

LIQUORY ADVISORY BOARD
Tuesday, June 17, 2008
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LAB Members: Alice Howard
William Orr
Alicia DiBenedetto
Julio Salgado
Craig Sockwell

Absent: Scott Sanders
Dan Roszkowski

Staff: Todd Cagnoni – Manager of Current Planning
Sandra Hawthorne – Administrative Assistant
Jon Hollander - City Engineer, Public Works
Kerry Partridge – City Attorney, Zoning Board of Appeals
Jennifer Cacciapaglia – City Attorney, Liquor Commission
Frank Schmitt – Chief, Fire Prevention Division
Reid Montgomery, Director, Community & Economic Development
Rob Lamb – Manager of Industrial Development

Others: Kathy Berg, Stenographer
Applicants and Interested Parties

The meeting started at 6:00 P.M. A **MOTION** was made by William Orr to **APPROVE** the minutes of the May 20, 2008 meeting as submitted. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 5-0 with Scott Sanders and Dan Roszkowski absent.

08-LAB-015	<u>4431 East State Street</u>
Applicant	Philip Dean Griffith / Mary's Market Café and Bakery
Ward 10	Sale of beer and wine by the drink in conjunction with a fast casual restaurant in a C-2, Limited Commercial District

The subject property is located 400 feet west of the Alpine Road and East State Street intersection and is Mary's Market Café and Bakery. Bryan Suh, representing the Applicant, reviewed the request for liquor sales. The Applicant explained that the existing Mary's Market Café located at 2601 McFarland Road has a Special Use Permit for the sale of beer and wine by the drink and their dinner sale business has increased over their other two locations due to this option. They would like to offer beer and wine to their customers at the other two Mary's Market locations as well.

Attorney Cacciapaglia asked if the requested hours of 7:00 AM to 9:00 PM were acceptable. Mr. Suh stated they would agree to this if required, but would prefer to go to 10:00 PM if possible. Jennifer explained this decision is up to the Board. Mr. Suh explained they are open 7 days a week. Mr. Cagnoni explained Staff could revise conditions of approval to reflect the Applicant's request to go to 10:00 PM if Board agreed. Mr. Cagnoni also explained condition #3 should be revised to read the sale of beer and wine shall be limited to the interior and exterior site plan as submitted.

Staff Recommendation was for Approval with 3 conditions. No Objectors were present.

A **MOTION** was made by William Orr to **APPROVE** the sale of beer and wine by the drink in the name of Philip Dean Griffith d/b/a/ Mary's Market Café and Bakery in conjunction with a fast casual restaurant in a C-2, Limited Commercial District at 4431 East State Street with the revision to condition 3 and addition of condition 4. The Motion was **SECONDED** by Craig Sockwell 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 sale of beer shall be limited to the interior and exterior site plan submitted.
4. Hours of operation shall be 7:00 AM to 10:00 PM

08-LAB-016

1659 North Alpine Road

Applicant
Ward 10

Philip Dean Griffith / Mary's Market Café and Bakery
Sale of beer and wine by the drink in conjunction with a
fast casual restaurant in a C-3, General Commercial District

The subject property is located within Edgebrook Shopping Center. As with the previous request, Mr. Suh stated the Applicant wishes to add the sale of beer and wine to the menu for the convenience of their customers. Mr. Suh explained the details on this item are the same as the previous item. He also requested serving hours be extended to 10:00 PM.

Staff Recommendation was for Approval with 3 conditions. No Objectors were present.

