



LIQUOR & TOBACCO ADVISORY BOARD
Tuesday, November 19, 2019
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

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

Absent: Maurice Redd

Staff: Lafakeria Vaughn – Assistant City Attorney
Chad Baker – Assistant City Attorney
Samuel Bellone – Administrative Assistant
Scott Capovilla – Zoning and Land Use Administrator

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, November 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 7:58 PM. A **MOTION** was made by Jennifer Smith to **APPROVE** the minutes from the October 16, 2019 meeting as written. The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 5-0 with Alicia Neubauer abstaining and Maurice Redd absent.

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
Laid Over from September Meeting

Prior to the meeting, the applicant had withdrawn his application.

019-LTAB-022

Applicant
Ward 08

4419 Charles Street

Dimitrios Kalaitzakis / Pink Pony Lounge

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

Prior to the meeting, the applicant had withdrawn his application.

019-LTAB-023

Applicant
Ward 07

4307, 4311, 4315, 4317, 4417 Auburn Street

Anghan Bhavesh / Rockford Gas Inc

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

The applicant, Anghan Bhavesh, was present with the current owner and George Wilson, manager of the gas station located on the subject property. The subject properties are located on the northeast corner of the Auburn Street and North Johnston Avenue intersection. Mr. Bhavesh is purchasing the store and needs to apply for licenses due to new ownership. Mr. Bhavesh stated that this would be his first store located in Rockford. He currently owns stores in Kane County. In which one (1) of his stores, he holds a liquor and tobacco license.

Attorney Lafakeria Vaughn asked Mr. Bhavesh if he has reviewed the staff recommendation and agrees to the conditions of approval. He stated that he reviewed the recommendation and agreed to the conditions of approval.

Kim Johnsen asked how many stores he owns. Mr. Bhavesh stated that he owns three stores. The store in Carpentersville holds the liquor license.

Alicia Neubauer asked who will manage the day-to-day operations. Mr. Bhavesh stated that George Wilson currently manages the existing store, and he will manage the store when the ownership changes.

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

William Pritz spoke against the application. He owns a business located at 3523 Auburn Street. Mr. Pritz stated that there had been a sister store that sells liquor at a low price to get customers in the store. He further stated that he has lost customers to the store and that he would not want the subject property to follow the same pricing.

George Wilson rebutted some of the comments made by Mr. Pritz. Mr. Wilson stated that they are not affiliated with the other store that Mr. Pritz mentioned. They are currently raising prices to a fair price that would allow a profit.

A **MOTION** was made by Jennifer Smith to **APPROVE** the sale of packaged liquor in conjunction with a gas station and convenience store and **APPROVE** the sale of tobacco products in conjunction with a gas station and convenience store in a C-3, General Commercial Zoning District. 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 and Tobacco Codes.
3. Must replace dead evergreen shrubs along Auburn Street by June 1, 2020.
4. The sale of packaged liquor shall be limited to the interior plan that will not exceed more than 10% of the floor area.
5. Submittal of a revised interior floor plan showing the location of liquor sales not exceed 10% of the floor area.
6. The sale of tobacco products shall be limited to the submitted plan Exhibit F.
7. The sale of packaged liquor will be from 6:00 A.M. to midnight, Monday through Saturday.
8. The sale of packaged liquor will be from 9:00 A.M. to Midnight on Sunday.
9. 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.
10. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
11. Window display signage is limited to 20% of window area.
12. There shall not be temporary exterior signage.
13. The windows shall not be covered with bars or other devices that block the windows.
14. Window display signage is limited to 20% of window area.
15. Submit a property combination form for Staff approval to combine the seven (7) parcels into one (1) parcel.
16. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
17. All outstanding general ordinances fines must be paid prior to issuance of the license
18. All conditions must be met prior to establishment of use

019-LTAB-024

Applicant
Ward 01

542 North Lyford Road

Sunny Elengical / Star Petroleum Inc

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

The applicant, Sunny Elengical, was present. Mr. Elengical was being represented by Attorney George Hampilos. The property is located on the northwest corner of Lyford Road and East State Street adjacent to the Tollway Interchange. The subject property was constructed in the County at the same time as the former Clock Tower Resort. The property was a part of an annexation in 1990 that annexed all four corners of the intersection of East State Street and Lyford Road. Attorney Hampilos stated that his client is seeking a liquor and tobacco license. He also agrees to the conditions of approval with clarifications. The applicant will also operate the facility himself.

