

LIQUOR ADVISORY BOARD
Tuesday, October 18, 2011
6:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

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

Absent: Aaron Magdziarz

Staff: Kerry Partridge – City Attorney
Todd Cagnoni, Deputy Director - Construction Services Division
Matt Knott - Chief, Fire Department
Marcy Leach – Public Works
Sandra Hawthorne - Administrative Assistant

Others: Alderman Frank Beach
Alderman Nancy Johnson
Alderman Karen Elyea
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, October 24, 2011, 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 the Zoning Office for any further information and the 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 meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0 with Aaron Magdziarz absent.

011-LAB-015 **1201 Broadway**
Applicant Rockford Banquet Hall, Inc. – Than Xayvandy
Ward 11 The sale of liquor by the drink in conjunction with a restaurant, bar, and banquet hall (venue) in a C-4, Urban Mixed-Use Zoning District.

Prior to the meeting a request was received to Lay Over this item to the November 15th meeting.

A **MOTION** was made by Scott Sanders to **LAY OVER** the sale of liquor by the drink in conjunction with a restaurant, bar, and banquet hall (venue) in the name of Than Xayvandy of Rockford Banquet Hall Inc. d/b/a/ Taste of Thai in a C-4, Urban Mixed-Use Zoning District at 1201 Broadway. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

011-LAB-022 **200 North Church**
Applicant Mandalay Lounge - Rockford Investment Corp.
Ward 3 The sale of liquor by the drink and package liquor sales in conjunction with a bar and grill in a C-4, Urban Mixed-Use District.

The subject property is located on the northwest corner of North Church Street and Mulberry Road and is an established bar and grill. LeRoy Jones, representing Rockford Investment Corp, was present. Mr. Jones stated this property has always been established as a bar and cocktail lounge under various owners since its conception. The Applicant stated they have no problems with the conditions suggested by Staff.

Attorney Partridge had no questions for Mr. Jones.

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

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of liquor by the drink and package liquor sales in conjunction with a bar and grill in the name of Leroy G. Jones, Jr. / Rockford Investment Corporation d/b/a Mandalay Lounge in a C-4, Urban Mixed-Use District at 200 North Church. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Compliance with the Liquor Ordinance.
2. Hours of operation are limited as provided on the submitted Business Plan Exhibit G, Monday through Saturday 10:00 A.M. to 2:00 A.M. and Sunday 11:00 A.M. to 11:00 P.M.
3. A cover charge, DJ or dance floor over 150 square feet is not allowed.

011-LAB-023

Applicant
Ward 5

1414 South Main Street

Chiquita Food Market– Alfredo Linares

The sale of packaged liquor in conjunction with a grocery store and the sale of beer and wine by the drink in conjunction with a deli in a C-4, Urban Mixed-Use Zoning District.

The subject property is located on the east side of South Main Street, between Knowlton Street and Lane Street and is a vacant building formerly Gray’s Food and Familia Fresh Foods. Alfredo Linares and Martin Sandoval were present. Mr. Sandoval stated they have existing grocery stores since 1986 in other locations outside of Rockford. These are family style grocery stores having a small sit-down restaurant with the ability to purchase beer or wine by the drink with food.

Attorney Partridge had no questions.

Staff Recommendation is for Approval with 4 conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Dennis Olson to **APPROVE** the sale of packaged liquor in conjunction with a grocery store and the sale of beer and wine by the drink in conjunction with a deli in the name of Alfredo Linares d/b/a Chiquita Food Market in a C-4, Urban Mixed-Use Zoning District at 1414 South Main Street. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 6-0.

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 and wine by the drink can only be in conjunction with food sales and will be limited to 8:00 A.M. to 9:00 P.M. Monday through Sunday.
4. The sale of alcohol shall be limited to the interior floor plan that was submitted as Exhibit E.

011-LAB-024

Applicant
Ward 4

5843 Forest Hills Road

Discount Tobacco & Pop– Shree Krishna Enterprise, Nimesh Patel

The sale of packaged liquor in conjunction with a convenience/grocery store in a C-2, Limited Commercial Zoning District.

