

Liquor Advisory Board Agenda
Tuesday, June 19, 2012
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

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

Absent:

Staff: Jennifer Cacciapaglia – City Attorney
Todd Cagnoni, Deputy Director - Construction Services Division
Mark Marinaro - Fire Department
Marcy Leach – Public Works
Sandra Hawthorne - Administrative Assistant

Others: Alderman Doug Mark (arrived at 6:18 PM)
Alderman Linda McNeely (arrived approximately 6:20 PM)
Alderman Nancy Johnson
Alderman Frank Beach
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, July 2, 2012, 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 Craig Sockwell to **APPROVE** the minutes of the May 15th meeting as submitted. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 7-0.

012-LAB-006

Applicant
Ward 09

3005 North Rockton Avenue

Kamil KM Chatur d/b/a Rockford Racer
Sale of liquor by the package in conjunction with a gas station and mini-food mart in a C-2, Limited Commercial Zoning District
Laid Over from March, April & May meetings

Neither Applicant nor Representative was in attendance. Mr. Cagnoni stated Staff had received a call from the Applicant's attorney stating he was unsure whether the Applicant wished to proceed. Mr. Cagnoni recommended the item be dismissed in view of the absence of the Applicant.

No Objectors or Interested Parties were present.

A **MOTION** was made by Scott Sanders to **DISMISS** the request for sale of liquor by the package in conjunction with a gas station and mini-food mart in a the name of Kamil KM Chatur d/b/a Rockford Racer in a C-2, Limited Commercial Zoning District at 3005 North Rockton Avenue. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 7-0.

012-LAB-009

Applicant
Ward 5

519 Marchesano

Pedro Silva – Guanajuato, Supermercado
The sale of packaged liquor in conjunction with a grocery store and the sale of liquor by the drink in conjunction with a restaurant in a C-3, Commercial General District.
Laid Over from April & May meetings

The subject property is approximately 2.59 acres on the north side of Marchesano Drive, east of West Street. This is a mini shopping center with three tenant spaces, one of which is Guanajuato Groceries.

Attorney John Nelson, Kerlin Fernandez interpreter for the Applicant, and Pedro and Gerardo Silva, Applicants, were present. Attorney Nelson stated police have never been called to this location during business hours. He stated the Applicants have invested roughly ½ million dollars in this property since 2007. He feels this business is the busiest Spanish grocery store in Rockford. Attorney Nelson presented petitions from their customers, which he stated was "about 1,000". There were no addresses of the petitioners. He also submitted proof of BASSET certification for all employees. Attorney Nelson further stated this business is properly qualified to obtain a liquor license.

Staff Recommendation is for Denial at this time. Staff is asking that the Applicant provide the following information so that Staff may better review this application.

1. Landscaping plan demonstrating conformance with South Main Street Corridor Revitalization Strategy and Zoning Ordinance.
2. Building elevation demonstrating substantial conformance with South Main Street Corridor Revitalization Strategy.
3. Signage to be in conformance with South Main Street Corridor Revitalization Strategy and Zoning Ordinance.

Attorney Cacciapaglia clarified that the recommendation of Denial at this time was to allow for further review of the three items required and asked Attorney Nelson if he was aware of these. She read them to Attorney Nelson and his response was that the Applicants are only tenants at this location and not the owners. He felt that the tenants should not invest in a property that did not belong to them. He stated the tenants have had problems with the landlord. He further stated they have no ability under the lease to change anything that Staff requires.

Mr. Sanders asked for clarification of the half million dollar improvements that Attorney Nelson referred to. Through Mr. Fernandez, the Applicants responded they have invested money in the roof, in dividing and remodeling the interior for the bakery, restaurant and deli. Mr. Sockwell asked who maintains the outside grounds. Mr. Fernandez stated the landlord is responsible; however, because the landlord has not been doing this the Applicants have been shoveling their snow and maintaining the grass.

Mr. Sanders asked how many store signs were existing. Mr. Fernandez stated a Pepsi sign, their business sign, and a separate business sign at the front of the building. They have replaced a previous sign with their own business sign. Their existing sign on the building was done by a sign contractor hired by the Applicants. Mr. Sockwell asked they were willing to bring their signs into conformance to which Mr. Fernandez responded they would. Attorney Nelson stated there is virtually no landscaping at this time. Mr. Sanders explained that because these Applicants were the ones requesting before the Board, they are the ones being requested to meet the 3 requests of Staff as previously mentioned. Attorney Nelson asked if the Board could put a dollar limit on improvements on the 3 items requested. Attorney Nelson continued to argue that the applicants were tenants and not the landlord. Mr. Roszkowski stated the Board is not asking that the Applicants specifically pay for the improvements but suggested that they work with their landlord.

