



**LIQUOR & TOBACCO ADVISORY BOARD**  
**Tuesday, November 21, 2017**  
**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  
Matthew Flores, City Attorney  
Sandra Hawthorne - Administrative Assistant  
Lafakeria Vaughn - Assistant City Attorney

**Others:**

Alderman Tuffy Quinonez  
Alderman Natavias Ervins  
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, December 11, 2017, at 6:30 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 6:40 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes from the October, 2017 meeting. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 5-0 with Alicia Neubauer and Maurice Redd absent.

**017-LTAB-035**

Applicant  
Ward 07

**3814 and 3816 Auburn Street**

Anila Ahmad dba The Cigarettes and More Store

**Sale of tobacco products** in conjunction with a tobacco store in a C-2, Limited Commercial Zoning District

**Laid Over from October**

The subject property is located on the southwest corner of the Auburn Street and North Central Avenue intersection and is an existing grocery store. At the October meeting, William Pritz, Property Owner / Landlord, and the Applicant's husband, Minhaj Ahmed, requested an extended time frame to allow the Applicant to become established prior to meeting landscaping, paving and signage requirements. Mr. Capovilla stated Staff was willing to work with the Applicant and Land Owner and they were told they will need to prepare a time frame to discuss with Staff. Mr. Capovilla also encouraged them to come up with a landscaping and parking site plan for Staff to review prior to the November meeting.

As of the date of this meeting, no information was provided, although Staff did provide the Applicant with a list of landscape Architects and site designs.. Mr. Pritz stated he has contacted Rob Belles, Architect, and they are in the process of preparing information as requested by Staff. He further stated that he feels 20% of this strip mall is landscaped. Because this application is for the tobacco store only, which he said is only 29 feet wide, Mr. Pritz also questioned why the entire strip is affected in terms of landscaping and improvements. In addition, he explained there are 6 units on the property and only 4 are rented so the property does not generate a significant income.

Legal had no questions of the Applicant. At this time, Tom Fabiano recused himself from participating in discussion and vote on this Application. The Board felt they would be willing to Lay Over this item to the December meeting to allow Mr. Pritz and Mr. Ahmed to present information from the Architect and to meet with Staff to discuss a time frame of compliance. Mr. Capovilla stated Staff would be agreeable to the Board's decision.

Staff Recommendation remains at Denial. No Objectors or Interested Parties were present.

A **MOTION** was made by Jennifer Smith to **LAYOVER** the Sale of tobacco products in conjunction with a tobacco store in the name of Anila Ahmad dba The Cigarettes and More Store in a C-2, Limited

Commercial Zoning District at 3814 and 3816 Auburn Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Tom abstaining.

**017-LTAB-040**

Applicant  
Ward 06

**3305 11<sup>th</sup> Street**

Nilufar Kabir / TKK Corp. dba Liquor Land

**Sale of tobacco products** in conjunction with a liquor store in an R-1, Single-family Zoning District  
**Laid Over from October**

This item was Laid Over from the October meeting as neither Applicant nor Representative was present. The subject property is located on the west side of 11<sup>th</sup> Street, 60 feet south of the 11<sup>th</sup> Street and Roosevelt Road intersection. Mahabubul Kabir, husband of the Applicant, reviewed their request for tobacco sales. He explained tobacco is about 5% of their total sales. He also asked for a time extension to complete Staff's recommendations for conditions of approval. Mr. Kabir stated the landscaping conditions by Staff involving the Lapey side of the property and the rear parking lot are not part of his tenant space and he is asking the Board to consider this fact. He further stated the Landlord does not want the Applicant to make any changes to the property.

At this point, Attorney Vaughn asked Mr. Kabir for an explanation on his first request asking for time to complete the updates to the property and signage, but then telling the Board the Landlord will not let him make any changes. She wished clarification on whether all Staff conditions would be met. Mr. Kabir stated his landscaping plan shows his agreement to plant some trees in front of his business, which is the only area he feels he has control over. Mr. Capovilla explained when an Applicant comes before the Board, Staff then requests that the property be brought into compliance in areas where it may not be. Mr. Capovilla further stated that this same Landlord had an item before the Board about two years ago and he did not complete any of the conditions required. The Landlord also paved the parking lot without a permit and Staff is still pursuing these violations.

