



LIQUOR & TOBACCO ADVISORY BOARD
Wednesday, February 20, 2019
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LTAB Members: Tom Fabiano
Kim Johnsen
Dan Roszkowski
Craig Sockwell
Jennifer Smith

Absent: Alicia Neubauer
Maurice Redd

Staff: Scott Capovilla - Zoning and Land Use Administrator
Jeremy Carter – Traffic Engineer
Matthew Flores - Assistant City Attorney
Lafakeria Vaughn - Assistant City Attorney
Tim Morris – Fire Prevention Coordinator

Others: Alderman Chad Tuneberg
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, February 25, 2019, 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 7:41 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes from the January 15, 2019 meeting as written. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

019-LTAB-001

Applicant
Ward 10

915 South Alpine Road

Villa Di Roma / Bottigliero Corporation, Inc.

Sale of liquor by the drink and the **sale of packaged liquor** in conjunction with a restaurant and video gaming in a C-2, Limited Commercial Zoning District

The subject property is located on the southwest corner of South Alpine Road and Larson Avenue and the tenant space is located on the entire first floor of the building. Leo Bottigliero, Noah Bottigliero and Maria Bottigliero were present. The Applicants have a current agreement with the owner to purchase the subject property and take over the restaurant. The location currently has a liquor license, which does not include packaged liquor sales.

Attorney Vaughn asked the applicant if they agreed to the conditions of approval, and the applicant confirmed that they agreed to the conditions of approval, with one concern – signs being replaced at the front of the establishment. As to condition #8, the applicant stated that they would like more time to replace the sign. Attorney Vaughn stated that ultimately it is up to the Board, but asked how long they needed to replace the sign. The Applicant requested at least a year, so until 7/31/2020.

Staff Recommendation is for Approval of the Sale of liquor by the drink and Denial of the Sale of packaged liquor with nineteen (19) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Jennifer Smith to **APPROVE** the sale of liquor by the drink and **DENY** the sale of packaged liquor in conjunction with a restaurant and video gaming in a C-2, Limited Commercial Zoning District, but amending condition #8 to reflect a compliance date of 7/31/2020. The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 5-0.

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 revised interior plan showing the location of the video gaming machines for Staff review and approval.

4. The sale of liquor by the drink shall be limited to the revised interior floor plan approved by Staff.
5. The hours of operation will be limited to 10:30 A.M. to 2:00 A.M. Monday through Friday
6. The hours of operation will be limited to 3:00 P.M. to 2:00 A.M on Saturday.
7. The hours of operation will be limited to 3:00 P.M. to Midnight on Sunday.
8. The existing freestanding sign shall be replaced with a landmark-style sign in accordance with the Sign Ordinance by July 31, 2020.
9. Must obtain sign permit for new landmark-style free-standing sign.
10. Window display signage is limited to 20% of window area.
11. The restaurant and video gaming shall not have a cover charge.
12. The restaurant and video gaming shall not have a dance floor.
13. The restaurant and video gaming shall not have any DJs.
14. The restaurant and video gaming shall not have any live entertainment.
15. The restaurant and video gaming shall not operate as a nightclub.
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.

019-LTAB-002

Applicant
Ward 03

513 Toner Ave

Said Elkhatib / Northwest Food, Inc.

Sale of tobacco products and packaged liquor sales 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 and approximately 142 feet south of Auburn Street. The Applicant, Said Elkhatib was present. Mr. Elkhatib stated that he has operated a grocery store at the subject property for three (3) years. Mr. Elkhatib further stated that he needs to hire assistants for the store, and is looking for 5-6 staff members.

Attorney Vaughn asks about conditions of approval in the recommendation packet provided by Staff to the Applicant. There are a total of twenty-one (21) conditions. Mr. Elkhatib stated that he had not reviewed the conditions. So he was given an opportunity to review the conditions and then agreed to all 21 conditions.

Diane Meinung, spoke in support of the request. Ms. Meinung has been a resident for 15 years and thinks it is great that the business is coming in and opening the convenience store. The North Main project demolished the last C store, 7 Eleven, near this location and thinks that the Applicant should be able to sell alcohol and tobacco.

Douglas Mark, spoke in support of the request. Mr. Mark has been a resident for 26 years and as a former alderman and leader of the roundabout, he took into consideration the needs of the neighborhood. One of the items that was considered was a bank which is currently there, and other uses including a liquor or grocery store. Historically, there was a store 200 feet from the proposed location which is now gone. Mr. Mark further stated that he sees it as a positive for the neighborhood and coming into the neighborhood, Mr. Elkhatib has been a good and involved neighbor. Mr. Mark wants to see this move forward. He also had a letter in support from a former Churchill's Grove board member, which was read into the record.

Lenny French, spoke in support of the request. Mr. French is the owner of a local business across the street. In support of the Applicant, Mr. French has helped out quite a bit in the area and has frequented the store.

Mike Werckle, spoke in support of the request. Mr. Werckle is the artistic director of the West Side Showroom Theater at 1414 North Main Street. It is not too far from the subject property. The board of directors of the Theater has discussed the issue and supports the location having the application granted.

