

LIQUOR ADVISORY BOARD
Tuesday, August 19, 2008
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

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

Absent:

Staff: Jessica Roberts – Planner II
Sandra Hawthorne – Administrative Assistant
Jon Hollander - City Engineer, Public Works
Jennifer Cacciapaglia – City Attorney, Liquor Commission
Chief Frank Schmitt - Fire Prevention Division

Others: Alderman Lenny Johnson
Kathy Berg, Stenographer
Applicants and Interested Parties

The meeting started at 6:00 P.M. A **MOTION** was made by Scott Sanders to **APPROVE** the minutes of the July 15, 2008 meeting as submitted. The **MOTION** was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

08-LAB-017 2338 Charles Street
Applicant John Edward Helland / Foxy's
Ward 2 Sale of alcoholic liquor by the drink in conjunction with a tavern in a C-3, Commercial
 General District
Laid Over from June and July meetings

The subject property is located on the northwest corner of 20th Street and Charles Street and is the former Opsahl's Restaurant. This item was Laid Over in June with a request to the Applicant to provide Staff with detailed information on how the business would operate, as well as how security would be handled and parking arrangement details. The information was not received by the July meeting and this item was again Laid Over. At that meeting, Mr. Roszkowski made it clear to Mr. Helland that he needs to provide the information that was requested in June and not received. As of the date of the mailing of this month's Zoning Recommendation, Staff had not received any additional information from the Applicant and their recommendation remains at Denial.

John Helland, Alderman Lenny Jacobson, and Larry Anderson were present. Alderman Jacobson stated he has known Mr. Helland for over 30 years. He explained that although this location is not in his ward, there were no problems with Mr. Helland's establishment when it was at the Howard Johnson's location. He stated the Kentucky Fried Chicken restaurant adjacent to the subject property has now closed due to flooding issues. He is concerned that other businesses in this area will follow suit. If the Applicant's business does not go in Alderman Jacobson is concerned that no other party will take an interest in this building. 3 business days prior to this meeting, the Applicant submitted hand drawings with general information on landscaping. Mr. Anderson admitted the drawings submitted were not architectural drawings as requested, but stated the Applicant could provide architectural drawings if required. He

described photos submitted of the immediate area, discussing what he felt was the lack of landscaping on other properties. Alderman Johnson stated there is a hardship for landscaping such as loss of parking space, as well as an electrical box that will not permit digging in the area. His feeling was that this application was much better than creating another empty building. Mr. Anderson asked what could be said on a business plan for a tavern that has dart leagues, which was the reason one was not provided. He stated that once the City approved this Application, Mr. Helland would then provide a formal landscaping plan and other plans that are being requested.

Mr. Sanders pointed out there was a great deal of information lacking at the last two meetings and at both of those meetings the applicant was asked to provide this information prior to the present meeting. Details are still lacking from the hand drawing submitted.

Mrs. Roberts, representing Staff in Todd Cagnoni's absence, made reference to a memo submitted to the Board regarding the absence of a landscaping plan, business plan and parking issues that have yet to be addressed. Mr. Sanders explained to Mr. Anderson that even though the Applicant feels his clientele would not be a problem, that does not absolve them from submitting a formal business and landscaping plan as required by all other Applicants. Ms. Roberts also stated that without a more detailed business plan Staff is not comfortable recommending Approval at this time.

Mr. Sockwell felt a significant amount of time has been spent on discussing this item over the last three meetings and information has still not been provided that will allow the Board sufficient input to make a decision. Mr. Salgado agreed there was no information provided by Mr. Helland as requested at the previous two meetings. Alderman Jacobson again urged the Board to approve this item and allow the Applicant to submit the business plan and the other requirements as conditions of approval. Ms. Roberts stated Staff is not comfortable with Approving an item before required information is received and Staff recommendation remains at Denial.

Mr. Helland stated he has been trying to get approval on this item for several months and nobody will tell him what he needs to submit. Mr. Sanders responded he understands that months have gone by without a vote of approval from the Board, but pointed out that the hold up is not on the Board's part but rather the Applicant for not supplying the information that has been requested at the two previous meetings. He reiterated that there has been no steps taken by the Applicant to provide a security plan or a business plan as requested.

