



Liquor and Tobacco Advisory Board Meeting
Tuesday, December 18, 2012
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Minutes on Website: <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

Present:

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

Absent: Dan Roszkowski
Julio Salgado

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

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 Zoning Board of Appeals 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, January 7, 2013, 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 Aaron Magdziarz to **APPROVE** the amended minutes of the November meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-1 with Dennis Olson abstaining.

012-LAB-030

Applicant
Ward 11

1312 7th Street

Walid Mashrah d/b/a 7th Street Convenience Inc.
Sale of package liquor sales with a convenience store in a C-2, Limited Commercial District

The subject property is located on the southeast corner of 7th Street and 12th Avenue and is currently a convenience store. The Applicant is a new contract buyer and wishes to add liquor sales to the convenience store. Hours of operation would be from 9:00 a.m. to 9:00 p.m., Monday through Sunday. The ratio of foods to liquor was described as 60% food and 40% liquor. Larry Anderson with the Applicant's corporation, Alderman Lenny Jacobson, and Walid Mashrah, Applicant, were present. Alderman Lenny Jacobson reviewed the request for the sale of package liquor. This is the former Ten Stupid. He stated the Applicant has a business in New Milford as well and has no complaints from this business. Mr. Mashrah stated he remodeled the subject store and opened as a grocery store. He stated he was not doing so well because the IGA is close by and felt his customers wanted the sale of packaged liquor as well. Mr. Anderson stated he does the accounting for the corporation and for the Applicant personally and that Mr. Mashrah was current on all tax information and this indicates the type of person he is. Attorney had no questions of the Applicant.

Ms. Neubauer stated a liquor license was denied for this property not too long ago and she asked the Applicant why the Board should approve at this time. Mr. Mashrah stated that was a different applicant. She asked if they had any problems at this property and Mr. Mashrah stated he had not problems or police calls at this property. As part of the staff report, records for numerous police calls were recorded. Alderman Jacobson stated he does not want to see another boarded up building. The Applicant does not intend to open a tavern. He further explained other pubs in the area have since closed up. He pointed out the Applicant is not looking for sales by the drink, but only package liquor sales. He has already done some renovation to the property. Mr. Sockwell asked if he had spoken to the Alderman of the Ward. Alderman Jacobson said he did speak with her. He also went to New Milford and inquired about his business there and did not receive any negative feedback.

Staff Recommendation is for Denial. Staff report states there have been numerous calls to the Rockford Police Department in the last few years and even though the property does not currently sell liquor problems still continue at this location. No Interested Parties or Objectors were present.

Mr. Magdziarz stated he was not inclined to see another package liquor sales in that area. Ms. Neubauer stated if she approved, she would like to put a stipulation of approval that the sale of liquor shall not exceed a certain floor area.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the sale of package liquor sales with a convenience store in the name of Walid Mashrah d/b/a 7th Street Convenience Inc. in a C-2, Limited Commercial District at 1312 7th Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 3-2 with Dennis Olson and Craig Sockwell voting Nay.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Compliance with all City of Rockford Liquor Codes.
3. The hours of operation to be in accordance with the liquor code.
4. The sale of liquor shall be limited to the interior plan that will not exceed more than 10% of floor area.
5. That the window signage shall not exceed 35% of window area and all temporary outdoor signs shall be removed.
6. Maintenance of garbage/debris within the green area next to the residential uses.
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.

012-LAB-031

Applicant
Ward 14

3299 South Alpine Road

Sean S. Chinna d/b/a Gasland Express

The sale of package liquor sales in conjunction with a gas station and convenience store in a C-3, Commercial General District and R-4, Multi-family Residential District

The subject property is located on the northwest corner of Mayflower and North Alpine Road and is a gas station. Mr. Chinna stated he is a new owner/contract buyer. The existing building is approximately 2,344 square feet with five gas pumps. The applicant proposes an addition of a beer cave, merchandise doors and a freezer for a total of approximately 200 square feet. The business will be open 24 hours; however the Applicant must follow the liquor ordinance for the sale of liquor if approved. Mr. Chinna stated he also has businesses in other states and is still operating there. He stated they are currently operating under a full liquor license, not just beer and wine. Mr. Cagnoni verified this use was approved.

Staff Recommendation was for Approval with (7) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of package liquor sales in conjunction with a gas station and convenience store in the name of Sean S. Chinna d/b/a Gasland Express in a C-3, Commercial General District and R-4, Multi-family Residential District at 3299 South Alpine Road. 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 building and fire codes.
2. Compliance with all City of Rockford Liquor Codes.
3. The hours of operation to be in accordance with the liquor code.
4. The sale of liquor shall be limited to the interior plan that will not exceed more than 10% of floor area.
5. That the window signage shall not exceed 35% of window area and all temporary outdoor signs shall be removed.
6. Maintenance of garbage/debris within the green area next to the residential uses.
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.

