



**LIQUOR & TOBACCO ADVISORY BOARD**  
**Tuesday, March 21, 2017**  
**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:** Dan Roszkowski  
Craig Sockwell  
Melissa Beckford  
Tom Fabiano  
Alicia Neubauer
- Absent:** Kimberly Johnsen  
Scott Sanders
- Staff:** Scott Capovilla – Zoning and Land Use Administrator  
Matthew Flores - Assistant City Attorney  
Lafakeria Vaughn - Assistant City Attorney  
Angela Hammer - City Attorney  
Marcy Leach - Engineering Manager, Public Works  
Sandra Hawthorne - Administrative Assistant  
Tim Morris - Fire Department
- Others:** Alderman Frank Beach  
Kathy Berg - Court 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 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 Monday, March 27, 2017, 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. This information was also presented in written form attached to the agendas.

The meeting was called to order at 6:00 PM. A **MOTION** was made by Melissa Beckford to **APPROVE** the minutes from the February 22, 2017 meeting as written. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 3-0 with Alicia Neubauer and Tom Fabiano abstaining and Kim Johnsen and Scott Sanders absent.

**016-LTAB-019**

Applicant  
Ward 10

**4846 East State Street**

Sandra L. Staskal/ SLS Food Inc. d/b/a Charlie's Pub & Eatery

**Sale of liquor by the drink** in conjunction with a restaurant and video gaming

**Sale of Liquor by the drink** in conjunction with an outdoor seating area/beer garden in a C-3, General Commercial Zoning District

**Laid Over from January & February meetings**

The subject property is the former Fatty McGee's located on the north side of East State Street and the parking lot is east of Flintridge. This item was laid over from January and February to allow the Applicant time to submit further information required by Staff. Prior to this meeting, the Applicant's attorney requested that this item be Laid Over to the April 18, 2017 Liquor & Tobacco Advisory Board meeting.

The Board and Staff agreed that this item would be Laid Over to the April meeting, but that no further Lay Overs will be granted.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the Sale of liquor by the drink in conjunction with a restaurant and video gaming and to **LAY OVER** the sale of liquor by the drink in conjunction with an outdoor seating area/beer garden in the name of Sandra L. Staskal / SLS Food Inc. d/b/a Charlie's Pub & Eatery in a C-3, General Commercial Zoning District at 4846 East State Street to the April 18<sup>th</sup> meeting and that no further Lay Overs will be granted. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0.

**017-LTAB-003**

Applicant  
Ward 03

**203 and 205 West State Street**

Andrew Roiniotis d/b/a District Bar & Grill

**Modification of an existing liquor license** to allow packaged liquor sales in a C-4, Urban Mixed-Use Zoning District  
**Laid Over from February meeting**

The subject property is located 50 feet west of the Wyman Street and West State Street intersection and is currently District Bar & Grill with liquor sales by the drink. Andy Roiniotis, Applicant, and Attorney Jennifer Cacciapaglia were present. Attorney Cacciapaglia reviewed the request for an amendment to the current liquor license to add the sale of packaged liquor. This business has been a restaurant, bar, and night club under his ownership since 2012. Target customers for the sale of package liquor are the Burnham Lofts across the street and downtown area tenants. Attorney Cacciapaglia further explained that it is not the Applicant's intent to sell 40 ounce bottles or airplane sized bottles, and is only interested in serving his customers and downtown area residents and tenants. She discussed the number of police calls reported, which was 155. Her research showed that this number was reduced to 20 police calls for service at Mr. Roiniotis' address. They ranged from check for well-being, several stolen items among patrons, and physical altercations outside not related to his business. She further stated that the Applicant has never been cited for any problems at his business. Attorney Cacciapaglia stated this business is an extremely intense use and there have been no reports on police calls on these properties. He is not asking for an unfettered liquor license, and he is open to reducing the hours of sales of packaged liquor.

Craig Sockwell asked if there were a cover charge, would he have to pay one to come in to purchase packaged liquor. Mr. Roiniotis responded that the customer would tell the security officer at the door that they only wished to purchase packaged liquor and the sales could take place with the understanding that the customer would leave upon purchase. Attorney Cacciapaglia stated her client is willing to limit package liquor sales to beer and wine sales only if that is what the Board decides.

