



LIQUOR AND TOBACCO ADVISORY BOARD
Wednesday, February 19, 2020
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

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

Absent: Alicia Neubauer
Jennifer Smith

Staff: Lafakeria Vaughn- Assistant City Attorney
Chad Baker – Assistant City Attorney
Leisha Kury – Administrative Assistant
Scott Capovilla – Planning & Zoning Manager
Jeremy Carter – Traffic Engineer
Tim Morris- Fire Prevention Coordinator
Karl Franzen – Community and Economic Development Director

Others: Kathy Berg - Court Stenographer
Tuffy Quinonez – Eleventh 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 Zoning Board of Appeals 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 24, 2020, 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 represented in written form attached to the agendas and letters to adjacent property owners.

The meeting was called to order at 6:54 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the January 22, 2020 meeting minutes. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 3-0 with Alicia Neubauer and Jennifer Smith being absent and Tom Fabiano and Maurice Redd abstaining.

019-LTAB-030

Applicant
Ward 12

2209 North Main Street

Mohammed Abdulrab / North Main Convenience Store Inc.
Sale of tobacco products in conjunction with a convenience store in a C-2, Limited Commercial Zoning District
Laid over from December and January Meetings

The subject property is located on the southeast corner of the North Main Street and Van Wie Avenue intersection. Attorney Tim Whitham, representing the Applicant, was present. Attorney Whitham explained that Mr. Abdulrab wants to open a convenience store and sell tobacco products behind the counter. The subject property is attached to a laundromat. Mr. Abdulrab would service those clients from the laundromat. The convenience store will serve cold drinks, coffee, groceries, along with a donuts area. Attorney Whitman submitted a revised interior site plan to the Board.

Kim Johnsen asked if the tobacco products would just be located behind the counter. Attorney Whitham stated yes.

Craig Sockwell asked if they have another store location on Charles Street, as stated in the business plan. Attorney Whitham stated they do not and he had submitted a revised business plan to Staff.

Maurice Redd asked about their security plan. Attorney Whitham stated they will only have cameras at the location. Attorney Whitham further stated they don't find it necessary to have on premise security due to it being a tobacco store rather than a liquor store. Also, as to the calls for service, most of the calls are attributed to the laundromat but the current owner hasn't had any real issues.

Dan Roszkowski asked if there will be alcohol sales at the convenience store. Attorney Whitham stated they will not have alcohol sales. Mr. Sockwell asked about the hours of laundromat. Attorney Whitham was not sure about the hours of the laundromat. During Board discussion, Attorney Vaughn proposed eleven (11) conditions of approval to the Board.

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

A **MOTION** was made by Kim Johnsen to **APPROVE** the Sale of tobacco products in conjunction with a convenience store in a C-2, Limited Commercial Zoning District, subject to conditions 1-11. The motion was **SECONDED** by Maurice Redd 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 Tobacco Codes.
3. Windows display signage is limited to 20% window area.
4. That the windows shall not be covered with bars or other devices that block the windows.
5. The sale of tobacco products shall be limited to the submitted interior site plan.
6. Hours of operation per the submitted business plan, see Exhibit F.
7. 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.
8. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
9. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
10. All outstanding general ordinances fines must be paid prior to issuance of the license.
11. All conditions must be met prior to establishment of use.

019-LTAB-033

Applicant
Ward 09

3035 and 3031 North Rockton Avenue (Revised request)

Raul Alfaro / Hacienda San Jose Restaurant

Sale of liquor by the drink in conjunction with a restaurant and video gaming terminals in a C-2, Limited Commercial Zoning District
Laid over from January Meeting

The subject property is located on the southeast corner of the North Rockton Avenue and Midway Drive intersection. The parcel is surrounded by commercial and residential uses. The applicant Raul Alfaro was present, along with Joe Alfaro and their attorney Jim Rodriguez. Attorney Rodriguez explained they are seeking to get their liquor license as well as adding three (3) video gaming machines to the location. Attorney Rodriguez stated that the applicant will be taking over the San Jose Restaurants located on North Rockton Avenue and East State Street. The current owners came to an agreement with Raul Alfaro of keeping the same name, menu, marketing and even the layout of the building for both San Jose locations. The North Rockton Avenue location is the location where they are requesting to have the video gaming. Attorney Rodriguez further explained that the video gaming machines would be located on the southwest corner of the restaurant. They will not be having any live entertainment, and it will be a traditional family restaurant. They are aware of the conditions of approval and agree to all of them except for condition four (4). They rather open at 10:00 a.m. rather than 10:30 a.m.