Attorney Cacciapaglia asked if the Applicant wished to extend the business hours to 10:00 PM, to which Mr. Suh responded they did. The Board agreed to add condition 4 to reflect this, and to revise condition 3 to reflect outdoor sales.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of beer and wine by the drink in the name of Philip Dean Griffith d/b/a/ Mary's Market Café and Bakery in conjunction with a fast casual restaurant in a C-3, General Commercial District at 1659 North Alpine Road with the revision to condition 3 and addition of condition 4. The Motion was **SECONDED** by Julio Salgado 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 sale of beer shall be limited to the interior and exterior site plan submitted.
4. Hours of Operation shall be 7:00 AM to 10:00 PM

08-LAB-017

2338 Charles Street

Applicant
Ward 2

John Edward Helland / Foxy's
Sale of alcoholic liquor by the drink in conjunction with a
tavern in a C-3, Commercial General District

The subject property is on the northwest corner of 20th and Charles Streets and is the former Opsahl's Restaurant. Opsahl's relocated due to flooding in the area. Larry Anderson, and John Helland were present. Mr. Anderson reviewed the request for the Applicant. He stated Mr. Helland had previous business at Broadway and 7th Streets and had no problems at either location. His most current business was at Howard Johnson's at 11th Street. Mr. Helland sponsors a Dart Team, and Mr. Anderson indicated that this tavern would cater to dart players. He stated there will be no structural changes to the building. Wishes to install a bar, a couple of sinks, dart machines, juke box and tables. Mr. Anderson stated this will be a neighborhood type of bar. He stated there are parking lots in the area that could be used as a cross parking arrangement; however, no agreements in writing have been obtained. He did not agree with Staff requirements of 25 parking spaces. He further stated Mr. Helland does not have a problem with landscaping as long as it is "reasonable".

Attorney Cacciapaglia asked if the proposed business would be open to the public rather than just dart teams. Mr. Helland said it would be open to public. He stated he would like to be open until 2:00 AM, but probably would be open to 11:00 or 12:00 PM at first. Attorney Cacciapaglia asked what the anticipated capacity was. Mr. Helland said he had no idea until he received input from the Fire Department. He agreed with Attorney Cacciapaglia that the 29 chairs shown on the submitted drawing was about right. She asked him to verify parking. Mr. Helland said he is working with the Rockford Plaza strip mall but is unable to get anything in writing. Attorney Cacciapaglia asked how he would handle security issues. Mr. Helland said if a background check was done, the city would find that although he may have past problems in his private life, there are no problems in his business life. Jen asked for clarification on how he himself would handle security in several parking areas at once. She expressed concern that residential areas are a block away. She asked for specifics on how he planned to handle noise, disorderly activity, multiple parking areas so as not to disturb residential area. Mr. Helland stated he does not anticipate any problems based on previous activity, but he will be checking on parking lots regularly. No definite plan was given. Attorney Cacciapaglia explained she was not questioning the Applicant's ability to handle the business, but because of the close proximity to neighborhood areas she was concerned with how security would control patrons and the various parking lots proposed.

Mr. Sockwell asked how many employees were expected, to which Mr. Holland stated there would be 1 bartender and himself. Mr. Orr expressed concern that if this is a neighborhood bar, it could easily become a hang out. Mr. Anderson said if people from the neighborhood are coming they are probably walking. Todd explained parking was calculated at 25 people. Alicia DiBenedetto was concerned planters would interfere with some of the parking. Mr. Helland suggested he could do wall planters as an alternative.

Mr. Cagnoni explained that Insufficient information was provided to Staff to ensure the security of the property and how the business would operate and as such Staff Recommendation was for Denial. No Objectors were present.

During Board discussion, Alice Howard said her biggest concern is parking. Mr. Cagnoni stated a formal agreement for cross-parking would certainly benefit Mr. Hellend. He explained there were a lot of "ifs" in the application that was presented to Staff and the recommendation was based on the lack of information. Ms. Howard suggested this item could be Laid Over to allow the Applicant time to work with Staff. Mr. Cagnoni stated it is at the discretion of the Board if they wished to Lay Over this item; however, he is not certain if some of these issues can be overcome.

A **MOTION** was made by William Orr to **LAY OVER** 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. The Motion was **SECONDED** by Julio Salago and **CARRIED** by a vote of 5-0.

08-LAB-018

Applicant
Ward 1

6876 Spring Creek Road

Cherri Rittenhouse / Pearl
Sale of alcohol by the drink in conjunction with a
restaurant and a bar in a C-3, General Commercial District

The subject property is located two lots west of the northwest corner of the intersection of Spring Creek Road and Perryville Road. This is a strip mall currently under construction. Cherri Rittenhouse-Schwaiger, Applicant and Marvin Keys were present. Mr. Keys reviewed the request. He stated this will be a Bistro type of atmosphere, aiming towards a younger, more hip crowd.

