

LIQUOR ADVISORY BOARD
Tuesday, April 21, 2008
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LAB Members: Alicia DiBenedetto Neubauer
Aaron Magdziarz
Dan Roszkowski
Craig Sockwell
Julio Salgado

Absent: Scott Sanders

Staff: Todd Cagnoni, Deputy Director, Construction & Development Services
Sandra Hawthorne – Administrative Assistant
Kerry Partridge, City Attorney
Mark Marinaro - Fire Prevention Division
Jon Hollander, Public Works

Others: Reid Montgomery, Director Community & Economic Development
Alderman Frank Beach
Kathy Berg, Stenographer
Applicants and Interested Parties

The meeting started at 6:00 P.M. A **MOTION** was made by Aaron Magdziarz to **APPROVE** the minutes of the March 17, 2009 meeting as submitted. The **MOTION** was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0, with Scott Sanders absent.

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 next meeting was given as Monday, May 4th, at 4:30 PM in Conference Room A of this building. 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 by calling the phone number listed on the top of the agenda which was made available to all those in attendance at the beginning of the meeting.

09-LAB-002 **3307 Charles Street**
Applicant Shaher Bano
Ward 10 Sale of packaged beer and wine in conjunction with a gas station in the name of
Shaher Bano, d/b/a Aliz Inc. in an R-1, Single-family Residential District

The subject property is located on the southeast corner of 29th Street and Charles Street and is currently a gas station. Mujahid Malik and Shaher Bano were present. Mr. Malik is the husband of the Applicant, Shaher Bano. He presented the request for the sale of packaged beer and wine. He stated he and his wife have been running this business for a year and presented a certificate of achievement they had received. Mr. Malik explained they are in the process of purchasing this property

Staff recommendation was for Approval with 2 conditions. No Objectors or interested parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of packaged beer and wine in conjunction with a gas station in the name of Shaher Bano, d/b/a/ Aliz, Inc. in an R-1, Single-family Residential District at 3307 Charles Street. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Compliance with the Liquor Ordinance
2. The sale of liquor is limited to 6:00 A.M. to 11:00 P.M. daily (Monday to Saturday) and on Sunday from 12:00 A.M. to 11:00 P.M as presented within the Business Plan.

09-LAB-003 **3780 East State Street**
Applicant James Funk / John Kennedy
Ward 10 Sale of liquor by the drink in conjunction with a nightclub in the names of **James**
W. Funk & John M. Kennedy, d/b/a Tabu Nightclub & Lounge in a C-2,
Limited Commercial District

The subject property is located within a strip mall on the north side of East State Street and is currently vacant. A request for a teen club at this location was Dismissed by the Zoning Board of Appeals in March of this year. Since that request, the owner has been working with the applicant on a two-year lease agreement for the use of a nightclub. James Funk and John Kennedy, Applicants, were present. Mr. Funk reviewed their request for sale of liquor by the drink in conjunction with a night club. He stated it is their intent to turn this area around into an upscale nightclub, servicing patrons in the age group of 25 and up. He explained they will enforce a strict dress code. Mr. Funk stated they have made several attempts to work with the Miracle Group through Pete Roche, but have not received any return calls. They did recently speak with Paula Olson from Miracle Mile and relayed she feels more comfortable with this proposal. The Applicant is agreeable to 1 security person for every 50 people. Mr. Funk further explained they will be using I.D. scanners at the door, and Operation Straight I.D. which is operated by the State Police, who will come in to train their people. John Royster will be training their staff 8 hours prior to hiring. The Applicants will also be hiring two off-duty policemen hand picked by Mr. Royster. Mr. Funk stated they believe it is important to stop trouble in the parking lot before it gets to the front door. They also have a signed lease for parking spaces with Crest Commercial, which runs for the term of the

