

LIQUOR ADVISORY BOARD
Tuesday, October 19, 2010
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

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

Absent: Julio Salgado

Staff: Jennifer Cacciapaglia – City Attorney
Todd Cagnoni, Deputy Director - Construction Services Division
Sandra Hawthorne, Admin. Assistant – Construction Services
Jon Hollander, City Engineer - Public Works
Matt Knott – Chief of Fire Prevention Division
Jessica Roberts – Planner II

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 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 1st, 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 Sandra Hawthorne in the Zoning Office for any further information and that her 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 6:00 PM. A **MOTION** was made by Scott Sanders to **APPROVE** the minutes of the September 21, 2010 meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Julio Salgado absent and Aaron Magdziarz and Alicia Neubauer abstaining as they were absent from the September meeting.

10-LAB-016

4412 Manchester Drive, Unit F-1

Applicant:

Gene Hayenga d/b/a Gene's Place, Inc.

Ward 14

Sale of liquor by the drink in conjunction with a tavern in a C-3, General Commercial Zoning District

The subject property is located within a shopping center on the south side of Harrison Avenue and north of Manchester Drive. Gene Hayenga, Applicant, reviewed his request for the sale of liquor by the drink. Mr. Hayenga stated he wishes to open a tavern at this location. It is his plan to also serve food with the intention of attracting the lunch crowd from nearby manufacturing companies and businesses. Mr. Hayenga stated he will be at the tavern every day as a hands-on owner. No hip hop or rap music will be played, mostly country style music. Security cameras will be in place both inside and out. There will be pool tables and dart boards. The decor will be done in a nostalgic type theme.

Gary Akerman, 11405 Tanawingo Trail, Roscoe was present and spoke of his experience with Mr. Hayenga. He stated he has known Mr. Hayenga for approximately 20 years and finds him to be of very high morals and a hard working person. He feels Mr. Hayenga will run a good quality business that will be an asset to the area.

Staff Recommendation was for Approval with 4 conditions.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of liquor by the drink in conjunction with a tavern in the name of Gene Hayenga d/b/a Gene's Place, Inc. in a C-3, General Commercial Zoning District at 4412 Manchester Drive, Unit F-1. 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, Building Codes and Fire Codes.
2. Must be in accordance with the Business and Security plans
3. That there shall be no cover charge to enter, or dance floor/stage area over 150 square feet.
4. Hours of operation are limited as shown within Exhibit F

10-LAB-017

510 South Perryville Road

Applicant:

Vikica Bilich d/b/a Murphy's Pub & Grill

Ward 1

Sale of liquor by the drink in conjunction with a restaurant and outdoor seating in a C-2, Limited Commercial Zoning District

The subject property is located within a strip mall on the south east corner of Walton Street and South Perryville Road and is the former Cousin's Bar & Grill. Gino Galluzzo, Attorney for the Applicant, reviewed the request for sale of liquor by the drink. Attorney Galluzzo stated the current owners wish to operate a bar and grill with an Irish Sports Theme and will have a DJ on Friday and Saturday nights. A drawing of the outdoor patio was presented to the Board. The Applicant expects to have approximately 60 employees.

Attorney Cacciapaglia asked Attorney Galluzzo for details regarding the DJ on Friday and Saturday nights and asked if the tables and chair layout would be changed to allow for a dance floor. The Applicant, Josip Bilich was called forward and sworn in to respond. Mr. Bilich stated it is his intent to have a DJ three nights a week - Thursday, Friday and Saturday. A dance floor will be created by moving the tables. Attorney Cacciapaglia stated this creates a situation of a night club three nights a week and this is not something Staff had been aware of, nor does their Staff Report reflect this use. Mr. Cagnoni stated when the use was originally authorized for the previously owner the liquor license was in conjunction with a restaurant / bar. He explained the zoning ordinance defines a night club in part as having a dance floor, cover charges and live bands. He stated a bar and restaurant is a permitted use in this C-2 Zoning district; however, a night club would need to go through the Special Use Permit process. Attorney Galluzzo asked if it was possible to acquire approval this date prior to submittal of an acceptable security plan to allow the applicant to move forward. Attorney Cacciapaglia stated this would set a precedent. She did explain that with a suspension of rules for the SUP that goes before the November Zoning Board Meeting it could be a fairly swift process. She stated the City needs to have a legally binding document in the event there are any concerns in the future with this establishment. Mr. Cagnoni also stated it needs to be determined by the Applicant whether this business is a night club or a restaurant. He explained that at the present time, the Applicant needs to determine whether he could live with a restaurant / bar should the request for a night club not go through. The Applicant stated there will be no cover charge - only a DJ and karaoke. Attorney Galluzzo stated he preferred to go ahead with the application at this time and come back next month for the Special Use Permit. Mr. Cagnoni impressed upon Attorney Galluzzo and Mr. Bilich that the application for a Special Use Permit had to be submitted no later than Thursday, October 21th in order to meet the legal publication deadline of Friday the 22nd.

A **MOTION** was made by Scott Sanders to **LAY OVER** the sale of liquor by the drink in conjunction with a restaurant and outdoor seating in the name of Vikica Bilich d/b/a/ Murphy's Pub & Grill in a C-2, Limited Commercial Zoning District at 510 South Perryville Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

10-LAB-018

Applicant:
Ward 12

312, 318, 330 & 340 Spring Creek Road

Anderson Gardens d/b/a Anderson Gardens

Modification of liquor sales in conjunction with a restaurant with sale of liquor by the drink indoor and outdoor to include package liquor sales in an R-1, Single-Family Residential District

Jennifer Hall, representing Anderson Gardens, reviewed the request for Modification of liquor sales. She explained they are wanting to include package liquor sales to allow customers to purchase packaged wine as a result of the wine tasting events held by the Applicant. She clarified that this request is only for wine.

Staff Recommendation was for Approval. No Objectors or Interested Parties were present.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Modification of liquor sales in conjunction with a restaurant with sale of liquor by the drink indoor and outdoor to include package liquor sales in the name of Anderson Gardens d/b/a Anderson Gardens in an R-1, Single-Family Residential District at 312, 318, 330 & 340 Spring Creek Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

With no further business to report, the meeting was adjourned at 6:25 PM

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