



LIQUOR & TOBACCO ADVISORY BOARD
Tuesday, August 15, 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
Dan Roszkowski
Craig Sockwell

Absent: Alicia Neubauer

Staff: Scott Capovilla - Zoning and Land Use Administrator
Matthew Flores - Assistant City Attorney
Sandra Hawthorne - Administrative Assistant
Tim Morris - Fire Department
Lafakeria Vaughn - Assistant City Attorney

Others: 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, August 28, 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 6:28 PM. A **MOTION** was made by Craig Sockwell to **APPROVE** the minutes from the July 18, 2017 meeting as written. The Motion was **SECONDED** by Tom Freethy and **CARRIED** by a vote of 5-0 with Alicia Neubauer absent.

017-LTAB-025

Applicant
Ward 09

3121 North Rockton Avenue

Muhammad M. Khalid / Rockton Gas Inc. dba Marathon Gas Station
Sale of Tobacco products in conjunction with a gas station in a C-2 Limited Commercial Zoning District.

The subject property is located on the southeast corner of the North Rockton Avenue and Paradise Boulevard intersection and is currently a gas station and convenience store. Muhammad Khalid and Tahseen Samina were present. Mr. Khalid reviewed his request for the sale of tobacco. He described items that were available in his convenience store, adding he would like to provide the sale of tobacco for his customers. Mr. Khalid stated he will be submitting a revised interior site plan showing shelving that was left off the original plan submitted. He stated the tobacco is in a separate room that is locked at all times which is why he feels he does not need to hire security.

Attorney Vaughn asked if the Applicants had read and agreed with Staff conditions. Ms. Samina reviewed the individual conditions and stated they did agree.

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 gas station in the name of Muhammad M. Khalid / Rockton Gas Inc. dba Marathon Gas Station in a C-2, Limited Commercial Zoning District at 3121 North Rockton Avenue. 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 Liquor and Tobacco Codes.
3. The sale of tobacco shall be limited to the submitted plan Exhibit E.
4. Submittal of a revised landscape plan to include additional perimeter landscaping along North Rockton Avenue, concrete curbing around perimeter landscaping, vinyl privacy fencing 6 feet in height along the east property line, and plant species for Staff's review and approval.
5. Proposed landscaping in right-of-way along North Rockton Road and Midway Drive must be approved by Public Works.

6. Removal of the non-conforming free-standing "Wilson" sign.
7. Must obtain separate permits for signage and signage must comply with Sign Regulations.
8. Must develop site in accordance with revised site and landscaping plans approved by Staff.
9. Submittal of Fence Permit for vinyl privacy fence along the east property line.
10. The hours and days of operation will be from 6:00 AM to 11:00 PM, Monday through 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. There shall not be temporary exterior signage.
15. 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-026

Applicant
Ward 07

43XX, 43XX, 4307, 4311, 4315, 4317, 44XX and 4417 Auburn Street

Dustin Olson / Retail Logic, Inc. dba Petro Max

Sale of packaged liquor in conjunction with a gas station and convenience store

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

The subject properties are located on the northeast corner of the Auburn Street and North Johnston Avenue intersection. Dustin Olson, Applicant, was present and reviewed his request. He stated this business has been at this location for approximately 40 years and it is his intent to continue to maintain good business operations. Mr. Olson discussed the amount of police calls, stating most of them did not reflect calls from his property. Attorney Vaughn verified this was correct. Mr. Olson is leasing the property and he will also be the manager.

Regarding condition (15) stating that the Applicant must replace the existing freestanding sign by November 1, 2017, Mr. Olson asked if that could be extended further to allow him time to get bids from several contractors. The Board agreed to extend the time frame for signage. Mr. Capovilla suggested allowing the Applicant until April 1, 2018 to comply.

