



**LIQUOR & TOBACCO ADVISORY BOARD**  
**Tuesday, October 21, 2014**  
**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:**

**LTAB Members:** Melissa Luciani-Beckford  
Thomas Fabiano  
Kimberly Wheeler-Johnsen  
Alicia DiBenedetto-Neubauer  
Dan Roszkowski  
Scott Sanders  
Craig Sockwell

**Absent:**

**Staff:** Scott Capovilla – Zoning and Land Use Administrator  
Angela Hammer – Assistant City Attorney  
Sandra Hawthorne - Administrative Assistant  
Marcy Leach – Public Works  
Lafakeria Vaughn – Assistant City Attorney  
Officer Josh Grover – Rockford Police Department  
Mike Rotolo – Rockford Fire Department

**Others:** Alderman Teena Newburg (left at 7:55 PM)  
Alderman Tom McNamara (arrived at 6:40 PM)  
Alderman Joseph Chiarelli  
Alderman Franklin Beach  
Kathy Berg, Stenographer  
Applicants and Interested Parties

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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 & Tobacco 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, September 29th 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 is 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 written. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Tom Fabiano, Kim Johnsen and Melissa Beckford abstaining as new members this month.

It was explained to those present that a letter was sent to those affected applications stating *"The Codes & Regulations Committee is still discussing ongoing issues with the liquor code specifically related to liquor by the drink. Last month, staff recommended at the request of the Code & Regulation Committee and the Liquor Tobacco Advisory Board Agreed to lay over applications for new establishments for liquor by the drink. These items are still scheduled for the October Liquor and Tobacco Advisory Board but staff is recommending that the applications for new establishments for liquor by the drink be laid over based on the previous request of the Code and Regulation Committee."*

A **MOTION** was made by Craig Sockwell to **LAY OVER** the following items to the November 18, 2014 Liquor and Tobacco Advisory Board. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 7-0.

**Items to be Laid Over to November 18, 2014 meeting**

**014-LTAB-012**

Applicant  
Ward 04

**6551 East Riverside Boulevard**

Bar Scorchy, Inc. d/b/a Bar Scorchy  
**Sale of liquor by the drink** with a tavern/bar in a C-2, Limited Commercial Zoning District  
**Laid Over from June, July, August and September meetings**

**014-LTAB-017**

Applicant

**5410 and 5456 East State Street**

Drinc, Inc., 4 Bar Restaurant d/b/a Drinc, Inc.

Ward 10

**Sale of liquor by the drink** in conjunction with a restaurant, bar and grill, nightclub and video gaming facility with an outdoor seating area in a C-2, Limited Commercial Zoning District.

**Laid Over from June, July, August and September meetings**

**014-LTAB-035**

Applicant  
Ward 10

**262 North Phelps Avenue**

Mary Maggio d/b/a Sam's Slots Inc.

**Sale of beer and wine by the drink** in conjunction with a video gaming facility in a C-3, General Commercial Zoning District.

**Laid Over from September meeting**

**014-LTAB-036**

Applicant  
Ward 10

**280 North Phelps Avenue**

Brandan T. Blackler d/b/a Maxswells Eatery & Slots

**Sale of beer and wine by the drink** in conjunction with an eatery and a video gaming facility in a C-3, General Commercial Zoning District

**Laid Over from September meeting**

**014-LTAB-037**

Applicant  
Ward 07

**2515 Kilburn Avenue**

Ampelio Delgado Martinez for El Carrizal Inc. d/b/a Fuzzy's

**Sale of liquor by the drink** in conjunction with a restaurant, bar, and video gaming facility with an outdoor beer garden in a C-2, Limited Commercial Zoning District

**Laid Over from September meeting**

**014-LTAB-038**

Applicant  
Ward 10

**3806 East State Street, 3800 East State Street**

Dan A. Olson for Olson Enterprises LLC d/b/a Olson Gaming

**Sale of beer and wine by the drink** in conjunction with a video gaming facility and bar in a C-2, Limited Commercial Zoning District

**Laid Over from September meeting**

**014-LTAB-039**

Applicant  
Ward 01

**7551 Walton St, 172 S. Bell School Rd, 7521, 7531 and 7541 Walton St**

John Hassett for Premier Entertainment of Illinois LLC d/b/a Pinky's

**Sale of liquor by the drink** in conjunction with a video gaming facility and bar in a C-3, General Commercial Zoning District

**Laid Over from September meeting**

**End of Laid Over Items**

**014-LTAB-032**

Applicant  
Ward 09

**3005 North Rockton Avenue**

RKH Gas Corp. d/b/a RKH Gas Corp.

