



LIQUOR & TOBACCO ADVISORY BOARD
Tuesday, March 18, 2014
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Minutes on Website: <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

Present:

LTAB Members: Aaron Magdziarz
Alicia Neubauer
Dennis Olson
Dan Roszkowski
Scott Sanders
Craig Sockwell

Absent:

Staff: Angela Hammer - City Attorney
Todd Cagnoni – Director, Community & Economic Development Dept.
Tim Morris - Fire Department
Marcy Leach – Public Works
Sandra Hawthorne - Administrative Assistant

Others: Alderman Joseph Chiarelli
Alderman Thomas McNamara
Alderman Jeanne Oddo
Alderman Frank Beach
Kathy Berg, Stenographer
Applicants and Interested Parties

Sandra Hawthorne 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 are to 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 and address 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, March 31, 2014, at 4:45 PM in Conference Room A of 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. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 8:40 PM. A **MOTION** was made by Aaron Magdziarz to **APPROVE** the minutes of the February meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

013-LTAB-047

Applicant
Ward 03

1710 Rural Street

Nick Fosberg d/b/a Rural on Tap

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

Laid Over from December, January & February meetings

The subject property is located within the Rural Oak Plaza which is located 180 feet east of the Prospect Street, Guilford Road and Rural Street intersection and is surrounded by commercial and residential uses. Attorney Ian Linnabary, representing the Applicants, and Derrick Kunz and Nick Fosberg Applicants, were present. Attorney Linnabary reviewed the applicant's request. He stated the site include a grocery store, barber shop, nail salon, dog grooming facility, two restaurants and a cupcake bakery. It has the appropriate buffer around it and is an ideal location for the proposed use. Mr. Fosberg explained they are wishing to establish an upscale bar with a more relaxed atmosphere. They will not be serving food per an agreement with the landlord. They have worked out an arrangement with Primo's within the shopping center. He further stated the bar is not that busy from 2:00 PM to 4:00 PM. Delivery trucks will be coming in when all the other businesses are closed by an arrangement they have made with their delivery sources. He stated bars do not make any profit on food. He has the opportunity to get food from the existing restaurants within the center. They will also have beer available in draft form such as Bud Light and regular beers as well. Blow ups of the conceptual interior design that was included in the Zoning Report were shown and reviewed by Mr. Kunz. He pointed out the design includes a shuffle board table. Mr. Kunz emphasized that they are looking to establish a friendly neighborhood bar. They will have plain clothes security from 8:00 PM to 2:00 AM. Attorney Linnabary stated the security plan is very detailed and anticipates worst case scenario. It is not because they anticipate unruly crowds, but rather because they wish to maintain a quiet business with no problems. Attorney Linnabary stated the owners have been especially accommodating to the neighborhood concerns. Through this process, the Applicants have been exceptionally accommodating. They have listened to what people have had to say, and they have made fundamental material changes to their business plan to incorporate the concerns of the objectors. They have changed their hours of operation, removed the gaming machines and agreed not to have bands or DJ's from their proposal. They listened to what the community wanted and added elements to add quality and character to the neighborhood. He feels there will be a large population in the neighborhood who will come to Rural on Tap. He stated we should all be respectful of other's opinions. He encouraged both objectors and supporters to come forward at this meeting to voice their support and concerns. Regarding concerns with alcohol and problematic drinkers, Attorney Linnabary stated for every person who abuses alcohol, there are 20 people who are very responsible. Attorney Linnabary further stated if he was not representing the Applicants, he would be in the audience speaking

in support, adding that he does live in the area and he and his wife walk down to the shopping center regularly.

Attorney Linnabery further stated the allegations that the bar is going to lead to crime is unsupported evidence. He stated there is no evidence that this bar will lead to crimes in this neighborhood. "Seedy elements" will not have a reason to come to this bar. They have options elsewhere. It is out of the way and the intent is to be an upscale bar.

Attorney Hammer asked if the applicant was in agreement to Staff Recommendations and the response was that they did.

Staff Recommendation is for Approval with (14) conditions. Objectors, Supporters, and Interested Parties were present. Letters of Objection were received along with a Petition of Objection and were included with Staff Report.