The subject property is located within a Strip Mall on the southwest corner of the Forest Hills Road and Pepper Drive intersection. Nimesh Patel, Applicant, reviewed his request. Mr. Patel wishes to add the sale of packaged liquor to his existing convenience store.

Attorney Partridge had no questions for the Applicant.

Mr. Cagnoni wished to add a condition that window signage shall not exceed 30% of the window space at this business as this was not addressed in the report. Mr. Roszkowski felt this was not necessary, stating window signage was already addressed in the Ordinance and would have to be enforced without a specific condition. Mr. Cagnoni responded that this was correct; however Staff wished to add this condition as a notice of the code for clarification purposes since this was a liquor application. He also wished to add the common condition of no sale of rose tubes, etc. as condition 7.

Staff Recommendation is for Approval with 5 conditions as listed in the report, and the additional 2 conditions as requested by Staff at this meeting. No Objectors or Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of packaged liquor in conjunction with a convenience / grocery store in the name of Nimesh Patel of Shree Krishna Enterprise Inc. d/b/a Discount

Tobacco & Pop in a C-2, Limited Commercial Zoning District at 5843 Forest Hills Road with added conditions 6 and 7. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

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 8:00 A.M. to 9:00 P.M. Monday through Saturday.
4. The hours of operation will be limited to 8:00 A.M. to 8:00 P.M. on Sunday
5. Submittal of an interior floor plan that indicates the interior sales display area for Staff review and approval.
6. Window display signage shall be limited to no more than 30% of the widow area.
7. The sale of rose tubes, airplane-sized bottles and any other product which can be easily converted into a "crack pipe" is prohibited.

011-LAB-025

Applicant
Ward 8

3840 Broadway

NeeShee Inc.– Neel Patel

The sale of packaged liquor in conjunction with a liquor store in a C-2, Limited Commercial Zoning District.

The subject property is located on the north side of Broadway, south of Charles Street and east of Parkside Drive and is the East Gate Shopping Center. Neel Patel and Chirag Patel were present. Neel Patel reviewed the request. He stated he currently owns a store in the Elgin area. He stated his aim was to bring revenue to the City of Rockford. He further presented letters of recommendation from the City of Elgin.

Staff felt sufficient information was not provided at the time the report was prepared and as such recommended Denial. Mr. Cagnoni stated Staff was concerned with the hours of operation and other questions that were not necessarily negative, but that were not detailed enough to allow Staff to make a recommendation. Since then the Applicant has modified the hours of operation to times Staff could support, as well as letters of recommendation from the Elgin Chamber of Commerce.

Mr. Cagnoni read 7 conditions that Staff wished to see placed on this item if the Board chose to approve. He also suggested the Board may wish to hear input from any Objectors prior to Board discussion.

No Objectors were present; however, Interested Parties were present.

Daniel Gentile, 10900 Deer Point Drive, Orland Park, IL, is the owner of the subject property. He stated he has made improvements on the property, including roofing and anticipated signage. He feels this business would be a great asset to the center.

Alderman Nancy Johnson stated she is neutral on this proposal at this time. She wished to point out that there has been a significant history of denial for liquor sales at this area. There are 6 establishments within this district that have liquor sales. She further indicated she has had no trouble with any of these businesses and wished to maintain this history. She stated she does not know the applicants but they appear to have a good track record of running a business and hopes this will continue.

In response, Neel Patel stated it is their intent to run a good business in this area and to maintain all City Codes.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the sale of packaged liquor in conjunction with a liquor store in the name of Neel Patel d/b/a Rock Liquor & Wine in a C-2, Limited Commercial Zoning

District at 3840 Broadway with 7 added conditions as presented by Staff. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

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. Submittal of Building Permit for Staff review and approval.
4. The hours of operation will be limited to 9:00 A.M. to 10:00 P.M Monday through Thursday; Friday through Saturday 9:00 A.M. to 10:00P.M. and Sunday will be 11:00 A.M. to 10:00 P.M.
5. The sale of alcohol shall be limited to the interior site plan that was submitted Exhibit D.
6. Window display signage is limited to 30% of window area.
7. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into crack pipes is prohibited.

