



LIQUOR & TOBACCO ADVISORY BOARD
Tuesday, June 16, 2015
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: Alicia DiBenedetto-Neubauer
Tom Fabiano
Melissa Luciani-Beckford
Dan Roszkowski
Scott Sanders
Craig Sockwell
Kimberly Wheeler-Johnsen

Absent:

Staff: Scott Capovilla – Zoning and Land Use Administrator
Angela Hammer – Assistant City Attorney
Sandra Hawthorne - Administrative Assistant
Marcy Leach - Public Works
Tim Morris – Fire Department
Officer Josh Carpenter – 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 Wednesday, June 22, 2015 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 is listed on the agenda as well.

The meeting was called to order at 6:40 P.M. A **MOTION** was made by Kim Petersen to **APPROVE** the minutes of the May 19th meeting with corrections. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0 with Scott Sanders and Dan Roszkowski abstaining.

Attorney Hammer discussed the (3) remaining applications that have been Laid Over waiting for the revised liquor ordinance to be approved by City Council. She explained these Applicants have 30 days to submit additional documentation showing they will be in compliance with the current liquor ordinance requiring that alcohol, food and general merchandise will be at least 50% of total sales and revenue of the business. Those who cannot comply will be reimbursed their application fee minus advertising expenses. An application will not move forward if the 50% criteria will not be met.

Dan Roszkowski asked those attending if there were any Applicants from these three items present at the meeting. There was no response.

A **MOTION** was made by Scott Sanders to **LAY OVER** items 014-LTAB-017; 014-LTAB-035; and 014-LTAB-036. The Motion was **SECONDED** by Kim Petersen and **CARRIED** by a vote of 7-0.

014-LTAB-017 **5410 and 5456 East State Street**
 Applicant Drinc, Inc., 4 Bar Restaurant d/b/a Drinc, Inc.
 Ward 10 **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 June 2014 – May 2015

014-LTAB-035 **262 North Phelps Avenue**
 Applicant Mary Maggio d/b/a Sam's Slots Inc.
 Ward 10 **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 September 2014 – May 2015

014-LTAB-036 **280 North Phelps Avenue**
 Applicant Brandan T. Blackler d/b/a Maxswells Eatery & Slots
 Ward 10 **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 September 2014 – May 2015

End of laid over items

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 September 2014 – May 2015

The subject property is located on the southeast corners of Kilburn Avenue, Summerdale Avenue, and Glenwood Avenue and is currently a vacant restaurant and bar. Carolyn Martinez, co-applicant, stated she and her husband Ampelio Delgado Martinez purchased this property and is willing to abide by all City codes. Ms. Martinez submitted photos of the interior work completed thus far.

Attorney Hammer asked her to verify that at least 50% of total revenue would be from food and alcohol. Ms. Martinez stated this is correct. Currently there is also a house on the property. Ms. Martinez stated it is not their intent to rent this home out, but if someone wants to rest there or take a shower that would be ok.

Staff Recommendation is for Approval with 14 conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Kim Petersen to **APPROVE** the sale of liquor by the drink in conjunction with a restaurant, bar, and video gaming facility with an outdoor beer garden in the name of Ampelio Delgado Martinez for El Carrizal Inc. d/b/a Fuzzy's in a C-2, Limited Commercial Zoning District at 2515 Kilburn Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

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. Window display signage is limited to 20% of window area.
4. The sale of liquor by the drink shall be limited to the submitted plans Exhibit D and E.
5. The hours of operation will be limited to 11:00 A.M. To Midnight (12:00 A.M.) Monday through Thursday.
6. The hours of operation will be limited to 9:00 AM. To 2:00 A.M. Friday and Saturday.
7. The hours of operation will be limited to 9:00 A.M. to 10:00 P.M. Sunday.
8. The restaurant, bar, and video gaming facility with an outdoor beer garden shall not have a cover charge.
9. The restaurant, bar and video gaming facility with an outdoor beer garden shall not have a dance floor.
10. The restaurant, bar and video gaming facility with an outdoor beer garden shall not have any DJs.
11. The restaurant, bar, and video gaming facility with an outdoor beer garden shall not have any live entertainment.
12. The restaurant, bar and video gaming facility with an outdoor beer garden shall not operate as a nightclub.
13. That the windows shall not be covered with bars or other devices that block the windows.
14. All conditions must be met prior to establishment of use.