Objectors

A letter of Objection was received after the report was distributed, from Rev. Jim Roberts, 401 Paris Avenue. In his letter, Rev. Roberts states he is President of Greater Rockford Clergy Association and "in this neighborhood we are struggling to build a sense of neighborhood and maintain safety for our children". "I don't think that Rural Oaks is a good place for a bar which brings late night traffic, parking concerns, possible intoxicated driving and late partying and noise so close to so many residents". "We are in the midst of transition to a wonderfully racial and cultural diversity in this area and we want this transition to be able to maintain a stability and family-friendly atmosphere as in the past".

Frank Schmitt, 2906 Rural spoke of the site plan. He mentioned that the proposed space for the slot machines has been replaced by a shuffle board table, which can be moved anytime and replaced with slot machines. Although they have an agreement not to have gaming machines for 7 years within their lease, there is concern that that could change at any time. He discussed item number 7 in the security plan at customer point of entry. It states to make sure each guest pays an entrance fee. However, there is a staff condition that no cover charge. Would like to see a no minimum drink condition. Mr. Schmitt asked that there be no parking in the alley. Snow removal and ice removal needs to be addressed because this winter with the snow and ice the rear entrance was not able to open. Mr. Schmitt feels the Fire Department should be consulted to see if there should be sprinkler systems. He is also suggesting that they be certain they meet the requirement for separation and have alternative exits in the event of an emergency.

Maria Schneeman, 1024 Parkwood Avenue stated the area is struggling to build a sense of neighborhood and maintain safety for their children. Concerned with late night traffic, noise, intoxicated driving close to residential use. She does not feel this business fits in with a neighborhood setting and is out of character with the neighborhood. She is also concerned with increased crime in the area. She stated there is already crime in the area according to local news reports. She stated this has been reported as gang activity. The affected area Welty west to Longwood and south to State Street. A woman's purse was taken in the 300 block of North Prospect. She further stated Schnucks grocery across the street has security. She further stated she does not want a business that requires security to control the property or has to maintain order inside and outside. She feels with the bar having individual singers or events will create more noise. She stated she did not see mention of a security camera in the report. Ms. Schneeman feels the proposed bar will give the neighborhood a different appearance.

Ken Becker 728 North Gardner wanted it on the record that the Objectors wanted to hire an attorney and something came up and they were not able to. He stated he was not clear on how late the bar is going to be opened. The hours were explained to Mr. Becker. He stated all of the supporters who live blocks away are not impacted. He stated they have "no skin in the game". Those who live on Gardner are going to get the brunt of the impact. He stated property values on Gardner are going to change significantly.

He asked the Board to take into consideration the hours the bar is going to be open and would like to see them reduced.

Supporters

A letter of Support was received by Jamie Getchius, 1920 Hawthorne Avenue, 2nd Ward Alderman, stating he was unable to attend the meeting due to a previous commitment. His letter stated he and his wife “frequently walk to Lydia’s on a nice day”. “I support the (liquor) license application for Rural on Tap and the associated application for a Variance to the Zoning Board,: “My neighbors and I would love to have a place we could walk to, enjoy a beer or two after work, and go home without all of the hoopla of going downtown. As both a resident who lives three blocks from the mall and an Alderman who must take a broader view, I feel that Rural on Tap is a good fit for the neighborhood”.

David Schultz, 707 North Highland stated he lives about two blocks from the proposed bar. Mr. Schultz and his wife support Lydia’s Restaurant. He feels the proposed bar will bring vitality to the area. Mr. Schultz has been heading the Highland Neighborhood group for several years and they have block parties, meetings and other events. He stated the biggest challenge is having a place to meet. He feels the proposed bar is an option to hold meetings. He further stated once we start attracting a number of young professionals to this bar, the next step is to attract them to the area to rent. He stated he and his wife do not drink; however, the proposed bar would give them an opportunity to meet and enjoy time with their friends who also live in the neighborhood and it is within walking distance of his home. Regarding the petition that was circulated, he stated he felt that a lot of people who signed this petition did so under misinformation from those circulating the petition. When he was approached to sign the petition, it was presented to him that this was going to be a night club, or sports bar, would have gambling, and would have all types of criminal activity going along with it. He stated this is anything but the case. He stated it is a higher scale, classy place. We need to support it, to allow it to establish. The Applicants have already shown they are very willing to work with the neighborhood to make this establishment a win-win situation for them and the neighborhood.