011-LAB-026

Applicant
Ward 1

6116 Mulford Village #13

Bahia Restaurant Inc. – Jorge Arroyave
The sale of liquor by the drink in conjunction with a restaurant in a C-2, Limited Commercial District.

The subject property is located within the Mulford Village Shopping Center and is the recent Bahia Restaurant. The Applicant wishes to offer liquor sales by the drink with food. Attorney Ian Linnabary and Jorge Arroyave were present. It was explained that this business has been operating for 16 years on Broadway with liquor sales by the drink and is moving to the subject property. They are intending to operate strictly as a restaurant and not a nightclub.

Attorney Partridge had no questions of the applicant.

Staff Recommendation is for Approval with 2 conditions. No Objectors or Interested Parties were present.

Mr. Sanders asked if Staff wished to add a condition of prohibiting a dance floor. Mr. Cagnoni stated that as part of their lease agreement for this space the area previously used as nightclub activities is not included. Staff felt an added condition was not necessary given this lease agreement.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of liquor by the drink in conjunction with a restaurant in the name of Jorge Arroyave d/b/a Bahia Restaurant Inc. in a C-2, Limited Commercial Zoning District at 6116 Mulford Village, #13. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Compliance with the Liquor Ordinance
2. Hours of operation are limited as provided on the submitted Business Plan Exhibit F, Sunday – Thursday 10:00 A.M. to 10:00 P.M. and Friday – Saturday 10:00 A.M. to midnight.

011-LAB-027

Applicant
Ward 6

3134 11th Street

Schnuck Markets, Inc.

The sale of packaged liquor in conjunction with a grocery store in a C-3, General Commercial Zoning District, C-2, Limited Commercial, and R-1, Single-family Zoning District.

Acting Chairman Roszkowski announced he would be abstaining from the next 5 items and turned the meeting over to Scott Sanders.

LAB items -027, 028, 029, 030, and 031 are all the same applicant, the same environment of an existing grocery store, and the same requests. They will be presented with general information pertaining to all items and voted on individually. Objectors and Interested Parties will be given the opportunity to speak on each application on an individual basis.

The subject property is located east of 11th Street and a few blocks north of Sandy Hollow Road.

Robert Wiegert was present representing Schnuck Markets. They have 100 stores, mostly in St. Louis metropolitan area, with about a third located in Illinois. They are purchasing the subject property and as a new owner are required to apply for liquor licensing. This store presently has packaged liquor sales. Attorney asked if they are planning any expansions of these stores. Mr. Wiegert stated they did not have any plans at this time.

Staff Recommendation is 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 liquor in conjunction with a grocery store in the name of Schnuck Markets, Inc. a C-3, General Commercial Zoning District, C-2, Limited Commercial, and R-1, Single-family Zoning District. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0 with Dan Roszkowski abstaining.

Approval is subject to the following conditions:

1. Meeting all applicable liquor codes.
2. Meeting all applicable building and fire codes.

011-LAB-028

Applicant
Ward 1

2601 North Mulford Road

Schnuck Markets, Inc.

The sale of packaged liquor in conjunction with a grocery store in a C-2, Limited Commercial Zoning District.

The subject property is located east of North Mulford Road and North Spring Creek and is currently a grocery store.

LAB items -027, 028, 029, 030, and 031 are all the same applicant, the same environment of an existing grocery store, and the same requests. They will be presented with general information pertaining to all items and voted on individually. Objectors and Interested Parties will be given the opportunity to speak on each application on an individual basis.

Robert Wiegert was present representing Schnuck Markets. They have 100 stores, mostly in St. Louis metropolitan area, with about a third located in Illinois. They are purchasing the subject property and as a new owner are required to apply for liquor licensing. This store presently has packaged liquor sales. Attorney asked if they are planning any expansions of these stores. Mr. Wiegert stated they did not have any plans at this time.

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

A **MOTION** was made by Dennis Olson to **APPROVE** the sale of packaged liquor in conjunction with a grocery store in the name of Schnuck Markets, Inc. in a C-2, Limited Commercial Zoning District at 2601 North Mulford Road. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0 with Dan Roszkowski abstaining.

