



**LIQUOR & TOBACCO ADVISORY BOARD**  
**Tuesday, May 21, 2013**  
**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:** Jennifer Cacciapaglia – City Attorney  
Todd Cagnoni – Deputy Director, Construction & Development Services  
Mark Marinaro – Fire Department  
Marcy Leach – Public Works  
Sandra Hawthorne - Administrative Assistant

**Others:** Ald. Oddo – left at 8:05 PM  
Ald. Chiarelli – left at 8:05 PM  
Ald. Thompson-Kelly – left at 8:05 PM  
Ald. Beach – left at 8:05 PM  
Ald. Elyea – left at 8:05 PM  
Ald. Linda McNeely – left at 6:32 PM  
Seth Sommer  
Kathy Berg, 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 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, June 3, 2013, 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 at 6:00 PM. A **MOTION** was made by Aaron Magdziarz to **APPROVE** the minutes of the April meeting as submitted. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 5-0 with Alicia Neubauer abstaining.

**013-LTAB-008**

Applicant  
Ward 02

**2338 Charles Street**

Nabil A. Alkablory d/b/a S & N Convenience Store  
Sale of tobacco in conjunction with a convenience store in a C-3, Commercial  
General Zoning District

**Laid Over from April meeting**

Prior to the meeting a written request was received by the Applicant's attorney to Lay Over this item to the June 18<sup>th</sup> meeting.

A **MOTION** was made by Scott Sanders to **LAY OVER** the sale of tobacco in conjunction with a convenience store in the name of Nabil A. Alkablory d/b/a S & N Convenience Store in a C-3, Commercial General Zoning District at 2338 Charles Street. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

**013-LTAB-009**

Applicant  
Ward 12

**3445 North Main Street**

Ala Saada d/b/a La Paz Food's Inc.  
Sale of tobacco in conjunction with a grocery store in a C-2, Limited Commercial  
Zoning District

**Laid Over from April meeting**

The subject property is located on the east side of North Main Street, 293 feet north of Halsted Road and is an existing grocery store. Ala Saada, Applicant, reviewed his request for the sale of tobacco. Mr. Saada stated this item was laid over at the April meeting to allow him time to discuss landscaping with Staff. Mr. Cagnoni clarified that Staff has had discussions with the landlord and had provided the future land-taking plan of North Main Street. This plan requires a shift over of 8-10 feet, reducing one row of

parking. IDOT will provide a supplement to the land owner for compensation to improve the property after land-taking.

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

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of tobacco in conjunction with a grocery store in the name of Ala Saada d/b/a La Paz Food's Inc in a C-2, Limited Commercial Zoning District at 3445 North Main Street. The Motion was **SECONDED** by Craig Sockwell 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 Liquor and Tobacco Codes.
3. The amount of anticipated tobacco sales as a percentage of gross annual sales of the business will be no more than 5%.
4. The sale of tobacco shall be limited to the interior (picture) elevation that was submitted Exhibit F.
5. The hours of operation will be limited to 8:00 A.M. to 8:00 P.M. Monday through Saturday.
6. The hours of operation will be limited to 9:00 A.M. to 6:00 P.M. on Sunday.
7. Window display signage is limited to 30% of window area.

**013-LTAB-010**

Applicant  
Ward 11

**818 South 6<sup>th</sup> Street**

Sadaf Jadoon d/b/a Sunny Pantry

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

**Laid Over from April meeting (tobacco products)**

The subject property is located on the northeast corner of 6<sup>th</sup> Street and 8<sup>th</sup> Avenue and is an existing gas station. Sadaf Jadoon, Applicant and Attorney Peter Savitski were present. Attorney Savitski reviewed the application. He requested the Board vote on the Tobacco license this meeting, and that the sale of packaged liquor be Laid Over. Since last month's meeting, they have provided an improved site plan. Photos of interior and landscaping were presented completed. Attorney Savitski felt the appearance of the property has greatly improved with new ownership.

