



LIQUOR & TOBACCO ADVISORY BOARD
Tuesday, December 19, 2017
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LTAB Members:

Tom Fabiano
Kim Johnsen
Maurice Redd
Dan Roszkowski
Jennifer Smith
Craig Sockwell

Absent:

Alicia Neubauer

Staff:

Scott Capovilla - Zoning and Land Use Administrator
Matthew Flores, City Attorney
Sandra Hawthorne - Administrative Assistant
Nicholas Meyer - City Attorney
Lafakeria Vaughn - City Attorney

Others:

Alderman Tuffy Quinonez
Alderman Chad Tuneberg
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 2, 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 6:10 PM. A **MOTION** was made by Jennifer Smith to **APPROVE** the minutes from the November, 2017 meeting. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 5-0 with Maurice Redd abstaining and Alicia Neubauer 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 and November meetings

Mr. Fabiano announced he would be abstaining from discussion and vote on this item.

The subject property is located on the southwest corner of the Auburn Street and North Central Avenue intersection. This item was Laid Over from the October and November meetings to allow the Applicant and Property Owner additional time to present landscaping, signage and parking site plans to Staff.

Minhaj Ahmed, Applicant, and William Pritz, property owner, were present. Mr. Pritz explained they have hired an architect to work up a landscaping and parking site plan, which was submitted to the Board. However, he stated he could not provide detailed input on whether the submitted plan would be the final plan or a time frame for completion at this time as he did not know the financial cost involved. Mr. Pritz does plan to dig up the asphalt along the south and replace with greenspace.

Scott Capovilla stated he felt the Applicant and Owner have made a good attempt to bring the parking lot into compliance and the submitted plans reflected this. When asked by Jennifer Smith if he would go by these site plans if approved, Mr. Pritz stated he was told by Alderman Thompson Kelly not to make a firm commitment without her input.

Based on the site plan now submitted, Mr. Capovilla stated there would have to be conditions of approval. If something like this plan were to occur, Staff might consider changing their recommendation with the understanding that if conditions were not complied with, it could result in suspension of the license. Mr. Sockwell asked Mr. Pritz when he felt he would complete landscaping and parking. Mr. Pritz stated it would be difficult for him to make a commitment to any time frame in the year 2018 and would not commit.

Staff Recommendation remains at Denial, but Mr. Capovilla stated he would be comfortable with the Board Approval with conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** 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 Jennifer Smith and **CARRIED** by a vote of 5-0 with Tom Fabiano abstaining.

Approval is subject to the following conditions:

1. Must 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 and windows shall not be covered with bars or other devices that block the windows
4. The sale of tobacco products shall be limited to the submitted floor plan, Exhibit E
5. The sale of water pipes and "hookah" or "huka" pipes are prohibited
6. Any pending general ordinance cases must be resolved prior to issuance of the license
7. All outstanding general ordinance fines must be paid prior to the issuance of the license
8. Signs must be in conformance with the City of Rockford sign ordinance
9. Hours of operation are limited to 9:00 am- 9:00 pm, Monday- Sunday
10. In accordance with the submitted site plan, all landscaping must be completed by November 15, 2018

017-LTAB-040

Applicant
Ward 06

3305 11th Street

Nilufar Kabir / TTK Corporation 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 and November meetings

The subject property is located on the west side of 11th Street, 60 feet south of the 11th Street and Roosevelt Road intersection. This item was Laid Over from October and November to allow the Applicant time to meet with the Landlord to discuss complying with Staff requested conditions. Mahabubul Kabir, husband and Co-Applicant, was present and reviewed their request for tobacco sales.

Mr. Kabir has been working with Staff, and feels they have come to an agreement on landscaping improvements. Mr. Kabir showed three examples of signs in the area that were changed for new tenants, but remained at the same height. The current freestanding sign for Liquor Land is 12 feet high. The sign company Mr. Kabir is working with has told him that the existing structure could be lowered to 8 feet. Mr. Capovilla stated this could be a good solution and requested Mr. Kabir to submit a photo of the new sign. As of this time, the landscaping has not been resolved; however, Mr. Capovilla feels Staff could work with the Applicant and adjust conditions of approval accordingly.

Attorney Vaughn asked Mr. Kabir if, with the discussed revisions to landscaping and sign, he would be able to comply with the remaining conditions. Mr. Kabir stated he would do so.