Lafakeria Vaughn, Assistant City Attorney mentioned to Attorney Rodriguez that in the original recommendation it did not mention video gaming because it was not part of the request. Attorney Vaughn further stated condition six (6) was prohibiting video gaming. Attorney Rodriguez explained that they are now requesting that condition #6 be removed and video gaming be approved. Mr. Capovilla informed the Board that there is a letter from Alderman Bill Rose supporting their liquor license along with adding the video gaming.

Kim Johnsen asked if the reason they are obtaining their liquor license is because of new ownership and the only new item being added is video gaming. Attorney Rodriguez confirmed that was correct.

During Board discussion, Attorney Vaughn requested that if video gaming is approved for the subject property, that the number of video gaming terminals be limited to three (3), which was also requested by the Applicant. This would require a modification of condition six (6).

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 liquor by the drink in conjunction with a restaurant and video gaming terminals in a C-2, Limited Commercial Zoning District, subject to conditions

1-13 but amending #4 to open at 10:00 a.m. and #6 to say "the restaurant is only allowed to have three (3) video gaming terminals." 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 Building and Fire Codes
2. Compliance with all City of Rockford Liquor Codes.
3. Submittal of a revised interior floor plan to show the seating arrangement and the point of sales for liquor.
4. The hours of operation will be limited to 10:00 A.M. to 2:00 A.M. Monday through Sunday.
5. Window display signage is limited to 20% of window area.
6. The restaurant is only allowed to have three (3) video gaming terminals.
7. The restaurant shall not have a cover charge, dance floor, DJ's or any live entertainment.
8. The restaurant shall not operate as a nightclub.
9. There shall not be temporary exterior signage.
10. The windows shall not be covered with bars or other devices that block the windows.
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 the issuance of the license.
13. All conditions must be met prior to establishment of use.

019-LTAB-034

Applicant
Ward 11

1241 Broadway

David Saleh d/b/a David's Other Corner

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

Laid over from January Meeting

The subject property is located on the southwest corner of 9th Street and Broadway. David Saleh was present with his attorney, Tim Whitham. Attorney Whitham stated his client is seeking to have a liquor license approved to be able to open the vacant property that used to be a tavern style bar. They are no longer seeking to have video gaming at the property.

Tom Fabiano asked what kind of food would be served at the property. Attorney Whitham stated they will just provide hand food such as pretzels, because they don't have a kitchen at the location. Mr. Fabiano further asked what prior business was located at the subject property. Attorney Whitham stated it was the former Monkey Business bar.

Alderman Tuffy Quinonez, 11th ward, spoke in support of the application. Alderman Quinonez stated that along Broadway there aren't any businesses where people can stop by to get a drink. The only businesses that have approved liquor licenses are two (2) restaurants and a liquor store. Alderman Quinonez further stated this would help the Broadway businesses by opening up a vacant property into something the people can utilize.

During Board discussion, Attorney Vaughn proposed eleven (11) conditions of approval to the Board.

Staff Recommendation is for Denial. 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 tavern in C-4, Urban Mixed-Use Zoning District, subject to conditions 1-11. The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes
2. Compliance with all City of Rockford Liquor Codes.
3. The hours of operation will be limited to 6:00 A.M. to 2:00 A.M. Monday through Saturday and 9:00 A.M to 2:00 A.M. on Sunday.
4. Window display signage is limited to 20% of window area.
5. The proposed use and facility is prohibited from having any video gaming terminals.
6. The restaurant shall not have a cover charge, dance floor, DJ's or any live entertainment.
7. The restaurant shall not operate as a nightclub.
8. The windows shall not be covered with bars or other devices that block the windows.
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.

