



LIQUOR & TOBACCO ADVISORY BOARD
Tuesday, July 19, 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
Dan Roszkowski
Scott Sanders
Craig Sockwell
Tom Fabiano
Melissa Beckford

Absent: Kimberly Wheeler-Johnsen

Staff: Scott Capovilla – Zoning and Land Use Administrator
Angela Hammer - Assistant City Attorney
Jessica Sheetz - Administrative Assistant
Lafakeria Vaughn - Assistant City Attorney
Tim Morris – Fire Department

Others: Kathy Berg - Court Stenographer
Applicants and Interested Parties

Scott Capovilla 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, July 25, 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 5:41 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes from the May meeting with the correction for page 4 about 214 E State St. It says that their retail uses will be on the first floor and it should be three. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0 with Kimberly Wheeler-Johnsen absent.

Alicia Neubauer requested they take the agenda out of order as it appeared the only person in the crowd was the applicant for the last item on the agenda. The board agreed to hear 212 East State Street first as this would allow time for the other applicants to show up as they may be running late.

016-LTAB-013

Applicant
Ward 03

2XX and 212 East State Street

Paul Sletten d/b/a Taco Betty's

Sale of Liquor by the drink in conjunction with a restaurant with an outdoor seating area and the **Sale of Packaged Liquor** in a C-4, Mixed-Use Zoning District

Applicant Paul Sletten and business partner John Bross was present. Paul Sletten explained that there will be three levels: the first being an open bar and kitchen with about 40 seats, the second will have about 20 seats for mixed use-private parties and work type space, then about another 40 people on the roof top. They will be open 7 days a week from 11am to 2am. On Sundays we may close earlier. We plan to serve a simple menu: tacos, nachos, small cocktail list such as margarita and sangria pitchers. A casual and kid-friendly place with the new sports center. For people to stop in after the sports center to grab some tacos or to take some back on the boat. A nice place for cheap eating and a good view.

Attorney Angela Hammer asked that in applicant's application that he was requesting to sell packaged liquor, but did not see that in his business plan. Applicant responded if anyone wants to buy a 6-pack of beer or a bottle of wine to go, they can. Same kind of license we have, but we don't have a retail element as far as a display. It's more for convenience. Attorney Hammer asked if he had reviewed and agreed to comply with all 14 conditions listed in the recommendations. After he reviewed the conditions, he agreed to comply. It was stated by Scott Sanders that there's an approval of your liquor license, but denial of the packaged liquor. Mr. Sletten stated it's more of a convenience thing for a dinner special or a wine tasting event, and it's more for our guests than for us. Attorney Hammer stated a special event permit would need to be pulled allowing the sale of packaged liquor if needed for a private events.

Dan Roszkowski asked the question regarding the secondary access to the roof top. You have a staircase, but I'm not sure I'm getting how that is your way out of the rooftop. Business partner John Bross stated that there is a second form of egress between The Standard and Taco Betty's. There is an easement agreement signed between deed holders. Mr. Bross stated The Standard is using our stairs as a form of egress from their building and same as for security door on both levels from the second floor and rooftop between the two properties. Scott Capovilla verified that is something they have been working on. There was supposed to be a second egress point on the east side of the building for The Standard but they were unable to make an easement agreement with the adjacent owner. As a result,

the building code official worked with the architect to revise the entrance of Taco Betty's sole second egress and combine that together with The Standard.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of liquor by the drink with a restaurant with an outdoor seating area and **DENY** the sale of packaged liquor. The **MOTION** was **SECONDED** by Scott Sanders and **CARRIED** by a vote 6-0 with Kimberly Wheeler-Johnsen absent.

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. Submittal of a revised interior floor plan includes tables, chairs and bar stools for Staff review and approval.
4. The sale of liquor by the drink shall be limited to the revised interior floor plan approved by Staff.
5. The hours of operation will be limited to 10:00 A.M. to 2:00 A.M. Monday through Sunday.
6. Outdoor music must cease operations at 10:00 P.M. per the City's Noise Ordinance (Section 17-33).
7. As presented within the applicant's proposal, the proposed use is prohibited from having any video gaming machines.
8. Window display signage is limited to 20% of window area.
9. That the windows shall not be covered with bars or other devices that block the windows.
10. The restaurant with an outdoor seating area shall not have a cover charge.
11. The restaurant with an outdoor seating area shall not have a dance floor.
12. The restaurant with an outdoor seating area shall not have any DJ's.
13. The restaurant with an outdoor seating area shall not operate as a nightclub.
14. All conditions must be met prior to establishment of use.

016-LTAB-008

Applicant
Ward 10

4002 East State Street

Dan Arthur Olson / Olson Restaurant Properties LLC d/b/a On State
Modification of an existing liquor license for the sale of liquor by the drink with an outdoor beer garden in conjunction with a restaurant and gaming in a C-2, Limited Commercial Zoning District
Laid Over from June meeting

Applicant was not present. He has failed to show twice.

A **MOTION** was made by Scott Sanders to **DISMISS** the application. It was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 6-0 with Kimberly Wheeler-Johnsen absent.

016-LTAB-010

Applicant
Ward 10

280 North Phelps Avenue, Unit C

Maria Luisa Vital & Richard Vital d/b/a Rich's Slots Inc.
Sale of beer and wine by the drink in conjunction with bar, food and entertainment and a video gaming facility in a C-3, General Commercial Zoning District
Laid Over from June Meeting

Applicant was not present. Scott Capovilla reminded the board that the applicant requested a couple months to develop a business plan at the June meeting. He didn't have a kitchen on site and wanted to cater food which is against our ordinance. The applicant just recently signed up for our Business First program, so he's going to come meet with the group next week.

A **MOTION** was made by Melissa Beckford to **LAY OVER** the sale of beer and wine by the drink in conjunction with bar, food and entertainment and a video gaming facility in a C-3, General Commercial

Zoning District. It was **SECONDED** by Craig Sockwell and **CARRIED** by a vote 6-0 with Kimberly Wheeler-Johnsen absent.

016-LTAB-011

Applicant
Ward 12

3402 and 3412 N. Main Street and 1111 Halsted Road

Jeffery Rehberger / Lacey's Place LLC Series Rockford d/b/a Lacey's Place
Sale of liquor by the drink in conjunction with specialty food and a video gaming facility in a C-2, Limited Commercial Zoning District
Laid Over from June Meeting

Applicant was not present. Scott Capovilla stated that the applicant reached out to him last Thursday after sending out the recommendations. The applicant told Mr. Capovilla he wanted to go over everything, the site plan, business plan, etc. Mr. Capovilla told the applicant to bring this information to the meeting. Mr. Capovilla reminded the board that the applicant did not have their completed site plans with dimensions after the IDOT taking and their business plan was only two lines. Staff requested this information so the board could make an informed decision. This was not done. It is the applicant's responsibility to show up if they want things done.

A **MOTION** was made by Alicia Neubauer to **DISMISS** the application. It was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0 with Kimberly Wheeler-Johnsen absent.

With no further business to come before the Board, the meeting was adjourned at 6:12pm.

Respectfully submitted,

Jessica Sheetz, Administrative Assistant
Liquor & Tobacco Advisory Board