Mr. Sanders felt that the Board either Deny the request or do a Lay Over to allow the Applicants time to work with the Landlord. Attorney Nelson then agreed the Applicants could do item 1 and 3, but not item 2 which is the building elevation demonstrating conformance with the South Main Street Corridor Revitalization Strategy.

No Objectors or Interested Parties were present. Mr. Cagnoni presented a letter of Objection from Hinshaw & Culbertson representing their Client, Poor Clare's Corpus Christi Monastery, 2111 South Main Street. Their concern was that the neighborhood already has problems with gunshots and drug dealing and other illegal activities and do not feel the presence of more alcoholic sales along the South Main corridor will foster the type of congenial and family friendly neighborhood they are wanting. The letter further stated they had no issue with the grocery store itself, but rather with the sale of alcohol. An additional letter of objection was received; however, the letter was not signed nor did it contain an address.

Mr. Cagnoni stated they are willing to work with the Applicant as this application goes through the process to try to come to an agreement. Mr. Olson stated he is leaning towards voting for Denial based on the problems in the area and what appears to be the lack of willingness of the Applicant to work with Staff on their recommendations until the Board persisted.

A **MOTION** was made by Scott Sanders to **LAY OVER** the sale of packaged liquor in conjunction with a grocery store and the sale of liquor by the drink in conjunction with a restaurant in the name of Pedro Silva d/b/a Guanajuato, Supermercado in a C-3 Commercial General Zoning District at 519 Marchesano. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 6-1 with Dennis Olson voting Nay.

012-LAB-017

Applicant
Ward 2

615 South Rockford Avenue

Nilesh Patel d/b/a Discount Tobacco & Pantry
Sale of packaged liquor in conjunction with a convenience store in a C-3,
Commercial General Zoning District
Laid Over from May meeting

The subject property is located within a strip center, 150 feet north of the South Rockford Avenue and Charles Street intersection. This tenant space is approximately 1,528 square feet. Nilesh Patel, Applicant, reviewed his request. Mr. Patel stated the sale of liquor would put him in a competitive market in order to help him keep his business viable, since there are businesses in the area who do sell packaged liquor.

Attorney Cacciapaglia had no questions.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present.

A **MOTION** was made by Alicia Neubauer to **DENY** the sale of packaged liquor in conjunction with a convenience store in the name of Nilesh Patel d/b/a Discount Tobacco & Pantry in a C-3, Commercial General Zoning District at 615 South Rockford Avenue. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 7-0.

012-LAB-020

Applicant
Ward 13

2914 West State Street

Fayez Asad d/b/a Choice Gas Stop Inc
The sale of packaged liquor in conjunction with a gas station and convenience
store in an I-1, Light Industrial Zoning District

The subject property is located on the southeast corner of the West State Street and Vista Terrace intersection and is currently a gas station and convenience store. The Applicant wishes to add the sale of packaged liquor within the grocery store. Fayez Asad, Applicant, reviewed his request. He stated he is in the process of purchasing this gas station and convenience store and is requesting the sale of packaged liquor.

Attorney Cacciapaglia asked if he would be actively involved in the day-to-day operation and would he be there every day. He stated he would be involved but would not be there every day. He stated the current employees would remain and would continue to run the business as they have.

Staff verified that the sale of packaged liquor has not previously been denied at this location. Ms. Neubauer asked the Applicant if he was aware of the 148 police calls to this location and Mr. Asad stated he was not.

Staff Recommendation is for Denial. Objectors or Interested Parties were present. Alderman Linda McNeely was present as an Objector. She is the ward alderman and stated when this property was developed she was promised by the owner that there would be no liquor sales at this property. She

understands that the Applicant's business currently sells beer and wine but feels this is not the location for hard liquor sales. There are other businesses within a block that have both liquor and beer and wine sales. She urged the Board to vote against liquor sales. She stated she is acceptable to the sale of beer and wine since it was approved in the past. Mr. Cagnoni verified that the current license for this location is beer and wine. It was understood by the Board that a denial of this request would eliminate the sale of beer and wine as well and Alderman McNeely stated she was in agreement with this. In response, Mr. Asad stated he did not feel his business would survive without a liquor license and would be willing to work with Staff and Alderman McNeely to see what improvements he needs to make or what he needs to do to keep this business alive.

A **MOTION** was made by Craig Sockwell to **DENY** the sale of packaged liquor in conjunction with a gas station and convenience store in the name of Fayez Asad d/b/a Choice Gas Stop Inc. in an I-1, Light Industrial Zoning District at 2914 West State Street. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 7-0.

012-LAB-021

Applicant
Ward 1

293 Executive Parkway

Addison Jun d/b/a Izakaya 88

The sale of liquor by the drink in conjunction with a restaurant and the sale of liquor by the drink within the outdoor seating area in a C-2, Limited Commercial Zoning District

The subject property is part of a commercial building located north of the former K's Merchandise building and is the former Manor nightclub that functioned as part of the Shogun's Japanese Restaurant. Because the applicant is a new owner to the business, the liquor license must be reviewed under this ownership. Addison Jun, Applicant, reviewed his request. He explained they have recently decided to change the name to Izakaya 88. He stated the operation is modeled after the Japan business where they will serve 88 food items with liquor and allow for outdoor seating as an addition to the restaurant.

