



LIQUOR & TOBACCO ADVISORY BOARD
Tuesday, June 19, 2018
5:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

ZBA Members:

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

Absent:

Tom Fabiano

Staff:

Scott Capovilla – Zoning and Land Use Administrator
Jeremy Carter - Public Works
Matthew Flores – Assistant City Attorney
Karl Franzen – Director, Community & Economic Development
Sandra Hawthorne - Administrative Assistant
Tim Morris - Fire Department
Lafakeria Vaughn - Assistant City Attorney

Others:

Alderman Tuffy Quinonez
Alderman Chad Tuneburg
Kathy Berg - Court Stenographer
Applicants and Interested Parties

Sandra Hawthorne explained the format of the meeting will follow the Board's 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 25, 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 and included with letters to Adjacent Property owners.

The meeting was called to order at 8:40 PM. A **MOTION** was made by Jennifer Smith to **APPROVE** the minutes from the May, 2018 meeting as written. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 5-0 with Maurice Redd abstaining and Tom Fabiano absent.

018-LTAB-015

Applicant
Ward 06

2635 11th Street

Dimpalben G. Patel / NND Mart, Inc. dba NND Mart
Sale of packaged liquor in conjunction with a tobacco and convenience store in a C-3, General Commercial Zoning District
Laid Over from April & May meeting

A request was received from the Applicant’s attorney that this item be Laid Over to the June meeting. The Board agreed to grant the request; however, no further extensions will be granted.

A **MOTION** was made by Kim Johnsen to **LAY OVER** the Sale of packaged liquor in conjunction with a tobacco and convenience store in the name of Dimpalben G. Patel / NND Mart, Inc. dba NND Mart in a C-3, General Commercial Zoning District at 2635 11th Street. The Motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 6-0.

018-LTAB-020

Applicant
Ward TBD

6969 South Main Street and 6969 Main Road

Addie Marie Ford / Barnstormer Distilleries dba Grant View Distillery
Sale of packaged liquor and **sale of liquor by the drink** in conjunction with an Agri-Business Enterprise, distillery and single-family residence in a RE, Rural Estate Zoning District
Laid Over from May meeting

Chairman Dan Roszkowski abstained from discussion and vote. Kim Johnsen took over the meeting as Acting Chairman.

This application was on the agenda at the May meeting; however, it was Laid Over at that time along with their application for the same property on the Zoning Board of Appeals to allow the Applicants and the surrounding property owners to meet for more detailed discussion.

Tim and Addie Ford, Applicants, were present and reviewed their request for packaged liquor and liquor by the drink. Attorney Vaughn asked if they have read and agreed to Staff's conditions and the Applicants responded yes. They clarified that only liquor that is produced on site will be sold. They will not have a bar, as the tasting aspect of their business is only allowed by law in conjunction with a tour. There will be a fee involved in the tasting.

Staff Recommendation remains at Approval with (10) conditions. No Objectors or Interested Parties were present. Letters of Objection and Support received after the May 15th meeting - and prior to the distribution of this month's report - were attached to the May report. Additional letters received after the reports were prepared were handed out at the meeting.

A **MOTION** was made by Jennifer Smith to **APPROVE** the Sale of packaged liquor and sale of liquor by the drink in conjunction with an Agri-Business Enterprise, distillery and single-family residence in the name of Addie Marie Ford / Barnstormer Distilleries dba Grant View Distillery in a RE, Rural Estate Zoning District at 6969 S. Main Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0 with Dan Roszkowski abstaining.

Approval is subject to the following conditions:

1. Must meet all applicable building codes.
2. Compliance with all City of Rockford Liquor Codes.
3. The sale of packaged liquor and the sale of liquor by the drink shall be limited to the site plan Exhibit D approved by Staff.
4. The sale of packaged liquor is limited to products that are produced and/or bottled on the site.
5. The hours of operation will be limited to 12:00 P.M. to 7:00 P.M.
6. That the windows shall not be covered with bars or other devices that block the windows.
7. The Agri-Business Enterprise, distillery, and single-family residence with an outdoor seating area shall not have any DJs.
8. The Agri-Business Enterprise, distillery, and single-family residence shall not operate as a nightclub.
9. Must conform to all terms and conditions of the Preannexation Agreement.
10. All conditions must be met prior to establishment of use.

At this point, Dan Roszkowski resumed his role as Chairman of the Board.