Attorney Vaughn stated the Legal Department did note that most of the calls were not for the District Bar & Grill. She asked how the applicant would handle littering and also loitering around the area with the addition of liquor sales. Attorney Cacciapaglia stated most of those type of clientele looking to purchase liquor and hang around outside are looking for 40 ounce bottles and he will not be selling those. Mr. Roiniotis stated they presently have some people loitering around their outside café and they handle that as the situation arises. Attorney Vaughn stated the City had a concern regarding people going in and out and issues that may arise. She wished to be certain that security would be provided. Attorney Cacciapaglia stated her client would be open to adding more security as needed. Mr. Sockwell asked about purchasing liquor just before closing time and the response was that the applicant is open to limited packaged liquor hours if the Board feels that is necessary.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present. Three letters of support were received.

Kyle Bevers, Marge Bevers and Don Bissell a/k/a B & B Properties stated in their letter: "We have lived next door to the District Bar & Grill since they opened and have found both the owners and the General Manager, Dustin DiBenedetto, to be responsible in the operation of their restaurant and bar. They are good neighbors, concerned about any negative impacts on the neighborhood and community and are involved in continuing to support growth and expansion of all businesses and residential spaces in the downtown area." The letter further indicated with the increasing development in downtown and the periphery of downtown, there is no place in the immediate area to purchase package liquor sales.

Leah Tuneberg, Executive Director, on behalf of the Board of Directors for the River District Association submitted a letter in support of this application. The letter stated "We appreciate (your) interest in expanding business to offer this service, to downtown residents, in particular the new residents living in the Urban Equity building across the street".

Ms. Neubauer agreed that the downtown area needs a liquor store, but is not certain that selling packaged liquor in a night club is the solution. She stated the business owner is trying to respond to a need, but does not feel this is the right response.

Dan Roszkowski asked if Kryptonite served packaged liquor. Mr. Capovilla explained Kryptonite started out as a bar, obtained approval to sell packaged beer. They ended up selling various types of beer that were not offered elsewhere and were successful.

The Board was concerned with people walking out of the bar at closing time with packaged liquor and hanging around the parking lot. Mr. Sockwell stated younger clients may realize they could pay a lot less for packaged liquor than the price of the bar costs, and therefore purchase package liquor, take it outside to drink, and then go back in.

Scott Capovilla presented some suggestions for conditions regarding hours of sales, no advertising on windows, beer and wine only, subject to liquor codes and others. Having security inspect the outside area every half hour to be certain no one is hanging around the parking lot drinking was a proposed condition as well.

A **MOTION** was made by Alicia Neubauer to **DENY** the Modification of an existing liquor license to allow packaged liquor sales in the name of Andrew Roiniotis d/b/a District Bar & Grill in a C-4, Urban Mixed-Use Zoning District at 203 and 205 West State Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 3-2 with Dan Roszkowski and Tom Fabiano voting Nay.

**017-LTAB-005**

Applicant  
Ward 01

**1620 N. Bell School Road**

Rose Mary Provenzano / Cucina di Rosa LLC d/b/a Cucina di Rosa  
**Sale of beer and wine by the drink** in conjunction with an Italian Caffe and video gaming in a C-1, Limited Office Zoning District

The subject property is one of eight tenant spaces located in the shopping center on the west side of North Bell School Road, known as Cucina di Rosa. Rose Mary Provenzano, Applicant, and Attorney Robert Calgaro were present. Attorney Calgaro stated his client has been operating this business for the last six months. He discussed conditions 7 & 8 regarding no outdoor signage of video games be allowed, and the requirement to put up a fence, and expressed no objections. He stated his client is losing money each month due to not having the sale of beer and wine. He feels her business is destined to close within a few months if she is not allowed to sell beer and wine along with her Italian menu. He further stated this location has had liquor sales in the past under different ownership and submitted copies of a petition stating there were approximately 1400 signatures in support of Ms. Provenzano's request for beer and wine sales.

Attorney Vaughn asked if 30% of income from video games was accurate as presented. Attorney Calgaro stated this figure is quite high and is a result of Ms. Provenzano's lack of experience with gaming. He indicated he would be amazed if the client received \$5,000 a month and this figure should be more like \$3,000 a month.

Craig Sockwell asked what the difference was in this application since the original one a year ago. Scott Capovilla representing Staff, stated he needed to recuse himself from this application and deferred to Attorney Vaughn. Attorney Calgaro stated other locations, including one on North Perryville across from Woodman's have been allowed a similar request. Attorney Vaughn clarified that the hours of operation have been reduced on this application, and the liquor request is now only for beer and wine.

Staff Recommendation is for Approval subject to (8) conditions. Objectors were present.

12 letters of Objection were received which were included in the Zoning Report, including a letter from the Red Oak Estates Homeowners Association signed by Board Members, as well as 1 additional letter of Objection that was provided to the Board via e-mail prior to the meeting and 2 letters of support were received, also provided to the Board via e-mail prior to the meeting.

