



LIQUOR & TOBACCO ADVISORY BOARD
Tuesday, June 18, 2019
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LTAB Members: Kim Johnsen
Dan Roszkowski
Craig Sockwell
Alicia Neubauer
Tom Fabiano
Maurice Redd

Absent: Jennifer Smith

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

Others: Kathy Berg - Court Stenographer
Applicants and Interested Parties
Alderman Tuffy Quinonez

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 Tuesday, June 24, 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 7:48 PM. A **MOTION** was made by Kim Johnsen to **Approve** the minutes from the May 21, 2019 meeting as written. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Tom Fabiano and Maurice Redd abstaining and Jennifer Smith absent.

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
Laid Over From May Meeting

The subject property is located on the northeast corner of South Main Street and Chestnut Street intersection. Commercial uses surround the parcel. Attorney Robert Calgaro represented the applicants, Thomas Minnihan and Michael Minnihan. Attorney Calgaro, Thomas Minnihan and Michael Minnihan were present. Attorney Calgaro stated that the applicant is planning to put in a bar, restaurant, and gaming facility at the subject property. He explained that the tenant space had been vacant for many years. The nature of the business will focus on the bar and food service instead of gaming. Thomas Minnihan operates a bar in Genoa and hosts karaoke nights there without a cover charge. Attorney Calgaro further explained that when they first applied for a liquor license, the applicant did not understand what was being asked. They have a revised business plan with a projection of \$120,000 in food and alcohol sales and \$3,600 in gaming revenue. They also broke down alcohol and food sales. The applicant is expecting 70% alcohol and 30% food sales.

Alicia Neubauer asked where the food will be prepared. Mr. Minnihan stated that the food would be prepared in the kitchen area. There is a small area in the back room where there will be a panini and sandwich making area, as depicted on Exhibit F.

Staff Recommendation is for Denial. 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 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 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 Codes.
3. The sale of liquor by the drink shall be limited to the submitted letter, dated June 18, 2019.

4. The hours of operation will be limited to Monday through Thursday, 11:00 A.M. to midnight, Friday and Saturday 11:00 A.M. to 2:00 A.M. and Sunday, 11:00 A.M. to 10:00 P.M. The food service hours will be from 11:00 a.m. to 10:00 p.m., Sunday through Saturday.
5. Window display signage is limited to 20% of window area.
6. That the windows shall not be covered with bars or other devices that block the windows.
7. The tavern with video gaming shall not have a cover charge.
8. The tavern with video gaming shall not have a dance floor.
9. The tavern with video gaming shall not have any DJs.
10. The tavern with video gaming shall not operate as a nightclub.
11. There shall be no packaged liquor sales.
12. All conditions must be met prior to establishment of use.

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
Laid Over From May Meeting

The subject property is located on the southeast corner of Harrison Avenue and 18th Street. Attorney Robert Calgaro, representing the applicant, and Anthony Angileri were present. Mr. Calgaro stated that the applicant, Mr. Angileri, is in the process of purchasing the Victory Tap to continue operations. Part of last month's layover, the applicant was asked to submit a revised site plan. Attorney Calgaro and Mr. Angileri met with Zoning staff to discuss the application and site plan. They provided a partially revised site plan to zoning. Attorney Calgaro stated that they agreed with all conditions.

Attorney Lafakeria Vaughn asked Attorney Calgaro if the applicant saw that staff recommended denial for packaged liquor sales. Attorney Vaughn stated that the current establishment was not approved for packaged sales. Attorney Calgaro understood the reasons for the denial. He thought the establishment currently had packaged sales.

Staff Recommendation is for Approval of the Sale of Liquor by the Drink with seventeen (17) conditions and Denial of the Sale of Packaged Liquor. No Objectors or Interested parties were present.

A **MOTION** was made by Kim Johnsen to **APPROVE** the Sale of liquor by the drink in conjunction with a tavern and restaurant with video gaming in an I-1, Light Industrial Zoning District and **DENIAL** of the Sale of packaged liquor by the drink 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 Tom Fabiano 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 Codes.
3. Submittal of a revised site plan that includes the new parking space configurations for Staff review and approval.

4. Submittal of a revised landscaping plan that includes perimeter landscaping along Harrison Avenue and 18th Street and interior landscaping with plant species and size for Staff review and approval.
5. The sale of liquor by the drink shall be limited to submitted Exhibit E.
6. The hours of operation will be limited to 10:00 A.M. to 2:00 A.M. Sunday through Saturday.
7. Window display signage is limited to 20% of window area.
8. That the windows shall not be covered with bars or other devices that block the windows.
9. The tavern and restaurant with video gaming shall not have a cover charge.
10. The tavern and restaurant with video gaming shall not have a dance floor.
11. The tavern and restaurant with video gaming shall not have any DJs.
12. The tavern and restaurant with video gaming shall not operate as a nightclub.
13. That the use shall not have any outdoor sales area or outdoor seating area permitted on the subject property.
14. All conditions must be met prior to establishment of use.
15. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
16. All outstanding general ordinance fines must be paid prior to the issuance of the license.
17. All conditions must be met prior to establishment of use.

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

Laid Over from May Meeting

The subject property is located on the southeast corner of East State Street and 6th Street and south of Charles Street. Attorney Tim Whitham, representing the applicant, and Walid Jarwsh were present. Attorney Whitham stated that Mr. Jarwsh has been in the cell phone business since 2013. The applicant wants to expand his business to sell tobacco products. During the May meeting, the board requested a revised site plan and not having the beverage coolers in front of the windows. Attorney Whitham provided the board with a revised site plan. He indicated that the beverage coolers will be on a solid wall and not blocking the windows.