Staff verified that significant improvements have been made over the last month on the property. They are in support this meeting with recommending approval of the tobacco license and a lay over of the liquor license to the July 16, 2013 meeting.

No Objectors or Interested Parties were present. Attorney Cacciapaglia stated she has spoken to the Alderman Karen Elyea and she is not concerned with the percentage of sales

Mr. Sanders asked Staff to review conditions of Approval.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of tobacco products with a gas station and convenience store and to **LAYOVER** the sale of packaged liquor with a gas station and convenience store to the July 16, 2013 meeting, in the name of Sadaf Jadoon d/b/a Sunny Pantry in a C-3, Commercial General Zoning District at 818 South 6<sup>th</sup> Street with added conditions 1 – 6. The Motion was **SECONDED** by Aaron Magdziarz 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 Liquor and Tobacco Codes.
3. The sale of tobacco shall be limited to the revised interior elevation that was submitted May 20, 2013

4. The hours of operation will be limited to 5:00 A.M. to Midnight Monday through Sunday.
5. Window display signage is limited to 30% of window area.
6. The sale of individual cigarettes is prohibited.

**013-LTAB-012**

Applicant  
Ward 12

**3315 North Main Street**

Richard Buckley and Gary Weeks d/b/a Molly's Deli  
Sale of beer and wine by the drink in conjunction with a restaurant and outdoor seating area in a C-2, Limited Commercial Zoning District

The subject property is located on the east side of North Main Street, 280 feet south of the Halsted Road and North Main Street intersection. It is currently a vacant restaurant. The Applicants have a total of four items for the same request at different locations on this meeting's agenda. Richard Buckley and Gary Weeks were present. Mr. Buckley asked if the Board wished to present all items at once or separately. Staff suggested they start with a general proposal of how the business operation will work and as long as there is not any change in the business proposal or plan it would not need to be repeated for the additional items. Mr. Buckley stated this property was formerly the A Frame and that it requires a lot of renovation. He stated they intend to make substantial investment to create a business that is appealing to the community and will hire local individuals. They are primarily a restaurant first and foremost. Mr. Buckley stated he has a 35 year background in restaurant business and although gaming is part of all locations on the agenda, it is not a primary use. Mr. Weeks stated normal hours are 10:00 to 10:00 with emphasis on lunch. Mr. Buckley discussed the menu and stated they build their business from the ground up. They would like to be a part of the community on a permanent basis. Mr. Weeks stated this property will take approximately \$150,000 worth of renovation.

Legal had no questions. Ms. Neubauer asked how many and where the other locations were. Mr. Weeks stated they were in Oregon and have since been sold; however Mr. Weeks is still invested in this property as a Board Member. He stated they are looking at roughly ten locations within the State and then possible expansion beyond that. Their focus is to set up store managers but both Mr. Buckley and Mr. Weeks will continue to be involved in every store. They are working with Scott Long, Architect, on interior improvements to this particular address. Staff mentioned that any new signage would need to conform to the Ordinance and Mr. Buckley stated their intention is to comply with all ordinances as required.

Staff Recommendation is for Approval with (11) Conditions. No Objectors or Interested parties were present.

Ms. Neubauer stated she is still concerned with the amount of gaming machines in the City. She would prefer to have some firm commitments or conversations with City Council or Codes & Regulations. Mr. Sockwell stated he agrees; however, in this case he does approve of the location because it is a stand-alone building rather than a small tenant space in a strip mall where a tenant normally puts little effort into improvement of the location.

Attorney Cacciapaglia discussed the fees in regards to the time frame of any item in connection to City Council action on the gambling issue.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of beer and wine by the drink in conjunction with a restaurant and outdoor seating area in the name of Richard Buckley and Gary Weeks d/b/a Molly's Deli in a C-2, Limited Commercial Zoning District at 3315 North Main Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-1 with Alicia Neubauer voting Nay.

Approval is subject to the following conditions

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. Submittal of Building Permit for Staff review and approval.
4. The sale of beer and wine shall be limited to submitted Exhibits D and E.

