



**Liquor and Tobacco Advisory Board Minutes
Tuesday, September 15, 2020
6:00 P.M. – City Council Chambers, 2nd floor, City Hall
Via video conference on Cisco Webex
425 East State Street
Rockford, IL 61104
779-348-7163**

Present:

LTAB Members:

Dan Roszkowski
Jennifer Smith
Kim Johnsen
Maurice Redd
Jennifer Spencer
Craig Sockwell

Absent:

Tom Fabiano

Staff:

Lafakeria Vaughn – Assistant City Attorney
Leisha Kury- Administrative Assistant
Scott Capovilla – Planning and Zoning Manager
Mike Rotolo- Fire Prevention Coordinator
Samantha Heim – Videographer
Jeremy Carter - Traffic Engineer

Others:

Kathy Berg- Court Stenographer
Linda McNeely- Alderman
Applicants and Interested Parties

Dan Roszkowski, Chair of the LTAB, stated that this meeting was being held remotely because he found that an in-person meeting is not practical or prudent because of the disaster declared by Governor Pritzker on August 21, 2020. Since this is a public hearing with an unknown number of attendees, which could be more than 50 people, an in-person meeting at City Hall is not feasible at this time.

Lafakeria Vaughn explained the format of the virtual meeting and the rules of procedure, as follows:

Due to the Covid-19 pandemic and social distancing restrictions, this public hearing for the Liquor and Tobacco Advisory Board was held by video conference, using Cisco Webex. The audio was streamed at City hall in Council Chambers and on the City's website.

As the host, she would be monitoring microphones and attendees during the meeting. Notices and agendas were posted and sent about this meeting which informed interested parties about the ways they could submit comments and questions regarding agenda items. This included: Written public comments being submitted by 5:00 pm, on September 15, 2020 to Attorney Vaughn's email, or the Permit Center located on the first floor at City hall or coming to City hall to listen to the meeting and present any comments in Council Chambers.

The agenda and staff recommendation packets were also posted on the City's website. All applicants on the conference had previously consented to proceeding with the virtual hearing. Some additional rules for the meeting:

- Please speak clearly and not too fast so the court stenographer can make an accurate record.
- Please be sure to identify yourself before speaking.
- Applicants and interested parties, after being sworn in by the Chair, please state and spell your name for the record.
- If you're not speaking and I fail to mute you, please mute yourself so that the meeting is not disrupted
- No person will be allowed to speak unless they are first recognized by the Chair
- All votes will be by roll-call
- Since we're on video /audio, please refer to exhibits or page numbers, if applicable. All exhibits should have been provided prior to the meeting and within the recommendation packet. Due to this being a virtual hearing, applicants if you have any new exhibits that you want considered by the Board for your request, you may request a layover. Those exhibits will also need to be provided to Staff and the public as part of the complete packet.
- If you are having any technical issues, please use the chat box function and send a message directly to me "Lafakeria" or use the raise your hand function.
- Applicants, should you have technical issues or decide to lay your item over instead for whatever reason, please let the Board know when your item is called.
- LTAB applicants were given the option to be put "in the lobby" on the conference. This means that they would not be able hear or see anything during the ZBA meeting.

Lastly, the procedure would be as follows:

- The Chair will call the address of the application.
- The Applicant or representative will be unmuted and be sworn in.
- The Applicant or representative will present their request to 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 present at City Hall or any emails to be read into the record. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and state and spell their name for the record. Legal staff will read any written comments into the record that were received in advance.
- The Objector or Interested Party will state their name and present all their concerns, objections and questions 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 raised.
- Interested party at City hall will have another opportunity to provide any additional follow up based on the Applicant's responses.
- The Board will then deliberate and a roll call vote will be taken.

The LTAB meeting is not a final vote on any item. However, it is the only time in which the public may participate. After the LTAB meeting, the item moves on to the Code & Regulation Committee. Although the public is invited to attend the meeting, public input is not allowed at the committee meeting. The date of the Codes & Regulations meeting will be Monday, September 28, 2020 at 5:30 PM in City Council

Chambers (2nd floor of City Hall) as the second vote on these items. The third and final meeting in this process is the City Council. That vote is tentatively scheduled on Monday, October 5, 2020. If the item is laid over at the LTAB meeting, the next meeting is Tuesday, October 20, 2020. If for any reason the item is laid over at the committee level or on the city council floor, the item is automatically laid over for two (2) weeks.

The meeting was called to order at 6:46 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the August 18, 2020 meeting minutes. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 5-0 with Craig Sockwell abstaining.