**Sale of packaged liquor and sale of tobacco products** in conjunction with a gas station and convenience store in a C-2, Limited Commercial Zoning District  
**Laid Over from August and September meetings**

The subject property is located on the northeast corner of the North Rockton Avenue and Overdene Avenue intersection.

Rao Ahmed and Attorney Nicholas Meyer were present. Attorney Meyer presented packets of information. He stated the current property is a blight on the neighborhood due to its current condition. Mr. Ahmed stated at this time the business has a full liquor license. He showed photos of the existing condition of the property, including the building itself. He also showed internal photographs of the current business. Mr. Ahmed felt if his request was denied, the sale of liquor would continue by the current business and the property would not improve.

Mr. Ahmed stated he runs a Mobil Station in Beloit, WI and showed photos of this property. Mr. Ahmed seal coats this parking lot every two years. The photos of the Beloit business showed no signage in the windows to obstruct the view of the property and outside activities. Shelving is lower to allow the cashier to see what is going on in the store. They also have video cameras installed inside. He presented similar photos of his gas station at 2233 Kishwaukee Street, known as Kishwaukee Citgo.

Mr. Ahmed stated he is agreeable to staff conditions. He anticipates spending \$60-75,000 right away for improvements. His contract is contingent upon approval of this application.

Kim Wheeler-Johnsen asked if they had plans to change the façade. Mr. Ahmed stated the building will be improved front and back as part of the improvements.

Staff Recommendation is for Denial of the sale of packaged liquor and Approval of the sale of tobacco products with (10) conditions. Objectors and Supporters were present.

Teena Newburg 9<sup>th</sup> Ward Alderman was present. She stated this property is surrounded on 3 sides with residential uses. She feels this would be a great improvement of this property for gas and a convenience store with tobacco but not for alcohol. Alderman Newburg continued that there has been a very volatile relationship between the current owners and the residents in this area. She agreed that the Applicant is working to improve this relationship but she would like to see this property continue without liquor sales. She is also concerned with an absentee owner. Because Mr. Ahmed owns two other properties, she does not feel he can contribute a significant amount of time at all three locations.

In response, Attorney Meyer stated they are not denying there are problems at this property now but they are not caused by the Applicant's ownership. Furthermore, the video surveillance is not limited to the property itself, but can be monitored from offsite area by the Applicant. Mr. Ahmed stated if he wants to run a successful business, he will have less resources without liquor sales. He needs to be certain his sales are at a point where he can get a return on his investment.

Alicia Neubauer asked if he would consider a beer and wine license rather than a full liquor license. Mr. Ahmed stated it would be very hard to gain a return without full liquor sales.

Craig Sockwell stated he would support this request. Mr. Roszkowski stated he felt the applicant has demonstrated he runs a good business at his other locations. Mr. Sanders stated the applicant did give a good presentation of his intent to improve the property. Kim Wheeler-Johnsen stated she would support a full liquor license based on the current business quality of his other two businesses. She asked if he did sell liquor at the other locations. Mr. Ahmed responded that he sells beer and wine only at the Kishwaukee location and beer, wine and liquor at the Beloit location. Mr. Fabiano agreed that if nothing is done at this property it will continue with the problems it now has and possibly increase these.

