



LIQUOR & TOBACCO ADVISORY BOARD
Wednesday, January 17, 2018
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LTAB Members:

Tom Fabiano
Kim Johnsen
Dan Roszkowski
Jennifer Smith
Craig Sockwell

Absent:

Alicia Neubauer
Maurice Redd

Staff:

Scott Capovilla - Zoning and Land Use Administrator
Jeremy Carter - Public Works
Matthew Flores - City Attorney
Sandra Hawthorne - Administrative Assistant
Lafakeria Vaughn - City Attorney

Others:

Alderman Tuffy Quinonez
Kathy Berg - Court 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 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 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 Tuesday, January 22, 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. This information was also presented in written form attached to the agendas.

The meeting was called to order at 6:15 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes from the December, 2017 meeting as written. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0 with Maurice Redd and Alicia Neubauer absent.

017-LTAB-049

Applicant
Ward 13

3001 West State Street

Kalid M. Abdel Rahem / Steve's Market, Inc. dba Steve's Market
Sale of tobacco products in conjunction with a grocery store in a C-3,
General Commercial Zoning District

The subject property is located on the northwest corner of the West State Street and Willard Avenue intersection. Mohammad Hamad, owner of the property and Kalid M. Abdel Rahem, Applicant, were present. Mr. Hamad, acting as a translator for the Applicant, presented the request for sale of tobacco products. He explained Mr. Rahem is the new owner of the business and is required to have the tobacco license in his name.

Attorney Vaughn asked Mr. Hamad if Mr. Rahem had read Staff's conditions of approval and if he was in agreement with those conditions. Mr. Hamad stated Mr. Rahem was in agreement.

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

A **MOTION** was made by Jennifer Smith to **APPROVE** the sale of tobacco products in conjunction with a grocery store in the name of Kalid M. Abdel Rahem / Steve's Market, Inc. dba Steve's Market in a C-3, General Commercial Zoning District at 3001 West State Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Tobacco Codes.
3. Submittal of a revised site plan that includes the removal of the terrace parking along West State Street and the deteriorated hard surface north of the building for Staff's review and approval.
4. Submittal of a landscaping plan to include terrace and perimeter landscaping along West State Street, topsoil and grass seed north of the building and plant species for Staff's review and approval.
5. The sale of tobacco products shall be limited to the submitted plan Exhibit E.
6. The sale of tobacco products will be from 8:00 AM to 9:00 PM, Monday through Sunday.
7. 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.
8. The sale of water pipes and "huka" or "hookah" pipes are prohibited.

9. Window display signage is limited to 20% of window area.
10. There shall not be temporary exterior signage.
11. The windows shall not be covered with bars or other devices that block the windows.
12. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
13. All outstanding general ordinance fines must be paid prior to the issuance of the license.
14. All conditions must be met prior to establishment of use.

017-LTAB-050

Applicant
Ward 05

160 15th Avenue

Benjamin Rodarte / Raquel Rodarte dba El Navegante Bar
Sale of liquor by the drink in conjunction with a tavern and video gaming
Sale of packaged liquor in conjunction with a tavern and video gaming in a C-2, Limited Commercial Zoning District

The subject property is located on the northwest corner of Orange and 15th Avenue. Attorney Robert Calgaro, representing the Applicants, Benjamin and Raquel Rodarte, and Alex Rodarte, translator were present. Attorney Calgaro reviewed the requests for the sale of liquor by the drink and the sale of packaged liquor. He explained that the Applicants owned a bar on 7th Street for 17 years. The building burned down and there are no plans to rebuild, forcing the Applicants to relocate their business. The Applicants purchased the subject property in January of this year. They also own the parking lot to the east, which provides more parking than is required for the tavern use. He stated this business will be basically a bar and grill.

Attorney Vaughn asked if the Applicant would be providing a revised menu and Attorney Calgaro stated they would.

Staff Recommendation is for Approval of both requests with (12) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Tom Fabiano to **APPROVE** the sale of liquor by the drink in conjunction with a tavern and video gaming, and to **APPROVE** the sale of packaged liquor in conjunction with a tavern and video gaming in the names of Benjamin Rodarte / Raquel Rodarte dba El Navegante Bar in a C-2, Limited Commercial Zoning District at 160 15th Avenue. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must meet all applicable building and fire codes.
2. Compliance with the City of Rockford Liquor Codes.
3. Window display signage is limited to 20% of window area.
4. That the windows shall not be covered with bars or other devices that block the windows.
5. The proposed use shall not have a cover charge, dance floor, DJs, live entertainment, or operate as a nightclub.
6. Business hours shall be consistent to business plan shown as Exhibit D, Monday-Saturday 6:00 AM to 2:00 AM; Sunday 9:00 AM to 2:00 AM, and food service Monday-Sunday 9:00 AM to 1:00 AM.
7. Submittal of site plan including landscaping improvements to the parking lot east of the building and a detailed interior floor plan.
8. Submittal of a revised business plan clarifying the ratio amounts for food, liquor and gaming.
9. Removal of the additional signs located on the building and removal of additional signage located at the parking lot located to the east.
10. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
11. All outstanding general ordinance fines must be paid prior to issuance of the license.
12. All conditions must be met prior to issuance of the liquor license.