Alicia Neubauer asked what clarifications he needed for the conditions of approval. Attorney Hampilos explained that the applicant would like until May 2020 to replace the dumpster enclosure. He also stated that the applicant would be okay with removing two unused free standing signs. Attorney Hampilos asked for the prohibited sale of airplane-sized bottles to be removed. He explained that many stores in the City of Rockford sell airplane-sized bottles, specifically the big grocery stores. However, he further stated that he would take this specific issue up with the City legal department. Attorney Vaughn stated that Staff would not change the condition concerning airplane-sized bottles, but the Board has discretion on modifying it.

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

A **MOTION** was made by Kim Johnsen to **APPROVE** the sale of packaged liquor in conjunction with a gas station and convenience store and **APPROVE** the sale of tobacco products in conjunction with a gas station and convenience store in a C-3, General Commercial Zoning District. Amending condition eleven (11) to replace the existing dumpster enclosure by May 1, 2020. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must meet all applicable building, fire, liquor and tobacco codes.
2. Submittal of a revised floor plan indicating the locations of alcohol and tobacco sale within the store for Staff review and approval.
3. The sale of liquor and tobacco shall be limited to the revised interior floor plan.
4. The sale of liquor shall be restricted to the hours permitted by the Liquor Ordinance.
5. The hours for liquor sales shall be restricted on Sunday from 9:00 a.m. to 11:00 p.m. and 6:00 a.m. to 11:00 p.m. Monday through Saturday.
6. Inside signage cannot exceed more than 20% of window surface.
7. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
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. That the windows shall not be covered with bars or other devices that block the windows.
10. There shall be no single serving sales of liquor, beer or wine in volumes of 12 ounces or less.

11. Must replace existing dumpster enclosure with site-obscuring fencing by May 1, 2020. Submittal of a dumpster enclosure permit for staff's review and approval.
12. Removal of all signage associated with the defunct businesses (Tower Gas and the car wash) by May 1, 2020.

019-LTAB-025

Applicant
Ward 01

2975 North Perryville Road

Sunny Elengical / Crown Petroleum Inc

Sale of packaged liquor in conjunction with a gas station and convenience store and the **sale tobacco products** in conjunction with a gas station and convenience store in a C-2, Limited Commercial Zoning District

The applicant, Sunny Elengical, was present. Mr. Elengical was being represented by Attorney George Hampilos. The subject property is located on the southeast corner of North Perryville Road and Olde Creek Road. The subject property is surrounded by commercial uses and some residential uses. Attorney Hampilos stated that his client is seeking a liquor and tobacco license. He has no objections to the conditions of approval but would like to change the hours of liquor sales. Specifically, for liquor sales on Sunday to be from 9:00 am to 11:00 pm and on Monday through Saturday from 6:00 am to 11:00 pm.

Dan Roszkowski asked who would run the gas station since the applicant will also manage the store on North Lyford Road. Attorney Hampilos explained that both gas stations are near each other. The applicant would be able to drive to each store.

Staff recommendation is for Approval with fifteen (15) conditions. No Objectors or Interested parties were present.

A **MOTION** was made by Jennifer Smith to **APPROVE** the sale of packaged liquor in conjunction with a gas station and convenience store and **APPROVE** the sale tobacco products in conjunction with a gas station and convenience store in a C-2, Limited Commercial Zoning District. Amending condition six (6) to "The hours of operation will be limited to Monday through Saturday 6:00 am to 11:00 pm and Sunday 9:00 am to 11:00 pm." The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 6-0.

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 for package liquor sales and tobacco products 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 for liquor sales shall be restricted on Sunday from 9:00 a.m. to 11:00 p.m. and 6:00 a.m. to 11:00 p.m. Monday through Saturday.
7. That the window signage shall not exceed 20% of window area.
8. That the freestanding sign shall be a landmark-style sign in accordance with the Sign Ordinance replacing the existing freestanding sign by June 1, 2020.
9. Must obtain sign permit for new landmark-style free-standing sign

10. 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.
11. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
12. There shall not be temporary exterior signage.
13. That the windows shall not be covered with bars or other devices that block the windows.
14. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
15. All outstanding general ordinances fines must be paid prior to issuance of the license.

019-LTAB-026

Applicant
Ward 13

2907 West State Street

Raja Abdo Shami / Mini Mart Food & More Inc.

Sale of tobacco products in conjunction with a grocery/convenience store in a C-3, General Commercial Zoning District

The applicant, Raja Abdo Shami, was present with Attorney Tim Whitham and Ali Hariz. Attorney Whitham stated that the applicant agrees to all conditions of approval. However, he would like an extension on the resurfacing of the parking lot to May 1, 2020. He also clarified that the tobacco products would be kept behind the cashier.

Staff recommendation is for Approval with fourteen (14) conditions. No Objectors or Interested parties were present.