Staff Recommendation is for Approval with (18) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Kim Johnsen to **APPROVE** the sale of packaged liquor in conjunction with a gas station and convenience store and to **APPROVE** the sale of tobacco products in conjunction with a gas station and convenience store in the name of Dustin Olson / Retail Logic, Inc. dba Petro Max in a C-3, General Commercial Zoning District at 43XX, 43XX 4307, 4311, 4315, 4317, 44XX and 4417 Auburn Street with a modification to Condition (15) to reflect the compliance date of April 1, 2018. 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 Liquor and Tobacco Codes.
3. Submittal of a detail site plan and landscaping plan for Staff's review and approval.
4. Submittal of a fence permit for Staff's review and approval.
5. Submittal of a dumpster detail, rendering, and dumpster enclosure permit for Staff's review and approval.

6. The sale of packaged liquor and the sale of tobacco products shall be limited to the submitted plan Exhibit E.
7. The sale of packaged liquor will be from 6:00 AM to 2:00 AM Monday through Saturday.
8. The sale of packaged liquor will be from 9:00 AM to Midnight on Sunday.
9. 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.
10. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
11. Window display signage is limited to 20% of window area.
12. There shall not be temporary exterior signage.
13. The windows shall not be covered with bars or other devices that block the windows.
14. Window display signage is limited to 20% of window area.
15. That the freestanding sign shall be a landmark-style sign in accordance with the Sign Ordinance, replacing the existing freestanding sign by April 1, 2018.
16. Must obtain sign permit for new landmark-style free-standing sign.
17. Submit a property combination form for Staff's approval to combine the seven (7) parcels into one (1) parcel.
18. All conditions must be met prior to establishment of use.

017-LTAB-027

Applicant
Ward 08

4225 Charles Street & 3840 Charles Street

Juan Gabriel Diaz Peralta / Taveras Gomez Group Inc. dba La Esquinta Gold
Sale of liquor by the drink in conjunction with a restaurant and video gaming facility in a C-2, Limited Commercial Zoning District

The subject property is an existing grocery store and restaurant located within the East Gate Shopping Center. Attorney Roger Kellerman, Francisco Alberto Diaz, and Juan Gabriel Diaz Peralta were present. Attorney Kellerman reviewed the requests. The grocery store is approximately 3 times the size of the restaurant. The restaurant has been in operation since 2009, and the grocery store since 2015. The restaurant offers breakfast, lunch and dinner. There is no door between the restaurant and grocery store so when one is open the other is also.

Attorney Vaughn asked if the Applicants have read and agreed to abide by Staff's (7) conditions. Attorney Kellerman stated they have, and they are agreeable to all conditions.

Kim Johnsen asked for clarification on Staff recommendation for approval of beer and wine only. Mr. Capovilla stated the request should have been written as the sale of beer and wine by the drink in conjunction with a restaurant. There was no application for packaged liquor sales.

Staff Recommendation is for Approval of the sale of beer and wine by the drink, with (7) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of beer and wine by the drink in conjunction with a restaurant and video gaming facility in the name of Juan Gabriel Diaz Peralta / Taveras Gomez Group, Inc. dba La Esquinta Gold in a C-2, Limited Commercial Zoning District at 4225 Charles Street and 3840 Charles Street with Amendments to conditions (4) and (6) to reflect the sale of beer and wine only. 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 liquor codes.
2. Meeting all applicable Building and Fire Codes.

3. Hours of operation are limited to Sunday through Saturday 9:00 AM to 9:00 PM for the restaurant, and Sunday through Saturday 8:00 AM to 9:00 PM for the grocery store.
4. That the sale of beer and wine by the drink to be in conjunction with a restaurant.
5. Inside window signage shall not exceed 20% of the window surface area.
6. The sale of beer and wine by the drink shall be limited to the tenant space shown as Exhibit E as the interior floor plan.
7. There shall not be a cover charge, dance floor, DJ's and/or live entertainment.

With no further business to come before the Board, the meeting was adjourned at 6:55 PM

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