017-LTAB-051

Applicant
Ward 03

515 East Jefferson Street

Kelley Williamson Company dba Jefferson Street Mobil
Sale of package liquor in conjunction with a gas station, convenience store and car wash
Sale of tobacco products in conjunction with a gas station, convenience store and car wash in a C-4, Urban Mixed-Use Zoning District

The subject property is located on the south side of East Jefferson Street, west of North 3rd Street, north of Market Street and east of North 2nd Street and is currently under construction for a gas station, convenience store and car wash. Bob Sanders with Kelley Williamson and Attorney Russell Anderson from WilliamsMcCarthy, representing the Applicant, were present.

Attorney Anderson reviewed the requests for the sale of package liquor and tobacco products. He explained this location will have additional hot food items and will be a fairly large grocery and convenience store facility. Security will be very proactive. Attorney Vaughn asked the Applicant if they had read Staff conditions of approval and if they were in agreement with those conditions. Attorney Anderson stated his client does agree to all conditions.

Staff Recommendation is for Approval of both requests with (12) conditions. Objectors or Interested Parties were present.

Representatives from Trinity Day Care - Jennifer Seuring, Board member; Rebecca McLain, Activities Director; and Paula Jeskebartz, Executive Director were present and spoke in Objection to this application. They expressed concerns that the sale of package liquor will increase foot traffic when the children are in the playground. There was also a concern with the possibility of broken glass bottles ending up in any of their 3 outside play areas during the hours the daycare is closed. Increased panhandling was a concern as well. The school age children who attend Trinity Day Care go on day trips, as well as walks around the nearby area, including the public park right across the street, which they felt could also be affected negatively by an increase in foot traffic or clientele wanting to purchase alcohol at the convenience store. Ms. Seuring asked what the distance requirement was between the sale of liquor and a school. In response to that question, Attorney Anderson stated the setback requirement is 100 feet. Although there is a much larger distance than this between the Day Care and the convenience store, the Daycare is not a school so it would not fall under this regulation. Trinity Day Care felt they did not see how selling liquor or tobacco will increase the benefits or added value to what Kelly Williamson will bring to the neighborhood.

Alderman Natavias Ervins, 6th Ward, was present. Although he is not the Alderman of this Ward, he expressed that our children should be made a priority in all areas of the city no matter where they lived and we need to look at how the sale of tobacco and alcohol will affect them. Alderman Ervins stated he feels the gas station / convenience store will be a great asset to downtown. However, he gave an example of Ken-Rock Center in his Ward located at 3218 11th Street, which is directly across the street from a gas station. He stated the gas station has a license to sell package liquor and that has created negative issues for the children at Ken-Rock.

In response, Attorney Anderson stated he drives through this area every day and does not believe Kelly Williamson will bring additional traffic – the traffic is already there. When the original application for this development came before the Zoning Board of Appeals last July, Trinity Day Care did not present any objections at that meeting. He further stated Kelly Williamson is not creating a demand that does not already exist and they would not allow the use of their parking lot for drinking. If the Applicant feels additional security is required at night, they will provide it. Attorney Anderson explained the Day Care has provided walls and safety for their children and he does not feel there will be any collision between the two uses. He added that he is not aware of any criminal activity that has been prevalent in that area during the time of construction thus far.

During discussion, Craig Sockwell stated he had a concern that someone would buy a bottle of beer and drink it in the park. Jennifer Smith stated the zoning for this area is intended to increase the availability of services within walking distance. Tom Fabiano stated he does not believe Kelly Williamson would allow people hanging around their parking lot. He pointed out that two blocks away there is packaged liquor available already. Craig Sockwell stated he had faith that if there were any issues Kelly Williamson would do what they needed to do to correct it.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of package liquor in conjunction with a gas station, convenience store and car wash and to **APPROVE** the sale of tobacco products in conjunction with a gas station, convenience store and car wash in the name of Kelly Williamson Company dba Jefferson Street Mobil in a C-4, Urban Mixed-Use Zoning District at 515 East Jefferson Street. The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 4-1 with Jennifer Smith voting Nay.

