

LIQUOR ADVISORY BOARD
Tuesday, May 18, 2010
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LAB Members: Alicia Neubauer
Dennis Olson
Dan Roszkowski
Julio Salgado
Craig Sockwell

Absent: Aaron Magdziarz
Scott Sanders

Staff: Ron Schultz – City Attorney
Todd Cagnoni, Deputy Director - Construction Services Division
Sandra Hawthorne, Administrative Assistant
Jon Hollander, City Engineer - Public Works
Matt Knott – Chief, Fire Prevention Division

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 Tuesday, June 1, 2010 at 4:30 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 started at 6:00 P.M. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the April 20th meeting as submitted. The **MOTION** was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 4-0 with Dan Roszkowski abstaining as he was not in attendance at the April meeting, and Scott Sanders and Aaron Magdziarz absent.

10-LAB-007

Applicant
Ward 13

453 North Springfield Avenue

Sadaf Bukhari d/b/a Springfield Bp

Sale of packaged beer and wine in conjunction with a gas station/convenience store in a C-3, Commercial General Zoning District

The subject property is located on the north side of School Street, on the east side of North Springfield Avenue and is currently a gas station and convenience store. Sadaf Bukhari, Applicant, reviewed her request. She stated she feels her business is more than a typical gas station. They offer Verizon Wireless; a U-Haul Dealership, are in the process of securing Dish Network TV to be on site in June of 2010 and also provide Link Services. They are open 24 hours. Ms. Bukhari further explained they will be adding a restaurant that serves breakfast and lunch. She anticipate 15% of sales volume will be alcohol sales.

There were no questions from Attorney Ron Schultz. Mr. Sockwell asked where the U-Haul trucks would be parked. The Applicant stated they will be at the back of the property. Mr. Sockwell asked Staff for clarification on parking of the U-Haul trucks. Mr. Cagnoni explained the underlying zoning and Annexation Agreement, stating the Annexation Agreement does not allow for the parking of these vehicles without a Special Use Permit. This has not been applied for.

Staff Recommendation is for Approval with 7 conditions. Objectors and Interested Parties were present.

Michael G. Dillard, 604 Overland Trail was present. Mr. Dillard stated his neighborhood abuts this property. Mr. Dillard has concerns about the business being open for 24 hours. He asked what time span liquor sales be allowed. He pointed out that directly behind this business is a residential area. He also stated there are 3 bars already right in a row close to this area that sell liquor. He is concerned with 24 hour traffic, noise and lights that would result in a 24 hour sales situation. Mr. Dillard stated there have been a few concerns in the past with this business but they have been worked out. Mr. Cagnoni explained the liquor law states liquor sales end at 1:00 PM with an earlier deadline on Sunday. This Applicant has stated on their business plan that liquor sales will end at 12:00 Midnight every day.

Zaram Bukhari, representing Verizon Wireless and the Applicant's husband, also spoke. He stated this business is a store within a store. He explained the 24 hour operation was because of past break-in attempts. He feels the business being open is more protection to the site. Regarding the sale of alcohol, Mr. Bukhari stated when liquor sales end they actually lock the cooler doors so that the customer does not have access to the beer and wine.

Ms. Neubauer asked if the switch to 24 hours was a recent switch to which Mr. Bukhari responded it was done about a month ago. Mr. Cagnoni stated in 2001 a Special Use Permit was issued for a gas station / convenience store with liquor sales. Mr. Roszkowski asked why the applicants are having to come forward for liquor sales if there was a Special Use Permit issued. Mr. Cagnoni explained the Ordinance has been changed from a Special Use Permit to an individual liquor license requirement. Because this is new ownership of the business, the Applicants are required to secure a liquor license specific to them.

Mr. Cagnoni passed on information that Ald. McNealy has contacted Staff's office, and stated she wished to have the Board be made aware that she had some concerns regarding this Application.

Ms. Neubauer and Mr. Roszkowski had some concerns with lighting on a 24-hour basis. Mr. Roszkowski asked about limiting hours of operation to less than 24 hours. Mr. Cagnoni stated he was not aware of any other gas station in a C-3 District that had restrictions on hours of operation. Mr. Roszkowski requested that Staff do a light test to be certain the lighting is contained within the property and at the proper levels. Mr. Cagnoni stated the light standard within the City varies depending on the zoning of adjacent property. R-1 for example would be ½ a foot candle but the area adjacent to commercial would be higher. He further stated condition 8 could be added specifying that Staff do a lighting test for compliance.