020-LTAB-001

Applicant
Ward 14

4412 Manchester Drive

JLRF, LLC d/b/a Screw City Tavern

The sale of liquor by the drink in conjunction with a tavern, outdoor beer garden and video gaming terminals in a C-3, General Commercial Zoning District

The subject property is located north of Manchester Drive and south of Harrison Avenue within the Southridge Plaza shopping center. The owner Steve More was present along with his manager Richard Fang. They were both represented by their attorney Jim Rodriguez. Attorney Rodriguez explained that the applicant is trying to obtain a liquor license with video gaming and an outdoor beer garden. It will be a traditional tavern restaurant. Their hours of operation would be 7 days a week, 8am to 2am. The location has been previously used as a bar throughout the years. The most recent bar was called Gene's Place. Attorney Rodriguez further explained that they want to keep the same layout of the interior building, and the only layout change would be the location of the video gaming machines. They want to move them to the east corner of the property. They would like an outdoor beer garden which was used and operated by Gene's Place. They are also seeking to have occasional live entertainment, DJ's, and karaoke. They have reviewed the conditions, but would like to change one condition and that's allowing them to have occasional live entertainment. If approved to have live entertainment they would have on premise security from 8pm-2am. They also have security cameras throughout the property. Attorney Rodriguez stated that the applicant agrees with all conditions, with the exception of #3 and #6.

Kim Johnsen asked Attorney Vaughn why the Applicant is being denied the video gaming. The previous bar owner had video gaming. Attorney Vaughn explained that City Council approved amendments to the Liquor Code about a month ago and there is a cap of 600 video gaming terminals allowed within the City of Rockford. Currently the City has authorized about 536 video gaming terminals. So the City is limited as to approval of new video gaming terminals for liquor establishments.

Maurice Redd asked if there would be a cover charge at the restaurant for the occasional live entertainment. Attorney Rodriguez responded that there will be no cover charge and they don't want the location to be a night club.

During Board discussion, Craig Sockwell asked for clarification on condition number 6 regarding the live entertainment. Attorney Vaughn explained that the applicant is requesting that "DJ's and/or live entertainment" be stricken from the sentence.

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

A **MOTION** was made by Maurice Redd to **APPROVE** the Sale of liquor by the drink in conjunction with a tavern, outdoor beer garden and video gaming terminals in a C-3, General Commercial Zoning District, subject to conditions 1-12, striking #3 prohibiting video gaming and modifying #6 to remove "DJ's and/or live entertainment." The motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 5-0.

Approval is based on the following conditions:

1. Meeting all applicable Building and Fire codes.
2. Compliance with all City of Rockford Liquor Codes.
3. Hours of operation are limited to seven (7) days a week 8:00 a.m. to 2:00 a.m. Hours of liquor sales are limited per the liquor ordinance.
4. Window display signage shall be limited to 20% of the window surface area.
5. There shall not be a cover charge or a dance floor.
6. The proposed use shall not operate as a nightclub.
7. The sale of liquor by the drink in the outdoor seating area shall be limited to the area as shown on Exhibit D.
8. The windows shall not be covered with bars or other devices that block the windows.
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.

020-LTAB-002

Applicant
Ward 09

3118 North Rockton Avenue

Harwinder Kaur d/b/a Rockton Street Market

Sale of packaged liquor in conjunction with a grocery store 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 March 17, 2020 meeting.

A **MOTION** was made by Kim Johnsen to **LAY OVER** the Sale of packaged liquor in conjunction with a grocery store in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

020-LTAB-003

Applicant
Ward 01

1631 North Bell School Road

Golf Shack, LLC d/b/a Garrett's Restaurant & Bar

Modification of the existing liquor license in conjunction with a restaurant to include video gaming terminals in a C-1, Limited Office Zoning District and R-3, Multi-family Residential Zoning District

The subject property is located on the southeast corner of Rote Road and North Bell School Road. The parcel is surrounded by a mixture of commercial uses and residential. Todd Polivka, owner of Garrett's, was present. Mr. Polivka explained that he is requesting a modification of his existing liquor license to add video gaming. He has been operating for almost twenty (20) years and has never had an incident at his restaurant. He has established good clients throughout the years. He has also made improvements to his property by doubling the size of his building. Over the years, he has gotten a bigger kitchen, provides catering, private events, live music, and weekly trivia nights. He further stated that the purpose of adding video gaming is for the group of people who occasionally play video gaming and would be comfortable enough to stop by and use the machines. This will be a different clientele from the casino visitors. Further, Garrett's revenue has dipped in the past few years and customers have asked for more amenities. As shown on the site plan, the machines would be located by the bar area so it would be in a

location where staff can make sure nobody under 21 goes into that area. It is also located by a fire exit and separated by a stanchion. If approved, his next step would be applying for his state license.