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 September 2014 - May 2015

This item was Withdrawn prior to the meeting. No further action will be taken on this Application.

015-LTAB-024

Applicant
Ward 10

3725 East State Street

Nancy Macias for Hacienda San Jose, Inc. d/b/a Hacienda San Jose, Inc.
Modification of Existing Liquor License to extend only the hours of operation from 1:00 AM to 2:00 AM Sunday through Thursday and from 1:00 AM to 3:30 AM Friday and Saturday with liquor sales to end at 2:00 AM in a C-3, General Commercial Zoning District
Laid Over from May 2015

The subject property is Hacienda San Jose. The Liquor License granted in January 2004 for this Applicant included a condition of approval stating "Liquor sales to close at 1:00 A.M. Monday through Saturday". The Applicant has been staying open beyond 1:00 A.M. and has been violating the condition of approval. Nancy Macias, Gabriel Macias, Applicants, and Attorney Chuck Prorok were present. Attorney Prorok reviewed the applicant's request for extended hours of operation. He explained that the Applicants thought that if they did not serve alcohol they could stay open beyond the 1:00 time frame.

Legal had no questions.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present. However, Mr. Capovilla stated Alderman Beach had to leave the meeting, and wished to express that he was not in favor of extending hours of operation.

Alicia Neubauer stated she is ok with allowing extended hours without the sale of liquor. Attorney Hammer stated she was not aware of any business operations that extend beyond liquor hours. She did advise that it would be very difficult to enforce this practice. Dan Roszkowski felt it was too much to ask to expect to trust the applicant to police themselves, and also to expect the police department to try to enforce that liquor sales would not be made after 1:00 A.M.

A **MOTION** was made by Scott Sanders to **DENY** the Modification of Existing Liquor License to extend only the hours of operation from 1:00 AM to 2:00 AM Sunday through Thursday and from 1:00 AM to 3:30 AM Friday and Saturday with liquor sales to end at 2:00 AM in the name of Nancy Macias for Haciendas San Jose, Inc. d/b/a Hacienda San Jose, Inc. in a C-3, General Commercial Zoning District at 3725 East State Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-2 With Melisa Beckford and Alicia Neubauer voting Nay.

015-LTAB-027

Applicant
Ward 05

828 Cunningham Street & 816 Corbin Street

Said Elkhatib for Northwest Food & Liquor II, Inc.
d/b/a Cunningham Market/Corbin Street Grill
Sale of liquor by the drink in conjunction with a tavern / restaurant
Sale of Packaged Liquor in conjunction with a grocery / convenience store in a C-2, Limited Commercial Zoning District
Laid Over from May 2015

Prior to the meeting, this application was Withdrawn. No further action will be taken on this Application.

015-LTAB-028

Applicant
Ward 01

6640 and 6650 East State Street

Charles Youngstrom for Aldi Inc. d/b/a Aldi

Sale of packaged beer and wine in conjunction with a grocery store in a C-2, Limited Zoning District

The subject property is located 220 feet north of the East State Street and Mill Road intersection. Kurtis Park, District Manager for Aldi, reviewed the application. He stated Aldi will be moving their current store at 5350 East State to this new location. The East State Street store is currently selling alcohol. He explained that their alcohol sales make up less than 3% of total sales. Mr. Park explained their primary goal is to provide quality groceries for their customers, not to make alcohol sales their prime objective.

Attorney Hammer asked if Mr. Park if he had an opportunity to review the Staff Recommendation with conditions of Approval 1-10 and Mr. Park stated he did not. Attorney Hammer read them to Mr. Park and he responded that he was agreeable.

Staff Recommendation is for Approval with (10) conditions. Objectors or Interested Parties were present.

Miroslav Culic, 6755 Samantha Lane, was present as an Objector. He stated his only concern of his and his neighbors is that the neighborhood has been trying to get a fence installed between the adjacent parking lot and the residences. Mr. Culic explained that cars cut through this parking lot and the light on his property has been knocked down twice. He would also like the City to consider the noise from delivery trucks and to install a fence on neighboring properties. Mr. Capovilla stated it would be possible to look at installation of a fence in the future.