Mr. Kabir stated the entrance off 11<sup>th</sup> Street is very busy and he feels adding landscaping to that area would increase the risk of accidents. He did offer to put in a landscaped island. He also stated he would like a time allowance to comply with conditions until the 11<sup>th</sup> Street construction is complete. Mr. Capovilla stated the road construction is mainly on Harrison Avenue. This area of 11<sup>th</sup> Street is no longer affected by construction.

Kim Johnsen asked about laying this item over for a month to allow the Applicant time to discuss complying with the requested conditions with the Landlord. Dan Roszkowski stated that previous experiences with this Landlord has shown he has no willingness to comply with the past conditions that were placed on the property and he does not feel he will do anything different this time. Mr. Kabir stated he does not feel that he can change the Landlord's mind even in a month. He stated he has been in operation at this location since 1986.

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

A **MOTION** was made by Kim Johnsen to **LAY OVER** the Sale of tobacco products in conjunction with a liquor store in the name of Nilufar Kabir / TKK Corporation dba Liquor Land in an R-1, Single-family Zoning District at 3305 11<sup>th</sup> Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

**017-LTAB-042**Applicant  
Ward 01**7616 Walton Street**

Goalz- DH IL 107 LLC. dba Dog Haus

**Sale of liquor by the drink** in conjunction with a restaurant in a C-3, General Commercial Zoning District

The subject property is located on the south side of Walton Street and is the former Ruby Tuesday's Restaurant. The building has been vacant since 2015. Shawn Eby, Franchisee, David Clark, VP of Operations for this Region were present. The Applicant has entered into a 20 year lease agreement for this property. Mr. Clark and Mr. Eby stated they agreed to abide by all (7) of Staff's conditions.

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

A **MOTION** was made by Jennifer Smith to **APPROVE** the Sale of liquor by the drink in conjunction with a restaurant in the name of Goalz- DH IL 107 LLC. dba Dog Haus in a C-3, General Commercial Zoning District at 7616 Walton Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Compliance with the Liquor Ordinance.
2. Hours of operation are limited to Monday through Sunday 10:00 AM to Midnight.
3. The restaurant shall not have a cover charge, dance floor, any DJ's or live entertainment.
4. The restaurant shall not operate as a night club.
5. The landscaping must be maintained in a neat, clean and orderly manner, and to keep plant materials in a healthy condition. Any plants of any kind that have died must be replaced with the same variety and size. Maintenance must include, among other things, adequate watering, pruning, mowing, and removal of litter not only between the property line but the street curb or edge of pavement as well.
6. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
7. All outstanding general ordinances fines must be paid prior to issuance of the license.

**017-LTAB-043**Applicant  
Ward 06**3909 11<sup>th</sup> Street**

Luigi Bozzo / LB Capital Management dba The Silver Clipper

**Sale of liquor by the drink** in conjunction with a hotel, banquet hall, video gaming and a lounge in a C-3, General Commercial Zoning District

The subject property is located on the southwest corner of 11<sup>th</sup> Street and Capital Drive and is part of the Howard Johnson Hotel built in 1968. The Applicant, Luigi Bozzo, was not present. Aaron Szeto, Attorney for the Applicant, was present and reviewed the request for the sale of liquor by the drink. He explained that his client had purchased the property about a year ago and has been operating only the hotel. They are in the process of renovating the banquet facility and the lounge area. The lounge area is intended to service the hotel guests and some of the neighboring businesses as well. It is not their intent to establish a bar or night club. Drinks will be single serving drinks, using small hotel sized bottles for each drink. There will be a security guard present at the lounge and a dress code will be in place.

Their goal is to open this winter, so they are also asking for a time allowance to make requested repairs to the parking lot, dumpster area, and fence. They have been working with Staff on a landscaping plan. Attorney Szeto stated signage is the only condition his Client has an issue with. Staff is requesting that all freestanding signs be removed and replaced with signs conforming to code. Attorney Szeto discussed signage, stating Howard Johnson does have their own signage requirements and that they may not want

to compromise. He also expressed concern that a shorter conforming freestanding sign would create visibility problems from 11<sup>th</sup> Street. Staff is requesting that the existing cabinet sign, which is in poor condition, be removed and replaced with a monument style sign. Attorney Szeto stated the cost involved to remove the existing sign, remove the trees that would affect the visibility of the sign and then replace with a new sign and plant additional trees to meet landscaping requirements would be very costly. His Client would prefer to repair this sign rather than replace it. If replacing the sign is required, they are requesting additional time to comply. Attorney Vaughn asked Attorney Szeto what time frame they had in mind and he responded the Summer of 2018, perhaps July, or whatever time frame Staff is willing to recommend.