5. The hours of operation will be limited to 8:00 A.M. to 1:00 A.M. Monday through Sunday.
6. Window display signage is limited to 30% of window area.
7. The restaurant shall not have a cover charge.
8. The restaurant shall not have a dance floor.
9. The restaurant shall not have any DJs.
10. The restaurant shall not have any live entertainment.
11. The restaurant shall not operate as a nightclub.

**013-LTAB-013**

Applicant  
Ward 14

**3208 S. Alpine, Unit 1 and 3222 South Alpine**

Richard Buckley and Gary Weeks d/b/a Molly's Deli  
Sale of beer and wine by the drink in conjunction with a restaurant in an I-1, Light Industrial Zoning District

The subject property is located on the southeast corner of American Road and South Alpine Road and is currently a vacant restaurant. The general presentation of this restaurant was previously give. Mr. Buckley wished to clarify they would not minimize or misrepresent their commitment in a property. Mr. Weeks referred to the cost involved in renovation on all four of these projects. Mr. Buckley stated they would not be competing with the existing pizza restaurant in the area center since they will be a full-service restaurant.

Mr. Roszkowski stated the kitchen at this location does not look adequate for what they are proposing. Mr. Buckley explained they generally set up a "commissary" with one of their locations that already have, or that will install, a hood that can provide menu items to the other facilities. He stated one of the four sites does have a hood and they plan to use that one as a commissary.

Mr. Magdziarz asked why they chose the Rockford area. Mr. Weeks stated he has a friend who gave him the idea to invest in the area and they felt there were viable options for their business.

Staff Recommendation is for Approval with (11) conditions. One Objector was present.

Glen Ekberg, 4415, 4418, 4410, 4409, 4405, 4332 O'Connell Street (all single family homes) stated he has rental properties on the next street to the north of the Applicant's property and they have encouraged a family atmosphere. He stated their biggest problem with tenants is associated with drinking. He stated there are police vehicles in the area about every other day. He said the problem is accelerated by so many places that serve liquor. He asked for assistance in making this neighborhood more family oriented.

In response, Mr. Buckley stated there in no benefit to them to have intoxicated customers. He stated they are mostly a restaurant and not a bar. They do not have "happy hour" to encourage drinking. He stressed they also need a clean, safe and friendly atmosphere to encourage their customers to keep coming back.

Mr. Sanders stated he was impressed with the Applicants; however, the combination of alcohol and gaming aspect is something that the Board needs to be aware of. He asked about security. Mr. Buckley stated they do have cameras and they are willing to provide security if that is required. Mr. Weeks stated they maintain an atmosphere of a restaurant and they have never had problems. Mr. Buckley stated they do escort women to their vehicles if they are alone at night.

Attorney Cacciapaglia discussed that some of the Aldermen would prefer security issues be addressed with every liquor application that comes before the Board.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of beer and wine by the drink in conjunction with a restaurant in the name of Richard Buckley and Gary Weeks d/b/a Molly's Deli in an I-1,

Light Industrial Zoning District at 3208 South Alpine, Unit 1 and 3222 South Alpine Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 4-2 with Craig Sockwell and Alicia Neubauer voting Nay.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. Submittal of Building Permit for Staff review and approval.
4. The sale of beer and wine shall be limited to the interior site plan that was submitted Exhibit E.
5. The hours of operation will be limited to 8:00 A.M. to 1:00 A.M. Monday through Sunday.
6. Window display signage is limited to 30% of window area.
7. The restaurant shall not have a cover charge.
8. The restaurant shall not have a dance floor.
9. The restaurant shall not have any DJs.
10. The restaurant shall not have any live entertainment.
11. The restaurant shall not operate as a nightclub.