Neither Legal nor the Board had any questions of the Applicant.

Staff Recommendation is for Approval of both requests with (5) 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 to **APPROVE** the sale of liquor by the drink within the outdoor seating area in the name of Addison Jun d/b/a Izakaya 88 in a C-2, Limited Commercial Zoning District at 293 Executive Parkway. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Meeting all applicable liquor codes.
2. Meeting all applicable building and fire codes.
3. That there shall be no cover charge and may not function as a night club or have a dance floor/stage area over 150 square feet.
4. Hours are limited to Monday-Sunday 4:30 PM to 2:00 AM.
5. That the outdoor seating area to close by 10:00 PM during the weekdays and midnight on weekends.

012-LAB-022

Applicant
Ward 3

501 East State Street

Matthew Idzikowski d/b/a Vintage @ 501, Ltd.
The sale of liquor by the drink in conjunction with a restaurant and bar in a C-4, Urban Mixed-Use Zoning District

The subject property is located on the southeast corner of the North Second Street and East State Street intersection. Matthew Idzikowski, Applicant, was present to review his request. He explained this will be a Full Service Restaurant and Bar with an American flavor – burgers, fries, steaks, etc. He requested that he would like to be allowed to be open until 2:00 AM to compete with his competitors in the area. He stated they also would like to have the option of a 1 or 2 piece jazz or bluegrass group while diners are eating.

Mr. Cagnoni stated they are agreeable to the extended hours with amended condition 4 and 5. Attorney Cacciapaglia stated they could amend condition 8 to specify the type of entertainment allowed. She also recommended an addition of condition 8 to specify the ability to apply for an S permit during special events.

Staff Recommendation is for Approval with (8) conditions. Interested Parties were present. Alderman Doug Mark and Alderman Nancy Johnson spoke in support of this project. Alderman Mark stated this project helps complete the 500 block of East State Street. Alderman Johnson wished to add her comments of support stating the Applicant has been very cooperative in working with her on establishing this project.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of liquor by the drink in conjunction with a restaurant and bar in the name of Matthew Idzikowski d/b/a Vintage @ 501 Ltd in a C-4, Urban Mixed-Use Zoning District with amendments to conditions 4, 5, and 8 and the addition of condition 9. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 7-0.

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 alcoholic beverages shall be in conjunction with a restaurant and bar.
4. The hours of operation will be limited to 11:00 AM to 2:00 AM Monday through Saturday.
5. The hours of operation will be limited to 11:00 AM to 2:00 AM on Sunday.
6. The restaurant and bar shall not operate as a nightclub or have a dance floor.
7. The restaurant and bar shall not be a cover charge or any DJ's.
8. Live entertainment shall be limited to musical entertainment during meal services.
9. The applicant may apply for a "S" permit during special events.

012-LAB-023

Applicant
Ward 10

1011 South Alpine

Richard Rivera d/b/a LT Robert C.A. Carlson Post 1207, American Legion
The sale of liquor by the drink in conjunction with a Veteran's Club and beer garden/outdoor seating area in a C-2, Limited Commercial Zoning District

The subject property is a 5,196 square feet building located on the Northwest corner of Alpine Road and Dempster and was the former LT's Bar and Grill. Richard Rivera, Applicant, reviewed his request. The property has been purchased by the Veteran's Club. Mr. Rivera stated this location will meet all disability requirements and is a larger facility to allow them to accommodate membership as well as groups they meet with. There is an outdoor beer garden at this location. The Applicant is agreeable to all conditions set forth by Staff.

Staff Recommendation is for Approval with (4) conditions. Interested Parties were present. Alderman Nancy Johnson spoke in support of this application. She stated she is sad to see them leave her Ward and requested the Board support them in this new location.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of liquor by the drink in conjunction with a Veteran's Club and beer garden/outdoor seating area in the name of Richard Rivera d/b/a LT Robert C.A. Carlson Post 1207, American Legion in a C-2 Limited Commercial Zoning District at 1011 South Alpine Road. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Must meet all applicable liquor codes.
2. Must meet all applicable building and fire codes.
3. Maintenance of landscaping to include adequate watering, pruning, mowing, and removal of litter not only of the owner's property but also the area between the property line and the street curb or edge of pavement and/or replacement of landscape units along South Alpine Road to be completed by September 1, 2012.
4. Removal of two 92) free-standing signs along South Alpine Road to be replaced with one 91) landmark style sign.

With no further business to come before the Board, the meeting was adjourned at 7:18 PM

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