Staff Recommendation was for Approval with 2 conditions. No Objectors were present.

Attorney Cacciapaglia commented the application implied food would be served until 2:00 AM and stated food is not normally served that late in a restaurant atmosphere. Mr. Keys explained food will be available, although it will be a different venue rather than the full restaurant menu. Attorney Cacciapaglia asked if a cover charge would be charged, explaining this would constitute a night club type of use. She asked if the Applicant understood this, and the Applicant responded that they did. She further asked if there were any plans for live entertainment. Mr. Keys said not at this time. She asked if they would be

willing to add a condition of approval that this restaurant/bar would not be a nightclub and the Applicant agreed.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of alcohol by the drink in the name of Cherri Rittenhouse d/b/a/ Pearl in conjunction with a restaurant and a bar in a C-3, General Commercial District at 6876 Spring Creek Road with the addition of condition 3. The Motion was **SECONDED** by William Orr and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meeting all applicable liquor codes.
2. The sale of liquor by the drink is in conjunction with a restaurant.
3. The primary business shall be a restaurant and a bar and shall not be a nightclub.

08-LAB-019

509 East State Street

Applicant
Ward 3

Damien M. Hunter / CRU
Sale of alcohol by the drink in conjunction with a sit-down restaurant/tavern in a C-4, Urban Mixed-Use District

The subject property is located 90 feet east of the North Second Street and East State Street intersection and is the CRU restaurant/tavern. Damien Hunter reviewed his application. He stated he is taking over this business under sole proprietorship and requires the liquor license to be in his name. Only wine and beer will be sold.

Staff Recommendation was for Approval with 3 conditions. Attorney Cacciapaglia verified hours of operation as 10:00 AM – 7:00 PM Monday through Saturday. Mr. Cagnoni asked if wine and beer by the bottle would be sold as carry out, and the Applicant responded that it would.

A **MOTION** was made by William Orr to **APPROVE** the sale of alcohol by the drink in the name of Damien M. Hunter d/b/a CRU in conjunction with a sit-down restaurant/tavern in a C-4, Urban Mixed-Use District at 509 East State Street. The Motion was **SECONDED** by Alicia DiBenedetto and **CARRIED** by a vote of

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 sale of alcohol by the drink in conjunction with a sit-down restaurant/tavern as well as the sale of alcohol by the package of beer and wine shall be limited to the interior site plan submitted.

08-LAB-020

7310 Walton Street

Applicant
Ward 1

Ryan Patrick Golinvaux / bd's Mongolian Grill
Sale of alcohol by the drink in conjunction with a sit-down restaurant and an outdoor dining area in a C-3, Commercial General District

The subject property is located on the south side of East State Street, north of Walton Street, and is currently under construction for a strip mall. Karl Opperman, representing the Applicant, reviewed the request. Mr. Opperman explained the business will be open 7 days a week. Hours of operation were given and Mr. Cagnoni asked that these be added as condition of approval #3.

Staff Recommendation was for Approval with 2 conditions. No Objectors were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of alcohol by the drink in the name of Ryan Patrick Golinvaux d/b/a bd's Mongolian Grill in conjunction with a sit-down restaurant and an outdoor dining area in a C-3, Commercial General District at 7310 Walton Street with added condition #3. The Motion was **SECONDED** by William Orr and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. The sale of alcoholic beverages shall be in conjunction with a sit-down restaurant.
2. Compliance with the Liquor Ordinance.
3. Hours of operation shall be from 11:00 AM to 10:00 PM Sunday through Thursday, and 11:00 AM to 11:00 PM Friday and Saturday.

With no further business to come before the Board, the meeting was adjourned at 7:00 PM

Respectfully submitted,

Sandra A. Hawthorne, Administrative Assistant
Liquor Advisory Board