



LIQUOR & TOBACCO ADVISORY BOARD
Tuesday, June 20, 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: Melissa Beckford
Tom Fabiano
Kim Johnsen
Alicia Neubauer
Dan Roszkowski
Craig Sockwell

Absent: Scott Sanders

Staff: Scott Capovilla - Zoning and Land Use Administrator
Jeremy Carter, Traffic Engineer, Public Works
Matthew Flores - Assistant City Attorney
Sandra Hawthorne - Administrative Assistant
Tim Morris - Fire Department
Lafakeria Vaughn - City Attorney

Others: Alderman Bill Rose
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 Monday, June 26, 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 5:42 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes from the May 16, 2017 meeting as written. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 5-0 with Scott Sanders absent and Kim Johnsen abstaining.

017-LTAB-009

Applicant
Ward 06

3909 11th Street

Luigi Bozzo / LB Capital Management d/b/a The Silver Clipper
Sale of liquor by the drink in conjunction with a hotel, bar, lounge and video gaming in a C-3, General Commercial Zoning District
Laid Over from April and May meetings

Mr. Capovilla explained that this application has been deemed to be invalid. This is a hotel with gaming. Discussion has been held with their attorney for a new application. The Item has been **DISMISSED** per Staff, with no vote required by the Liquor & Tobacco Advisory Board.

017-LTAB-015

Applicant
Ward 13

922 Kilburn Avenue

A. T. Elwan / Almart Inc. d/b/a Almart
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 School Street and Kilburn Avenue intersection and is currently a grocery store. A. T. Elwan, Applicant, reviewed his request for the sale of tobacco products. Mr. Elwan stated the grocery store has been at this location and operating for about 25 or 30 years.

Attorney Vaughn asked Mr. Elwan if he was agreeable to the (16) conditions requested by Staff and he stated he was.

Staff Recommendation is for Approval with (16) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Melissa Beckford to **APPROVE** the sale of tobacco products in conjunction with a grocery store in the name of A. T. Elwan / Almart Inc. d/b/a Almart in a C-3, General Commercial Zoning District at 922 Kilburn Avenue. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. The sale of tobacco products shall be limited to the interior floor plan that was submitted Exhibit D.
4. Submittal of a detailed site plan to include improvements to the parking lot and striping of parking spaces.
5. Submittal of a landscape plan to include perimeter landscaping along Kilburn Avenue and School Street and plant species for Staff review and approval.
6. Submittal of a Permanent Sign application and rendering of new landmark-style free-standing sign.
7. Submittal of a dumpster detail, rendering, and dumpster enclosure permit for Staff's review and approval.
8. The hours of operation and days will be 9:00 AM to 10:00 PM Monday through Thursday.
9. The hours of operation and days will be 9:00 AM to 11:00 PM Friday and Saturday.
10. The hours of operation and days will be 11:00 AM to 9:00 PM Sunday.
11. 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.
12. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
13. Window display signage is limited to 20% of window area.
14. That there shall not be temporary exterior signage.
15. That the windows shall not be covered with bars or other devices that block the windows.
16. All conditions must be met prior to establishment of use.

017-LTAB-016

Applicant
Ward 14

2420 and 2428 South Alpine Road

Samir R. Rathod / Jay Khodal MA Inc. d/b/a Pridom Liquor

Sale of Tobacco Products in conjunction with a liquor store in a C-3, General Commercial Zoning District

The subject property is located within the Alpine Village Shopping Center on the northeast corner of South Alpine Road and Harrison Avenue and is Pridom Liquor store.

Samir Rathod, Applicant, reviewed his request for tobacco sales. He explained they already have a State tobacco license but not one from the City of Rockford. He stated has been selling tobacco for 13 years and has never had any problems. During his presentation, Mr. Rathod said he does not agree to abide with a portion of condition (6) which stated he would not be able to sell airplane sized bottles of liquor.

Staff Recommendation is for Approval subject to 11 conditions. No Objectors or Interested Parties were present.

Attorney Vaughn asked the Applicant if he was agreeable to all other Staff conditions as written with the exception of condition (6). Mr. Rathod stated he was.

The Board questioned whether they could modify condition (6) to remove the limitation of the sale of airplane sized bottles. Mr. Capovilla explained we are working towards the elimination of the drug problem in the City of Rockford. Many drug users are purchasing these airplane sized bottles because they can be made into a drug vessels. He gave an example of one case where there was a vacant lot next to an establishment that sold airplane sized bottles. Two large garbage bags were filled with

airplane sized bottles that were discarded all over the lot - a count of over 200 bottles - many of which were altered for drug use.