lease and includes handicapped spaces. with them for parking spaces. Security will be in the parking lot at all times. Signatures of support from neighboring businesses were also submitted. Mr. Funk stated it is their intent to create a business that will thrive and are willing to do what is best for the neighborhood and the business itself to avoid attracting unsightly characters. Mr. Funk continued to say they have pulled every permit the city has required and are willing to add more security officers if that is what the City requires. They have also added more insurance to cover the leased parking spaces. Clean up of the parking lot will be done every night as part of closing procedures. Security will assure there are no people drinking outside of the building. No garbage or bottles will be left in the parking lot, as continuous clean up is part of security requirements. Staff will be trained by outside personnel on how much to serve. The Applicant stated they would rather have a half full establishment of good customers than a full bar of people who are not beneficial to the business or the neighborhood. In time, they would like to add food service other than frozen pizzas for which the Health Department has approved, free of charge. Mr. Funk stated they have planned 12 months of charitable events, because it is their belief that giving back to the community is equally as important as taking money from the community. All charities will benefit Rockford Communities. Mr. Funk concluded that they are not here to create problems in the community, but rather to help find a solution to the problems in the community.

Attorney Partridge asked for a definition of 30 years combined service as stated in their application. Mr. Funk explained they have worked with Shooters, Cousins, spoken at convention in Las Vegas regarding running a business with limited funds. Mr. Funk also stated his experience would be in Las Vegas. In response to a question from Attorney Partridge regarding any improvements inside the building, Mr. Funk responded that they have installed sprinkler systems, are rebuilding the seating area and have plans to demo the dance floor and rebuild it, along with the seating area. New carpet will be installed and the holes in drywall have been patched. Hours of operation are from 8:00 PM to 2:00 AM, Wednesday thru Saturday. The Applicants would be willing to drop Thursday until the City feels they have proven themselves as running a safe and community-conducive business. Mr. Funk stated it is not their intent to interfere with the parking needs of the shopping center, and they do not intend to have music during the business hours of their neighbors. These concerns are what affected their decision to not open until 8:00 P.M. A revised site plan and parking plan were submitted. The new parking agreement states an expiration date of 2011.

Mark Marinaro, Fire Department, stated the 900 building capacity was based on the previous business layout. An actual inspection will be done and he expects capacity will now be less than 900.

Alicia Neubauer asked to elaborate on past Variation for parking. Mr. Cagnoni explained the 1996 Variation allowed for 288 parking spaces.

Staff Recommendation is for Denial. Alderman Frank Beach was present as an Objector. As the Alderman for this ward, he explained he had occasions to meet the perspective owners of this business. Alderman Beach stated he has lived with this building for over ten years as well as the problems that come with it. He feels there are good intentions to make this space work, as there were in the past. However, when capacity is not as great as the owners anticipated, things change. This area is a TIF District with over \$4 million invested. He anticipates another \$4 million to be invested in this area. Alderman Beach stated he has spoken with Pete Roche, President of Miracle Mile, and he is not in support of this. Alderman Beach has asked the owner of this building to work with the Applicants to help them find a more suitable location for their proposal.

In response, Mr. Funk stated they have asked to be a part of the Miracle Mile. He expressed their proposal would only be a risk if the proper precautions are not taken. He explained that without being given an opportunity to meet with Mr. Roche, it is difficult for Mr. Roche to make a proper judgment about their plan because they have not been given the opportunity to present it to him. The Applicants would make the Miracle Mile group aware of any planned events 6 months in advance to get their input. If the Miracle Mile group is not in agreement of a particular event, it will not occur.

Mr. Sockwell asked if conditions could be added if this were to move forward in order insure the business runs in a manner agreeable to the City. Mr. Roszkowski complimented the Applicant on their

presentation, stating it was the best coverage of issues he has seen. He explained a good business plan could allow a business of this nature to exist without conflict and asked if these applicants should be allowed to prove this. Ms. Neubauer stated this building is very large, which makes crowd control difficult, but felt the applicant has addressed these issues with the amount of security, parking lot control, and clean up. She feels these issues have been addressed as opposed to the way previous owners operated this establishment.