A **MOTION** was made by Melissa Beckford to **APPROVE** the sale of packaged beer and wine in conjunction with a grocery store in the name of Charles Youngstrom for Aldi Inc. d/b/a Aldi in a C-2, Limited Zoning District at 6640 and 6650 East State Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes.
3. Window display signage is limited to 20% of window area.
4. The sale of packaged liquor shall be limited to the submitted plan Exhibit E.
5. The hours of operation will be limited to 9:00 A.M. to 8:00 P.M. Monday through Friday.
6. The hours of operation will be limited to 9:00 A.M. to 7:00 P.M. Saturday and Sunday.
7. There shall be no single serving sales of beer or wine in volumes of 12 oz. or less.
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 windows.
10. All conditions must be met prior to establishment of use.

015-LTAB-029

Applicant
Ward 11

2327 Kishwaukee Street and 412 Peoples Avenue

Jonathan DiGiovanni for DiGiovanni Food Services d/b/a Kishwaukee Tap

Sale of liquor by the drink in conjunction with a bar and grill with a video gaming facility in an I-1, Light Industrial Zoning District

The subject properties are located on the north side of Peoples Avenue west of Kishwaukee Street and consist of a building with a parking lot and a stand-alone parking lot. Philip DiGiovanni, Applicant was present and reviewed his request for sale of liquor by the drink. A portion of the building that was used for retail in the past was not shown on his interior site plan as part of his proposal. Mr. DiGiovanni stated it is his intent to use this retail area for food service. He wishes to remove the interior door and asked the Board if he could serve drinks in that portion as well, or is he limited to the area designated as "revised" on his submitted interior site plan. Attorney Hammer explained this area is currently showing as retail so

a revised interior floor plan is required before any incorporation of that area into the bar and grill can move forward. This can be addressed as part of condition 4. Mr. DiGiovanni further stated he is willing to meet all conditions of Approval and stated he will absolutely meet the minimum requirement of 50% food and alcohol.

Regarding conditions 3 and 5 on the timeframe for dumpster and landscaping drawings, Mr. DiGiovanni stated based on the age of the facility, the enclosure has to be of the same material as the building. He felt 30 days was adequate for the dumpster enclosure but would need to meet with the architect on the landscaping plan before committing to a timeframe. He also stated he would like to get their sign installed and is willing to do whatever he needs to do to make this happen. The Board stated his sign would have to be a landmark style to comply with the Ordinance and to work with Staff on approval.

Staff Recommendation was for Approval with 15 conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of liquor by the drink in conjunction with a bar and grill with a video gaming facility in the name of Jonathan DiGiovanni for D. Giovanni Food Services d/b/a Kishwaukee Tap in an I-1, Light Industrial Zoning District, with revisions to Condition 15 and the addition of Condition 16. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes.
3. Submittal of a revised site plan that includes the new location of the dumpster enclosure and dumpster detail for Staff review and approval.
4. Submittal of revised interior floor plan of the bar and grill that includes the location of the table and chairs, bar stools, and gaming machines for Staff review and approval.
5. Submittal of a landscape plan to include perimeter landscaping along Kishwaukee Street and Peoples Avenue, interior islands, open green space, a new concrete curbed island around the perimeter landscaping, and plant species for Staff review and approval.
6. The sale of liquor by the drink shall be limited to the revised interior floor plan approved by Staff.
7. The hours of operation will be limited to 6:00 A.M. to 2:00 A.M. Monday through Saturday and 9:00 A.M. to Midnight (12:00 A.M.) on Sunday.
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 bar and grill shall not have a cover charge.
11. The bar and grill shall not have a dance floor.
12. The bar and grill shall not have any DJs.
13. The bar and grill shall not operate as a nightclub.
14. That the use shall not have any outdoor sales area or outdoor seating area permitted on the subject property.
15. Conditions 3 and 5 must be met within 90 days of establishment of use.
16. All other conditions must be met prior to establishment of use

With no further business to report, the meeting was adjourned at 7:36 PM

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