Letters of Objection expressed similar concerns with the type of use being in close proximity to the neighborhood, hours of operation, noise from the parking lot and associated late night activity, a decrease in property values that may occur in the neighborhood and the undesirable affect this type of establishment and associated late night activity would have on their families.

Some of those who wrote letters of Objection were present and presented their Objections.

Robert Buelte, President of the Red Oak Estates Homeowners Association stated this property is just 100 feet from the nearest home under construction and 186 feet from the nearest occupied home. Mr. Buelte read his letter of objection. He felt the current C-1 zoning provided a suitable buffer between the residential and commercial areas. Mr. Buelte stated when Vito's restaurant opened it received a liquor license and the establishment increased a negative impact on the neighborhood from light and noise. He was concerned with parents having to endure the adult-oriented activity and traffic and parking noise created should this application be approved. He referenced the applicant was requesting hours of operation anywhere from Midnight to 2:00 AM.

Charles Romenesko was present as an Objector and reviewed his letter of Objection that was included in the packet. He also presented a copy of the Staff Report highlighted with his notes. Mr. Romenesko pointed out several of what he felt were discrepancies in the Staff Report. He stated the address was incorrect, and should also include 1626 N. Bell School Road, which he feels is going to be the gaming area. He disagreed with the adjacent zoning and Land Use information. He stated the year 2010 Plan previously presented as RM has now been updated to Commercial for the new 2020 plan and stated the neighboring property owners were not made aware of the change when the Plan was updated. He felt the City did not notify the surrounding property owners of the liquor license for Vito's in 2005. Mr. Romenesko stated he is not in agreement with the late hours of operation the Applicant is asking for. He stated there were many inconsistencies in Staff's report, and that the report done the previous year for the original submittal of this application also contained errors. Mr. Romenesko stated he has seen two zoning reports that were "erroneous and inconsistency" from Staff in one year. He also expressed concern about the unfinished berm that was a condition of approval under a previous applicant.

Holly Romenesko was present as an Objector and also submitted a letter of Objection. She is the Secretary/Treasurer of the Red Oak Estates Homeowners Association. Ms. Romenesko stated her home is 186 feet from the applicant's site. She stated when she was looking for a home, she and her husband looked at the subject property zoned as C-1 and felt comfortable purchasing their home next to a C-1 District. When Vito's opened their restaurant until later hours, she felt City Staff should have notified all of the neighbors with 500 feet, not only the adjacent property owners which is required. She feels it is unfair to change the rules of the game right now. She did state the current hours of the Applicant's business are acceptable. She does not feel midnight hours of operation are acceptable. Mr. Sockwell asked if it was the liquor or gaming that was her concern. Ms. Romenesko stated anything that operates after 9:00 PM is not acceptable. She stated anything after 9:00 PM is late and has had a negative impact on the neighborhood. Mr. Sockwell then asked if the hours closing at 9:00 PM was in effect if she would accept the application. She said if the hours were guaranteed to never change and if the berm were completed she would, but could not speak for the rest of the neighborhood.

Attorney Robert Lukaszyc stated he represented residents of the Red Oaks Subdivision. He stated some of these homes are in the back yard of this location. He stated it is not fair to put the residents through this liquor license again. He did not agree that the applicant could make a couple of changes and come back before the Board and that the residents relied on the C-1 light office use. He stated this property is being turned into C-2 zoning. He stated the Applicant's business is not appropriately zoned for this use. He asked the Board to stay true to the C-1 buffer.

Two letters of support were received from Kurt Harris, President of Stonehaven Condominium Association, and from Eric Willard, also a Board Member and neighbor. Mr. Harris' letter stated the Stonehaven Condominium Association consists of 26 living units directly across the street from the restaurant. He wrote "I have heard nothing but overwhelming approval for Cucina de Rosa getting a license." "The restaurant that was in this location until recently, Vito's, had a liquor license and was also a fine dining establishment, so a restaurant in this location serving wine and beer does not represent any kind of a change to the neighborhood. In addition, there is a restaurant directly across the street, Garrett's that not only has a full liquor license, but has a full service bar as well and has been in their location for many years". His letter ended by stating "I and many of my neighbors feel that it would be extremely unfair to deny a license to Cucina de Rosa restaurant given the owner's previous exemplary track record and experience in the restaurant business, and the large investment that she has currently made in our Rockford community".