018-LTAB-021

Applicant
Ward 03

1422 North Main Street

Rachael Shuff / MMLN Eats & Drinks Inc. dba Bedda's Bites & B.A.R. (Bar Alla Rotando)

Sale of liquor by the drink in conjunction with a restaurant, bar/tavern, gaming facility, roof deck and outdoor seating area in a C-2, Limited Commercial Zoning District

The subject property is located on the west side of North Main Street and approximately 210 feet south of Auburn Street. Prior to the meeting, the Applicant requested that this item be Laid Over to the July 17th meeting.

A **MOTION** was made by Kim Johnsen to **LAY OVER** the Sale of liquor by the drink in conjunction with a restaurant, bar/tavern, gaming facility, roof deck and outdoor seating area in the name of Rachael Shuff / MMLN Eats & Drinks Inc. dba Bedda's Bites & B.A.R. (Bar Alla Rotando) in a C-2, Limited Commercial Zoning District at 1422 North Main Street. The Motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 6-0.

018-LTAB-022

Applicant
Ward 04

6874 Weaver Road

Nicholas Gianaris / Kaloco 5, Inc. dba Corner Market Shell

Sale of packaged beer and wine 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

Alicia Neubauer announced that she would be abstaining from discussion and vote on this item.

The subject property is located on the northwest corner of Weaver Road and North Perryville Road and is a gas station / convenience store. Nicholas Gianaris, owner, was present and reviewed his requests. He stated there have been tobacco and beer and wine sales at this location for over ten years. His employees are trained in the sale of beer and wine as well as tobacco sales to insure no sales to minors are made. Mr. Gianaris stated he is agreeable to all Staff conditions with the exception of condition (7) which states the existing freestanding sign must be removed and replaced with a landmark style sign that complies with the current sign ordinance. He explained he had refaced this sign back in October or November of 2017 and received the necessary permits at that time. Mr. Capovilla stated if a panel were removed and replaced this could have been allowed. The issue is with the size of the sign. However, the sign permit was done by the landlord. At the time this happened, the Applicants signed a management agreement with the owner. Mr. Capovilla stated he would like the Board to uphold the ordinance as they have requested from other applicants. George Gianaris, brother of Nicholas Gianaris was present and stated there was a change to a message center for the sign and it was approved as submitted. He felt it was one of the nicest signs in town.

Attorney Vaughn asked about the current license for liquor and tobacco if they were selling now. The Applicant's responded that they are selling in conjunction with the previous owner who is still involved with the property. Once this application is approved, the previous owner would no longer be involved and the Applicants would totally take over. The previous owner's license expires in July of this year.

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

During Board discussion, Scott Capovilla further explained that if there were an existing sign, changes would be allowed. If the property changes ownership and applies for a Liquor or Tobacco license, Staff has the opportunity to require the property, landscaping and signage to be brought up to code.

Jennifer Smith stated she would be agreeable to striking condition 7. Craig Sockwell disagreed, stating he felt they should be held accountable to compliance with the ordinance.

A **MOTION** was made by Craig to **APPROVE** the Sale of packaged beer and wine 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 Nicholas Gianaris / Kaloco 5, Inc. dba Corner Market Shell in a C-3, General Commercial Zoning District at 6874 Weaver Road with conditions as written. The Motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 4-1 with Jennifer Smith voting Nay and Alicia Neubauer abstaining.

Approval is subject to the following conditions:

1. Must meet all applicable building, fire and liquor codes.
2. Window display signage is limited to 20% of window area.
3. 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.
4. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
5. That the windows shall not be obstructed with bars or other devices that block the windows.
6. Must replace the landscape units that were removed.
7. Must replace existing free-standing sign with a landmark style sign to comply with current sign ordinance.
8. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
9. All outstanding general ordinance fines must be paid prior to issuance of the license.
10. All conditions must be met prior to issuance of liquor and tobacco license.

018-LTAB-023

Applicant
Ward 09

3135 North Rockton Avenue

Gurinder Kullar / G.P. Petroleum Inc. dba G.P. Petroleum Inc.
Sale of packaged beer and wine in conjunction with a gas station and convenience store in a C-2, Limited Commercial Zoning District

The subject property is located on the northeast corner of Paradise Boulevard and North Rockton Avenue. Applicant, Gurinder Kullar, was present and reviewed his request for the sale of packaged liquor. Mr. Kullar stated his employees will be certain that sales are not made to underage customers. They have made improvements around the building, and replaced the sign with a monument sign.

