



LIQUOR & TOBACCO ADVISORY BOARD
Tuesday, September 17, 2019
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

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

Absent: Tom Fabiano

Staff: Lafakeria Vaughn – Assistant City Attorney
Samuel Bellone – Administrative Assistant
Scott Capovilla – Zoning and Land Use Administrator
Tim Morris – Fire Prevention Coordinator
Jeremy Carter – Traffic Engineer
Karl Franzen – Community and Economic Development Director

Others: Kathy Berg - Court Stenographer
Chad Tuneberg – Third Ward Alderman
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, September 30, 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 6:03 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes from the August 20, 2019 meeting as written. The Motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 5-0 with Kim Johnsen abstaining and Tom Fabiano absent.

019-LTAB-017

Applicant
Ward 03

126 N Madison

Stephanie Caltagerone / Magpie

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

The subject property is located on the west side of North Madison Street and 33 feet south of Market Street. The applicant, Stephanie Caltagerone, was present. Ms. Caltagerone is the owner of Magpie. Magpie is a local restaurant that had to relocate due to a building fire. She is requesting approval to sell beer and wine by the drink.

Alicia Neubauer asked if Ms. Caltagerone agrees to the conditions of approval. Ms. Caltagerone stated that she did read the conditions and would like to change the hours of operation. The old business plan with the hours was submitted with the application. Ms. Caltagerone explained that with the new location in the downtown area, she would like the ability to serve liquor at all hours allowable under the liquor code. She also requested live entertainment for the new location. A few hours before the meeting, she sent an email to Scott Capovilla explaining the new hours. The board was made aware of the email and received a copy of the email.

Maurice Redd asked if there will be video gaming. Mr. Caltagerone stated that she would have five (5) gaming machines. The board was also made aware of an email Samuel Bellone received from an objector, Mr. Miles Gillott.

Ms. Neubauer noted that it was hard to see the proposed layout of the building. Ms. Caltagerone explained that the building would be the same square footage of the previous building, but there will be two levels instead of one. She also explained that the gaming machines would be located in the lower rear of the building.

Staff Recommendation is for Approval with seven (7) conditions. No Objectors or Interested parties were present.

A **MOTION** was made by Alicia Neubauer to **APPROVE** Sale of beer and wine by drink in conjunction with a restaurant and video gaming in a C-4, Urban Mixed Use Zoning District amending condition three

(3) to state hours of operation up to the maximum extent allowable per the liquor code and amending condition four (4) to remove live entertainment. The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must meet all applicable building and fire codes.
2. Compliance with the Liquor Ordinance.
3. Hours of operation are limited to the maximum extent allowable per the liquor code.
4. The restaurant shall not have a cover charge, dance floor or any DJ's.
5. The restaurant shall not operate as a nightclub.
6. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
7. All outstanding general ordinances fines must be paid prior to issuance of the license.

019-LTAB-018

Applicant
Ward 11

309 and 311 7th St

Clydale Hilson / The Collective

Sale of liquor by the drink in conjunction with an event space with video gaming, and an outdoor seating area in a C-4, Urban Mixed-Use Zoning District

Prior to the meeting, the applicant requested their application be withdrawn.

019-LTAB-019

Applicant
Ward 08

3905 Broadway

Cathy Dzik / 8th Ward Pub

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

The subject property is located on the southeast corner of Log Cabin and Broadway. Commercial uses and residential uses surround the parcel. The applicant, Cathy Dzik, was present along with her attorney, Robert Calgaro. Attorney Calgaro stated that Ms. Dzik is the owner of Dusty Boots also located on Broadway. Ms. Dzik owns the building adjacent to Dusty Boots which is currently an auto repair shop. She plans to make improvements to the building and convert it to a restaurant and bar with gaming. She accepts all conditions of approval per the Staff report.

Alicia Neubauer asked if the applicant could submit a written plan for security at the new location. Attorney Calgaro explained that the security from Dusty Boots would be available as needed. The nature of Dusty Boots requires more security while the new business will be smaller and not a bar atmosphere.

Dan Roszkowski asked if there is gaming in Dusty Boots. Attorney Calgaro stated that there was gaming in Dusty Boots and the Illinois Gaming Board currently allows five (5) gaming machines per property.

Jennifer Smith asked Staff about the plan for the easement agreements. Scott Capovilla explained the property to the East has a variation which still stands.

Mr. Roszkowski stated that he is concerned that opening up a new business would be a way to get more than five (5) gaming machines, since she owns both businesses. Kim Johnsen explained that since there are two different buildings, there would be two separate licenses. Ms. Smith stated that everything would be different since the businesses are on different parcels. Mr. Capovilla explained that the City of

Rockford does not zone properties for liquor. Mr. Capovilla further explained that the application process is more about vetting an applicant as well as the land use.

Staff Recommendation is for Approval with sixteen (16) conditions. No Objectors or Interested parties were present.

