



LIQUOR & TOBACCO ADVISORY BOARD
Tuesday, March 20, 2018
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LTAB Members:

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

Absent:

Staff:

Scott Capovilla - Zoning and Land Use Administrator
Jeremy Carter - Public Works
Matthew Flores - Assistant City Attorney
Sandra Hawthorne - Administrative Assistant
Lafakeria Vaughn - Assistant City Attorney

Others:

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, March 26, 2018, 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 6:00 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes from the February, 2018 meeting as written. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0 with Alicia Neubauer abstaining.

018-LTAB-001

Applicant
Ward 14

4350 and 4302-4358 Sandy Hollow Road

Nader Wahba / NWA Distributor Company dba NWA Distributors
Sale of tobacco products in conjunction with a wholesale tobacco store in a C-2, Limited Commercial Zoning District
Laid Over from February meeting

The subject property is located on the northwest corner of Sandy Hollow Road and Colony Bay Drive intersection. This item was Laid Over from the February meeting at the request of the City's Legal Department. Nader Wahba, Applicant, was present and reviewed his request. Mr. Wahba explained that this business is a distribution center, only for the purpose of selling on a business to business basis. He does not sell to the public. The building is used for warehousing and shipping/receiving purposes only. Mr. Wahba stated he has been operating at this location for 2 years and was not aware they needed a license from the City of Rockford. He stated he does have State licensing. In addition to tobacco, they have currently had a heavy push into the Vapor industry as well.

Attorney Vaughn asked if he had a chance to review Staff conditions and if he was agreeable to all (14). Mr. Wahba responded he did with the exception of Condition (10) stating there can be no bars on the windows. He is asking the Board to allow him to maintain a high percentage of bars on the windows. Attorney Vaughn stated she felt Legal would not be open to that. Mr. Wahba stated no insurance company in the industry will insure any tobacco wholesale company in the State of Illinois due to the increased risk of fire and theft. He further explained that he does have cameras, but they do not seem to stop theft. They do not sell cigarettes or liquor, but because of the market value of tobacco products and Vapor products, the bars do serve as a deterrent. He further explained that he can get insurance on the building, but not on inventory. They do have inventory in front of the bars, and felt if those have to be removed along with the bars, the warehouse stock is clearly visible. Mr. Wahba stated he is willing to invite anyone to come to the building so that he can explain further and show them the purpose the bars serve in more detail. Everything comes in and out through the back door. Their work hours are 5 hours a day, Monday through Friday, and because they only do warehousing they can accommodate their workload in that time frame.

Staff recommendation is for Approval with (14) conditions. No Objectors or Interested Parties were present.

During discussion, Craig Sockwell stated he would like to know how visible the bars are from the outside. The Board felt there were other options to using bars on the windows.

Scott Capovilla stated there was a similar situation on Broadway that came before the Board not too long ago. The previous discussion concerned the development of a Kevlar product that can be put over the glass and is a good security method. The distribution portion of the application is acceptable, but Staff would prefer to not make the building look more like a warehouse.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of tobacco products in conjunction with a wholesale tobacco store in the name of Nader Wahba / NWA Distributor Company dba NWA Distributors in a C-2, Limited Commercial Zoning District at 4350 and 4302-4358 Sandy Hollow Road with conditions as written. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Compliance with all City of Rockford Tobacco Codes.
3. Submittal of a Building Permit for Staff review and approval.
4. The sale of tobacco products shall be limited to the interior site plan that was submitted as Exhibit E.
5. The hours of operation and days will be 12:00 PM to 5:00 PM Monday through Friday.
6. 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.
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. That the windows shall not be covered by a film.
12. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
13. All outstanding general ordinance fines must be paid prior to the issuance of the license.
14. All conditions must be met prior to establishment of use.

018-LTAB-005

Applicant
Ward 07

913 Kilburn Avenue

Rashid Mehmood / Aaliya Corporation dba Shell
Sale of Packaged Liquor in conjunction with a gas station in a C-3, General Commercial Zoning District.

The subject property is located on the northeast corner of the Whitman Street and Kilburn Avenue intersection. Attorney George Hampilos, and Applicant, Rashid Mehmood, were present. Attorney Hampilos reviewed the Applicant's request for packaged liquor. He stated they are asking for the sale of wine, beer and spirits in order to remain competitive in the area. The business is owner operated and managed by Mr. Mehmood. Attorney Hampilos further explained that Mr. Mehmood has expended \$10,000 in landscaping costs, \$5,000 for striping and preparing the parking lot, and \$2,000 for a dumpster enclosure. He stated Alderman Thompson-Kelly gave his client approval and stated she would support this request before full council. Alderman Thompson-Kelly was not present at the meeting.

