

LIQUOR ADVISORY BOARD
Tuesday, July 19, 2011
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LAB Members: Aaron Magdziarz
Alicia Neubauer
Dennis Olson
Scott Sanders
Craig Sockwell
Julia Salgado

Absent: Dan Roszkowski

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

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 Monday August 1, 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 Alicia Neubauer to **APPROVE** the minutes of the June meeting as submitted. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0 with Dan Roszkowski absent.

011-LAB-010

Applicant
Ward 04

1641 North Alpine Road

John Branyan / BRAVA Restaurant Group d/b/a MashUp

The sale of liquor by the drink in conjunction with a restaurant and outdoor seating area in a C-3, Commercial General District.

The subject property is 1 of 42 tenant spaces located in the Edgebrook Shopping Center, which consists of various retail stores and restaurants. This tenant space is on the south end of the building and includes an existing outdoor patio. The Applicant is a new tenant and wishes to provide their customers the option of having alcohol by the drink along with restaurant service. Kyle Vava and John Branyan were present as applicants. They explained their restaurant atmosphere is noted for "comfort food with a gourmet twist". The bar area will have 66 seats and will be relocated closer to the main entrance. The restaurant area will seat 82 patrons. The Applicants emphasized that it is not their intent to be a bar focused establishment, but a restaurant with wine, beer, and classic cocktails.

There were no questions or comments from City Attorney Partridge.

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 in conjunction with a restaurant and outdoor seating area in the name of John Branyan / BRAVA Restaurant Group d/b/a MashUp in a C-3, Commercial General District at 1641 North Alpine Road. The Motion was **SECONDED** by Aaron Magdziarz 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: Tuesday through Thursday 11:00 a.m. to 11:00 p.m. and Friday and Saturday 11:00 a.m. to Midnight.
3. A cover charge, DJ or dance floor may not be allowed.

011-LAB-011

Applicant
Ward 07

3831 Auburn Street

Charles Youngstrom of Aldi, Inc. d/b/a Aldi

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

The subject property is located 160 feet west of the Auburn Street and North Central Avenue intersection and is currently an Aldi grocery store. This application is 1 of 3 submitted for this meeting for 3 existing Aldi grocery stores and discussion of this item also pertained to items 11-LAB-012 and 011-LAB-013 on this agenda. The applicant wishes to generate more revenue by the sale of beer and wine only in conjunction with the sale of grocery items at all three locations.

Krista Komoroski, and Mark Wilcox were present. Ms. Komoroski, Manager of Aldi Foods, reviewed their request. She stated beer and wine only will be sold and these products will not be stored in a cooler – the products will be room temperature. All stores are Bassett Certified and all employees are Bassett trained. She explained Bassett training is a certified program for training employees who deal with the sale of alcohol to ensure liquor code regulations pertain to sale are maintained.

Attorney Partridge asked the applicant if they would be willing to add a condition that all beer and wine would be sold warm. Ms. Komoroski stated they have no coolers for alcohol and she would be comfortable with this condition. She explained the alcohol would be located in the front of the store in view of their employees. Attorney Partridge also asked if tobacco products were to be sold, to which Ms. Komoroski responded they were not.

Staff Recommendation was for Approval with 6 conditions.

One Interested Party was present.

Dorothy Farris, 1512 Blaisdell Street, was present as an Objector to the location of 3831 Auburn Street. She spoke on behalf of a petition with approximately 35 signatures from residents in her community. She stated there are sufficient businesses to provide liquor in this area and gave the address of three locations that currently have liquor sales. She stated people on low income shop at Aldis and feels the sale of alcohol is not a positive influence on children. She also felt the alcohol will be one of the first products visible when entering the store. Ms. Neubauer asked if she would be comfortable going into Hilander or Logli, as they sell alcohol. Ms. Farris indicated she is not comfortable with children seeing alcohol at Aldi's at all.

One letter of Objection was received from Alderman Ann Thompson-Kelly for this 3831 Auburn Street location. In her letter, Alderman expressed concerns with the excessive number of calls for police service and felt that adding liquor sales will only increase disorderly conduct, loitering, and other public complaints. She attached Calls for Service reports for 2010 and 2011 YTD for the 3800 block of Auburn Street as well as the applicant's property at 3831 Auburn Street.

In response, Ms. Komoroski stated they are wanting to get closer to being a one-stop shop and adding the sale of beer and wine would be a step towards that means.

During discussion, Mr. Sockwell stated he prefers to have the ability to do all his shopping at one location and not have to go to more than one store for items. Mr. Sanders stated that it is very common now for grocery stores and convenience stores to sell alcohol. Ms. Neubauer states she also has small children and would not be uncomfortable with purchasing beer or wine while grocery shopping, but added that she would not bring her children into a liquor store. Mr. Olson stated he understands the concerns of the citizens of this area and was leaning towards voting for Denial only at the 3831 Auburn Street location. When asked Staff's opinion, Mr. Cagnoni stated Staff is not in a position to advocate the sale of alcohol at a location over the objections of the Alderman or the neighborhood.

A **MOTION** was made by Alicia Neubauer to **DENY** the sale of packaged beer and wine in conjunction with a grocery store in the name of Charles Youngstrom of Aldi, Inc. d/b/a Aldi in a C-2, Limited Commercial Zoning District at 38341 Auburn Street. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 4-2, with Aaron Magdziarz and Julio Salgado voting Nay.

011-LAB-012

Applicant
Ward 08

2680 20th Street

Charles Youngstrom of Aldi, Inc. d/b/a Aldi
The sale of packaged beer and wine in conjunction with a grocery store in a C-2,
Limited Commercial Zoning District.

The subject property is located 150 feet south of the Harrison Avenue and 20th Street intersection and is currently the Aldi grocery store. The Applicant presented the same facts on this location as with 011-LAB-011.

Staff Recommendation is for Approval with 6 conditions. No Objectors or Interested Parties were present for this item.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the sale of packaged beer and wine in conjunction with a grocery store in the name of Charles Youngstrom of Aldi, Inc. d/b/a Aldi in a C-2, Limited Commercial Zoning District at 2680 20th Street. 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 9:00 A.M. to 8:00 P.M. Monday through Friday.
4. The hours of operation will be limited to 9:00 A.M. to 7:00 P.M. Saturday.
5. The hours of operation will be limited to 11:00 A.M. to 7:00 P.M. Sunday.
6. Submittal of an interior floor plan that indicates the interior sales display area for Staff review and approval.

011-LAB-013

5350 East State Street

Applicant
Ward 10

Charles Youngstrom of Aldi, Inc. d/b/a Aldi
The sale of packaged beer and wine in conjunction with a grocery store in a C-2, Limited Commercial Zoning District.

The subject property is located 260 feet north of the East State Street and North New Towne Drive intersection and is currently the Aldi grocery store. The same testimony was provided by the applicants on this item as the previous.

Staff Recommendation was for Approval with 6 conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the sale of packaged beer and wine in conjunction with a grocery store in the name of Charles Youngstrom of Aldi, Inc. d/b/a Aldi in a C-2, Limited Commercial Zoning District at 5350 East State Street. 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. The hours of operation will be limited to 9:00 A.M. to 8:00 P.M. Monday through Friday.
4. The hours of operation will be limited to 9:00 A.M. to 7:00 P.M. Saturday.
5. The hours of operation will be limited to 11:00 A.M. to 7:00 P.M. Sunday.
6. Submittal of an interior floor plan that indicates the interior sales display area for Staff review and approval.

With no further business to come before the Board, the meeting was adjourned at 6:35 PM

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