

LIQUOR ADVISORY BOARD
Tuesday, July 15, 2008
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LAB Members: Alice Howard
Aaron Magdziarz
Alicia DiBenedetto
Julio Salgado (arrived 6:45)
Craig Sockwell
Scott Sanders
Dan Roszkowski

Absent:

Staff: Todd Cagnoni – Manager of Current Planning
Sandra Hawthorne – Administrative Assistant
Jon Hollander - City Engineer, Public Works
Jennifer Cacciapaglia – City Attorney, Liquor Commission
Mark Marinaro - Fire Prevention Division
Reid Montgomery, Director, Community & Economic Development

Others: Alderman Lenny Johnson
Kathy Berg, Stenographer
Applicants and Interested Parties

The meeting started at 6:00 P.M. A **MOTION** was made by Craig Sockwell to **APPROVE** the minutes of the June 17, 2008 meeting as submitted. The **MOTION** was **SECONDED** by Alicia DiBenedetto and **CARRIED** by a vote of 6-0 with Julio Salgado absent



08-LAB-017 2338 Charles Street
Applicant John Edward Helland / Foxy's
Ward 2 Sale of alcoholic liquor by the drink in conjunction with a tavern in a C-3, Commercial
 General District
 Laid Over from June meeting

This item was Laid Over from the previous month to allow the Applicant time to provide Staff with detailed information on how the business would operate, as well as how security would be handled and parking arrangement details. Larry Anderson and John Helland were present. Mr. Cagnoni explained that two members of the Board were not in attendance at the June meeting and advised the Applicant that they may wish to present full information on their Application for the benefit of the members now present. Mr. Anderson stated there will be no remodeling of the exterior of the building. Internal changes will be the addition of a bar, a "couple" of sinks, and a cooler. Mr. Anderson further stated the City's request for additional landscaping creates a hardship for the Applicant. He stated there is heavy traffic at this lighted intersection and feels landscaping is detrimental to safety. He stated this area is similar to the downtown area where parking on site is not required. Mr. Anderson submitted a letter from the owner of Continental Antiques as 2305 Charles Street stating Mr. Helland can use his lots if needed. Staff feels this is not a formal agreement and would like to see something in writing with more detail.

Attorney Cacciapaglia asked Mr. Helland what the hours of operation would be. Mr. Helland responded that usually he would stay open until midnight during the week, but would like the option to stay open until 2:00 AM. Attorney Cacciapaglia asked him what his plans were to handle noise issues. Mr. Helland

responded that he doesn't anticipate any problems with noise, and that he has not had any problems in the past. He stated the clientele will be those adults in their 30's and 40's. Attorney Cacciapaglia asked if he would be limiting access to the tavern to those over 30 and Mr. Helland responded he would not. Attorney Cacciapaglia asked Mr. Helland how he would handle security issues in the club and in the parking lot. Mr. Helland responded he would go out and talk to customers if he sees any problems. He feels he is not going to have any problem with security and I.D.'s will be check thoroughly.

Staff recommendation for Denial. No Objectors were present

During discussion, it was noted the plan submitted was not drawn to scale and did not depict accurate parking spots. Mr. Helland stated 12 parking spots are already marked, plus 1 handicapped spot. Mr. Sanders explained to the Applicant that there are elements in the landscaping ordinance that do speak to the concerns that the applicant brought up. He further stated there is space on this property for low bushes and flowers. He asked Mr. Helland if he had approached the Rockford Plaza owner about the possibility of shared parking. Mr. Helland stated he was told the mall will be filling a vacant space in the near future and they are not certain what the new tenant's parking needs will be so are not willing to share parking.

Dan Roszkowski agreed there needs to be more of a good faith effort by the Applicant to meet the intent of the landscaping ordinance. He feels the location is buffered sufficiently from the area neighborhood. Alicia DiBenedetto stated she is in favor of the project, but is still concerned that parking requirements have not been met.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of alcoholic liquor by the drink in the name of John Edward Helland d/b/a/ Foxy's in conjunction with a tavern in a C-3, Commercial General District at 2338 Charles Street with the request that Staff work with the Applicant on landscaping and parking. The **MOTION** was **SECONDED** by Dan Roszkowski.

Mr. Salgado joined the meeting at this point.

Prior to vote, and in regards to Mr. Sanders request that Staff work with the Applicant on parking and landscaping, Mr. Cagnoni wished to point out that Staff feels this application is in the same place as last month's meeting. At that meeting, the Board allowed a **SECONDED** to allow the Applicant to provide Staff with a security plan, parking plan, and landscaping plan. Mr. Cagnoni stated these items have not been provided, these same issues have not been worked out, and the Applicant did not meet with Mr. Cagnoni until this afternoon of the present meeting. Without the requested information, Staff has not changed their recommendation of Denial. Staff feels the same issues that were not resolved last month have still not been resolved by the Applicant. Staff does not have any proof that landscaping is going to be done and the Applicant needs to provide proof that they are going to comply with landscaping. Mr. Cagnoni further explained that there is a difference between this property and the downtown district area. In the downtown commercial area there is public parking available. In other commercial districts there is not the expectation that public parking will be provided. Parking on other commercial areas is expected to be provided on site or by a formal parking agreement. Mr. Cagnoni recommended a design landscape person be hired by the applicant to submit a specific landscape plan.

Mr. Sanders **Withdrew** his Motion. Mr. Roszkowski **Withdrew** his Second.

The Board agreed that the reason for extending this item at last month's meeting was to allow the Applicant to provide Staff with information regarding security, parking and landscaping and that this has not been done by the Applicant. The Board was in agreement that this item could be Laid Over for one more month, but Mr. Roszkowski made it clear to Mr. Helland that he needs to provide the information that was requested last month and not received.

A **MOTION** was made by Scott Sanders to **SECONDED** the request for the sale of alcoholic liquor by the drink in the name of John Edward Helland d/b/a/ Foxy's in conjunction with a tavern in a C-3, Commercial

