



LIQUOR & TOBACCO ADVISORY BOARD
Tuesday, October 16, 2018
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LTAB Members:

Tom Fabiano
Kim Johnsen
Alicia Neubauer
Dan Roszkowski
Craig Sockwell

Absent:

Jennifer Smith
Maurice Redd

Staff:

Scott Capovilla - Zoning and Land Use Administrator
Kelly Nokes - Public Works
Matthew Flores - Assistant City Attorney
Lafakeria Vaughn - Assistant City Attorney

Others:

Kathy Berg - Court Stenographer
Applicants and Interested Parties

Scott Capovilla 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, October 22, 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 letters sent to adjacent property owners.

The meeting was called to order at 07:11 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes from the September, 2018 meeting as written. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 4-0 with Tom Fabiano abstaining and Maurice Redd and Jennifer Smith absent.

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

Laid Over from June, July, August, and September Meetings

Scott Capovilla remarked that this item was withdrawn by the Applicant, with no further action required by the Liquor & Tobacco Advisory Board.

018-LTAB-035

Applicant
Ward 11

1909 11th Street

Mobin Ahmad DBA Star Group Petroleum Co.

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

(B) Sale of tobacco products in conjunction with a gas station and convenience store in an I-1, Light Industrial Zoning District

Laid Over from September Meeting

The subject property is located on the southwest corner of 18th Avenue and 11th Street. Mobin Ahmad, the Applicant, presented the following in summation:

As a follow up from last month, Mr. Ahmad stated that he was agreeable to all of the conditions, except the sign condition. He requested that condition #9, regarding the sign be waived, as the presence of the sign would be in conformance with the adjacent signs in the area and impact the competitiveness of the location. In addition, Mr. Ahmad stated that the cost of the sign is expensive. He explained that about seven (7) other gas stations in the area have higher signs and he would be the only one with a lower sign.

Legal declined to ask questions of the applicant.

Craig Sockwell asked if the Applicant was requesting to strike the condition as opposed to modifying the implementation date. Mr. Sockwell remarked that in the future the other parcels may have to come into conformance, and the Applicant remarked that if the signs were equal across the board, it would be OK. Dan Roszkowski stated that the new sign might actually set him apart by looking better. Applicant stated that the sign is in good repair and is consistent with the other properties in the area. Mr. Ahmad responded that his focus is on making the building look better rather than spending money on the replacement of the sign, which is in good condition.

Ms. Neubauer and Mr. Roszkowski discussed the fact that the allowance of one exception leads to another and another. Ms. Neubauer remarked that the branding is evident, with the canopy, and does not need a large sign at the location. Ms. Neubauer asked Mr. Capovilla when the City and Board started requesting that signs be brought into compliance with the ordinance. Mr. Capovilla responded that it was probably when the City started the Liquor & Tobacco Advisory Board process and not during the original Liquor Advisory Board. He further explained that it was due to all of the changes in ownership and the in-compliant properties within the City. Ms. Neubauer expressed that she would go into the gas station even with a shorter sign and Ms. Johnsen agreed.

Staff Recommendation is for Approval with (13) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Alicia Neubauer to **Approve** the (A) Sale of packaged liquor in conjunction with a gas station and convenience store; and to **Approve** the (B) Sale of Tobacco products in conjunction with a gas station and convenience store in the name of Mobin Ahmad DBA Star Group Petroleum Co. an I-1, Light Industrial Zoning District at 1909 11th Street. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 5-0.

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. That the windows shall not be covered with bars or other devices that block the windows.
4. The sale of alcohol and tobacco products shall be limited to the interior floor plan labeled Exhibit F.
5. The hours of operation with packaged liquor sales shall be limited to Monday through Saturday 6:00 a.m. to 2:00 a.m. and Sunday 9:00 a.m. to midnight as indicated in business plan labeled Exhibit G.
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. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
9. Removal of the non-conforming free-standing sign and submittal of a sign permit for new landmark style sign by April 1, 2019.
10. Submittal of a landscaping plan with proposed landscape units with species and sizes for staff's review and approval.
11. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
12. Any pending general ordinance fines must be paid prior to issuance of the license.
13. All conditions must be met prior to the establishment of the use.