012-LAB-032

Applicant
Ward 10

1603 North Alpine Road

Chirag Patel d/b/a Cork Keg & Spirits
Sale of liquor by the drink with a wine bar and liquor store in a C-3, Commercial
General District

The subject property is located on the northeast corner of North Alpine Road and Highcrest within the Edgebrook shopping center. The tenant space is a portion of the former Walgreens store. The Applicant was granted a liquor license for the sale of packaged liquor in conjunction with a liquor store in May of 2012. In September of 2012, the Applicant applied for a Modification of this license to allow the sale of liquor by the drink with a package liquor store to allow consumption on premises with the intent of having wine tastings and this was denied. The Applicant is now applying for a wine bar. Neel Patel was present and reviewed the request for sale of liquor by the drink with a wine bar and liquor store. He stated their store opened October 19th of this year and they are very happy with this operation, as is the shopping center. He explained this is a 15 x 10 wine cellar design where customers can purchase the wine and drink it on premises. Wine will be sold by the glass or bottle. He specified this event was for wine tasting and wine drinking. He stated one of the city employees went to their location on Broadway and saw a "product" on the shelf that is not legal to sell in Rockford. When asked what this product was, he replied it is Vodka in a steel container. They were not aware that they could sell this product. Mr. Cagnoni explained the concern was driven by the police department that this product was being marketed to school children. The impression give to the City Attorney was that they were not going to remove this product from the shelf and this is the reason for denial of the previous application. Mr. Cagnoni stated Staff is not disputing that this could be a miscommunication. Mr. Patel stated as soon as it was explained to him by Attorney Cacciapaglia, this product was removed from the shelf.

Staff Recommendation is for Approval with (5) conditions. No Objectors and Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the sale of liquor by the drink with a wine bar and liquor store in the name of Chirag Patel d/b/a Cork Keg & Spirits in a C-3, Commercial General District at 1603 North Alpine Road. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meeting all applicable liquor codes.
2. Meeting all applicable building and fire codes
3. Signage must be in compliance with the Zoning Ordinance and may not cover more than 35% of the window surface for indoor signs.
4. Hours of operation should be limited to Monday through Thursday 10:00 a.m. to 9:00 p.m., Friday through Saturday 10:00 a.m. to midnight, Sunday 10:00 a.m. to 9:00 p.m.
5. The sale of rose tubes, airplane-sized bottles and any other product which can be easily converted into a "crack pipe" is prohibited.

012-LAB-033

Applicant
Ward 14

2410 South Alpine Road, Suite B

Jay A. Gesner d/b/a Miss Jill's
Sale of liquor by the drink in conjunction with a tavern/sports bar in a C-3,
General Commercial Zoning District

This Application was **WITHDRAWN** verbally by the Applicant prior to the meeting. Because nothing was received in writing, Mr. Cagnoni suggested the Board Dismiss the application.

A **MOTION** was made by Dennis Olson to **DISMISS** the sale of liquor by the drink in conjunction with a tavern/sports bar in the name of Jay A. Gesner d/b/a Miss Jill's in a C-3, General Commercial Zoning District at 2410 South Alpine Road, Suite B. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0.

012-LAB-034

Applicant
Ward 09

2335 and 2407 North Central Avenue

Marjorie Ann Axelson d/b/a Wild Wild Westmor Lanes
Sale of liquor by the drink in conjunction with a bowling alley, bar and snack bar
in an I-1, Light Industrial Zoning District

The subject property is located 900 feet south of the North Central Road and Kilburn Avenue intersection and has been a bowling alley with bar and snack bar since 1971. Marjorie A. Axelson, Applicant, was present and reviewed the application. She stated she just purchased this business and named it Wild Wild Westmor Lanes. She stated they have cleaned it up and made it more attractive. Most of the same employees will be hired for an easy transition.

Staff Recommendation is for Approval with (7) conditions. No Objectors or Interested Parties were present.

Mr. Sanders pointed out the condition of approval #5 and asked if she was aware of it. Ms. Axelson stated she did not really understand it. Mr. Sanders explained the new sign Ordinance states the sign would need to be no taller than 8' tall. Ms. Axelson stated she was planning to update the sign with the new business name anyway and did not indicate this would be a problem. She asked for clarification on the landscaping requirements. Mr. Sanders that Staff would work with her on the landscaping requirements. Mr. Cagnoni agreed that Staff was willing to work with the Applicant in taking advantage of what landscaping was there as part of the landscaping.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of liquor by the drink in conjunction with a bowling alley, bar and snack bar in the name of Marjorie Ann Axelson d/b/a wild Wild Westmor Lanes in an I-1, Light Industrial Zoning District at 2335 and 2407 North Central Avenue. The Motion was **SECONDED** by Aaron Magdziarz 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 sale of alcohol shall be limited to the interior site plan that was submitted Exhibit E.
4. Submittal of detailed site and landscaping plans for Staff's review and approval.
5. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding sign.
6. The bowling alley, bar and snack bar shall not operate as a nightclub.
7. The bowling alley, bar and snack bar shall not have outside liquor sales.

With no further business to come before the Board, the meeting was adjourned at 6:42 PM

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