A **MOTION** was made by Jennifer Smith to **APPROVE** the sale of tobacco products in conjunction with a grocery/convenience store in a C-3, General Commercial Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0 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 Tobacco Codes.
3. Submittal of a revised interior plan showing the location of tobacco products for staff's review and approval.
4. The hours of operation are limited to Monday through Sunday 8:00 a.m. to 11:00 p.m.
5. 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.
6. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
7. Window display signage is limited to 20% of window area.
8. There shall not be temporary exterior signage.
9. The windows shall not be covered with bars or other devices that block the windows.
10. Future signage and dumpster enclosure must comply with current Ordinance.
11. Submittal of a parking lot improvement plan showing striping for parking spaces and the elimination of the parking lot to the west with replacement of green area for staff's review and approval by May 1, 2020.
12. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
13. All outstanding general ordinance fines must be paid prior to the issuance of the license.
14. All conditions must be met prior to establishment of use.

019-LTAB-027

Applicant
Ward 11

311 7th Street

Clareisa Schwartz / Eclectic Event Planning

Sale of liquor by the drink in conjunction with an event space in a C-4, Urban Mixed-Use Zoning District

The applicant, Calreisa Schwartz, was present. Ms. Schwartz runs Eclectic Event Planning. She explained that she is excited to move into a building in the Midtown District. She is seeking a liquor license for the subject property and her focus will be weddings. She would like to compete with other wedding venues in the downtown area. She would also like to host two (2) to three (3) events a week. Most of the events would be on weekends.

Attorney Vaughn asked if the applicant had received, reviewed, and agreed to the conditions. Ms. Schwartz confirmed that she did agree to all conditions of approval.

Kim Johnsen asked what type of food would be on the menu, and if gaming would be an option. Ms. Schwartz explained that she would not have video gaming machines and the menu was previously for the purpose of the machines. However, the event space will have a commercial kitchen available for use.

Craig Sockwell asked what the capacity of the event space would be. Ms. Schwartz stated the space would hold about one hundred (100) to one hundred and fifty (150) people. Security would also be at the events. There would be one (1) guard per twenty-five (25) people.

Staff recommendation is for Approval with eleven (11) conditions. 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 an event space in a C-4, Urban Mixed-Use Zoning District. The Motion was **SECONDED** by Craig Sockwell 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 all City of Rockford Liquor Codes.
3. The sale of liquor by the drink shall be limited to submitted Exhibit F.
4. The hours of operation will be limited to 8:00 AM. to Midnight (12:00 AM).
5. Window display signage is limited to 20% of window area.
6. The proposed use and facility is prohibited from having any video gaming machines.
7. The windows shall not be covered with bars or other devices that block the windows.
8. Private security will be employed for events open to the public and for the proposed live entertainment.
9. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
10. All outstanding general ordinance fines must be paid prior to the issuance of the license.
11. All conditions must be met prior to establishment of use.

019-LTAB-028

Applicant
Ward 13

307 South Main Street

Barbara Juarez / Sisters on Main Inc

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

Attorney John Gilbert, representing the applicant, was present. The subject property is located on the west side of South Main Street and approximately 65' south of Chestnut. Attorney Gilbert stated that his client is seeking a liquor license for her restaurant. She wants to provide drinks with meals and for events. Attorney Gilbert would like to have video gaming taken out of the request. He had reviewed the staff recommendation and agreed to all conditions of approval.

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

A **MOTION** was made by Tom Fabiano to **APPROVE** the sale of liquor by the drink in conjunction with a restaurant in a C-4, Urban Mixed Use Zoning District. The Motion was **SECONDED** by Craig Sockwell 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. Must be in compliance with all City of Rockford Liquor Codes.
3. The sale of liquor by the drink must be in conjunction with a restaurant.
4. The sale of liquor by the drink shall be limited to the submitted plans.
5. Hours of operation will be limited to Monday through Thursday 7:00 a.m. to 10:00 p.m., Friday and Saturday 7:00 a.m. to 1:00 a.m. and Sunday 8:00 a.m. to 10:00 p.m. .
6. Window display signage is limited to 20% of window area.
7. The proposed restaurant shall not have a cover charge, dance floor or any DJ's.
8. The proposed restaurant shall not operate as a nightclub.
9. The existing restaurant is prohibited from establishing video gaming machines.
10. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
11. All outstanding general ordinance fines must be paid prior to the issuance of the license.
12. All conditions must be met prior to establishment of use.

With no further business to come before the Board, the meeting was adjourned at 8:43 PM.

Respectfully submitted,

Samuel Bellone, Administrative Assistant
Liquor & Tobacco Advisory Board