



LIQUOR & TOBACCO ADVISORY BOARD
Tuesday, September 20, 2016
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:

ZBA Members: Alicia DiBenedetto-Neubauer
Dan Roszkowski
Scott Sanders
Craig Sockwell
Melissa Beckford
Kimberly Johnsen

Absent: Tom Fabiano

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: 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, September 26, 2016, at 5:30 PM in City Council Chambers in 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 6:00 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes from the August meeting as written. The Motion was **SECONDED** Alicia Neubauer and **CARRIED** by a vote of 5-0 with Melissa Beckford abstaining and Tom Fabiano absent.

016-LTAB-015

Applicant
Ward 10

3833 East State Street

Ibrahim Azimi for I & Z Tobacco & Grocery

Sale of tobacco products in conjunction with a grocery store in a C-2, Limited Commercial Zoning District

The subject property is the Delmarty Plaza strip center with twelve tenant spaces. The Applicant wishes to locate in one of the units for the purposes of opening a tobacco and grocery store. Ibrahim Azima, Applicant, and Ziaulrahman Yusufzia, acting as agent for Mr. Azima, were present.

Attorney Hammer asked the Applicant if he was expecting 10-20% of gross sales to be from tobacco. She also asked if he had reviewed Staff's Recommendation and was agreeable to the (10) conditions as requested by Staff, including the hours of operation as shown on the submitted Business Plan. In speaking with Mr. Azimi, Mr. Yusufzia stated the Applicant responded "yes" to these questions and added that Mr. Azimi does want to make efforts to improve the property.

At this point Mike Joudeh, current owner of the property, came forward to discuss parking. He stated the large parking lot in front of the building is owned by CVS and he believes there is an easement agreement. Mr. Capovilla verified that there has been a cross parking agreement between three property owners for the parking lot for many years.

Staff Recommendation is for Approval with (10) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the sale of tobacco products in conjunction with a grocery store in the name of Ibrahim Azimi d/b/a I & Z Tobacco & Grocery in a C-2, Limited Commercial Zoning District at 3833 East State Street. 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, fire and tobacco codes.
2. The sale of tobacco products shall be limited to the tenant space as shown on Exhibit D.
3. Inside signage cannot exceed more than 20% of the window surface.
4. The sale of any products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
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. The building façade and dumpster enclosure must be repaired prior to issuance of the tobacco license.
8. All abandoned signage and/or in disrepair must be removed prior to issuance of the tobacco license.
9. Hours of operation per submitted business plan Exhibit F, Monday through Friday 9:00 A.M. to 9:00 P.M., Saturday from 10:00 A.M. to 8:00 P.M. and closed on Sunday.
10. All conditions must be met prior to the establishment of the business.

With no further business to come before the Board, the meeting was adjourned at 6:15 PM

Respectfully Submitted,
Sandra A. Hawthorne, Administrative Assistant
Liquor and Tobacco Advisory Board