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

During discussion, the Board felt allowing the Applicant time to work on making the required improvements was a reasonable request. Kim Johnsen stated she shared the concern of being able to see a low profile sign from the highway. There was discussion among the Board that any time an applicant comes before the Board wanting a taller sign than what is allowed by code, they use the reasoning of lack of visibility. The Board further discussed the design standards and the opportunities to bring properties toward compliance.

A **MOTION** was made by Kim Johnsen to **APPROVE** the Sale of liquor by the drink in conjunction with a hotel, banquet hall, video gaming and a lounge in the name of Luigi Bozzo / LB Capital Management dba The Silver Clipper in a C-3, General Commercial Zoning District at 3909 11<sup>th</sup> Street with amendment to Condition (16). The Motion was **SECONDED** by Craig Sockwell 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 all City of Rockford Liquor Codes.
3. The sale of alcohol shall be limited to the submitted interior floor plan Exhibit F.
4. The hours of operation per the submitted business plan Exhibit G, Monday through Sunday 11:00 AM to 2:00 AM.
5. The proposed use shall not have a cover charge, dance floor, DJs, live entertainment.
6. The proposed use shall not operate as a night club.
7. Submittal of a revised landscape plan including sizes and type of species along 11<sup>th</sup> Street and Capital for Staff's review and approval.
8. Removal of chain link fence along the west and north sides of the property.
9. Must remove all free-standing signs and replaced with a landmark style sign to meet current sign ordinance.
10. Must repair or replace existing dumpster enclosure and remove additional garbage.
11. The building façade must be painted to be consistent with the entire facility.
12. The parking lot must be repaired or replaced so that grass is not growing through the cracks.
13. Submittal of a revised interior floor plan showing all seating and gaming machines.
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 issuance of the license.
16. All conditions must be met within ten (10) months of Approval by City Council.

Tom Fabiano left the meeting at this point.

**017-LTAB-044**

Applicant  
Ward 06

**1625 & 1635 Sandy Hollow Road**

Kelly Rena Quinby dba Spinning Slots, Inc.  
**Sale of beer and wine** by the drink in conjunction with a restaurant and gaming facility in a C-3, General Commercial Zoning District

The subject property is located 350 feet southwest of the 11<sup>th</sup> Street and Sandy Hollow Road intersection. Kelly Quinby, Applicant, was present and reviewed her request for sale of beer and wine. Ms. Quinby stated she will meet the percentage requirements, with 40% food, 30% alcohol, 30% gaming and is agreeable to Staff conditions.

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

Alderman Natavias Ervins was present and stated he had an opportunity to speak with the Applicants and he was quit impressed with them. He feels this is a nice location, has visited the facility and he is in support of the Applicant’s investment at this location.

A **MOTION** was made by Craig Sockwell 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, Inc. 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 4-0.

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 A.M. 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 may not have live entertainment.
14. The restaurant and video gaming facility shall not operate as a night club.
15. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
16. All outstanding general ordinance fines must be paid prior to the issuance of the license.
17. All conditions must be met prior to establishment of use.

**017-LTAB-045**

Applicant  
Ward 11

**818 South 6th Street**

Ali Qaed Abdo Mana / MA Gas Station, Inc. dba MA Gas Good Mart  
**Sale of tobacco products** in conjunction with a gas station and convenience store in a C-3, General Commercial Zoning District

The subject property is located on the northeast corner of 6<sup>th</sup> Street and 8<sup>th</sup> Avenue and is an existing gas station and convenience store. The Applicant, Ali Qaed Abdo Mana and his translator Ahmed Saeed, were present Mr. Saeed spoke for the Applicant. He stated this is the first business Mr. Mana has and he is willing to agree to Staff’s recommendation of 10 conditions of approval. The Applicant had listed business hours of 24 hours a day, 7 days a week. Staff feels these hours need to be reduced because of

the close proximity of a residential area. Attorney Vaughn asked if the Applicant was willing to change the business hours to 6:00 AM to 11:00 PM, 7 days a week. Mr. Saeed responded that he wished to maintain the business hours of 24-7. Attorney Vaughn asked him to discuss this with the Applicant, Mr. Mana so that she was certain he understood the question. After asking the question directly to Mr. Mana, Mr. Saeed stated the Applicant responded that he is willing to revise his hours of operation per Staff's request.