Alderman Thomas McNamara wanted to reiterate his support for the establishment. He also wished to thank the objectors for moving the discussion along and also to thank the owners of the business for listening to the objectors and working with their business plan to meet those needs. He feels we are getting off track discussing where shuffle boards are located and need to stay on track. Regarding the concern of a murder at another bar, we have murders at various locations – day care centers, gas stations, every city has murders in almost every type of establishment. He states it is frequently stated this is an overdeveloped strip center. In Rockford it is good to hear that we have an overdevelopment strip center. He feels we do need to take in all concerns, but we do need to say yes to new things with caution. We need to work with both sides.

In response, Attorney Linnabary wished to respond to the petition. The majority of the number of those signatures were obtained before the Applicants made concessions to their business plan to eliminate gaming machines. If those people who signed the petition did so under the pretense of this being a gaming parlor were aware of the business plan as it is being presented, it is possible their opinion would change. Craft beer is a new phenomenon that attracts a different type of clientele. He feels this new type of business will only have a positive effect on the area. This is a commercial district. When living next to a commercial district, it should be anticipated that this type of business is an allowable use. He wished to point out that the owners of the property had two other proposals by other bar owners and that they turned them down, proving they are not just recruiting tenants to make a game. It proves that they want to see their community improved. Attorney Linnabary stated he is excited about the bar. The Applicants have “bent over backwards” to meet the concerns of the Objectors.

Mr. Sanders stated it is important to note that the Applicants did a great job of addressing the concerns of the neighborhood. He feels some of those concerns are philosophical in regards to liquor. Overall it is a positive for the neighborhood. He feels should anything ever arise the owners will handle it. This proposed use is going into an appropriately zoned building and is a unique opportunity to have a variety

of uses in this strip center. Mr. Sanders asked if the Board could request evidence of the lease that states gaming shall not be allowed. Attorney Hammer stated she was not certain that we could ask that. Mr. Cagnoni stated they have the opportunity to ask the Applicant if they wished to agree. Mr. Olson stated he did not feel that the gaming board would approve of a City Board wanting to enforce this.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of liquor by the drink in conjunction with a bar in the name of Nick Fosberg d/b/a Rural on Tap in a C-2, Limited Commercial Zoning District at 1710 Rural Street with amendment to condition 10. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-1 with Dennis Olson voting Nay.

Approval is subject to the following conditions:

1. Must meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. Submittal of Building Permit for Staff review and approval.
4. The hours of operation will be limited to 2:00 P.M. to 1:00 A.M. Monday through Thursday.
5. The hours of operation will be limited to 2:00 P.M. to 12:00 A.M on Sunday.
6. The hours of operation will be limited to 2:00 P.M. to 12:00 A.M. on Sunday.
7. That the use shall not have any outdoor sales area or outdoor seating area permitted on the subject property.
8. That the use shall not have any outdoor smoking area permitted on the east and north side of the building.
9. That the site must develop in accordance with Exhibits D and E, and as approved by Staff. The improvements shall be completed no later than October 1, 2014.
10. The hours of operation for tenant space #3 (Lydia's Café) and tenant space #4 (Rural on Tap) shall not conflict and must be in accordance with Exhibit J, as approved by Staff.
11. The proposed use shall not have a cover charge.
12. The proposed use shall not have a dance floor.
13. The proposed use shall not have any DJs.
14. The proposed use shall not operate as a nightclub.

014-LTAB-001

Applicant
Ward 10

1418, 1422 20th Street

Anthony G. Soppa d/b/a George's Place, Inc.

Sale of beer and wine in conjunction with a bar and gaming facility in a C-3, General Commercial Zoning District

Laid Over from February meeting

Prior to the meeting a request was received from the Applicant's attorney to Lay Over this item to the April meeting.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the sale of beer and wine in conjunction with a bar and gaming facility in the name of Anthony G. Soppa d/b/a George's Place, Inc. in a C-3, General Commercial Zoning District at 1418, 1422 20th Street. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

014-LTAB-003

Applicant

Ward 01

755 Clark Drive

Abduraman Isai & Istref Sam Sabani d/b/a The Tavern On Clark - An American Restaurant

Sale of liquor by the drink with a restaurant and the sale of liquor by the drink with outdoor seating area in a C-3, Commercial General Zoning District

The subject property is located on the east side of Clark Drive and is currently a vacant building, formerly Damon's Restaurant. Both Applicants were present. Mr. Isai reviewed the request for liquor license. The Applicant stated it was not their intention to have a bar that serves food but rather a restaurant with a bar. Mr. Cagnoni verified the hours of operation with the Application.