**013-LTAB-014**

Applicant  
Ward 08

**2420 and 2424 South Alpine Road**

Richard Buckley and Gary Weeks d/b/a Molly's Deli  
Sale of beer and wine by the drink in conjunction with a restaurant in a C-3,  
Commercial General Zoning District

The subject property is located within the northernmost building of the Alpine Village Shopping Center on the northeast corner of South Alpine Road and Harrison Avenue and is a vacant tenant space. Joseph Davis joined Richard Buckley and Gary Weeks. Mr. Davis, Director of Food and Beverage with Pinewoods Restaurant Group, stated he is very excited to have these applications come to Rockford. Mr. Buckley stated this address was the first location they put together. Mr. Weeks stated the owner on Forest Hills encouraged them to also set up at this location, even though it is somewhat close to the one at 3208 and 3222 South Alpine. Mr. Weeks stated this menu will be a little bit different than the others because they are located near Planet Fitness. They will be including items such as "Monster Drinks", salad, smoothies, etc. Mr. Sockwell stated he has a problem with the close proximity of the two Alpine locations with regards to gaming. Mr. Buckley explained that "clustering" is often done with chain restaurants, giving Subway as an example.

Staff Recommendation is for Approval with (11) Conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Alicia Neubauer to **DENY** the sale of beer and wine by the drink in conjunction with a restaurant in the name of Richard Buckley and Gary Weeks d/b/a Molly's Deli in a C-3, Commercial General Zoning District at 2420 and 2424 South Alpine Road. The Motion was **SECONDED** by Craig Sockwell and **FAILED TO PASS** by a vote of 3-3, with Scott Sanders, Aaron Magdziarz, and Dennis Olson voting Nay. Attorney Cacciapaglia explained that when an item fails to pass for LTAB items, it moves forward with "no recommendation".

A recommendation of Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. Submittal of Building Permit for Staff review and approval.
4. The sale of beer and wine shall be limited to the interior site plan that was submitted Exhibit E.
5. The hours of operation will be limited to 8:00 A.M. to 1:00 A.M. Monday through Sunday.
6. Window display signage is limited to 30% of window area.
7. The restaurant shall not have a cover charge.
8. The restaurant shall not have a dance floor.

9. The restaurant shall not have any DJs.
10. The restaurant shall not have any live entertainment.
11. The restaurant shall not operate as a nightclub.

**013-LTAB-015**

**5811 and 5839 Forest Hills Road**

Applicant  
Ward 04

Richard Buckley and Gary Weeks d/b/a Molly's Deli  
Sale of beer and wine by the drink in conjunction with a restaurant in a C-2,  
Limited Commercial Zoning District

The subject property is located within a strip mall on the southwest corner of the Forest Hills Road and Pepper Drive intersection and is a vacant restaurant. Mr. Buckley stated this location has a hood as well as a fully operational kitchen and will operate as a Commissary for the other restaurants previously presented. He gave examples of food preparation such as large quantities of potato salad, turkey, etc.. He further explained this location is designed well for their purposes. They are not competitive with the existing bar in the strip mall because they are a full restaurant and not a bar. Mr. Davis stated he has worked with the Health Department and the goal is to have a central kitchen. This is a good location for this. Stated this site meets the Health Department qualifications. Mr. Davis stated he went to culinary school, worked at the Ramada, Michaels on Perryville, and ran the kitchen at Table 13. He stated he is a Rockfordian and wishes to stay in Rockford.

Attorney Cacciapaglia stated the concern on this location was if other businesses selling liquor within the same block.

Staff Recommendation is for Denial. Objectors or Interested Parties were present.

Jay Gesner, 5855 Forest Hills Road (Sousse's Lounge) was present as an Objector and also provided a letter of objection. Mr. Gesner stated he has been at this location for 12.5 years. He is concerned with another liquor pouring license that may hamper his relationship with the neighborhood.

Tom and Sheri Cannell, 5859 Forest Hills Road were present as Objectors. She and her husband operate a small business in this strip mall. She stated parking is a big issue. There are 5 businesses in this strip mall and two of them already have a liquor license, one with gaming. Mr. Buckley clarified there would be no outside seating area.

