



LIQUOR & TOBACCO ADVISORY BOARD
Tuesday, May 21, 2019
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LTAB Members: Kim Johnsen
Dan Roszkowski
Craig Sockwell
Jennifer Smith
Alicia Neubauer

Absent: Tom Fabiano
Maurice Redd

Staff: Lafakeria Vaughn - Assistant City Attorney
Samuel Bellone – Administrative Assistant
Tim Morris – Fire Prevention Coordinator
Jessica Sheetz – Neighborhood Enforcement Specialist

Others: Kathy Berg - Court Stenographer
Applicants and Interested Parties

Samuel Bellone 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, May 28, 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 8:13 PM. A **MOTION** was made by Kim Johnsen to **Approve** the minutes from the April 16, 2019 meeting as written. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 5-0 with Tom Fabiano and Maurice Redd absent.

Due to no applications, there was no LTAB meeting held on March 19, 2019.

019-LTAB-005

Applicant
Ward 13

226 South Main Street

Thomas Minnihan / Minnihan's Irish Inc. dba Minnihan's Pub
Sale of liquor by the drink in conjunction with a tavern and video gaming in a C-4, Urban Mixed-Use Zoning District

Prior to the meeting, a request was received from the Applicant's attorney requesting that this item be Laid Over to the June 18th meeting.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the Sale of liquor by the drink in conjunction with a tavern and video gaming in a C-4, Urban Mixed-Use Zoning District at 226 South Main Street. The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 5-0.

019-LTAB-006

Applicant
Ward 06

2315 Harrison Avenue

Anthony Angileri / Tony's Victory Tap, LLC dba Tony's Victory Tap
Sale of liquor by the drink and the **Sale of packaged liquor** in conjunction with a tavern and restaurant with video gaming in an I-1, Light Industrial Zoning District

Prior to the meeting, a request was received from the Applicant's attorney requesting that this item be Laid Over to the June 18th meeting.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the Sale of liquor by the drink and the Sale of packaged liquor in conjunction with a tavern and restaurant with video gaming in an I-1, Light Industrial Zoning District at 2315 Harrison Avenue. The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 5-0.

019-LTAB-007

Applicant
Ward 03

124 North Main Street

James Alberto / Strongback Enterprises Inc. dba Octane
Sale of liquor by the drink in conjunction with a restaurant and outdoor seating area in a C-4, Urban Mixed-Use Zoning District

The subject property is on the west side of North Main Street and 200 feet north of West State Street. Attorney Shawn Fulbright and James Alberto were present. Attorney Fulbright is representing Mr. Alberto. He explained that this application is for the same restaurant as the current Octane. Mr. Alberto started as a bus boy for six (6) years then worked at Abreo for another six (6) years. The applicant returned to Octane where he has ran the business for seven (7) years. The applicant has to receive a new liquor license since becoming the new owner of Octane and he intends to run it the same way as it is now.

Attorney Vaughn asked the applicant to confirm the name of the business because the application had Octane RKFD. The applicant stated that the name would stay the same. Attorney Vaughn also asked if the applicant agrees to the conditions of approval. The applicant stated that he does agree to the conditions.

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

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Sale of liquor by the drink in conjunction with a restaurant and outdoor seating area in a C-4, Urban Mixed-Use Zoning District. 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 and Fire Codes.
2. Compliance with all 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 sale of liquor by the drink shall be limited to the submitted interior floor plans and outdoor seating area.
6. The proposed use shall not have a cover charge.
7. The proposed use shall not have a dance floor.
8. The proposed use shall not have operate as a nightclub.
9. The hours of operation shall be limited to Tuesday to Thursday, 8:00 a.m. to 10:00 p.m., Friday 8:00 a.m. to midnight and Saturday 5:00 p.m. to midnight. The business is closed on Sunday and Monday.
10. Submittal of the outdoor seating area and approval of the sidewalk café permit from the Public Works Department.
11. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
12. All outstanding general ordinance fines must be paid prior to issuance of the license.