Eric Willard's letter of support stated he concurred with the letter from the Stonehaven Condominium Association's Board, and stated he "strongly support Ms. Provenzano's application for a liquor license".

In rebuttal, Attorney Calgaro stated the issue at this meeting is whether this business at this location is appropriate. He emphasized the building and zoning were there before all the houses were. It was built on an arterial street and it is not surprising that this location has commercial uses. He stated the lawsuit from a previous application that Objectors referenced was actually dismissed by the Applicant. Attorney Calgaro stated the business before the Board tonight is not Bacci's or Vito's but rather for the business the Applicant is proposing at this location.

A **MOTION** was made by Alicia Neubauer to **DENY** the sale of beer and wine by the drink in conjunction with an Italian Caffe and video gaming in the name of Rose Mary Provenzano / Cucina di Rosa LLC d/b/a Cucina di Rosa in a C-1, Limited Office Zoning District at 1620 N. Bell School Road. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**017-LTAB-006**

Applicant  
Ward 12

**700 West Riverside Boulevard**

Neil D. Freeman / Rock River Bridge Hotel, LLC d/b/a Cliffbreakers Riverside  
Hotel & Conference Center

**Sale of liquor by the drink** in conjunction with a restaurant, hotel, catering and  
bar

**Sale of liquor by the drink** in conjunction with an outdoor seating area in a C-2,  
Limited Commercial Zoning District

The subject property is located on the south side of West Riverside Boulevard and is the Cliffbreakers Restaurant. Ownership entities have changed, and as such the liquor license request must be reviewed and approved. Andrea Riegsecker, Ownership Representative and Didier Quintana, General Manager, were present. Mr. Quintana reviewed the service calls, stating he sees a proactive training of their Staff based on the decline of calls. Their staff have become more aware in observing people acting strangely, or a vehicle driving around the parking lot, etc. He further stated all of these calls are coming from the hotel side of the conference center and none are a result of liquor sales area.

Attorney Vaughn asked if they have reviewed and agreed to Staff's (6) conditions. Ms. Riegsecker stated they have and accept the conditions of approval.

Staff Recommendation is for Approval of both requests with (6) 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 restaurant, hotel, catering and bar; and to **APPROVE** the sale of liquor by the drink in conjunction with an outdoor seating area in the name of Neil D. Freeman / Rock River Bridge Hotel, LLC d/b/a Cliffbreakers Riverside Hotel & Conference Center in a C-2, Limited Commercial Zoning District at 700 West Riverside. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must meet all applicable liquor codes.
2. Must meet all applicable building and fire codes.
3. The proposed use shall not operate as a night club.
4. The proposed use shall not have a cover charge.
5. The sale of alcohol shall be limited to the submitted plans.
6. The hours of operation shall be in accordance with the liquor code.

**017-LTAB-007**

Applicant  
Ward 01

**6876 Spring Creek Road, #136**

Jose A. Chavez Vasquez d/b/a Mexico Clasico Grill

**Sale of liquor by the drink** in conjunction with a restaurant

**Sale of liquor by the drink** in conjunction with an outdoor seating area in a C-3, General Commercial Zoning District

The subject property is located two lots west of the northwest corner of the intersection of Spring Creek Road and Perryville Road within a small strip center. Jose A. Chavez Vasquez, Applicant, was present and reviewed his application. He currently has a location on Broadway and the property owner wants to increase their rent by 50%. At this time he is not certain if he can continue on Broadway and wants to open a second location. Attorney Vaughn asked if he has reviewed Staff's (9) conditions of approval. Mr. Vasquez stated he has, and he is agreeable to compliance.

Staff Recommendation is for Approval with (9) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the sale of liquor by the drink in conjunction with a restaurant and to **APPROVE** the sale of liquor by the drink in conjunction with an outdoor seating area in the name of Jose A. Chavez Vasquez d/b/a Mexico Clasico Grill in a C-3 General Commercial Zoning District at 6876 Spring Creek Road #136. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meeting all applicable building, fire and liquor codes.
2. The hours of operation are limited to 11:00 AM to 10:30 PM Monday through Sunday.
3. The sale of liquor by the drink is in conjunction with a restaurant.
4. The sale of alcohol shall be limited to the tenant space and outdoor patio as shown on Exhibit F.
5. The use shall not have a cover charge.
6. The use shall not have a dance floor.
7. The use shall not have any DJs
8. The use shall not have any live entertainment with the exception of periodic music performance not to exceed five (5) musicians.
9. The use shall not operate as a nightclub.

With no further business to come before the Board, the meeting was adjourned at 7:45 PM

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