Staff Recommendation is for Denial of the sale of packaged liquor and Approval of the sale of tobacco products subject to 6 conditions.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of packaged liquor and sale of tobacco products in conjunction with a gas station and convenience store in the name of Rao Ahmed for RKH Gas Corp. d/b/a RKH Gas Corp in a C-2, Limited Commercial Zoning District at 3005 North Rockton Avenue. The Motion was **SECONDED** by Kim Wheeler- Johnsen and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. The sale of tobacco products shall be limited to the interior site plan that was submitted Exhibit F.
4. Submittal of a revised landscape plan to include removal of the raised timber planters that are to be replaced with new concrete curbed islands around the existing perimeter landscaping and plant species for Staff review and approval.
5. The hours of operation and days will be 5:00 AM to Midnight Monday through Sunday.
6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
7. That the windows shall not be covered with bars or other devices that block the window.
8. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
9. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding sign.
10. There shall be no single serving sales of beer or wine in volumes of 12 ounces or less.

**014-LTAB-041**

Applicant  
Ward 10

**111 North Alpine Road**

Taw Rig Alkaramla for Start Now Tobacco, Inc. d/b/a Start Now Tobacco Inc.

**Sale of tobacco products** in conjunction with a retail store and tobacco store in a C-3, General Commercial Zoning District  
**Laid Over from September meeting**

Prior to the meeting, a request was received from the Applicant's attorney to Lay Over this item to the November 18<sup>th</sup> meeting.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the sale of tobacco products in conjunction with a retail store and tobacco store in the name of Taw Rig Alkaramla for Start Now Tobacco Inc. d/b/a Start Now Tobacco Inc. in a C-3, General Commercial Zoning District at 111 North Alpine Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 7-0.

**014-LTAB-042**

Applicant  
Ward 01

**6876 Spring Creek Road**

Richard M. Lewis d/b/a Pearl Bistro

**Sale of liquor by the drink** in conjunction with a restaurant and bar in a C-3, General Commercial Zoning District

The subject property is located two lots west of the northwest corner of the intersection of Spring Creek Road and Perryville Road.

Richard M. Lewis, Applicant, reviewed his request for liquor sales. Mr. Lewis has been working there as a General Manager during the transition of ownership.

Legal asked if he had occasion to review staff conditions of approval. He stated he did not. A copy of conditions were provided to him and Attorney Hammer verbally addressed them. Mr. Lewis asked if

consideration could be given to music being allowed in the form of a small group of musicians occasionally. Attorney Hammer stated he could also qualify for a one time special event.

The Board asked what experience he had with running a restaurant and bar. Mr. Lewis stated he has no background in this type of business but has been an entrepreneur all his life.

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

Michael Schirger, 14248 Saunders Rd., Pecatonica spoke in support, stating he represents the seller of this business. It is his understanding that the seller feels Mr. Lewis is a good fit with what they are looking for in a buyer. Part of the negotiated contract between the owners and Mr. Lewis was a negotiation of a significant mentoring time period. The existing owner will stay on for a period of time to assist in the transition.

Mr. Lewis stated he has been a customer of Pearl Bistro for five years as well, and the sellers have been very willing to assist in helping him move into the business.

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 Richard M. Lewis d/b/a Pearl Bistro in a C-3, General Commercial Zoning District with modification to condition 6. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Meeting all applicable building, fire and liquor codes.
2. The sale of liquor by the drink is in conjunction with a restaurant.
3. The use shall not have a cover charge.
4. The use shall not have a dance floor.
5. The use shall not have any DJs.
6. The use shall not have any live entertainment with the exception of periodic music performance not to exceed 3 musicians.
7. The use shall not operate as a nightclub.

**014-LTAB-043**

Applicant  
Ward 05

**519 Marchesano Drive**

Pedro Silva d/b/a Guanajuato Rockford Corp.

**Sale of packaged liquor** in conjunction with a grocery store in a C-3, General Commercial Zoning District

Attorney John Nelson and Pedro Silva were present. Attorney Nelson reviewed the Applicant's request for the sale of packaged liquor. Mr. Silva has occupied the One Stop Store for 7 years. He presented a copy of his client's lease for the record. According to the lease they are prevented from doing more than \$1,000 worth of improvements without the consent of the landlord. The parking lot has been patched, sealed and restriped by the landlord. Two of the four existing signs were there prior to Mr. Silva taking over the business. One of the signs Mr. Silva had installed did go through the sign permit process. Attorney Nelson stated the landlord told his client that he would take care of the landscaping after construction is completed.