In response, Mr. Buckley stated gaming machines are not the main product of their business. The machines are segregated from the restaurant area. They feel they do not compete with Mr. Gesner because he is a bar and does not serve food. He stated they will not be taking Mr. Gesner's business away and will not have a negative impact on his business. They have no dancing or entertainment and capacity will only be about 30 people if filled.

Attorney Cacciapaglia reminded the Board that they can only make a decision on the sale of beer and wine. The Board has no authority to regulate gaming machines or how close they can be to each other. She explained that the existence of gaming machines is not something they can base their recommendation on.

Mr. Sanders also stated he does not feel it is the Boards position to make a decision based on competition with another business.

A **MOTION** was made by Craig Sockwell to **DENY** the sale of beer and wine by the drink in conjunction with a restaurant in the name of Richard Buckley and Gary Weeks d/b/a Molly's Deli at 5811 and 5839 Forest Hills Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-1 with Scott Sanders Nay

**013-LTAB-016**                    **1019 Broadway**  
Applicant                        Marta Cozzo d/b/a Sassy's Playground  
Ward 11                            Sale of liquor by the drink with a night club, country and western music, stage dancing and special events in a C-4, Urban Mixed Use Zoning District

Prior to the meeting a request was received from the Applicant to Lay Over this item to the June 18<sup>th</sup> meeting.

A **MOTION** was made by Scott Sanders to **LAY OVER** the sale of liquor by the drink with a night club, country and western music, stage dancing and special events in the name of Marta Cozzo d/b/a Sassy's Playground in a C-4, Urban Mixed Use Zoning District at 1019 Broadway. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

**013-LTAB-017**                    **3871 N. Perryville Road, 3885, and 39XX North Perryville Road**  
  
**WITHDRAWN**

**013-LTAB-018**                    **298 North Mulford Road, 5836 and 5880 East State Street**  
Applicant                        Cecelia Hough a/k/a Midge Hough d/b/a Jena's  
Ward 10                            Sale of beer and wine by the drink with a restaurant and video gaming in a C-3, Commercial General Zoning District

Prior to the meeting the Application requested this item be Laid Over to the June 18<sup>th</sup> meeting.

A **MOTION** was made by Scott Sanders to **LAY OVER** the sale of beer and wine by the drink with a restaurant and video gaming in the name of Cecelia Hough a/k/a Midge Hough d/b/a Jena's in a C-3, Commercial General Zoning District at 298 North Mulford Road, 5836 and 5880 East State Street. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

**013-LTAB-019**                    **2914 West State Street**  
Applicant                        Fayez Asad d/b/a Choice Gas Stop  
Ward 13                            Sale of packaged liquor in conjunction with a gas station and convenience store in an I-1, Light Industrial Zoning District

The subject property is located on the southeast corner of the West State Street and Vista Terrace intersection and is currently a gas station and convenience store. Attorneys Tom and Nicholas Meyer, and the Applicant, Fayez Asad, were present. Attorney Tom Meyer reviewed the request. He stated this gas station has been selling beer and wine for the last ten years and the Applicant has been operating as a manager most of this past year. He explained the Applicant is proposing an addition to the gas station around the time of the reconstruction of West State Street. He further stated the applicant will be willing to comply with Staff's landscaping concerns at the time that he applies for the building permit. Attorney Meyer stated the police report of incidents included in the Zoning Report is incorrect. He stated the number of calls to this property are actually around 85 or 90, and mostly for disorderly conduct in the parking lot from people using their cell phones. Attorney Meyer further stated this business has 45,000 to 50,000 customers a month and a police call two times a week is not a significant number. The Applicant has upgraded the security system. He further indicated there are no incidents public drinking at this location. The intention of the Applicant is to improve the overall exterior appearance of the property when the West State Street project is complete. He further stated the Applicant has not sold liquor in the past month because his license was not renewed per the State's request.

At this point Mr. Roszkowski stated he needed to abstain due to a possible business conflict and passed the chair to Aaron Magdziarz.

