



LIQUOR & TOBACCO ADVISORY BOARD
Tuesday, August 18, 2015
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: Alicia DiBenedetto-Neubauer
Dan Roszkowski
Scott Sanders
Craig Sockwell
Kimberly Wheeler-Johnsen

Absent: Melissa Luciani-Beckford

Staff: Scott Capovilla – Zoning and Land Use Administrator
Angela Hammer – Assistant City Attorney
Sandra Hawthorne - Administrative Assistant
Marcy Leach - Public Works
Chad Moe – Fire Department

Others: 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, August 24, 2015 at 5:30 PM in City Council Chambers 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 is listed on the agenda as well.

The meeting was called to order at 6:45 P.M. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the July 21st meeting. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 5-0 with Tom Fabiano abstaining and Melissa Beckford absent.

15-LTAB-034

Applicant
Ward 07

3814 and 3816 Auburn Street

Tabreez Ahmed d/b/a Auburn General Store

Sale of Tobacco Products in conjunction with a grocery store and tobacco shop in a C-2, Limited Commercial Zoning District.

The subject property is located on the southwest corner of the Auburn Street and North Central Avenue intersection and is an existing grocery store. The Applicant, Tabreez Ahmed, was unable to attend. His Manager, Francine Anthonson, was in attendance and speaking on his behalf. Ms. Anthonson stated a lot of calls for police assistance as shown in the Staff Report were created by the Applicant and herself to clean up the property from people who were hanging around, selling items such as CD's. She stated they rent the property, they do not own it, and they do not have authority to make any improvements with the parking lot. She stated she has not discussed the parking lot situation with the owner, but is willing to. Ms. Anthonson feels they have lost a lot of customers because they are not able to sell cigarettes.

Legal had no questions. Attorney Hammer clarified that the sale of tobacco was also denied a year ago, when the Applicant applied for the sale of tobacco after they were suspended from selling tobacco. Ms. Anthonson did state their tobacco license was suspended as of 2014 because two previous employees sold to minors three times within a year. They have been allowed to remain open as a general store selling convenience store items.

Mr. Capovilla stated this property is part of a new development plan that was approved by City Council but there are still funding issues that have not been worked out. There is a contract for redevelopment still open and landscaping and other issues will be worked out at that time. It is Ms. Anthonson's understanding that once the redevelopment occurs, they have been offered a space at this location as well.

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

During discussion, Mr. Sanders stated although he is sympathetic to renters in these strip mall situations where they have no control over landlord issues such as the condition of the property and parking lot, he is inclined to agree with Staff recommendation of Denial.

A **MOTION** was made by Alicia Neubauer to **DENY** the sale of tobacco products in conjunction with a grocery store and tobacco shop in the name of Tabreez Ahmed d/b/a Auburn General Store in a C-2, Limited Commercial Zoning District at 3814 and 3816 Auburn Street. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

15-LTAB-035

Applicant
Ward 01

7401 Argus Drive

Shannon Asta d/b/a Louie's Tap House

Sale of liquor by the drink in conjunction with a restaurant, bar and video gaming.

Sale of liquor by the drink in conjunction with an outdoor beer garden

Sale of packaged liquor in conjunction with a restaurant, bar, and video gaming in a C-3, General Commercial Zoning District

The subject property is located on the southeast corner of Sundae Drive and Argus Drive. The building is approximately 5,000 square feet with a restaurant and vacant tenant space. Shannon and Ryan Asta were present. Mr. Asta reviewed the request for the sale of liquor to open a local neighborhood bar. They wish to keep it sports related but will have no outside entertainment at night. They stated they have owned a bar in the Rockton/Roscoe area for about a year now and have had no problems with their clientele.

Attorney Hammer asked if they anticipated at least 50% of their sales to be from food, alcohol and general merchandise to which the Applicants responded they did. She asked if they were familiar with the City's open burning ordinance, as they were intending to have an outdoor fireplace. She explained they could only have an outdoor fire if food were being cooked over the fire. Mr. Asta stated they did not intend to use the fireplace. From a background standpoint, Ms. Asta stated she helped manage Brewski's several years ago. Mr. Asta stated he has always worked on the opposite side of the business working with distributors. They will be collaborating with the Gerry's Pizza shop next door for food service to their customers. Food will be pizza, burgers, and they will share the kitchen from Gerry's Pizza. There will not be a door connecting the two units for patrons, however, there is a door connecting the two units from the kitchen. The food will be prepared on Gerry's Pizza site. Mr. Asta stated they will still be able to meet the 50% sales requirement.

Staff Recommendation is for Approval of the sale of liquor by the drink and Denial of the sale of packaged liquor, subject to 10 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 restaurant, bar and video gaming; **APPROVE** the sale of liquor by the drink in conjunction with an outdoor beer garden; and to **DENY** the sale of packaged liquor in conjunction with a restaurant, bar, and video gaming in the name of Shannon Asta d/b/a Louie's Tap House C-3, General Commercial Zoning District at 7401 Argus Drive. The Motion was **SECONDED** by Scott Sanders 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 are limited to 11:00 A.M. to 2:00 A.M. Sunday through Saturday.
6. Window display signage is limited to 20% of window area.
7. The proposed restaurant shall not have a cover charge.
8. The proposed restaurant shall not have a dance floor.
9. The proposed restaurant shall not have any DJs.
10. The proposed restaurant shall not operate as a nightclub.

With no further business to come before the Board, the meeting was adjourned at: 7:08 PM

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