Kim Johnsen asked if there would be five (5) or six (6) video gaming terminals. Mr. Polivka stated that 6 was the maximum amount of video gaming terminals allowed. He had originally requested six (6) when he first applied, but now he is only requesting five (5) video gaming terminals. During Board discussion, Attorney Vaughn proposed four (4) conditions of approval to the Board.

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

A **MOTION** was made by Tom Fabiano to **APPROVE** the Modification of an existing liquor license in conjunction with a restaurant to include video gaming terminals in a C-1, Limited Office Zoning District and R-3, Multi-family Residential Zoning District, subject to conditions 1-4. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

Approval is based on the following conditions:

1. Meeting all applicable Building and Fire codes.
2. Compliance with all City of Rockford Liquor Codes.
3. Hours of operation are limited to the submitted business plan, Exhibit I. Hours of liquor sales are limited per the liquor ordinance.
4. The restaurant is only allowed to have five (5) video gaming terminals.

020-LTAB-004

Applicant
Ward 13

402 South Main Street

Amerock Hotel Operator, LLC d/b/a Rockford Conference Center
Sale of liquor by the drink in conjunction with a conference center in a C-4, Urban Mixed-Use Zoning District

The subject property is located on the northwest corner of the South Main Street and Cedar Street intersections. The neighborhood is a mixture of commercial and mixed-used development uses. Fred Delarosa, manager of Embassy Suites, was present. Mr. Delarosa stated he would make one presentation for both locations, 402 South Main Street and 416 South Main Street. He stated they constructed the new Embassy Suites hotel with a conference center and two (2) restaurants with 160 guest rooms. The property used to be an old manufacturing company, known as Amerock and they are expected to make 9 million dollars in revenue once they open later this year. The conference center is expected to open April 2, 2020 and the hotel will open June 1, 2020. Embassy Suites is expected to make 3 1/2 million dollars for the conference center and roughly 4 million dollars for the hotel.

Attorney Vaughn asked if Mr. Delarosa agreed to the eight (8) conditions of approval for the conference center located at 402 South Main Street. Mr. Delarosa stated he agrees to the conditions. Attorney Vaughn also asked if he agreed to the nine (9) conditions for the Embassy Suites hotel located at 416 South Main Street. Mr. Delarosa stated he agreed.

Staff Recommendation is for Approval with eight (8) conditions. No Objectors or Interested parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Sale of liquor by the drink in conjunction with a conference center in a C-4, Urban Mixed-Use Zoning District, subject to conditions 1-8. The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 5-0.

Approval is based on 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 Exhibits F and G.
4. Window display signage is limited to 20% of window area.
5. The proposed use and facility is prohibited from having any video gaming terminals.
6. The windows shall not be covered with bars or other devices that block the windows.
7. Private security will be employed for events open to the public and for the proposed live entertainment.
8. All conditions must be met prior to establishment of use

020-LTAB-005

Applicant
Ward 13

416 South Main Street

Amerock Hotel Operator, LLC d/b/a Embassy Suites Hotel

Sale of packaged liquor and the sale of liquor by the drink in conjunction with a hotel and restaurant with an outdoor seating area in a C-4, Urban Mixed-Use Zoning District

This application was presented with 020-LTAB-004, 402 South Main Street.

Staff Recommendation is for Approval with nine (9) 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 liquor by the drink in conjunction with a hotel and restaurant with an outdoor seating area in a C-4, Urban Mixed-Use Zoning District, subject to conditions 1-9. The motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 5-0.

Approval is based on 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 Exhibits E through Exhibit R.
4. Packaged liquor sales are limited to the hotel guests only.
5. Window display signage is limited to 20% of window area.
6. The proposed use and facility is prohibited from having any video gaming terminals.
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. All conditions must be met prior to establishment of use.

With no further business to come before the Board, the meeting was adjourned at 8:03 PM.

Respectfully submitted,
Leisha Kury, Administrative Assistant
Zoning Board of Appeals