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

The Board agreed to add a condition that hours of operation would be 6:00 AM to 11:00 PM Sunday through Thursday and 6:00 AM to 12:00 AM (Midnight) Friday and Saturday.

A **MOTION** was made by Kim Johnsen to **APPROVE** the Sale of tobacco products in conjunction with a gas station and convenience store in the name of Ali Qaed Abdo Mana / MA Gas Station, Inc. dba MA Gas Good Mart in a C-3, General Commercial Zoning District at 818 South 6<sup>th</sup> Street with added condition (11). The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0.

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. 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 tobacco products shall be limited to the submitted interior floor plan Exhibit E.
6. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
7. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
8. All outstanding general ordinances fines must be paid prior to issuance of the license.
9. The building façade must be painted to be consistent throughout, including the canopy.
10. Must repair existing dumpster enclosure under permit.
11. Hours of operation shall be 6:00 AM to 11 PM Sunday through Thursday and 6:00 AM to 12:00 AM (Midnight) Friday and Saturday.

**017-LTAB-046**

Applicant  
Ward 05

**430 & 432 West Harrison Avenue**

Gail M. Forte / Smokehouse Authentic Barbeque Limited dba  
Smokehouse BBQ

**Sale of beer and wine by the drink** in conjunction with a restaurant and gaming facility in a C-3, General Commercial Zoning District

The subject property is located 380 feet east of South Main Street on the southwest corner of the West Harrison Avenue and Express Lane intersection. Gail Forte, Applicant, was present and reviewed her request for sale of beer and wine by the drink. She has been in business for 7 years. She would like to expand her menu, and hours of operation from 4 days a week to 7 days a week, while still maintaining their family friendly atmosphere. She feels her business would remain competitive if she could respond to her customer's requests for the addition of beer and wine by the drink. The restaurant seats 35 people. Business hours requested are from 7:00 AM to 11:00 PM Sunday through Thursday, and 7:00 AM to 12:00 AM (Midnight) Friday and Saturday. Ms. Forte stated it is her intention to make improvements on both the inside and outside of the property as revenue comes in. Ms. Forte further stated she is agreeable to all of Staff's (19) conditions.

Staff Recommendation is for Approval with (19) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Jennifer Smith to **APPROVE** the Sale of beer and wine by the drink in conjunction with a restaurant and gaming facility in the name of Gail M. Forte / Smokehouse Authentic Barbeque Limited dba Smokehouse BBQ in a C-3 General Commercial Zoning District. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 4-0.

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.
4. Submittal of a Dumpster Enclosure application and dumpster detail that includes sight-obstructing gates for Staff review and approval.
5. Submittal of a detailed interior floor plan to include tables with seating and video gaming machines for Staff review and approval.
6. The sale of beer and wine by the drink shall be limited to the revised interior floor plan.
7. Must obtain separate permits for signage and signage must comply with Sign Regulations.
8. The hours of operation shall be 7:00 AM to 11:00 PM Sunday through Thursday.
9. The hours of operation shall be 7:00 AM to 12:00 AM Friday and Saturday.
10. Window display signage is limited to 20% of window area.
11. That the windows shall not be covered with bars or other devices that block the windows.
12. The restaurant and video gaming facility shall not have a cover charge.
13. The restaurant and video gaming facility shall not have a dance floor.
14. The restaurant and video gaming facility shall not have any DJs.
15. The restaurant and video gaming facility may not have live entertainment.
16. The restaurant and video gaming facility shall not operate as a nightclub.
17. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
18. All outstanding general ordinance fines must be paid prior to the issuance of the license.
19. All conditions must be met prior to establishment of use.

With no further business to come before the Board, the meeting was adjourned at 7:50 PM

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