Rick Westlake, spoke in support of the request. Mr. Westlake has been in the neighborhood for 2 1/2 years. He is familiar with the applicant from another location and Mr. Elkhatib has maintained a good operation. Mr. Westlake stated that Mr. Elkhatib has worked to deter crime in the area in cooperation with the City, and was forced to move by the landlord from his prior location. Mr. Elkhatib has been a good neighbor and is a fair and honest person and friend to many in the neighborhood. Mr. Westlake further stated that Mr. Elkhatib had previously withdrawn an application because the neighborhood was against it. There may be security concerns, but overall he believes that the application should move forward and be approved.

Angela Fellars, spoke in support of the request. Ms. Fellars stated that as a neighborhood resident, the store provides a real need to get groceries at a close location. Mr. Elkhatib has beautified the neighborhood and gotten to know the people and kids in the neighborhood. She is aware of the security concerns, but believes that as there is no bus stop or area to congregate it will not attract criminal activity. She further stated that we need to support viable and profitable businesses, particularly in this area where there are limited business operations.

Zak Rotello, spoke in support of the request. Mr. Rotello was a resident of Churchill's Grove for about five (5) years, but just recently moved to Edgewater. He stated that he is the manager of Olympic Tavern & Restaurant. Mr. Rotello further stated that Mr. Elkhatib has been a good neighbor to the area and worked to clean up the area. He believes that the uses under this application would make the business more viable and be a good addition to the area.

Stacie Walton, spoke in support of the request. Ms. Walton had lived in Churchill's Grove for twenty (20) years and now lives in Edgewater. Ms. Walton stated that although she does not personally know the Applicant, she does frequent the store. She explained that one time she stopped by the store after a morning run and she did not have enough money to purchase her items. Mr. Elkhatib told her to take what she needed and that he trusted her to come back. She believes that it speaks to the character of the Applicant and the area needs small businesses.

Alderman Chad Tuneberg gave a brief background since the first time the Applicant was before the Board. Alderman Tuneberg stated that at first, there was an understanding that the location was to be more of a deli store, and it surprised the residents that the liquor and tobacco use was being brought forward. Since that time, the area has moved to being an anchor for four (4) different wards, and we need to enable the area to prosper for businesses. The wards include himself (ward 3), Alderman Rose (ward 9), Alderman Ann Thompson-Kelly (ward 7) and Alderman Beck (ward 12 _). These respective wards are pitching in their ward funds to help the area, and the City is resurfacing the parking lots and painting the lots in order to create a better setting for the locations to succeed. He further stated that since the initial application, Mr. Elkhatib has committed time to cleaning up the area and is dedicated to the area. Based on that, Alderman Tuneberg stated that he feels comfortable with the application and with the conditions of approval as recommended by City staff.

Prior to the Board's final vote, Scott Capovilla reminded the Board about an email received from nearby business owners that was sent to City Legal. Prior to the beginning of the meeting, copies of the email were distributed to the Board. Mr. Capovilla stated that the email was in support of the Applicant's request, but had two concerns about packaged liquor sales and single sales. After a brief discussion about condition #14 and single servings, the condition was modified to state "*There shall be no single serving sales of beer and no single servings of wine in volumes of 12oz or less.*"

Staff Recommendation is for Approval of the Sale of tobacco products, Denial of the Sale of

packaged liquor and Approval of the Sale of packaged beer and wine with twenty-one (21) conditions. Interested Parties were present.

A **MOTION** was made by Kim Johnsen to **APPROVE** the Sale of tobacco products, **DENY** the sale of packaged liquor and **APPROVE** the sale of packaged beer and wine in conjunction with a convenience store in a C-2, Limited Commercial Zoning District, modifying condition #14 to state "there shall be no single serving sales of beer and no single servings of wine in volumes of 12oz or less." The Motion was **SECONDED** by Jennifer Smith, 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 and Tobacco Codes.
3. Window display signage is limited to 20% of window area.
4. No temporary signage is allowed on the building nor shall it be placed on the sidewalk in front of the building.
5. That the windows shall not be covered with bars or other devices that block the windows.
6. Existing tint on windows must be removed and fake brick that is covering the exterior bottom portion of the window must be removed including rope lighting around window.
7. Submittal of a revised elevation for Staff's review and approval.
8. Remove the ice storage cooler in the front of building and place inside the store.
9. The planters in front shall be maintained with acceptable plant materials and free of weeds and debris.
10. Daily maintenance of the area surrounding the building and adjacent parking areas to ensure these areas are free of garbage and debris.
11. The sale of beer and wine shall be limited to the five (5) door coolers shown on south side of the building, as shown on Exhibit F.
12. The sale of tobacco products shall be limited to the area behind the counter as shown on Exhibit F.
13. Hours of operation shall be limited to Monday through Saturday 8:00 a.m. to 10:00 p.m. and Sunday 9:00 a.m. to 9:00 p.m.
14. There shall be no single serving sales of beer and no single servings of wine in volumes of 12oz or less.
15. 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.
16. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
17. That the sale of tobacco, beer and wine must be in conjunction with a convenience store.
18. The sale of tobacco, beer and wine shall not exceed 40% of total sales.
19. Any pending general ordinance case(s) must be resolved prior to issuance of the licenses.
20. All outstanding general ordinance fines must be paid prior to the issuance of the licenses.
21. All conditions must be met prior to issuance of tobacco and liquor licenses.

With no further business to come before the Board, the meeting was adjourned at 08:23 PM.

Respectfully submitted,
Matthew D. Flores, Assistant City Attorney
Liquor & Tobacco Advisory Board