For clarification, Mr. Dillard stated he lived to the east of this property within a subdivision other than Emerson Estates and lighting was a concern. Mr. Cagnoni asked the Applicant if they were currently selling alcohol under the previous Special Use Permit and they stated they were. They are in the process of purchasing this property and are currently operating under the current owner's liquor license until the sale is complete.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the sale of packaged beer and wine in conjunction with a gas station/convenience store in the name of Sadaf Bukhari d/b/a Springfield Bp in a C-3, Commercial General Zoning District at 453 North Springfield Avenue with added condition 8. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must meet all applicable building, fire and liquor codes.
2. The sale of packaged liquor of beer and wine shall be limited to the area shown on Exhibit G.
3. The sale of liquor shall be limited to midnight as indicated in the business plan labeled Exhibit G.
4. The sale of rose tubes, airplane-sized bottles and any other product which can be easily converted into a "crack pipe" is prohibited.
5. Signs displayed in windows, whether temporary or permanent shall cover no more than 35% of the square footage of the window surface inclusive of advertisement of alcohol products.
6. Package beer shall not be sold on an individual basis but sold as a six (6), twelve (12), twenty four (24) pack or greater.
7. Wine shall not be sold in less than 750 ml containers.
8. Lighting shall be directed downward and limited to no more than .5 foot candles on the east side of the property facing the residential district.

10-LAB-008

Applicant
Ward 14

4358 Sandy Hollow Road

Theodoros Panagiotopoulos d/b/a 5 Coins Restaurant

Sale of beer and wine by the drink in conjunction with a sit-down restaurant in a C-2, Limited Commercial Zoning District

The subject property is located on the northwest corner of Sandy Hollow Road and Colony Bay Drive intersection and is currently the 5 Coins Restaurant. Attorney Chuck Kostantacos, representing the Applicants, reviewed the application. After having been in business for a number of years, the Applicants are seeking a license to sell beer and wine in response to requests from their customers.

Attorney Schultz had no questions.

Staff Recommendation is for Approval with 5 conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of beer and wine by the drink in conjunction with a sit-down restaurant in the name of Theodoros Panagiotopoulos d/b/a 5 Coins

Restaurant in a C-2, Limited Commercial Zoning District at 4358 Sandy Hollow Road. The Motion was **SECONDED** by Dennis Olson 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 Liquor Codes.
3. The hours of operation will be limited to 11:00 A.M. to 9:00 P.M. Monday through Saturday.
4. The hours of operation will be limited to 11:00 A.M. to 3:00 P.M. Sunday.
5. The sale of alcohol shall be limited to the interior site plan.

10-LAB-009

Applicant
Ward 10

4007 E. State Street

John Sommer, Jr. / Don Carter Lanes, Inc.

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

The subject property is located on the south side of East State Street and is Don Carter Lanes, Inc. The subject use is a bowling center, lounge and restaurant. John Sommer, Jr., Applicant, reviewed his request for the sale of liquor by the drink. The Applicant wishes to have the option to serve alcohol on the outdoor patio and deck. He stated they have done extensive remodeling at Don Carter Lanes and have added an outdoor patio and deck. The deck is tied to Shooters lounge. Mr. Sommer stated there will be some music on the deck, mostly canned, but also live on some occasions.

Mr. Roszkowski asked if they were going to do any further improvement in the parking lot. Mr. Sommer stated they would like to but not at this time due to financial constraints. Attorney Schultz had no questions, but stated the City has been working with the Applicant and it appears to be a good set up.

Staff Recommendation is for Approval with 1 condition. No Objectors and Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of liquor by the drink in conjunction with a bowling center, lounge, restaurant and outdoor seating area in the name of John Sommer, Jr. d/b/a Don Carter Lanes, Inc. in a C-2, Limited Commercial Zoning District at 4007 E. State Street. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0.

Approval is subject to the following condition:

1. Compliance with the Liquor Ordinance.

10-LAB-005

Applicant
Ward 1

510 South Perryville Road

Ashley Bennett d/b/a Cousin's Bar and Grill

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

Laid Over from April meeting

This item was Laid Over by the Board at the April meeting. At that meeting the business plan submitted by the Applicant stated the ratio of liquor sales would be 60% and food sales 40%. Staff Recommendation was for Denial based on this percentage. The Lay Over was provided to allow the Applicant time to obtain an audit prepared by a Certified Accountant proving the sale of alcohol was a minimum of 50% ration to food. Prior to the meeting, a written request was received by the Applicant to have this item Laid over to the June meeting.

Staff Recommendation remains at Denial. No Objectors or Interested Parties were present.

A **MOTION** was made by Dennis Olson to **LAY OVER** the sale of liquor by the drink in conjunction with an outdoor seating area in the name of Ashley Bennett d/b/a Cousin's Bar and Grill in a C-2, Limited Commercial Zoning District at 510 South Perryville Road. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

10-LAB-006

Applicant
Ward 9

2921 City View Drive

Chawn Scanlan d/b/a Scanlan's

Sale of liquor by the drink in conjunction with an outdoor seating area in a C-1, Limited Office Zoning District

Laid Over from April meeting

Prior to the meeting, a written request was received from the Applicant's attorney to Lay Over this item to the June 15th meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the sale of liquor by the drink in conjunction with an outdoor seating area in the name of Chawn Scanlan d/b/a Scanlan's in a C-1, Limited Office Zoning District at 2921 City View Drive. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

With no further business to come before the Board, the meeting was adjourned at 6:57 PM

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