A **MOTION** was made by Kim Johnsen to **APPROVE** the sale of tobacco products in conjunction with a liquor store in the name of Samir R. Rathod / Jay Khodal MA Inc. d/b/a Pridom Liquor in a C-3, General Commercial Zoning District at 2428 South Alpine Road, with an amendment to condition (6) to remove the wording "airplane-sized bottles". The Motion was **SECONDED** by Tom Fabiano 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 submitted plan Exhibit E.
4. The hours and days of operation will be from 9:00 AM to 10:00 PM, Sunday through Thursday.
5. The hours and days of operation will be from 9:00 AM to Midnight Friday through Saturday.
6. The sale of rose tubes and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
7. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
8. Window display signage is limited to 20% of window area.
9. That there shall not be temporary exterior signage.
10. That the windows shall not be covered with bars or other devices that block the windows.
11. All conditions must be met prior to establishment of use.

017-LTAB-017

Applicant
Ward 10

3512 E. State Street & 3502 E. State Street

Norberto Romero dba Rockford Fresh Market Inc.

Sale of Packaged Beer and Wine in conjunction with a grocery store in a C-3, General Commercial Zoning District

The subject property is located on the north side of East State Street and east of Fairview, located within the Fairview Shopping Center and is currently a grocery store. Gil Leija, representing the Applicant and Norberto Romero were present. Mr. Leija explained the application. Mr. Romero is the President of Rockford Fresh Market Inc and has been a 33% shareholder since 2011 and this year he bought out the remaining shares and is now 100% shareholder. As such, he is required to apply for a liquor license in his name.

Attorney Vaughn asked if the Applicant had reviewed the conditions stated in the Staff Recommendation provided to the Applicant - Mr. Leija stated he was.

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

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of packaged beer and wine in conjunction with a grocery store in the name of Norberto Romero d/b/a Rockford Fresh Market Inc. in a C-3, General Commercial Zoning District at 3512 East State Street. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Compliance with all Liquor Codes.
2. The sale of package beer and wine to be limited to the space indicated on Exhibit D.
3. The hours of operation are limited to 8:00 AM to 8:00 PM Monday through Friday and 8:00 AM to 7:00 PM Saturday through Sunday.
4. There shall be no single serving sales of beer or wine in volumes of 12 ounces or less.

5. 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.
6. Window display signage is limited to 20% of window area.
7. That the windows shall not be covered with bars or other devices that block the windows.

017-LTAB-018

Applicant
Ward 01

7151 Walton Street

Sam's West, Inc. dba Sam's

Sale of Tobacco Products in conjunction with a retail establishment in a C-2, Limited Commercial Zoning District

Neither Applicant nor Representative was present.

The Board discussed the options of Dismissing this item or allowing a Lay Over to the July meeting. The decision was to allow a Lay Over for one month only.

A **MOTION** was made by Melissa Beckford to **LAY OVER** the sale of tobacco products in conjunction with a retail establishment in the name of Sam's West, Inc. d/b/a Sam's in a C-2, Limited Commercial Zoning District at 7151 Walton Street for one month only to the July 18th meeting. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 6-0.

017-LTAB-019

Applicant
Ward 01

1900 Reid Farm Road

Rockford Park District dba Aldeen Golf Club / Greystone Grill

Sale of Packaged Liquor in conjunction with a recreational facility clubhouse in a RE, Rural Estate Zoning District

The subject property is located on the southwest corner of Reid Farm Road and Spring Creek Road and is the Aldeen Golf Club. Attorney James Rodriguez was present, representing the Rockford Park District. The existing use is a club house with a restaurant holding a license for the sale of liquor by the drink. The restaurant would like to offer customers the opportunity to purchase beer or wine they may serve at their establishment that is not readily available in liquor stores, as well as other brands.

Attorney Vaughn asked if the Applicant had reviewed Staff recommendations, specifically condition number (5) for no alcohol sales after midnight. Attorney Rodriguez stated his client is willing to abide by all conditions, including condition (5).

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

Ms. Neubauer stated she is not comfortable with packaged liquor being sold at a club house and does not feel that it is compatible with the use. She feels to be consistent with past practices for downtown businesses she does not feel the Board should approve. Kim Johnsen felt it would be advantageous to be able to purchase a bottle of wine that was enjoyed during a meal. The question was raised about purchasing an open bottle of wine that a customer had with a mean and being able to carry it in a vehicle legally. Mr. Capovilla stated there is a new law that allows a customer to take the remaining portion of a bottle of wine that was purchased for dinner and not finished. He stated the restaurant can "re-cork" the bottle and seal it in a bag so that it can be transported in a vehicle.