Attorney Vaughn asked if he had reviewed Staff conditions. Mr. Kullar asked what the difference was between his request for the sale of full liquor and Staff's recommendation for the sale of beer and wine only. Attorney Vaughn explained that a full liquor license had been denied previously at that location and that is the reason for the recommendation of approval of beer and wine only.

Staff Recommendation is for Approval with (12) conditions. One Interested Party was Present.

George Crawford, 4th Ward Alderman in Belvidere, Illinois was present as a character witness and also a supporter of the application. He stated since Mr. Kullar has been selling alcohol from his business in Belvidere, they have had no complaints, and he did a great job of fixing the site up.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Sale of packaged beer and wine in conjunction with a gas station and convenience store in the name of Gurinder Kullar / G.P. Petroleum Inc. dba G.P. Petroleum Inc. in a C-2, Limited Commercial Zoning District at 3135 North Rockton Avenue.

Approval is subject to the following conditions:

1. Must meet all applicable Building, Liquor and Fire Codes.
2. Window display signage is limited to 20% of window area.
3. That the windows shall not be covered with bars or other devices that block the windows.

4. That sale of beer and wine shall be limited to 4 coolers.
5. The hours of sale of beer and wine shall be limited to Monday through Saturday, 6:00 a.m. to 10:00 p.m., Sunday 9:00 a.m. to 10:00 p.m.
6. There shall be no single serving sales of beer or wine in volumes of 12 oz. or less.
7. 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.
8. Must replace the wood timbers with concrete curbing throughout the property under a permit.
9. Must replace the section of vinyl fencing in disrepair under permit.
10. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
11. All outstanding general ordinances fines must be paid prior to issuance of the license.
12. All conditions must be met prior to issuance of liquor license.

018-LTAB-024

Applicant
Ward 10

4437 East State Street

Jeremy Petrocelli / Vape N Juice, Inc. dba Vape N Juice

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

The subject property is located on the southwest corner of East State Street and South Alpine Road. Adam Fitzgerald and Jeremy Petrocelli, co-applicants, reviewed their application. Mr. Fitzgerald stated they do not sell tobacco, only vapor products. Mr. Fitzgerald stated they have been in business for going on 5 years now.

Attorney Vaughn asked if they were in agreement with all 10 conditions. They stated they were, and clarified that they do not sell huka or hookah pipes as discussed in Condition (7). It was explained to the Board that in April of 2018, the City created an Ordinance that required vapor businesses within the City of Rockford to be licensed.

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

A **MOTION** was made by Kim Johnsen to APPROVE the The Motion was **SECONDED** by and **CARRIED** by a vote of

Approval is subject to the following conditions:

1. Must meet all applicable Building, Fire and Tobacco Codes.
2. Window display signage is limited to 20% of window area.
3. That the 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 tenant space shown within Exhibit E.
5. Hours of operation per the submitted business plan Exhibit G, Sunday through Thursday 10:00 a.m. to 10:00 p.m., Friday and Saturday 10:00 a.m. to 11:00 p.m.
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. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
9. All outstanding general ordinance fines must be paid prior to issuance of the license.
10. All conditions must be met prior to the issuance of the license.

018-LTAB-025

Applicant
Ward 14

3224 South Alpine Road

Jeremy Petrocelli

Sale of tobacco products in conjunction with manufacturing, offices and retail in a C-3, General Commercial Zoning District

The subject property is located on the northeast corner of Hydraulic and South Alpine Roads.

Adam Fitzgerald and Jeremy Petrocelli, partners, were present. Mr. Fitzgerald stated this is a little over 6,000 sq. ft facility. This location will be manufacturing the e-liquid option, a clean room facility, and also will house the training facility for all future employees.

Attorney Vaughn asked the Applicants if they had an opportunity to review, and were agreeable with, all (10) Staff conditions, to which responded they were. Mr. Fitzgerald stated they have already been working with the City on their buildout.

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

A **MOTION** was made by Jennifer Smith to **APPROVE** the sale of tobacco products in conjunction with manufacturing, offices and retail in the name of Jeremy Petrocelli dba Vape N Juice, Inc. in a C-3, General Commercial Zoning District at 3224 South Alpine Road. 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, Fire and Tobacco Codes.
2. Window display signage is limited to 20% of window area.
3. That the 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 tenant space shown within Exhibit E.
5. Hours of operation per the submitted business plan Exhibit F, Sunday through Saturday 10:00 a.m. to 8:00 p.m.
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. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
9. All outstanding general ordinance fines must be paid prior to issuance of the license.
10. Must meet all condition prior to establishment of use.