20-LTAB-070

Applicant
Ward 3

1706 Rural Street

Samer Alsagaf / Corner Mini Mart, LLC dba Corner Mini Mart
The sale of tobacco products in conjunction with a grocery and convenience store in a C-2, Limited Commercial Zoning District
Laid over from June, July and August

The Applicant, Samer Alsagaf was present along with his attorney, Rick Haime. Attorney Haime stated he is requesting a layover for 1706 Rural Street so they can continue to work with the neighbors and the aldermen on their issues.

Dan Roszkowski stated that this would be the 4th layover, so he would like the Applicant to get any issues resolved by next month.

A **MOTION** was made by Jennifer Smith to **LAYOVER** the sale of tobacco products in conjunction with a grocery and convenience store in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 6-0.

20-LTAB-071

Applicant
Ward 8

4419 Charles Street

Dimitrios Kalaitzakis / Zipcode, Inc. dba Pink Pony Pizza and Pub
The sale of liquor by the drink in conjunction with a restaurant, tavern and video gaming in a C-2, Limited Commercial Zoning District
Laid over from June, July and August

Attorney Robert Calgaro was present on behalf of the applicant Dimitrios Kalaitzakis. He is requesting a layover for 4419 Charles Street due to the difficulties of the meeting being held via WebEx (virtual). The Applicant is also recovering from surgery so he needs additional time to address some of the concerns in the staff recommendation report.

Dan Roszkowski stated that this would be the 4th layover, so he would like the Applicant to get any issues resolved by next month.

A **MOTION** was made by Kim Johnsen to **LAYOVER** the sale of liquor by the drink in conjunction with a restaurant, tavern and video gaming in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

20-LTAB-074

Applicant
Ward 11

1312 7th Street

Safa A. Quraishi dba M & R Mini Market

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

Laid over from July and August

The applicant, Safa Quraishi, was present along with his attorney, Tim Whitham. The subject property is located on the southeast corner of 7th Street and 12th Avenue. Attorney Whitham stated Mr. Quraishi has owned and operated a convenience store located at 2901 11th Street for years and never came across any issues. Unfortunately, his lease was up on 11th Street and the lease was not renewed. He is unable to transfer his tobacco license to the new location at 1312 7th Street so he has to apply for a new license. Mr. Quraishi has supplied additional drawings of the interior of the mini market along with drawings of where the tobacco products will be located. The tobacco products will be behind the counter.

Kim Johnsen expressed concern that this location is across the street from Rock House Kids, a place where kids are at risk, and she wanted to know what Mr. Quraishi will do in regards to kids trying to buy tobacco products. Attorney Whitham stated the products will be located behind the counter and only employees will have access to them. They will provide warning signs along the entrance and will card every customer buying tobacco products. Attorney Whitham stated Mr. Quraishi is aware of what Rock House kids stands for and he is actually trying to work with them by supplying food products.

Craig Sockwell asked the address of the 11th Street location and why he planned on moving. Attorney Whitham stated it was 2901 11th Street and he was relocating because the lease expired and he decided to try a new location.

Jennifer Smith asked if the location at 1312 7th Street is currently operating as a convenience store. Attorney Whitham stated it is not running yet but he has passed some of the inspections and hopes it will be open soon. The pictures provided of the interior were required to pass some of the inspections.

Maurice Redd asked what staff concerns were regarding about not being able to get additional information from the applicant. Attorney Whitham stated they emailed Scott Capovilla the information a few weeks prior to the meeting and did not hear back. Mr. Capovilla stated staff did look at the additional information and provided it with the packets to the board. Although staff originally recommended denial, staff does not have any objections if the Board were to recommend approval of the license. Mr. Capovilla suggested some conditions and those conditions were read to the Board. The Applicant agreed to the conditions.

Attorney Lafakeria Vaughn asked if the previous location on 2901 11th street officially closed. Attorney Whitham stated he did officially close in March and did not renew the tobacco license.

Staff Recommendation is for Denial. No Objectors or Interested parties were present. No emails were read into the record.

A **MOTION** was made by Jennifer Spencer to **APPROVE** the sale of tobacco products in conjunction with a convenience store in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 6-0.

Approval is based on the following conditions:

1. Meeting all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Tobacco Codes.
3. The sale of tobacco products shall be limited to the interior floor plan as shown on submitted interior floor plan Exhibit D.

4. The hours of operation will be limited to 9:00 A.M. to 10:00 P.M. Monday through Sunday.
5. That the window signage shall not exceed 20% of window area.
6. 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.
7. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
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. The tobacco license shall not be issued until the tobacco license for M & R Mini Market, located at 2901 11th Street is surrendered.
11. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
12. All outstanding general ordinances fines must be paid prior to issuance of the license.
13. All conditions must be met prior to establishment of use.

20-LTAB-080

Applicant
Ward 11

1006 Charles Street

Walid Jarwsh / Midtown One Stop Convenience

The sale of tobacco products in conjunction with a convenience store in a C-4, Urban Mixed Use Zoning District
Laid over from August

Prior to the meeting, a request was received from the Applicant's attorney requesting that this item be laid over to the October 20, 2020 meeting.