Approval is subject to the following conditions:

1. Must 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. That the windows shall not be covered with bars or other devices that block the windows.
5. The sale of alcohol and tobacco products shall be limited to the area shown on Exhibit E and Exhibit F.
6. Hours of operation shall be limited to the hours allowed per the Liquor Code.
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. The sale of water pipes and "huka" or "hookah" are prohibited.
10. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
11. All outstanding general ordinance fines must be paid prior to issuance of the license.
12. All conditions must be met prior to issuance of the liquor license.

017-LTAB-052

Applicant
Ward 01

7676 East State Street

Robert Burg, Manager of AHTRST Concessions, LLC dba Courtyard
Rockford

Sale of liquor by the drink in conjunction with a hotel, restaurant and outdoor seating area

Sale of package liquor in conjunction with a hotel and restaurant in a C-3, General Commercial Zoning District

The subject property is located 700 feet east of the North Bell School Road and Potawatomi Trail Drive intersection. Janice Rourke and Daniel Rosales, representing Courtyard Rockford, reviewed their requests for sale of liquor by the drink and package liquor. Ms. Rourke stated Courtyard Rockford has been providing these services in the past and wish to continue under new management.

Attorney Vaughn asked the Applicant if they had read Staff recommended conditions of approval and if they were in agreement with those conditions. Ms. Rourke stated they were.

Staff Recommendation is for Approval of both requests with (13) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of liquor by the drink in conjunction with a hotel restaurant and outdoor seating area and to **APPROVE** the sale of package liquor in conjunction with a hotel and restaurant in the name of Robert Burg, Manager of AHTRST Concessions, LLC dba

Courtyard Rockford at 7676 East State Street. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 5-0.

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 liquor by the drink shall be limited to Exhibits D and E.
4. The sale of packaged liquor shall be limited to Exhibit D.
5. Window display signage is limited to 20% of window area.
6. The hotel, restaurant, and outdoor seating area shall not have a cover charge.
7. The hotel, restaurant, and outdoor seating area shall not have a dance floor, any DJs, and any live entertainment.
8. The hotel, restaurant, and outdoor seating area shall not operate as a nightclub.
9. There shall not be temporary exterior signage.
10. The windows shall not be covered with bars or other devices that block the windows.
11. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
12. All outstanding general ordinance fines must be paid prior to the issuance of the license.
13. All conditions must be met prior to establishment of use.

017-LTAB-044

Applicant
Ward 06

***1625 & 1635 Sandy Hollow Road**

Kelly Rena Quinby dba Spinning Slots
Sale of beer and wine by the drink in conjunction with a restaurant and gaming facility in a C-3, General Commercial Zoning District
Referred back from City Council

The subject property is located 350 feet southwest of the 11th Street and Sandy Hollow Road intersection. This application came before the Liquor & Tobacco Advisory Board on November 21, 2017, was approved by the Board and was referred back to the Board from City Council. Kelly Quinby, Applicant, was present and reviewed her request for beer and wine by the drink. When asked by Craig Sockwell why this item was referred back to the Liquor & Tobacco Advisory Board, Ms. Quinby stated a distributor offered her prepackaged food products. Because this was not in agreement with her original business plan, the application was referred back by City Council. Attorney Vaughn asked Ms. Quinby to verify if the food they served would be prepared on site and if they would be doing a commercial kitchen, to which Ms. Quinby responded yes. Attorney Vaughn asked the Applicant if she had read Staff recommended conditions of approval and if she was in agreement with those conditions. Ms. Quinby responded she was.

Staff Recommendation is for Approval with (17) conditions. No Objectors were present.

Alderman Natavias Ervins was present and stated he was in support of the Applicant's request.

A **MOTION** was made by Kim Johnsen to **APPROVE** the sale of beer and wine by the drink in conjunction with a restaurant and gaming facility in the name of Kelly Rena Quinby dba Spinning Slots in a C-3, General Commercial Zoning District at 1625 & 1635 Sandy Hollow Road. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 5-0.

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 site plan indicating the current conditions of subject property including parking spaces and dumpster enclosure for Staff review and approval.

4. Submittal of a landscape plan to include restoration of perimeter landscaping along Sandy Hollow Road and plant species for Staff review and approval.
5. The sale of liquor by the drink shall be limited to the submitted plan Exhibit E.
6. The hours of operation shall be 7:00 A.M. to 2:00 A.M. Monday through Saturday.
7. The hours of operation shall be 9:00 A.M. to 12:00 Midnight 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 restaurant and video gaming facility shall not have a cover charge.
11. The restaurant and video gaming facility shall not have a dance floor.
12. The restaurant and video gaming facility shall not have any DJs.
13. The restaurant and video gaming facility shall not have live entertainment. The restaurant and video gaming facility shall not operate as a night club.
14. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
15. All outstanding general ordinance fines must be paid prior to the issuance of the license.
16. All conditions must be met prior to establishment of use.

With no further business to come before the Board, the meeting was adjourned at 7:08 PM

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