Approval is subject to the following conditions:

1. Meeting all applicable liquor codes.
2. Meeting all applicable building and fire codes.

011-LAB-029

Applicant
Ward 14

2514 South Alpine Road

Schnuck Markets, Inc.
The sale of packaged liquor in conjunction with a grocery store in a C-3, General Commercial Zoning District.

The subject property is located east of South Alpine Road and North Harrison Avenue and is an existing grocery store.

LAB items -027, 028, 029, 030, and 031 are all the same applicant, the same environment of an existing grocery store, and the same requests. They will be presented with general information pertaining to all items and voted on individually. Objectors and Interested Parties will be given the opportunity to speak on each application on an individual basis.

Robert Wiegert was present representing Schnuck Markets. They have 100 stores, mostly in St. Louis metropolitan area, with about a third located in Illinois. They are purchasing the subject property and as a new owner are required to apply for liquor licensing. This store presently has packaged liquor sales. Attorney asked if they are planning any expansions of these stores. Mr. Wiegert stated they did not have any plans at this time.

Staff Recommendation is 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 liquor in conjunction with a grocery store in the name of Schnuck Markets, Inc. in a C-3, General Commercial Zoning District at 2514 South Alpine Road. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 5-0 with Dan Roszkowski abstaining.

Approval is subject to the following conditions:

1. Meeting all applicable liquor codes.
2. Meeting all applicable building and fire codes.

011-LAB-030

Applicant
Ward 2

1715 Rural Street

Schnuck Markets, Inc.
The sale of packaged liquor in conjunction with a grocery store in a C-2, Limited Commercial Zoning District.

The subject property is located south of Rural Street and east of Prospect Street and is an existing grocery store.

LAB items -027, 028, 029, 030, and 031 are all the same applicant, the same environment of an existing grocery store, and the same requests. They will be presented with general information pertaining to all items and voted on individually. Objectors and Interested Parties will be given the opportunity to speak on each application on an individual basis.

Robert Wiegert was present representing Schnuck Markets. They have 100 stores, mostly in St. Louis metropolitan area, with about a third located in Illinois. They are purchasing the subject property and as a new owner are required to apply for liquor licensing. This store presently has packaged liquor sales. Attorney asked if they are planning any expansions of these stores. Mr. Wiegert stated they did not have any plans at this time.

Staff Recommendation is 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 liquor in conjunction with a grocery store in the name of Schnuck Markets, Inc. in a C-2, Limited Commercial Zoning District at 1715 Rural Street. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 5-0 with Dan Roszkowski abstaining.

Approval is subject to the following conditions:

1. Meeting all applicable liquor codes.
2. Meeting all applicable building and fire codes.

011-LAB-031

Applicant
Ward 12

3710 North Main Street

Schnuck Markets, Inc.
The sale of packaged liquor in conjunction with a grocery store in a C-2, Limited Commercial Zoning District.

The subject property is located north of West Riverside Boulevard and west of North Main Street and is an existing grocery store.

LAB items -027, 028, 029, 030, and 031 are all the same applicant, the same environment of an existing grocery store, and the same requests. They will be presented with general information pertaining to all items and voted on individually. Objectors and Interested Parties will be given the opportunity to speak on each application on an individual basis.

Robert Wiegert was present representing Schnuck Markets. They have 100 stores, mostly in St. Louis metropolitan area, with about a third located in Illinois. They are purchasing the subject property and as a new owner are required to apply for liquor licensing. This store presently has packaged liquor sales. Attorney asked if they are planning any expansions of these stores. Mr. Wiegert stated they did not have any plans at this time.

Staff Recommendation is for Approval with 2 conditions.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of packaged liquor in conjunction with a grocery store in the name of Schnuck Markets, Inc. in a C-2, Limited Commercial Zoning District at 3710 North Main Street. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 5-0 with Dan Roszkowski abstaining.

Approval is subject to the following conditions:

1. Meeting all applicable liquor codes
2. Meeting all applicable building and fire codes

With no further business to come before the Board, the meeting was adjourned at 6:48 PM

Respectfully submitted,

Sandra A. Hawthorne, Administrative Assistant
Liquor Advisory Board