A **MOTION** was made by Maurice Redd to **LAYOVER** the sale of tobacco products in conjunction with a convenience store in a C-4, Urban Mixed Use Zoning District. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 6-0.

20-LTAB-082

Applicant
Ward 6

1625 Sandy Hollow Road

Kelly Quinby / Spinning Slots Inc. dba Spinning Slots

Modification of the existing liquor license consisting of a restaurant and video gaming facility to change the liquor license classification from WB50 to WB for the sale of wine and beer by the drink in a C-3, General Commercial Zoning District
Laid over from August

Prior to the meeting, a request was received from the Applicant's attorney requesting that this item be laid over to the October 20, 2020 meeting.

A **MOTION** was made by Maurice Redd to **LAYOVER** modification of the existing liquor license consisting of a restaurant and video gaming facility to change the liquor license classification from WB50 to WB for the sale of wine and beer by the drink in a C-3, General Commercial Zoning District. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 6-0.

20-LTAB-083

Applicant
Ward 1

6630 East State Street

Brinker Restaurant Corporation dba Chili's Grill & Bar

The sale of liquor by the drink in conjunction with a restaurant, bar and grill in a C-3, General Commercial Zoning District

Grace Yang, legal counsel, was present, on behalf of the Applicant, Brinker Restaurant Corporation. The subject property is located on the north side of East State Street, approximately 168 feet east of Mulford Village Drive, south of Puri Parkway and west of Puri Drive. Attorney Yang stated that this is related to an

existing Chili's restaurant in Rockford, which has been operated as a franchise. The franchisee is returning the restaurant back to the franchisor, Brinker. This restaurant will now become a company owned restaurant. Paul Brewer is the existing general manager at Chili's and would like to stay and continue to manage the restaurant. Brinker Restaurant Corporation has been operating restaurants such as the Chili's restaurant throughout the country including Canada. Ms. Yang stated she would like approval to change the ownership along with approving the liquor license.

Attorney Vaughn asked when did the ownership change. Mrs. Yang stated it had not been change yet, but a purchase agreement has been signed with contingencies. Attorney Vaughn asked if she has reviewed staff recommendation and if she agrees to the ten (10) conditions if approved. Mrs. Yang stated she read the recommendation and agrees to the conditions.

Staff Recommendation is for Approval with ten (10) conditions. No Objectors or Interested parties were present. No emails were read into the record.

A **MOTION** was made by Jennifer Smith to **APPROVE** the sale of liquor by the drink in conjunction with a restaurant, bar and grill in a C-3, General Commercial Zoning District. The motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 6-0.

Approval is based on the following conditions:

1. Must meet all applicable building and fire codes.
2. Must comply with all City of Rockford Liquor Codes.
3. The sale of liquor by the drink must be in conjunction with a restaurant.
4. Hours of operation are limited to 11:00 a.m. to 10:00 p.m., Sunday through Thursday and 11:00 a.m. to 11:00 p.m. Friday and Saturday.
5. Window display signage is limited to 20% of window area.
6. Removal of the non-conforming free-standing pylon sign and replacing it with a landmark style sign in accordance with the Sign Ordinance.
7. The proposed restaurant shall not have a cover charge, dance floor or any DJs.
8. The proposed restaurant shall not operate as a nightclub.
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.

20-LTAB-084

Applicant
Ward 10

4846 East State Street

Jamal Abedrabbo / 815 Hookah City Corp. dba 815 Hookah Lounge
The sale of tobacco products in conjunction with a hookah lounge in a C-3, General Commercial Zoning District

Prior to the meeting, a request was received from the Applicant requesting that this item be laid over to the October 20, 2020 meeting.

A **MOTION** was made by Maurice Redd to **LAYOVER** the sale of tobacco products in conjunction with a hookah lounge in a C-3, General Commercial Zoning District. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 6-0.

20-LTAB-085

Applicant
Ward 11

1201 Broadway

Blackprint Enterprises, LLC dba Xsquisites Bar & Grill

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

Prior to the meeting, a request was received from the Applicant requesting that this item be laid over to the October 20, 2020 meeting.

A **MOTION** was made by Maurice Redd to **LAYOVER** 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. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 6-0.

20-LTAB-086

Applicant
Ward 3

513 Toner Avenue

Said Elkhatib / Northwest Food, Inc dba Northwest Food Mart

Modification to an existing liquor license to allow full packaged liquor sales in conjunction with a convenience store in a C-2, Limited Commercial Zoning District

The Applicant, Said Elkhatib, was present. Mr. Elkhatib stated he has been selling beer and wine at his convenience store for nearly 18 months and has not had any problems. Mr. Elkhatib stated he would like to expand the liquor license to a full packaged liquor license to be able to provide the community with more options. The subject property is located on the east side of Toner Avenue and approximately 142 feet south of Auburn Street.