018-LTAB-026

Applicant
Ward 01

7425 E. State Street

John Hassett / Pinewoods Restaurant Group, LLC dba Molly's Deli

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

Attorney Robert Calgaro, and John Hassett were present. Mr. Hassett is one of 8 investors purchasing the current stock. There are 3 locations in Rockford, and Mr. Hassett will be the managing partner. Attorney Calgaro explained that the only change in the operation of the business is that the manager will now be located locally.

There were no questions from Legal or the Board.

Staff Recommendation is for Approval with (16) 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 John Hassett / Pinewoods Restaurant Group, LLC dba Molly's Deli in a C-3, General Commercial Zoning District at 7425 E. State Street. 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 applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. The sale of beer and wine shall be limited to the interior site plan that was submitted Exhibit F.
4. Replacement of the one (1) removed shade tree in the landscape island along the east side of the parking lot.
5. The hours of operation will be limited to 8:00 A.M. to 1:00 A.M. Monday through Sunday.
6. Window display signage is limited to 20% of window area.
7. The restaurant shall not have a cover charge.
8. The restaurant shall not have a dance floor.
9. The restaurant shall not have any DJs.
10. The restaurant shall not have any live entertainment.
11. The restaurant shall not operate as a nightclub.
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. 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 the issuance of the license.
16. All conditions must be met prior to establishment of use.

018-LTAB-027

Applicant
Ward 12

3315 and 33XX North Main Street

John Hassett / Pinewoods Restaurant Group, LLC dba Molly's Deli
Sale of beer and wine by the drink in conjunction with a restaurant and video gaming facility with an outdoor seating area in a C-2, Limited Commercial Zoning District

Attorney Robert Calgaro, and John Hassett were present. This application is the same situation as the previous one at 7425 East State in that the business is changing management to Mr. Hassett and 8 other partners. Legal had no questions of the Applicants.

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

Jennifer Smith asked why there were (19) conditions on this application and only (16) on the previous one. Mr. Capovilla explained that at this location a sign was installed at a height that was not allowed, and a dumpster permit is required.

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 facility with an outdoor seating area in the name of John Hassett / Pinewoods Restaurant Group, LLC dba Molly's Deli in a C-2, Limited Commercial Zoning District at 3315 and 33XX North Main Street. The Motion was **SECONDED** by Maurice Redd 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 beer and wine shall be limited to submitted Exhibits D and E.
4. The hours of operation will be limited to 8:00 A.M. to 1:00 A.M. Monday through Sunday.
5. Submittal of a dumpster detail, rendering, and dumpster enclosure permit for Staff's review and approval.
6. Removal of the non-conforming free-standing sign.
7. Must obtain separate permits for signage and signage must comply with Sign Regulations.
8. Must develop site in accordance with previously approved site and landscaping plans approved by Staff.
9. Window display signage is limited to 20% of window area.
10. The restaurant shall not have a cover charge.
11. The restaurant shall not have a dance floor.
12. The restaurant shall not have any DJs.
13. The restaurant shall not have any live entertainment.
14. The restaurant shall not operate as a nightclub.
15. There shall not be temporary exterior signage.
16. The windows shall not be covered with bars or other devices that block the windows.
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.

018-LTAB-028

Applicant
Ward 14

2500 South Alpine Road

Richard P. Buckley / Pinewoods Restaurant Group, LLC dba Molly's Deli
Sale of beer and wine by the drink in conjunction with a restaurant and video gaming facility in a C-3, General Commercial Zoning District

Mr. Capovilla explained that this item was advertised incorrectly and therefore could not be heard. It will be come before the Board at the July 17th Liquor & Tobacco Advisory Board meeting.

A **MOTION** was made by Kim Johnsen to **LAY OVER** the sale of beer and wine by the drink in conjunction with a restaurant and video gaming facility in the name of Richard P. Buckley / Pinewoods Restaurant Group, LLC dba Molly's Deli in a C-3, General Commercial Zoning District at 2500 South Alpine Road. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 6-0.

With no further business to come before the Board, the meeting was adjourned at 9:40 PM

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