A **MOTION** was made by Kim Johnsen to **APPROVE** sale of liquor by the drink in conjunction with a restaurant, bar and video gaming in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 5-1 with 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 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 8:00 a.m. to 2:00 a.m. Monday through Saturday and 9:00 a.m. to 2:00 a.m. on Sunday. The food hours will be Monday through Sunday, 11:00 a.m. to 10:00 p.m. 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 any DJs.
9. The proposed use shall not have any live entertainment.
10. The proposed use shall not operate as a nightclub.
11. Submittal of a revised site plan showing green area within the parkway and sidewalks along Log Cabin Avenue and Broadway
12. Submittal of a landscape plan including type of species and sizes.
13. Submittal of façade improvement for staff's review and approval.
14. All signage onsite must comply with current sign ordinance. All non-conforming signs must be removed.
15. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
16. All outstanding general ordinances fines must be paid prior to issuance of the license.

019-LTAB-020

Applicant
Ward 03

1706 and 1708 Rural Street

Samer Al Sagaf / Corner Mini Mart

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

The subject property is located on the east corner of the North Guilford Road and Rural Street intersection. The applicant, Samer Al Sagaf, was present. Attorney Tim Whitham and Mokhtar Mohamed were also present with the applicant. Attorney Whitham explained that the applicant bought the property and is planning to convert it to a convenience store. The applicant agrees to all conditions. Mr. Sagaf will be repaving the parking lot and redoing the sign to make it a landmark sign. Mr. Mohamed passed out a site plan to the board.

Alicia Neubauer explained that she did not see the proposed landscaping. Attorney Whitham stated that there would be some landscaping in the parking lot itself and the corner of the intersection. Ms. Neubauer asked if there was an agreement with the property behind the subject property to allow additional parking. Attorney Whitham responded that there is no written agreement. Ms. Neubauer asked

if the parking complied with the size of the store. Mr. Capovilla stated that the parking provided does comply for the size of the store.

Craig Sockwell asked where the entrance will be. Attorney Whitham stated that the entrance would be in the middle of the building.

Staff Recommendation is for Approval with eighteen (18) conditions. Objectors or Interested parties were present.

Johnathan Whitlock spoke against the application. Mr. Whitlock owns the commercial strip mall behind the subject property. He explained that when he purchased the property there was a tobacco store in the strip mall. The tobacco store caused issues which lead to crime and loitering in that area. Once he kicked the tobacco store out, he was able to attract good tenants and the mall is now fully leased. He is trying to make that area more family-friendly and allowing a tobacco store at this location would draw unwanted customers. He also explained that the convenience store would attract more customers and those customers would take up spaces in his lot.

Alderman Chad Tuneberg spoke on this application. Alderman Tuneberg stated that he has had a few people reach out to him about the proposed tobacco application. He explained that the BP gas station has tobacco and liquor. Alderman Tuneberg said Alderman Gasparini also has had constituents reach out to him with concerns about the intended application. Alderman Tuneberg stated that Alderman Gasparini could not attend as he had a funeral but wanted his concerns conveyed to the board. Alderman Tuneberg stated that the area has come back and been revived.

Nancy Whitlock spoke against the application. She explained that the building looks large, but the inside is small. When people park at the store, they will have to back out into the street to get out.

Mr. Mohamed rebutted the interested parties. He stated the store would be clean and will be an improvement. The applicant is improving the landscaping. Also, tobacco would be 25% of the sales. Attorney Whitham stated that there is no competition for BP to sell tobacco products.

Kim Johnsen asked if the applicant has any experience in owning a convenience store. The applicant stated he has owned convenience stores and currently owns one located at 2744 11th Street.

During the board discussion, Ms. Neubauer stated she does not think this location would be a good fit. They can open a convenience store but without the sale of tobacco products. Ms. Johnsen stated that it is unfair for the board to control competition. Maurice Redd and Mr. Sockwell stated that they do not feel like it is a good fit for a convenience store.

A **MOTION** was made by Craig Sockwell to **DENY** the sale of tobacco products in conjunction with a convenience store in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-1 with Jennifer Smith voting Nay.

019-LTAB-021

Applicant
Ward 03

214 East State Street

John Koehler / The Standard

Sale of liquor by the drink in conjunction with a Wedding and Event Venue in a C-4, Urban Mixed-Use Zoning District

Prior to the meeting, the applicant requested their application to be laid over.

A **MOTION** was made by Alicia Neubauer to **LAYOVER** the Sale of liquor by the drink in conjunction with a Wedding and Event Venue in a C-4, Urban Mixed-Use Zoning District. The motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 6-0.

With no further business to come before the Board, the meeting was adjourned at 6:52 PM.

Respectfully submitted,

Samuel Bellone, Administrative Assistant
Liquor & Tobacco Advisory Board