Staff Recommendation is for Denial. Objectors or Interested Parties were present. No emails were read into the record.

Alderman Linda McNeely was present to speak on behalf of Mr. Elkhatib. Alderman McNeely stated although this location is not in her ward, Mr. Elkhatib used to have a business in her ward and she stated he is a dedicated business owner in the community. Alderman McNeely stated he has proven himself to the community and that he is capable of obtaining a full packaged liquor license and is in full support.

Craig Sockwell asked if anybody has spoke to the alderman in that ward. Scott Capovilla stated he had numerous conversations with Alderman Tuneberg regarding this application. Mr. Capovilla stated the alderman did not have any issues with approving the liquor license and asked Mr. Capovilla if staff would prepare conditions if the Board decided to approve. Mr. Capovilla then read sixteen (16) conditions to the Board.

The Board discussed the proposed conditions of approval. Dan Roszkowski asked if Mr. Elkhatib agreed to the sixteen (16) conditions. Mr. Elkhatib stated he does agree.

A **MOTION** was made by Kim Johnsen to **APPROVE** the modification to an existing liquor license to allow full packaged liquor sales in conjunction with a convenience store in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is based on the following conditions:

1. Must meet all Applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. Window display signage is limited to 20% of window area.
4. No temporary signage is allowed on the building nor shall it be placed on the sidewalk in front of the building.

5. That the windows shall not be covered with bars or other devices that block the windows.
6. The planters in front shall be maintained with acceptable plant materials and free of weeds and debris.
7. Daily maintenance of the area surrounding the building and adjacent parking areas to ensure these areas are free of garbage and debris.
8. The sale of beer and wine shall be limited to the five (5) door coolers shown on south side of the building, as shown on Exhibit E.
9. The sale of tobacco products shall be limited to the area behind the counter as shown on Exhibit E.
10. Hours of operation shall be limited to Monday through Saturday 8:00 a.m. to 10:00 p.m. and Sunday 9:00 a.m. to 9:00 p.m.
11. There shall be no single serving sales of beer and there shall be no single servings of wine in volumes of 12 oz. or less.
12. That the sale of tobacco, beer and wine must be in conjunction with a convenience store.
13. The sale of tobacco and liquor shall not exceed 40% of total sales.
14. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
15. All outstanding general ordinance fines must be paid prior to the issuance of the license.
16. All conditions must be met prior to issuance of liquor license.

20-LTAB-087

Applicant
Ward 13

922 Kilburn Avenue

922 Kilburn Operations, LLC dba MaxMart

The sale of packaged liquor in conjunction with a liquor store and video gaming and the **sale of tobacco products** in conjunction with a liquor store and video gaming in a C-3, General Commercial Zoning District

The Applicant, Johnson George was present. Mr. George stated that they have a lease contract for the property and he is requesting a liquor license at the location at 922 Kilburn Ave. The subject property is located on the northwest corner of the School Street and Kilburn Avenue intersection. The subject property is surrounded by commercial, industrial, and residential uses.

Attorney Vaughn asked if he had an opportunity to review the staff recommendation and the conditions of approval. Mr. George stated he did review and agrees to the fourteen (14) conditions.

Staff Recommendation is for Approval with fourteen (14) conditions. Objectors or Interested Parties were present. No emails were read into the record.

Alderman Linda McNeely was present. Alderman McNeely stated she would like to speak on behalf of the previous owner and the condition of the subject property. Alderman McNeely stated the previous owner at this location had a fire and they remodeled the interior and exterior of the property which they made it look really nice. Alderman McNeely further stated she has not received any calls regarding problems with this property. Alderman McNeely hopes the board would support the request for the liquor license and thinks it would be good for the community.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of packaged liquor in conjunction with a liquor store, **APPROVE** the sale of tobacco products in conjunction with a liquor store and **DENY** video gaming in a C-3, General Commercial Zoning District. The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 6-0.

Approval is based on the following conditions:

1. Meet all Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. The sale of packaged liquor and the sale of tobacco products shall be limited to the interior floor plans that were submitted Exhibit F and Exhibit G.
4. The hours of operation and days will be 9:00 A.M. to 10:00 P.M. Monday through Thursday.
5. The hours of operation and days will be 9:00 A.M. to 11:00 P.M. Friday and Saturday.
6. The hours of operation and days will be 11:00 A.M. to 9:00 P.M. Sunday.
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. Window display signage is limited to 20% of window area.
10. That 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 ordinance fines must be paid prior to the issuance of the license
14. All conditions must be met prior to establishment of use.

With no further business to come before the Board, the meeting was adjourned at 7:35 PM.

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