Dan Roszkowski stated that the site plan had been completely reconfigured to allow the coolers to be in the store without blocking the windows. Maurice Redd asked what prompted the change to want to sell e-cigarettes. Mr. Jarwsh stated that he would need a tobacco license to sell e-cigarettes and vapes. Kim Johnsen asked if the main part of the sales would be cell phones. Mr. Jarwsh confirmed that cell phone sales would be the main part of his sales. However, he also wants to sell e-cigarettes to customers if they come in.

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

Tom Fabiano asked why zoning staff recommended denial for the application. Attorney Vaughn stated that staff felt like it was not a good use for the property and last month the board requested a revised business plan and site plan. Alicia Neubauer asked staff if they needed parking and landscaping. Scott Capovilla stated that they do not need parking, but the board can request landscaping as they feel needed.

A **MOTION** was made by Kim Johnsen to **APPROVE** the Sale of Tobacco Products in conjunction with a retail store in a C-4, Urban Mixed-Use Zoning District at 1006 Charles Street. The motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 4-2, with Craig Sockwell and Dan Roszkowski voting Nay.

Approval is subject to the following conditions.

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Tobacco Codes.
3. Submittal of a site plan indicating the current conditions of subject property in its entirety including parking spaces.
4. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
5. The hours of operation will be limited to Monday through Friday 9:00 A.M. to 8:00 P.M., and Saturday and Sunday 10:00 A.M. to 8:00 P.M.
6. Window display signage is limited to 20% of window area.
7. That the windows shall not be covered with bars or other devices that block the windows.
8. 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.
9. All conditions must be met prior to establishment of use.

019-LTAB-012

Applicant
Ward 11

1025 5th Avenue

Gene Hayenga / Gene's Place, Inc

Sale of liquor by the drink in conjunction with a restaurant, bar and video gaming in a C-4, Urban Mixed-Use Zoning District

The subject property is located on the south side of 5th Avenue and 95 feet west of 7th Street. Commercial uses surround the parcel. The applicant, Gene Hayenga, was present. Mr. Hayenga was the previous owner of Gene's Place, located off Manchester Drive and Harrison Avenue. However, the establishment was closed in April of this year. Mr. Hayenga explained that there would be a full menu, no dance floor, and no DJs. He is going to focus on the food and the restaurant aspect of a business.

Attorney Lafakeria Vaughn asked if the applicant was able to review the staff's recommendation. Mr. Hayenga agreed with the conditions, but wondered whether the board would allow leaving the bars on the windows for decoration.

Kim Johnsen asked what attracted the applicant to the location. Mr. Hayenga stated that the previous tenant started to remodel the bar, but when the recession began, they ended the lease. Craig Sockwell asked why the applicant left his last establishment. Mr. Hayenga responded that his landlord raised the rent of the property by a significant amount. He was not willing to pay the increase in rent. Alicia Neubauer asked how he would diversify his new establishment from Gene's Place. Mr. Hayenga explained that it will be more of an Irish Pub and he is willing to help out the surrounding area with this new business.

Staff Recommendation is for Approval with thirteen (13) conditions. Objectors or Interested parties were present.

Kevin Porter spoke in favor of the application. Mr. Porter is the landlord of the subject property. He has owned the building for fifteen (15) years. The tenant space was previously renovated and was

abandoned before the renter could finish. Mr. Porter stated that he did not want just video gaming at this property and that he would want someone who cared about the space and community.

Kim Johnsen asked the applicant when he expects to open the new establishment. Mr. Hayenga responded that he wants to open in September. However, he wants to do everything the right way by obtaining the proper permits.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Sale of liquor by the drink in conjunction with a restaurant, bar and video gaming in a C-4, Urban Mixed-Use Zoning District at 1025 5th Avenue. The motion was **SECONDED** by Craig Sockwell 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 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 in conjunction with a restaurant.
6. Hours of operation are limited to Tuesday through Thursday 11:00 a.m. to 10:30 p.m., Friday and Saturday 11:00 a.m. to midnight and closed on Sunday and Monday. The food service hours will be from 11:00 a.m. to 8:00 p.m., Tuesday through Saturday.
7. The proposed use shall not have a cover charge.
8. The proposed use shall not have a dance floor.
9. The proposed use shall not have any DJs.
10. The proposed use shall not have any live entertainment.
11. The proposed use shall not operate as a nightclub.
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.

019-LTAB-013

Applicant
Ward 10

2715 Charles Street

Jessica Pipitone / AGP 18, Inc.

Sale of beer and wine by the drink in conjunction with a pizzeria and gaming parlor in a C-2, Limited Commercial Zoning District

Prior to the meeting, a request was received from the Applicant's attorney requesting that this item be Laid Over to the July 16th meeting.

A **MOTION** was made by Alicia Neubauer to **LAY OVER** the Sale of beer and wine by the drink in conjunction with a pizzeria and gaming parlor in a C-2, Limited Commercial Zoning District at 2715 Charles Street. The motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 6-0.

With no further business to come before the Board, the meeting was adjourned at 8:33 PM.

Respectfully submitted,

Samuel Bellone, Administrative Assistant
Liquor & Tobacco Advisory Board