Attorney Cacciapaglia had no questions. Ms. Neubauer asked how long he was managing the location and Mr. Asad responded for one year. He stated he has not managed any other locations in the City.

Staff Recommendation is for Denial. Objectors or Interested Parties were present.

Alderman Linda McNeely, Alderman of the Ward, was present as a supporter. She stated last year another applicant presented for a request of hard liquor at this location and she spoke in objection of that Application. She stated she is now in support of this Applicant because they are requesting the sale of beer and wine only.

Alderman Ann Thompson-Kelly spoke in Objection of this item. She stated her objections are due to the amount of people congregating in this area which have total disturbed the entire West State corridor and surrounding area. If driving down West State Street day or evening it is hard to maneuver around the crowd in this parking lot. She stated this is not a safe place to be. She stated police incidents will confirm this. Alderman Thompson-Kelly felt this location is not a business establishment but rather a place to hang out.

In response, Attorney Meyer stated they have not had any correspondence from the City or Liquor Commission stating they are not operating in compliance. He stated they do not have a lot of people congregating on the property. He stated the reports called in were from cell phones, not from the owner. Alderman McNeely stated she has not received any complaints from the City or her constituents regarding this property. She does not find it to be a problem where people are hanging out or standing around the property.

During discussion, Attorney Cacciapaglia stated she is not certain on what basis Attorney Meyer is getting his information that these calls are coming from cell phones since the reports provided do not state where the calls come from. She stated the concern is the incidents that are for disorderly conduct and vagrancy. This property has been selling liquor all along.

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 Fayez Asad d/b/a Choice Gas Stop in an I-1, Light Industrial Zoning District at 2914 West State Street. The Motion was **SECONDED** by Dennis Olson and **Failed to pass** by a vote of 2-3 with Alicia Neubauer, Craig Sockwell and Aaron Magdziarz voting NAY and Dan Roszkowski abstaining.

Attorney Cacciapaglia asked that if this item passes that conditions be added.

A **SECOND MOTION** was made by Alicia Neubauer to **APPROVE** the sale of packaged liquor for beer and wine in conjunction with a gas station and convenience store in the name of Fayez Asad d/b/a Choice Gas Stop in an I-1, Light Industrial Zoning District at 2914 West State Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 3-2 with Scott Sanders and Craig Olson voting Nay and Dan Roszkowski abstaining.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. The sale of packaged liquor is limited to beer and wine only
4. The hours of operation will be limited to 6:00 A.M. to 2:00 A.M. Monday through Saturday and 7:00 A.M. to 1:00 A.M. on Sunday
5. Window display signage is limited to 30% of window area
6. The sale of rose tubes, airplane-sized bottles and any other product which can be easily converted into a "crack pipe" is prohibited.

013-LTAB-020

Applicant  
Ward 07

**43XX, 43XX and 44XX Auburn Street**

Ahmad Tawfiq Elwan d/b/a Petromax 101  
Sale of packaged liquor in conjunction with a gas station and convenience store  
in a C-3, Commercial General Zoning District

The Applicant requested that this item be Laid Over to the June 18<sup>th</sup> meeting.

A **MOTION** was made by Scott Sanders to **LAY OVER** the sale of packaged liquor in conjunction with a gas station and convenience store in the name of Ahmad Tawfiq Elwan d/b/a Petromax 101 in a C-3, Commercial General Zoning District at 43XX, 43XX and 44XX Auburn Street. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

013-LTAB-021

Applicant  
Ward 11

**902 9<sup>th</sup> Street**

Steven J. Owen d/b/a Steve's Railroad Tap Inc.  
Sale of liquor by the drink with a tavern and the sale of packaged liquor with a  
tavern in an I-1, Light Industrial Zoning District

The subject property is located on the southeast corner of Railroad and 9<sup>th</sup> Streets and is currently a tavern. Steven and David Owen reviewed his request. He stated he has owned this property for 31 years and ran it as a tavern for 19. He ceased to operate it in 2001 and leased it to other tenants. Mr. Owen said he has not had positive results with the tenants so wishes to take over operation of a the tavern with his son. They are also asking for the sale of packaged liquor.