Attorney Hampilos discussed Staff's concerns with of the upkeep of the property during their visit to the site when posting the property. He stated the fence in disrepair is actually the property of the neighbor to the North; however, the Applicant is willing to repair it if the land owner is agreeable. He further stated Alderman Thompson-Kelly visited the site and there was no trash on the property at that time. He again felt the trash came from a neighboring property. Regarding the number of Police Calls – (96) in 24 months - he stated this is a high traffic area, with ingress/egress on both parts of the street. A number of police calls have originated from the Applicant's property; however, 913 Kilburn is the closest address to the intersection and that is the address used when calls are reported. Many are traffic stops, suspicious

vehicles or persons, welfare checks, and serving warrants. Also, Attorney Hampilos pointed out that many calls also originate from his client in an attempt to police the property.

Legal had no further questions of the Applicant.

During discussion, Alicia Neubauer stated she has never felt comfortable stopping at this gas station, mostly due to the lack of landscaping. She asked if Mr. Mehmood if he would be willing to add more landscaping and briefly reviewed some of the landscaping requirements per the Ordinance. Attorney Hampilos conferred with his client and stated they are willing to do some landscaping around the fence line and some other areas as suggested. He further added that this Applicant has never had liquor sales in the past and the Liquor Store across the street has closed.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present.

Ms. Neubauer felt this is an opportunity to clean up a property that has been in disrepair for many years, but added that she feels adding alcohol could be a detriment at this location.

Mr. Capovilla wished to clarify that the liquor store across the street only closed recently because due to a fire and they have already submitted plans for a remodel. They will be reopening in the near future. He further stated that many of the police calls for service have been drug and alcohol related. Also, when the Applicant applied for a tobacco license in 2014, it was Staff's demand that he needed to enclose the dumpster, fix the fence and do some clean up of the property. This has only been done recently and as yet the fence has not been repaired. He stated that Staff recommendation of Denial would stand.

Craig Sockwell stated if landscaping is required but not maintained, it looks worse than if there is no landscaping. Scott Capovilla explained that maintenance of the landscaping is a requirement of code and City Code Enforcement staff does do inspections and will enforce. He also added that additional greenspace may help with water run off as well.

Mr. Redd expressed his concerned with needing security due to alcohol use in the immediate area should this application be approved.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the sale of packaged liquor in conjunction with a gas station in the name of Rashid Mehmood / Aaliya Corporation dba Shell in a C-3, General Commercial Zoning District at 913 Kilburn Avenue. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 6-1 with Dan Roszkowski voting Nay.

Approval is subject to the following conditions:

1. Meeting all applicable landscaping, signage, building and fire codes.
2. Compliance with all City of Rockford Liquor Codes.
3. That the window signage shall not exceed 20% of window area.
4. The sale of liquor shall be limited to the interior floor plan as shown on submitted interior floor plan Exhibit E.
5. Daily maintenance of the landscaping area and the adjacent green area next to the residential uses must be free of debris/garbage.
6. 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.
7. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
8. That the windows shall not be covered with bars or other devices that block the windows.
9. The sale of packaged liquor is limited to the hours per the liquor code
10. Business plan including security to be approved by Staff.
11. The fence be repaired as agreed to by the Applicant.
12. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
13. All outstanding general ordinances fines must be paid prior to issuance of the license.

018-LTAB-006Applicant
Ward 01**6470 East State Street**

Scott Svenson / Mod Super Fast Pizza, LLC dba Mod Pizza

Sale of beer and wine by the drink in conjunction with a restaurant
Sale of beer and wine by the drink in an outdoor seating area in a C-3,
General Commercial Zoning District

The subject property is located on the northwest corner of East State Street and North Trainer Road. Krista Scott, District Manager for Mod Pizza, and Attorney Harlan Powell were present. Attorney Powell stated the restaurant will have a fast food, casual dining concept. This location is the 25th Mod Pizza establishment in the United States. Their percentage of food to alcohol is expected to be 95% food, 5% beer and wine. They will have a strict carding policy - for each drink purchased, an ID must be presented and the drink will be given to that individual. If the same customer wishes a second glass of beer or wine, they must again show an ID before they are served. Attorney Powell further explained that there will be no bar, no televisions, no contemplation that at any point in time they will seek a gaming license, and no cover charges "to speak of". For security, all employees will be trained and there will not be any other security on site. All employees will be Bassett certified along with additional in-house training, in addition to how to handle unruly customers and determine fake ID.'s. He stated that security has never been a problem with any of the Mod Pizza establishments in the State of Illinois.

Attorney Vaughn asked the Applicant if he was agreeable to all (7) Staff recommended conditions, and the response was yes.

Staff Recommendation is for Approval of both requests with (7) 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 the Sale of beer and wine by the drink in an outdoor seating area in the name of Scott Svenson / Mod Super Fast Pizza, LLC dba Mod Pizza in a C-3 General Commercial Zoning District at 6470 East State Street. The Motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Must meet all applicable building and fire codes.
2. Compliance with the Liquor Ordinance.
3. Hours of operation are limited to Monday through Sunday 10:30 AM to 10:30 PM.
4. The restaurant shall not have a cover charge, dance floor any DJ's or live entertainment.
5. The restaurant shall not operate as a night club.
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.

018-LTAB-007Applicant
Ward 11**811 Broadway**

Oscar Sanchez dba Mis Dos Patrias JJ Inc.