019-LTAB-008

Applicant
Ward 14

2514 South Alpine Road

Moran Foods, LLC dba Save-A-Lot
Sale of packaged beer and wine in conjunction with a grocery store in a C-3, General Commercial Zoning District

019-LTAB-009

Applicant
Ward 13

1701 West State Street

Moran Foods, LLC dba Save-A-Lot
Sale of packaged beer and wine in conjunction with a grocery store in a C-2, Limited Commercial Zoning District

The board asked to have both applications to be heard at the same time.

The subject property located at 2514 South Alpine Road is a tenant space is located within the Alpine Village Shopping Center on the northeast corner of South Alpine Road and Harrison Avenue. The parcel is surrounded by commercial and residential uses. The subject property is the Save-A-Lot grocery store that currently does not sell packaged liquor.

The subject property located at 1701 West State Street on the northwest corner of West State Street and North Central Avenue. The subject property was built in 2015 as a grocery store. The subject property is the Save-A-Lot grocery store that currently does not sell packaged liquor.

Attorney John Guest is representing Moran Foods, LLC. Attorney Guest would first like to address the application that is recommended for denial, which is for 1701 West State Street. He explained that they are only going to sell wine and beer. Their main interest is to have the stores be safe for customers and everyone involved. He stated that he does realize the amount of calls for the West State store is large. However, the majority of the calls are in the parking lot and not inside of the store itself. He also stated that the stores do have an armed security guard at the West State store from 12:00 PM to close. All employees are trained on selling liquor. Having the ability to sell liquor from the stores will keep the stores competitive with other stores.

Jennifer Smith asked if there are cameras in the parking lot. Attorney Guest stated that there are no cameras in the parking lot but there are cameras in the stores. The employees are trained to maintain the safety of customers and other employees.

Attorney Vaughn asked if the applicant agrees to the conditions for approval for the Alpine store. Attorney Guest stated the applicant does agree with the conditions.

Dan Roszkowski asked if the location on West State Street was located next to an elementary school. Attorney Vaughn confirmed that there is a school nearby. Craig Sockwell asked if the Alderman of the ward is in support of the sale of beer and wine at the West State Store. Attorney Vaughn responded that she had been advised that the Alderman of the ward was not in support of the application. Attorney Vaughn also stated that during the development of the property a few years ago, it was presented to the community and City Council, that the West State store would not have liquor sales.

Alicia Neubauer asked if it was possible for the beer and wine to only be sold at the West State store when the guard is there. Attorney Vaughn stated that it would be hard to enforce, but it could be included in a revised security plan. Attorney Guest stated that a guard could be at the store from open to close allowing the sale of beer and wine.

Staff Recommendation is for Approval for 2514 South Alpine with nine (9) conditions. No Objectors or Interested parties were present.

Staff Recommendation is for Denial for 1701 West State Street. No Objectors or Interested parties were present.

A **MOTION** was made by Jennifer Smith to **APPROVE** the Sale of packaged beer and wine in conjunction with a grocery store in a C-3, General Commercial Zoning District located at 2514 South Alpine Road. The motion was **SECONDED** by Craig Sockwell 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 and Tobacco Codes.
3. The sale of beer and wine shall be limited to the interior site plan that was submitted Exhibit E.
4. The hours of operation will be limited to 8:00 A.M. to 9:00 P.M. Monday through Sunday.
5. Window display signage is limited to 20% of window area.
6. The windows shall not be covered with bars or other devices that block the windows.
7. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
8. All outstanding general ordinance fines must be paid prior to the issuance of the license.
9. All conditions must be met prior to establishment of use.

A **MOTION** was made by Jennifer Smith to **APPROVE** the Sale of packaged beer and wine in conjunction with a grocery store in a C-2, Limited Commercial Zoning District located at 1701 West State Street with the addition of adding an armed security guard shall be on site for all hours of operation. The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 4-1, with Craig Sockwell voting Nay.

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 E.
4. The hours of operation will be limited to 8:00 A.M. to 9:00 P.M. Monday through Sunday.
5. Window display signage is limited to 20% of window area.
6. The windows shall not be covered with bars or other devices that block the windows.
7. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
8. All outstanding general ordinance fines must be paid prior to the issuance of the license.
9. All conditions must be met prior to establishment of use.
10. Applicant shall have an armed security guard at all hours of operation.

