being open to the public on Wednesday evening with live entertainment and bar. Attorney Hammer asked the Applicant if he agreed to comply with Staff conditions. Mr. Hughes responded he did. She further asked him what hours he would be open to the public on Wednesday. Mr.

Hughes agreed 11:00 PM on Wednesday as presented in his business plan. He asked if the noise ordinance was until 10:00 PM or if it had changed to 10:30 PM. Attorney Hammer clarified it was 10:00 PM. The Board members then suggested he increase his requested hours of operation so that he would not have to submit another application in the future if he business was increasing. The Applicant then changed his hours to operation to Wednesday 5:00 PM to 2:00 AM. - 8:00 AM to 2:00 AM. Friday and Saturday and Sunday 9:00 AM to 2:00 AM.

The Board then encouraged him to change his request to allow operation 7 days a week. Mr. Hughes then changed his hours of operation again to Monday through Thursday 8:00 AM to 2:00 AM. - Friday and Saturday 8:00 AM to 2:00 AM and Sunday 9:00 AM to 2:00 AM.

When asked about occupancy, Mr. Hughes stated that according to Gary Anderson, the Architect for this project, a total of 240 people would be maximum allowed for first floor occupancy, and 260 people for second and third floor occupancy. Regarding parking, Mr. Hughes state RAMP will allow them 30 spaces on Friday, Saturday and Sunday. At this point they are looking into sharing parking with other areas but do not have agreements at this time.

The main entrance to the wedding room is off the alley. Mr. Hughes explained that there is a gap between 212 E. State and 214 E. State off of the alley. 212 is Taco Betty's. There is then a gap between that location before getting to 214. At that gap they will create a double door entrance as shown on the drawing in staff report. There will be there retail uses on the first floor.

Mr. Hughes then asked to change the hours of operation on Monday through Thursday to 8:00 AM to 2:00 AM instead of 9:00 AM to 2:00 AM.

Staff Recommendation is for Approval with (11) conditions. 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 night club, banquet hall and an outdoor beer garden in the name of Brent Hughes / John Koehler, 214 East State Street, LLC d/b/a The Standard in a C-4, Urban Mixed-Use Zoning District at 214 East State Street with modification to hours of operation. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must meet all applicable building and fire codes.
2. Compliance with all City of Rockford Liquor Codes.
3. The sale of liquor by the drink shall be limited to submitted Exhibit E.
4. The hours of operation will be limited to 8:00 AM to 2:00 AM Monday through Saturday for the night club, banquet facility and outdoor beer garden
5. The hours of operation will be limited to 9:00 AM to 2:00 AM on Sunday for the night club, banquet facility and outdoor beer garden
6. Outdoor music would have to cease operations at 10:00 P.M. per the City's Noise Ordinance (Section 17-33)
7. The rooftop venue will be subject to the City's Liquor Codes.
8. The night club, banquet facility and outdoor beer garden shall not have a cover charge.
9. As presented within the Applicant's proposal, the proposed use and facility is prohibited from having any video gaming machines.
10. Window display signage is limited to 20% of window area.
11. Private security will be employed for events open to the public and for the proposed live entertainment on Wednesday nights.

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

Respectfully submitted,  
Sandra A. Hawthorne, Administrative Assistant