Attorney Hammer asked the Applicants if they were willing to abide by Staff conditions to which they responded they were.

Staff Recommendation is for Approval of both requests with (4) conditions. (1) Interested Party was present.

Peter McConville, representing Tiger Tail Lounge at 766 Clark Drive had questions of the Applicant. He asked what type of establishment the Applicants would be running. It was explained that this would be a restaurant with outdoor seating. He stated he was in support.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the sale of liquor by the drink with a restaurant and the sale of liquor by the drink with outdoor seating area in the name of Abduraman Isai d/b/a The Tavern On Clark in a C-3, Commercial General Zoning District at 755 Clark Drive. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. The hours are limited to Sunday through Thursday 11:00 A.M. to 10:00 P.M. and Friday and Saturday 10:00 A.M. to 11:00 P.M.
3. Window display signage shall be limited to 35% of the window surface area.
4. There shall not be a cover charge, dance floor, DJ's and/or live entertainment.

014-LTAB-004

Applicant

Ward 08

3840 Broadway / 4225 Charles Street

Juan Carlos Taveras Gomez d/b/a La Esquina De Oro

Sale of beer and wine in conjunction with a restaurant in a C-2, Limited Commercial Zoning District

The subject property is located within the East Gate Shopping Center and is an existing grocery store and restaurant. The business is under new ownership. Attorney Roger Kellermann, representing the Applicant, reviewed the request for the sale of beer and wine. Mr. Gomez has been operating the restaurant since mid-2013. The restaurant and grocery store are still open through a contiguous doorway. There will be no entertainment, no cover charge and will be run as a restaurant with the sale of beer and wine. Angie Gomez and Juan Carlos Taveras Gomez were also present. Ms. Gomez interpreted for her brother.

Angela Hammer asked if the Applicant was willing to abide by the conditions of approval to which Mr. Gomez responded yes.

Staff Recommendation is for Approval subject to (7) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the sale of beer and wine in conjunction with a restaurant in the name of Juan Carlos Taveras Gomez d/b/a La Esquina Gold in a C-2, Limited Commercial Zoning District at 3840 Broadway / 4225 Charles Street. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable liquor codes.
2. Meeting all applicable building and fire codes
3. Hours of operation are limited to Monday through Friday 9:00 A.M. to 11:00 P.M.; Saturday 9:00 A.M. to 2:00 A.M. and Sunday 9:00 A.M. to midnight.
4. That the sale of liquor by drink to be in conjunction with a restaurant.
5. Inside window signage shall not exceed 35% of the window surface area.
6. The sale of liquor by the drink shall be limited to the tenant space shown as Exhibit E as the interior floor plan.
7. There shall not be a cover charge, dance floor, DJ's and/or live entertainment.

014-LTAB-005

Applicant
Ward 06

2901 11th Street

Osamah Hilal d/b/a 11th Street Tobacco

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

The subject property is located on the southwest corner of the Reed Avenue and 11th Street intersection and is an existing convenience store with the sale of tobacco products. Osamah Hilal and Edan Almashhadi were present. Mr. Almashhadi translated for the Applicant, Mr. Hilal. He explained Mr. Hilal's brother borrowed money from him and could not pay him back so he allowed him to take over the business.

Attorney Hammer asked the Applicant if he was agreeable to Staff conditions and he responded he was.

Staff Recommendation is for Approval with (11) conditions. No Objectors, Supporters or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the sale of tobacco products in conjunction with convenience store in the name of Osamah Hilal d/b/a 11th Street Tobacco in a C-3, General Commercial Zoning District at 2901 11th Street. The Motion was **SECONDED** by Dennis Olson 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 Tobacco Codes.
3. The site and landscaping will need to be in accordance with Exhibit H that Staff approved in 2012.
4. The hours and days of operation for the convenience store will be from 8:00 A.M. to 11:00 P.M. Monday through Friday.
5. The hours and days of operation for the convenience store will be from 9:00 A.M. to 10:00 P.M. Saturday and Sunday.
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. Window display signage is limited to 35% of window area.
9. That there shall not be temporary exterior signage.
10. That the windows shall not be covered with bars or other devices that block the windows.
11. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding sign.

With no further business to come before the Board, the meeting was adjourned at 9:48 PM.

Respectfully submitted,
Sandra A. Hawthorne, Administrative Assistant
Liquor & Tobacco Advisory Board