Attorney Cacciapaglia had no questions but advised the Board that Ald. Elyea wished to pass on that she approved the sale of packaged liquor.

Staff Recommendation is for Approval of the sale of liquor by the drink with (4) conditions, and Denial of the sale of packaged liquor.

No Objectors or Interested Parties were present. One letter of Objection was received.

The Carpenter's Place, adjacent property owner at 1149 Railroad Avenue was not present but submitted a letter stating they have owned their property for over 20 years "and have seen the destruction that comes to many of the lives of the many persons we interact with on a daily basis due to addictions to drugs and alcohol. We would not be in favor of having a tavern in the neighborhood and would not want to have a tavern be allowed to sell packaged liquor".

Mr. Olson stated he was concerned with the proximity to Carpenter's place. Mr. Sanders stated they have previously discussed liquor stores becoming taverns as a negative and he feels the same way in taverns becoming liquor stores. Mr. Roszkowski felt this was not a location that would draw a large crowd for liquor sales.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the sale of liquor by the drink with a tavern and to **APPROVE** the sale of packaged liquor with a tavern in the name of Steven J. Owen d/b/a Steve's Railroad Tap Inc. at 902 9<sup>th</sup> Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-1 with Dennis Olson voting Nay.

Approval is subject to the following conditions:

1. Compliance with the Liquor Ordinance
2. Business hours shall be consistent to business plan shown as Exhibit F.
3. That there shall be no cover charge.
4. No stage area/dance floor shall exceed 150 square feet.

**013-LTAB-022**                    **318 North Alpine Road; 300-318 North Alpine Road, and 43XX Morsay Drive**  
Applicant                            Daniel Fischer d/b/a Dottys  
Ward 10                                Sale of beer and wine by the drink with a café, deli, and video gaming in a C-2,  
   Limited Commercial Zoning District

Prior to the meeting the Application requested this item be Laid Over to the June 18, 2013 meeting.

A **MOTION** was made by Scott Sanders to **LAY OVER** the sale of beer and wine by the drink with a café, deli, and video gaming in the name of Daniel Fischer d/b/a Dottys in a C-2, Limited Commercial Zoning District at 318 North Alpine Road; 300-318 North Alpine Road, and 43XX Morsay Drive. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

**013-LTAB-023**                    **3003 11<sup>th</sup> Street**  
Applicant                            Samer Alzubi d/b/a Zubi Rockford Inc.  
Ward 06                                Sale of tobacco products with a gas station in a C-3, Commercial General Zoning  
   District

The subject property is located on the southwest corner of Brooke Road and 11<sup>th</sup> Street and is currently a vacant building. Samer Alzubi, Applicant, review his request for the sale of tobacco. He stated they are trying to remodel this gas station as an investment. He stated he has managed gas stations in areas outside of Rockford for approximately 7 years.

Attorney Cacciapaglia had no questions. Ms. Neubauer stated Staff recommendation indicated they had not received much information for plans. Mr. Alzubi stated they have done electrical and plumbing, it was vandalized, and they needed to repeat the work. He quoted between a \$600-700,000 investment to update the property.

Mr. Roszkowski pointed out that there is no site plan, no elevation drawings, fencing, nothing to explain the project to base a positive recommendation on. He suggested the Applicant ask for a Lay Over of this item until such information can be provided. He stated the applicant needed to demonstrate to the Board and to Staff how they are going to operate and layout the site. Mr. Alzubi stated he did not get a feeling of exactly what was required with his application submittal.

Staff stated they could work with the Applicant to get the gas station operational, but he could not sell tobacco at this time.