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 tobacco products in conjunction with a liquor store in the name of Nilufar Kabir / TTK Corporation dba Liquor Land in an R-1, Single-family Zoning District at 3305 11th Street with amended condition (4). 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 F.
4. Applicant to work with Staff on approval of a landscaping and signage plan
5. Removal of the non-conforming free-standing sign.
6. Must obtain separate permits for signage and signage must comply with Sign Regulations.
7. Must develop site in accordance with revised site and landscaping plans approved by Staff.
8. The hours and days of operation will be from 10:00 AM to 11:00 PM, Monday through Thursday.
9. The hours and days of operation will be from 10:00 AM to 1:00 AM, Friday through Saturday.
10. The hours and days of operation will be from 11:00 AM to 11:00 PM on 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. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
17. All outstanding general ordinance fines must be paid prior to the issuance of the license.
18. All conditions must be met prior to establishment of use.

017-LTAB-047

Applicant

Ward 03

513 Toner Avenue

Siad Elkhatib / Northwest Food Inc. dba Northwest Food Inc.

Sale of package liquor in conjunction with a convenience store

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

The subject property is located on the east side of Toner Avenue, approximately 142 feet south of Auburn Street. Siad Elkhatib, Applicant, reviewed his requests for the sale of package liquor and the sale of tobacco products. He stated when he originally requested the sale of package liquor and tobacco products the community felt he was only selling liquor and tobacco and would not support his application. Mr. Elkhatib explained that the community now understands his request is in conjunction with a convenience store, and they are in favor. He stated "the community" has asked him to reapply for package liquor and tobacco products. Mr. Elkhatib presented a petition with over 400 names in support of this application. He stated he put the petition on the table in his store and 400 customers signed it when they came in within a few weeks. He explained that although these signatures were obtained only by customers who came into his store, a lot of them just buy chips or small items and he cannot compete with other businesses without the sale of packaged liquor and tobacco products.

There were no questions from Legal.

Staff Recommendation is for Denial of both items. Objectors were present.

Mike Dupre, owner of the Rathskeller Restaurant, stated he is not in support of this application. He feels it would negatively affect the neighborhood as well as his business. It is his opinion that the sale of packaged liquor and tobacco would attract homeless and undesirable people and would become a liquor store rather than a convenience store.

Alberto Altamore stated he has been a business owner in this area for 40 years and is with the North End Commons Business Association. He explained that Mr. Elkhatib seems like a very nice gentlemen, but the neighborhood is looking for a higher quality fit for this area. He feels the Applicant's original intent was to sell packaged liquor and tobacco and there was great opposition. He feels the Applicant then

considered opening a deli. Mr. Altamore said he visited Mr. Elkhatib's store recently and does not feel it is a good business model. He pointed out that 3 or 4 businesses in this area are doing remodeling projects currently. He respectfully questioned the petition with over 400 names on it presented by the Applicant, stating this was a very large amount of signatures obtained in a short time just from people walking into the store.

Shondra Wandell, representing Alpine Bank, came forward and read a letter stating they were in protest of the application. Their letter stated Alpine Bank has invested over \$2.5 million in the North End with the goal to be a catalyst in bringing the neighborhood back to life. In addition to their new branch office, they purchased and demolished a dilapidated building to create additional parking space. The letter further stated they have heard from many customers who are worried about the effects of a store with a sole focus on alcohol and tobacco.

Salvatore Perrone spoke in objection of this application, stating he owns the property next door to the Applicant. He wished to stress that the Applicant is a good man and that they have become good friends. He feels the Applicant wants to pursue a business, but feels he is going in the wrong direction. Given the chance to revamp his operation, Mr. Perrone feels Mr. Elkhatib could be successful.

Alderman Chad Tuneberg was present, stating he doesn't necessarily have a position on this application, but understands that the business owners have been very clear about their concerns. In speaking with the residents, he feels they have mixed opinions. Alderman Tuneberg stated the Applicant is a nice gentleman who's heart is in the right place.

Kim Johnsen asked Mr. Elkhatib what his thoughts were of the 400 plus signatures he presented to the Board but that none of them were present to speak on his behalf. He responded he really couldn't speak on their behalf. He felt the residents were divided in their feelings. The Board felt in any situation where liquor and tobacco sales are available, there is always the situation where less than desirable individuals could be present. There is an element such as this at the Mobil gas station at this time and there is concern that this element would spread through no fault of the Applicant's as a business owner. It was expressed that if this application were denied, it was hoped that the Applicant can reevaluate his plans in a way that would be more welcoming to the neighborhood as well as successful.

In response, Mr. Elkhatib stated in all of Rockford there is a problem. He stated he only has control over his property. His plan is for a convenience store, not a liquor store. At this point he is unable to hire anyone to work at his business so he is the only one there during opening hours. He states he keeps an eye on his property and wants to offer convenience store items for the area. He wishes to make the area look better and he has been working hard toward that goal. He states he has daily customers who walk in and walk out when they are told he does not sell alcohol or tobacco. He states they may make purchases at first, but prefer to go to another location where one-stop sales are offered.