018-LTAB-037

Applicant
Ward 13

2914 West State Street

Heythem Sahori / Citgo N Go, Inc

Modification of an existing liquor license for a 1,370 square feet addition to the convenience store in an I-1, Light Industrial Zoning District

The subject property is located on the southeast corner of the West State Street and Vista Terrace intersection. Attorney Chris Humphrey, representing the Applicant, and Mr. Heythem Sahori was present. He reviewed the request for a modification to the existing liquor license for the subject property in order to accommodate the expansion of the facility. Attorney Humphrey relayed that the information is largely the same as was presented to the Zoning Board of Appeals, that the footprint will be expanded in order to serve additional goods. However, there will be additional space behind the register for alcohol, but no additional space for alcohol in the publically accessible area of the store.

As far as security, the owner has hired Metro Enforcement on Fridays and Saturdays during high traffic hours and the Applicant works with the Rockford Police Department. He represented that they have reached out to Police Chief Dan O'Shea about allowing the police to view the cameras for real-time access to the security footage. They are still working on this capability. He further explained that they have 22 cameras on the premises.

Attorney Humphrey requested that the hours of operation for packaged sale of beer and wine be amended from 6am-1am Monday through Saturday to 6am-2am, and that the sign be permitted to remain until such time as any expansion impacts the site. The calls for service numbers show that there about 1 call for police service per week in relation to the thousands of persons who are serviced at the location. Most of the calls for service are unrelated to the subject property. Attorney Humphrey said that about 1500 people service this location.

Attorney Vaughn asked Attorney Humphrey to clarify the time request being made for hours of operation because the business plan requested 6am- 1am, Mon-Sat. Attorney Humphrey clarified that the request was to make the hours in conformance with what ordinance allows. Attorney Vaughn also asked the time security is present on site and the Applicant confirmed that Security is present from 7pm-1am on Fridays and Saturdays.

Mr. Sahori asked that the requirement to replace the sign be changed to December 2019 as the current Agreement with Citgo goes into December. Craig Sockwell stated that the sign would not be able to be installed in December, and the Applicant responded that the sign would be able to be installed prior to December. Attorney Humphrey clarified that the accommodation would possibly defray the cost to the Applicant.

Alicia Neubauer stated that all conditions must be met prior to issuance of license. Mr. Capovilla clarified that the Applicant would be issued a license, but if the sign is not installed per the conditions that the license may be revoked. Mr. Sockwell asked how long the Applicant owned the location, and the Applicant responded that he has been owned it for one year, but that he has worked at the location since 2006. Attorney Humphrey stated that the project is a major investment.

Ms. Neubauer asked when the grand opening date would be and the Applicant stated July 2019. Attorney Humphrey further explained that it would depend on the financial feasibility and cooperation from the oil supplier. Ms. Neubauer expressed a willingness to extend the deadline to July 2019. Ms. Neubauer and Mr. Sockwell remarked that a summer deadline was more appropriate for the sign replacement.

Staff Recommendation is for Approval with (15) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Alicia Neubauer to **Approve** the Modification of the existing liquor license for a 1,370 square feet addition to the convenience store in the name of Heythem Sahori/ Citgo N Go, Inc., in an I-1, Light Industrial Zoning District at 2914 West State Street, with a modification to condition (11) to change the deadline to July 31, 2019, and a modification to condition (4) to amend the hours of operation to 6am-2am Monday-Saturday. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Dan Roszkowski abstaining.

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 packaged liquor and the sale of tobacco products shall be limited to the revised interior floor plan submitted and approved by Staff.
4. The packaged sale of beer and wine will be from 6:00 A.M. to 2:00 A.M., Monday through Saturday.
5. The packaged sale of beer and wine will be from 9:00 A.M. to 1:00 A.M. on Sunday.
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. There shall not be temporary exterior signage.
10. The windows shall not be covered with bars or other devices that block with windows.
11. That the freestanding sign shall be a landmark-style sign in accordance with the Sign Ordinance replacing the existing freestanding sign by July 31, 2019.
12. May obtain sign permit for new landmark-style freestanding sign.
13. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
14. Any pending general ordinance fines must be paid prior to issuance of the license.
15. All conditions must be met prior to the establishment of the use.

With no further business to come before the Board, the meeting was adjourned at 07:44 P.M.

Respectfully submitted,
Dr. M.D. Flores, J.D., Esq.
Liquor & Tobacco Advisory Board