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

A **MOTION** was made by Alicia Neubauer to **LAY OVER** the sale of tobacco products with a gas station in the name of Samer Alzubi d/b/a Zubi Rockford Inc. in a C-3, Commercial General Zoning District at 3003 11<sup>th</sup> Street The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

**013-LTAB-024**                    **1623 Broadway**  
Applicant                            Raed Al-Abbodi d/b/a H & A Tobacco & Discount, Inc.  
Ward 11                                Sale of tobacco in conjunction with a convenience store in a C-4, Urban Mixed-  
   Use Zoning District

The subject property is located on the southwest corner of 12<sup>th</sup> Street and Broadway and is currently a vacant building. Raed Al-Abbodi, Applicant, reviewed his request to sell tobacco. He stated he does not own this store, but is leasing.

Attorney Cacciapaglia asked about the other items that would be sold. He stated bread, milk, eggs, grocery items. She stated there was no site plan as to where items would be sold in the store, including tobacco. He stated tobacco will be sold on the side. She stated his application indicated 15% gross revenue for tobacco sales. She stated if this was such a small amount of revenue why would he not want to run only a convenience store first, and once operational, then apply for tobacco. She asked if tobacco would be more than 15% and he said yes, it would be about 35%. She stated if it is truly a convenience store, why is the word "Tobacco" in the name; i.e. H & A Tobacco & Discount, Inc. Attorney Cacciapaglia stated the Alderman of the Ward expressed that she did not have a "great objection" to this application.

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

The Board also felt there was not enough information from the Applicant. Mr. Roszkowski felt there was not enough information to allow the Board to make a decision.

A **MOTION** was made by Scott Sanders to **DENY** the sale of tobacco in conjunction with a convenience store in the name of Raed Al-Abbodi d/b/a H & A Tobacco & Discount, Inc. in a C-4, Urban Mixed-Use Zoning District at 1623 Broadway. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-1 with Alicia Neubauer voting Nay.

**013-LTAB-025**

Applicant  
Ward 10

**320 North Mulford Road and North Mulford Road**

Sandip Fumar Patel d/b/a Saheli 320 Corp.

Sale of tobacco products with a gas station in a C-3, Commercial General Zoning District

The subject property is located on the west side of North Mulford Road at the Executive Parkway light/intersection and is an existing gas station and convenience store. Ron Mudrick, Manager, Joshua Gorham, Store Manager, and Brian Hansen, District Manager were present. The Applicant, Sandip Fumar Patel, was not present. Mr. Mudrick stated he runs the day to day operation of Mr. Patel's 18 stores. Mr. Mudrick stated they took possession of the property on May 17<sup>th</sup> and is confused with Staff's statement in their report that the Applicant had already been selling tobacco. He showed the date of the check and inventory audit to back up his statement. He stated all employees go through extensive training. Mr. Gorham will be the Store Manager of this location and even though he has experience in managing a gas station he is required to go through their training. They have date stamped security when selling tobacco products. Mr. Mudrick stated he estimates about 40% of sales would be from tobacco. Mr. Mudrick stated they are working on plans for cleaning up the property.

Attorney Cacciapaglia had no questions. Mr. Cagnoni stated based on dates provided on the application there was an indication that tobacco was already being sold by the Applicant. Staff is now comfortable with the information provided by the applicant on the date of purchase. He further stated that if approved, the sale of tobacco will not be allowed until the site is brought up to code. The Applicant is understanding of this.

Staff Recommendation is for Denial; however, Staff is willing to revise their recommendation to approval based on the new information provided.. No Objectors and Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Sale of tobacco products with a gas station in the name of Sandip Fumar Patel d/b/a Saheli 320 Corp. in a C-3, Commercial General Zoning District at 320 North Mulford Road and North Mulford Road. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes
3. The hours of operation will be limited to Monday through Sunday 5:00 A.M. to 11:00 P.M.

4. Window display signage is limited to 30% of window area
5. All required fencing repairs to be completed prior to operation of business
6. Landscaping to be brought into conformance with City standard prior to operation of business

With no further business to report, the meeting was adjourned at 8:45 PM

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