A **MOTION** was made by Kim Johnsen to **APPROVE** the sale of packaged liquor in conjunction with a recreational facility clubhouse in the name of Rockford Park District dba Aldeen Golf Club / Greystone Grill in a RE, Rural Estate Zoning District at 1900 Reid Farm Road. T.

he Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-1 with Alicia Neubauer voting Nay.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes.
3. Compliance with Ordinance #2001-152-0 for Special Use Permit #046-01.
4. Submittal of a revised interior floor plan to include seating for the bar and dining areas.
5. No sale of consumption of alcohol after 12:00 midnight.
6. Window display signage is limited to 20% of window area.
7. The recreational facility clubhouse shall not have a cover charge.
8. The recreational facility clubhouse shall not have a dance floor.
9. The recreational facility clubhouse shall not have any DJs.
10. The recreational facility clubhouse shall not operate as a nightclub.
11. No packaged liquor sales after 10:00 PM.

017-LTAB-020

Applicant
Ward 14

4412 Manchester Drive

Konrad Kallenbach dba Press Box Sports Bar

Sale of Liquor by the Drink in conjunction with a bar and grill and video gaming with an outdoor beer garden in a C-3, General Commercial Zoning District

The subject property is located north of Manchester Drive and south of Harrison Avenue within the Southridge Plaza Shopping Center. Konrad Kallenbach, Applicant, reviewed his request for the sale of liquor by the drink. This property is currently Gene's Place and the owner is selling the establishment to Mr. Kallenbach.

Attorney Vaughn wished to confirm the wording of the application for video gaming. Mr. Kallenbach stated the application was worded correctly and he was agreeable to Staff' conditions. It was pointed out by Kim Petersen that in the recommendation the wording "video gaming" was missing. Mr. Capovilla apologized and stated this was an error by Staff and video gaming was part of the application.

Staff Recommendation is for Approval with (6) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Kim Johnsen to **APPROVE** the sale of liquor by the drink in conjunction with a bar and grill and video gaming with an outdoor beer garden in the name of Konrad Kallenbach d/b/a Press Box Sports Bar in a C-3, General Commercial Zoning District at 4412 Manchester Drive. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes
3. The hours are limited to Monday through Saturday 11:00 AM to 2:00 AM and Sunday 11:00 AM to Midnight, with food served daily 11:00 AM to 10:00 PM.
4. Window display signage shall be limited to 20% of the window surface area.
5. There shall not be a cover charge, dance floor, DJ's and/or live entertainment.
6. The sale of liquor by the drink in the outdoor seating area shall be limited to the area as shown on Exhibit D.

017-LTAB-021

Applicant
Ward 10

320 North Mulford Road

Saji Malithuruthel dba Rockford BP, Inc.

Sale of Tobacco Products in conjunction with a gas station and convenience , store

Sale of Package Liquor in conjunction with a gas station and convenience store in a C-3, General Commercial Zoning District

The subject property is located on the west side of North Mulford Road at the Executive Parkway intersection and currently is a gas station with convenience store. The Applicant, Saji Malithuruthel, was present and stated his application.

Attorney Vaughn asked Mr. Malithuruthel if he had an opportunity to review Staff's recommendation and was agreeable to abide by Staff's conditions as stated. The Applicant stated he has reviewed the recommendation and agrees to all conditions.

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

Alicia Neubauer asked why the liquor license for this property was revoked in 2012. Mr. Capovilla explained that the license was issued in 2010 to the owner at that time. In 2012 a new owner took over the business and sold alcohol without getting his own license. The State revoked that license, which in turn revoked the City's approval for a license.

Attorney Vaughn wished to amend condition (6) to state the hours of alcohol sales shall be limited to the hours allowed per the liquor code. The Applicant was in agreement to this modification.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the sale of tobacco products and to **APPROVE** the sale of package liquor in conjunction with a gas station and convenience store in the name of Saji Malithuruthel dba Rockford BP Inc. in a C-3, General Commercial Zoning District at 320 North Mulford Road with modification of condition (6). The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 6-0.

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.
6. Hours of alcohol sales 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 ounces 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. The dumpster enclosure must be installed under a permit, landscaping must be maintained and the damaged light pole along North Mulford Road must be removed or replaced.