Mr.'s Salgado and Roszkowski felt a Lay Over of one month to provide more information on occupancy would be helpful. Mr. Roszkowski also stated he would like an opportunity to look over the plans for the Miracle Mile. He asked what the parking lot would support as far as occupant load. Mr. Cagnoni stated this use only would required 168 parking spaces. The hours of operation and parking agreement would probably support this use. He further stated Staff feels there have been good intentions on the part of the applicants and they have been cooperative in working with Staff's concerns. However, Staff feels this is not the right location for this business on the basis of the Miracle Mile and the City's plan for the area. There is a history of problems with this location under similar uses and Staff feels it cannot support a nightclub with the sale of alcohol at this location.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the sale of liquor by the drink in conjunction with a nightclub in the names of James W. Funk and John M. Kennedy, d/b/a Tabu Nightclub & Lounge in a C-2, Limited Commercial District at 3780 East State Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

09-LAB-004 **310 South Church Street**
Applicant Jay Gesner and Rebecca Yates
Ward 5 Modification of liquor license for the sale of liquor by the drink in conjunction with a sports bar and grill with an outdoor garden area to include night club in the name of **Jay Gesner and Rebecca Yates d/b/a Hawks Nest** in a C-4, Urban Mixed-Use District

The subject property is located on the southeast corner of Church and Chestnut Streets. This property was previously established for a nightclub use and has Grandfather Rights. Both Applicants were in attendance. Mr. Gesner reviewed the request for modification of liquor license. He explained a cover charge is required in order to bring the type of entertainment that will draw people downtown to their location and this would require modification for a night club.

Staff Recommendation was for Approval with 3 conditions. Attorney Partridge had no questions. No Objectors or interested parties were present.

Mr. Sockwell questions the hours of 2:00 A.M. on Friday and Saturday. Mr. Cagnoni explained Staff has not attempted to put any hours of operation on this application other than what the liquor code allows. Dancing would be outside and sometimes entertainment as well. Alicia Neubauer asked how many people could fit in the tent, and the response was 250 without tables, 125 with tables. She was concerned that enough restrooms were available for a crowd of that size. Mr. Cagnoni stated when a building permit was issued for the tent, a building and fire official did an inspection. He did explain that building and fire codes will need to be followed if this use is approved, as stated in condition 1.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Modification of liquor license for the sale of liquor by the drink in conjunction with a sports bar and grill with an outdoor garden area to include night club in the name of Jay Gesner d/b/a Hawks Nest in a C-4, Urban Mixed-Use District at 310 South Church Street. 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 nightclub will be limited to Exhibit D and Exhibit E that were submitted.

09-LAB-005 6116 Mulford Village Drive

Applicant Reynaldo Vera

Ward 1 Sale of liquor by the drink in conjunction with a restaurant, bar and nightclub in the name of **Reynaldo Vera d/b/a Miranda's Pub & Grill** in a C-2, Limited Commercial Zoning District

The subject property is located within a tenant space at 6116 Mulford Village Drive and is known as Miranda's Pub & Grill. It is currently operating as a bar and grill under the existing liquor license. Attorney Nancy Hyzer presented the request to the Board. She explained the Applicant has been operating at this location for the last 4 years serving food and liquor by the drink. Business has been slow and the owner is looking to provide other forms of entertainment such as a D.J., and live music. She further stated the Applicant is conscious of security requirements that go along with this type of business. On holidays or special events, extra security will be provided.

Staff Recommendation was for Approval with 4 conditions. Attorney Partridge had no questions for the Applicant. No Objectors or interested parties were present.

Mr. Salgado stated he would like to see more security added.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of liquor by the drink in conjunction with a restaurant, bar and nightclub in the name of Reynaldo Vera d/b/a Miranda's Pub & Grill in a C-2, Limited Commercial Zoning District at 6116 Mulford Village Drive. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meeting all applicable liquor codes.
2. Submittal of an updated interior site plan for staff review and approval. The nightclub will be limited to the approved site plan.
3. Security shall be provided as submitted and there shall be at a ratio of one (1) per fifty (50) patrons.
4. The nightclub shall be limited to the interior tenant space as shown.

With no further business to come before the Board, the meeting was adjourned at 7:20 PM

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