Modification of an existing liquor license to include the sale of beer and wine by the drink, a café and video gaming in a C-4, Urban Mixed-Use Zoning District

The subject property is located on the southwest corner of 4th Street and Broadway. The Applicant purchased the existing grocery store in 2003, added a kitchen facility and food service. He was approved for the sale of packaged beer and wine in 2010. In 2015, the Applicant was approved for a Special Use Permit for the grocery store to include outdoor rental and outdoor storage of light equipment such as trucks, vans, and trailers. Ericka Sanchez was present on behalf of her husband, Oscar Sanchez and explained their request for Modification of an existing liquor license. She stated City Code Enforcement cited them for several items. She further stated the business closes at 7:00 PM during winter months.

Attorney Vaughn stated a menu was not submitted with the applicant and asked what they would be selling at the café. Mrs. Sanchez stated they will serve items such as Nachos, Tacos, hot dogs, etc. and will submit a menu to Staff as soon as March 21st if approved at this meeting.

Alicia Neubauer pointed out there are still (5) conditions of approval from the previous time the Applicant came before the Board for a liquor license that still have not been met. Mrs. Sanchez stated these are a “work in progress” and was willing to have a time frame determined by Staff. She stated she would also want to add gaming as well. Dan Roszkowski asked if they would be willing to give up the gaming portion and Mrs. Sanchez responded they would but only if they could reapply for gaming again. She stated they needed gaming to allow them the finances to tear up the parking lot and put down a new one. Jennifer Smith asked the Applicant if she planned to add more staff. Mrs. Sanchez explained that at this time they are pretty slow, so will “go with the flow” for future staffing needs.

Staff Recommendation is for Denial. No Objectors were present.

Alderman Tuffy Quinonez was present as Alderman of this Ward. He stated he is in favor of this application and feels it is beneficial to having a grocery store in this area.

Craig Sockwell reiterated there are still conditions that have not been met from the previous application and if this application is approved, what is the guarantee they will be completed this time. Dan Roszkowski also expressed concern about allowing the sale of liquor at this location. Alicia Neubauer asked members of the Board if they would be open to laying over the item to see if the Applicant will show proof that they are willing to meet the previous conditions of approval.

Scott Capovilla wished to present the problems with approving an application that did not follow conditions. In 2017, Staff did follow ups back to 2008 for liquor and tobacco applications for compliance to conditions which resulted in many situations where conditions were not met and Code Enforcement and Staff had to perform follow ups. Because of the intense workload during the summer, Code Enforcement can only do follow ups during the winter. In addition, Staff has 6.5 years backlog of Special Use permits to follow up on for compliance. To avoid an additional burden on Staff and, more importantly, to ensure the Applicants meet compliance before licenses are issued, Staff has determined based on the advice of City Council that no more liquor licenses shall be issued until all conditions of approval have been met.

A **MOTION** was made by Alicia Neubauer to **LAY OVER** the Modification of an existing liquor license to include the sale of beer and wine by the drink, a café and video gaming in the name of Oscar Sanchez dba Mis Dos Patrias JJ Inc. in a C-4, Urban Mixed-Use Zoning District at 811 Broadway. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

018-LTAB-008

Applicant
Ward 14

2542 Stowmarket Avenue

Satish C. Patel

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 property is located on the northeast corner of Stowmarket and Harrison Avenue and is currently a gas station with convenience store. Satish Patel, Applicant was present. Mr. Patel stated he will follow all the rules and regulations, landscaping - whatever we ask for.

Attorney Vaughn asked the Applicant if he had read Staff’s recommendation and was agreeable to all (12) conditions of approval. She also asked if the existing, non-conforming freestanding sign referred to

in condition (9) would be removed by September 1, 2018. Mr. Patel responded that he would do so. He will be leasing this gas station. When asked if he had experience in running a gas station, he replied that his cousin owns a gas station on Sandy Hollow and Alpine and he has worked with him for a year to gain experience. He will run the business by himself with a “couple” of employees.

Staff Recommendation is for Approval with (12) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Jennifer Smith 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 Satish C. Patel dba Stowmarket in a C-3, General Commercial Zoning District at 2542 Stowmarket with modification to condition 6. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Compliance with all City of Rockford Tobacco Codes and Liquor Cods.
3. That the window signage shall not exceed 20% of window area.
4. The sale of liquor and tobacco products shall be limited to the interior floor plan as shown on submitted interior floor plan Exhibit E.
5. Daily maintenance of the landscaping area and the adjacent green area next to the residential uses must be free of debris/garbage.
6. 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.
7. The sale of water pipes and “huka” or “hookah” pipes are prohibited.
8. That the windows shall not be covered with bars or other devices that block the windows.
9. Removal of the non-conforming free-standing sign and submittal of a sign permit for new landmark style sign by September 1, 2018.
10. The sale of packaged liquor is limited to the hours per the liquor code, Monday through Sunday and close by 11:00 PM per the business plan Exhibit F.
11. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
12. All outstanding general ordinances fines must be paid prior to issuance of the license.

With no further business to come before the Board, the meeting was adjourned at 7:18 PM

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