The Board expressed concerns that this use was not a good fit for the location.

A **MOTION** was made by Craig Sockwell to **DENY** the sale of package liquor in conjunction with a convenience store and to **DENY** the sale of tobacco products in conjunction with a convenience store in the name of Said Elkhatib / Northwest Food Inc. dba Northwest Food Inc. in a C-2, Limited Commercial Zoning District at 513 Toner Avenue. The Motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 6-0.

017-LTAB-048

Applicant
Ward 04

6551 East Riverside Boulevard

Alexander H. Cando / Heath E. Meyers dba Urban Forest Craft Brewing
Sale of liquor by the drink in conjunction with a restaurant and brewery
Sale of package liquor in conjunction with a restaurant and brewery
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 a tenant space located within a shopping center on the southwest corner of North Trainer Road and East Riverside Boulevard. Alexander Cando, Applicant and his partner Heath Meyers, were present. Mr. Meyers stated they are a small batch craft brewery. They will have a small tavern and kitchen as well. Their intent is to be distributing in the Stateline area. Mr. Cando stated they will focus on high quality, small batch brewing. They are located next to Buddy's Burgers and will be encouraging people to bring food in from nearby eateries. The Applicants stated they do not want to be a night club or have gaming machines - they just want to focus on what they feel is the best craft beer around. Their goal is to open in mid-spring.

After discussion with the Applicants regarding 4 ounce samples, Attorney Vaughn felt condition (5) stating there shall be no single serving sales of beer or wine in volumes of 12 oz. or less could be removed. The Applicants agreed to the remaining (10) conditions.

Dan Roszkowski asked if they could add a condition stating there shall be no gaming machines. Mr. Capovilla responded if the Applicants were agreeable to that, Staff had no objection. Mr. Meyer stated their Alderman had advised him that he would not support gaming machines. The Applicants stated they had no problem with adding a condition stating no gaming would be allowed.

Staff Recommendation is for approval of all three requests, with (11) original conditions, modified to (10). Interested Parties were present.

Manuel Molina spoke in support of this application. He stated he does not know the Applicants, but resides in a neighborhood very close to the proposed site. He feels it would be a great addition to this area. He has had an opportunity to sample the Applicant's products at a festival and feels they are above and better than any other in the area.

Frank Drabek stated he knows one of the Applicant's personally, coming from the same neighborhood. He is looking forward to having this business in the area.

A **MOTION** was made by Jennifer Smith to **APPROVE** the sale of liquor by the drink in conjunction with a restaurant and brewery; **APPROVE** the sale of package liquor in conjunction with a restaurant and brewery; and **APPROVE** the sale of liquor by the drink in conjunction with an outdoor seating area in the name of Alexander H. Cando / Heath E. Meyers dba Urban Forest Craft Brewing in a C-2, Limited Commercial Zoning District at 6551 East Riverside Boulevard with the removal of the original condition (5) and the addition of condition (11). 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. 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 H, Monday through Thursday 3:00 PM to 12:00 AM Midnight and 11:00 AM to 12:00 AM Midnight Friday through Sunday with food service ending at 9:00 PM each day.
7. Since the closest boundary of an outdoor sales area is located between 50 and 200 feet from the nearest property line of a residential use in a residential district not located in a planned unit

development (PUD), the outdoor sales area shall not be occupied later than 10:00 PM on weekdays and later than 12:00 AM Midnight on weekends.

8. The dumpster must be enclosed within a dumpster enclosure.
9. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
10. All outstanding general ordinances fines must be paid prior to issuance of the license.
11. There shall be no gaming machines per agreement with the Applicant.

OTHER BUSINESS

2018 Schedule

The 2018 Liquor & Tobacco Advisory Board Schedule was presented for approval as follows:

FILING DEADLINE: (Thursday, 5:00 P.M.)	MEETING DATE: (Third Tuesday of the Month)
December 14, 2017	January 17, 2018-Wed
January 18, 2018	February 21, 2018-Wed
February 15, 2018	March 20, 2018
March 15, 2018	April 17, 2018
April 12, 2018	May 15, 2018
May 17, 2018	June 19, 2018
June 14, 2018	July 17, 2018
July 19, 2018	August 21, 2018
August 16, 2018	September 18, 2018
September 13, 2018	October 16, 2018
October 18, 2018	November 20, 2018
November 15, 2018	December 18, 2018
December 13, 2018	January 15, 2019

A **MOTION** was made by Craig to **APPROVE** the 2018 Liquor & Tobacco Advisory Board Schedule as presented. The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 6-0.

With no further business to come before the Board, the meeting was adjourned at 7:40 PM.

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