019-LTAB-010

Applicant
Ward 11

1006 Charles Street

Walid Jarwsh dba Midtown Wireless

Sale of tobacco products in conjunction with a retail and grocery store in a C-4, Urban Mixed-Use Zoning District

The applicant Walid Jarwsh and Joseph Fonseca were present. The subject property is located on the southeast corner of East State Street and 6th Street and south of Charles Street.

Mr. Fonseca spoke on behalf of the applicant. They are business partners and own a phone business at 1006 Charles Street. They offer free phones to help people in need in the community. They also sell and fix phones in their shop. They used to sell soda and chips for customers that would wait for their phones to be fixed. The business is currently family owned and wants to expand. The applicant’s family lives upstairs.

Jennifer Smith asked Mr. Fonseca if the store would become a grocery store because in the staff recommendation, it notes that the tobacco application includes grocery store. He explained that they could provide drinks in coolers and some chips because they used to in the past. Alicia Neubauer asked where the coolers will be located. Mr. Fonseca stated that the coolers will be located in front of the store windows. Ms. Neubauer stated that the coolers in front of the window would be a concern because of visibility. The Board asked for size dimensions of the proposed coolers. Mr. Fonseca explained that they can move the coolers to the middle of the store. Craig Sockwell stated that if the applicant could provide a better drawing, there would be less confusion. Jennifer Smith asked if staff would be willing to recommend approval if the applicant submitted a new drawing. Attorney Vaughn said that she cannot confirm but most likely they would not. The Board would recommend that the applicant resubmit a clear business and site plan and work with staff for approval. The business plan should also include the percentage of sales for phones, tobacco and food.

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

A **MOTION** was made by Kim Johnsen to **LAY OVER** the Sale of tobacco products in conjunction with a retail and grocery store in a C-4, Urban Mixed-Use Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-1, with Craig Sockwell voting Nay.

019-LTAB-011

Applicant
Ward 14

5965 Columbia Parkway

Casey’s Retail Company dba Casey’s General Store

Sale of packaged liquor and the **Sale of tobacco products** in conjunction with a convenience store and gas station in a C-3, General Commercial Zoning District

The subject property is located on the southwest corner of Columbia Parkway and South Mulford Road. The subject property is surrounded by commercial and residential uses.

Nubia Bohms, the area manager for Casey’s General Store was present and spoke on behalf of the application. They are requesting a liquor and tobacco license at Casey’s General Store. There are set hours for liquor and tobacco sales. The hours of sales are 6:00 AM to 12:00 AM, Monday through Saturday and 9:00 AM to 12:00 AM on Sunday. The liquor will be in a locked cabinet for security reasons. The business plans to open in Mid-August.

Attorney Vaughn asked if the Applicant had reviewed staff's recommendation and conditions of approval. Ms. Bohms stated that she did and agrees to the conditions of approval.

Staff recommendation is for Approval with thirteen (13) conditions. No Objectors or Interested parties were present.

A **MOTION** was made by Kim Johnsen to **APPROVE** the Sale of packaged liquor and the Sale of tobacco products in conjunction with a convenience store and gas station in a C-3, General Commercial Zoning District. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions.

1. Meeting all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. Submittal of a revised interior floor plan that indicates the location of liquor sales for Staff review and approval.
4. The sale of packaged liquor shall be limited to the revised interior floor plan approved by Staff.
5. The sale of tobacco products shall be limited to the interior floor plan as shown on submitted interior floor plan Exhibit F.
6. The hours of operation will be limited to 5:00 A.M. to Midnight Monday through Sunday. Liquor sales cannot begin until 9:00 am on Sunday per the City of Rockford Liquor Code.
7. That the window signage shall not exceed 20% of window area.
8. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into crack pipes is prohibited.
9. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
10. There shall not be temporary exterior signage.
11. That the windows shall not be covered with bars or other devices that block the windows.
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.

With no further business to come before the Board, the meeting was adjourned at 9:08 PM.

Respectfully submitted,

Samuel Bellone, Administrative Assistant
Liquor & Tobacco Advisory Board