In response to the Board asking if a business plan and security plan are requested in the liquor application packet, Attorney Cacciapaglia explained that part of the application for liquor is a requirement for a business and security plan. The packet contains directions on required attachments. The Applicant did not provide either a business plan nor a complete security plan on the liquor application that was submitted to Legal.

Mr. Helland stated he is not going to have security guards – he will be the security and will train his bartenders to work security. The Applicant continued to state his disagreement for the need to provide a business or security plan in order to get Approval of this item.

The Board felt that the information requested from the Applicant still has not been provided as requested. The Board was willing to Lay Over this item one more month, at which time the Applicant is to provide a business plan, a security plan, a more detailed landscaping plan, and a parking plan.

A **MOTION** was made by Scott Sanders to **LAY OVER** the sale of alcoholic liquor by the drink in conjunction with a tavern in a C-3, Commercial General District at 2338 Charles Street. The Motion was **SECONDED** by Alicia DiBenedetto and **CARRIED** by a vote of 6-0.

08-LAB-022 **6957 Olde Creek Road, Suite 100**
Applicant Jeremy May Mattson Germano
Ward 1 Sale of liquor by the drink in conjunction with a restaurant/bar within an indoor dining area
 and the sale of alcohol by the drink in an outdoor dining area in a C-1, Limited Office
 Zoning District

The subject property is located 185 feet south of Olde Creek Road, west of North Perryville Road and is known as Perryville Place. Jeremy Germano and Attorney Thomas Meyer were present. Attorney Meyer explained this is a fine dining restaurant, serving approximately 100 people. The Applicant has reviewed recommendations of Staff and are concerned with the hours of operation. They wish to serve alcoholic beverages until 1:00 AM rather than the 11:00 PM as limited in Staff condition #3. Mr. Germano explained it is also their intent to serve breakfast starting at 7:00 AM which would include a brunch later in the morning, and they would like the ability to serve alcohol in the event someone requests. Attorney Cacciapaglia verified that the Applicant has provided a very in-depth business plan.

Staff Recommendation was for Approval of both requests with 6 conditions. One Objector was present.

Bob Jakeway, 2863 Hedgecliff Drive, stated he is the treasurer of Spring Creek Meadows Association, a subdivision abutting this restaurant. He wished to verify the closing time of the west outdoor seating area. The Applicant verified that the hours of operation would be from 7:00 AM to 1:00 AM. Attorney Cacciapaglia stated alcohol may be served from 6:00 AM to 2:00 AM per the liquor code. Mrs. Roberts explained the outdoor seating on the west side must not have any music and/or television playing after 10:00 PM and must be closed by 11:00 PM as stated in condition 4. This is the same condition that was applied to this location under the previous owner.

Deborah Beard, 2899 Hedgecliff Drive was also present as an Objector. She stated Embers – the previous owners - had a condition stating they had to close at 10:00. Mrs. Roberts and Jon Hollander explained the condition of hours is written exactly as it was for Embers a year ago as stated above.

In response, the Applicant explained it is not his intention to use the seating on the west side, but would prefer to keep that option open at this time.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of alcohol by the drink in conjunction with a restaurant/bar within an indoor dining area and **APPROVE** the sale of alcohol by the drink in an outdoor dining area in a C-1, Limited Office District in the name of Jeremy Jay Mattson Germano d/b/a/ Barbaresco L.L.C. at 6957 Olde Creek Road, Suite 100. The Motion was **SECONDED** by Alicia DiBenedetto and **CARRIED** by a vote of 6-0.

1. The sale of alcoholic beverages shall be in conjunction with a restaurant.
2. Compliance with the Liquor Ordinance.
3. The hours of operation are limited from 7:00 AM to 1:00 AM.
4. The outdoor seating area on the west side shall not have any music and/or television playing after 10:00 PM and must be closed by 11:00 PM.
5. The restaurant is limited to 30% liquor sales as indicated on the liquor application.
6. The sale of liquor is limited to Suite 100 and adjacent patios; any future expansion will require a modification of the liquor license.

With no further business to come before the Board, the meeting was adjourned at 7:03 PM

Respectfully submitted,

Sandra A. Hawthorne
Administrative Assistant
Liquor Advisory Board