017-LTAB-022

Applicant
Ward 13

307 S. Main Street

Stephanie Caltagerone / 3 Magpies Inc. dba Magpie

Sale of Beer and Wine by the Drink in conjunction with a restaurant and video gaming with an outdoor seating area in a C-4, Urban Mixed Use District

The subject property is located on the west side of South Main Street, approximately 65' south of Chestnut. Stephanie Caltagerone, Applicant, reviewed her request for sale of beer and wine by the drink. She stated she is not asking for video gaming at this time, but would like to pursue that sometime in the future. She explained that there are two sides of the building, and when she finishes construction on the second side she would like to put the gaming machines in that location. Ms. Caltagerone said she had no idea with the percentage of sales would be from gaming and liquor sales. Mr. Roszkowski explained to her that 50% revenue coming from food, alcohol sales and other merchandise is required. This means that 50% of her revenue has to come from something other than video games.

Ms. Caltagerone stated since she submitted her application she would like to request the hours of operation changed to allow her to operate until Midnight. It was explained to her that hours of operation could be set to those hours as allowed by the Liquor Code.

Attorney Vaughn asked if the Applicant will abide by conditions of Staff, with a modification to the sale of liquor hours as discussed. The Applicant stated she would.

Kim Johnsen pointed out that application stated "beer and wine by the drink", but Staff Recommendation stated "liquor by the drink". Mr. Capovilla stated the wording should be beer and wine as requested on the application.

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

A **MOTION** was made by Kim Johnsen to **APPROVE** the sale of beer and wine by the drink in conjunction with a restaurant and video gaming with an outdoor seating area in the name of Stephanie Caltagerone / 3 Magpies Inc. d/b/a Magpie in a C-4, Urban Mixed Use District at 307 South Main Street with a modification to condition (6) that hours of liquor sales shall be allowed to that of the liquor code. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must meet all applicable Building and Fire Codes.
2. Must be in compliance with all City of Rockford Liquor Codes
3. The sale of beer and wine by the drink must be in conjunction with a restaurant.
4. The sale of beer and wine by the drink shall be limited to the submitted plans.
5. Submittal of a final interior plan for Staff's review and approval.
6. Hours of operation shall be limited to the hours allowed per the liquor code.
7. Window display signage is limited to 20% of window area.
8. The proposed restaurant shall not be a cover charge.
9. The proposed restaurant shall not have a dance floor.
10. The proposed restaurant shall not have any DJs.
11. The proposed restaurant shall not operate as a night club.

017-LTAB-023

Applicant
Ward 12

3600 N. Main Street and 1060 W. Riverside

Eduardo Torres / Fiesta Tequila of Rockford Inc. dba Fiesta Tequila
Sale of Liquor by the Drink in conjunction with a restaurant in a C-2, Limited Commercial Zoning District

The subject property is located on the southeast corner of Riverside Boulevard and North Main Street and is the vacant former China Buffett. Eduardo Torres, Applicant, reviewed his request for liquor by the drink.

Attorney Vaughn asked Mr. Torres if he had read Staff's recommended conditions and if he agreed to abide by them. Mr. Torres agreed. She further asked the Applicant why he stated on the application that he would not hire private security if requested by the Liquor Commission. He stated they have never had any problems in the past so does not feel the need for security. He did, however, agree to hire private security if so directed.

Staff Recommendation is for Approval with (14) 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 in the name of Eduardo Torres / Fiesta Tequila of Rockford Inc. d/b/a Fiesta Tequila in a C-2, Limited Commercial Zoning District at 1060 West Riverside. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes.
3. Submittal of a revised interior floor plan that includes seating for Staff review and approval.
4. The sale of liquor by the drink shall be limited to the revised interior floor plan approved by Staff.
5. The hours of operation will be limited to 11:00 AM to 9:30 PM Monday through Thursday.
6. The hours of operation will be limited to 11:00 AM to 10:00 PM Friday through Sunday.
7. Window display signage is limited to 20% of window area.
8. That the windows shall not be covered with bars or other devices that block the windows.
9. The restaurant shall not have a cover charge.
10. The restaurant shall not have a dance floor.
11. The restaurant shall not have any DJHs.
12. The restaurant shall not have live entertainment.
13. The restaurant shall not operate as a nightclub.
14. All conditions must be met prior to establishment of use.

With no further business to come before the Board, the meeting was adjourned at 7:12 PM.

Respectfully Submitted,

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