Ms. Neubauer asked for clarification on what the landlord would be willing to do or to allow the Applicant to do to improve the property. Attorney Nelson did not provide an answer to this question, but did provide some background on the property. He did state the lease has limitations on what the applicant can spend on improvements (Rock River Development Corporation) without the owner's consent. Mr. Sanders stated he understands the situation that the Applicant is in and generally in these cases the landlord is not present to respond to questions regarding the intent of his willingness for improvement on the property.

Mr. Sanders understands that the Applicant is “between a rock and a hard place” and he feels the same way without having verification of improvement to the property. Mr. Capovilla stated had the landlord made some improvements to the parking lot and property over the last two years, Staff would have been inclined to look more favorable upon this application. Under the current situation of the property however, he feels they cannot recommend approval. Mr. Roszkowski stated when this application was before the Board previously, it was denied based on the same problems.

Mr. Capovilla stated they have not spoken with the landlord but would need guarantee of improvements before they are willing to change their recommendation.

At this point, Attorney Nelson asked if the Board would consider laying over this item to see if the applicant could work with the landlord and possibly have him attend the November meeting. The Board was in agreement to grant the request.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the sale of packaged liquor in conjunction with a grocery store in the name of Pedro Silva d/b/a Guanajuato Rockford Corp. in a C-3, General Commercial Zoning District at 519 Marchesano Drive. The Motion was **SECONDED** by Melissa Luciani-Beckford and **CARRIED** by a vote of 7-0.

**014-LTAB-044**

Applicant  
Ward 08

**3819 Broadway**

Mac's Convenience Stores LLC d/b/a Circle K 1425

**Sale of packaged liquor** in conjunction with a convenience store and gas station in a C-2, Limited Commercial Zoning District

The subject property is located on the southeast corner of Broadway and Eastmoreland. Michael Neels, Marketing Manager with Circle K was present. He did not provide a presentation other than to provide the request as written. Mr. Neels is representing the same Applicant for this item and the following item on the agenda.

Attorney Hammer asked if they have reviewed conditions. Mr. Neels stated he has and he was agreeable.

Staff Recommendation is for Denial of the sale of package liquor and Approval for the sale of beer and wine subject to (8) conditions. One Objector was present.

Alderman Teena Newburg, 9<sup>th</sup> Ward Alderman asked why the application for the Broadway location was beer and wine only and why the Riverside location was for full liquor sales. The Broadway application is not in Alderman Newburg's ward, but the Riverside location is. Mr. Capovilla stated the Applicant received a Declaratory Judgment to sell full liquor at the Riverside location. Alderman Newburg stated she is in objection for a full liquor license. She would like to not allow liquor served in this area right now. They have seen an increase in prostitution in this area and adding liquor would increase the disturbances of the neighborhood.

Mr. Neels had no comments other than to state they are only requesting beer and wine at this Broadway location.

Mr. Sanders stated he is fine with the application.

A **MOTION** was made by Alicia Neubauer to **DENY** the sale of package liquor in conjunction with a gas station in a C-3, General Commercial Zoning District and to **APPROVE** the sale of beer and wine in conjunction with a gas station in the name of Mac's Convenience Stores LLC d/b/a Circle K 1425 in a C-2 Limited Commercial Zoning District at 3819 Broadway. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Must meet all applicable building, fire and tobacco codes.
2. The sale of beer and wine products shall be limited to the submitted interior floor plan Exhibit E.
3. Hours are limited to 9:00 AM to 10:00 PM for liquor sales.
4. Inside signage cannot exceed more than 35% of the window surface.
5. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
7. That the windows shall not be covered with bars or other devices that block the windows.
8. There shall be no single serving sales of beer or wine in volumes of 12 ounces or less.

**014-LTAB-045**

Applicant  
Ward 09

**2225 West Riverside Boulevard**

Mac's Convenience Stores LLC d/b/a Circle K 1437

**Sale of packaged liquor** in conjunction with a convenience store and gas station in a C-1, Limited Office Zoning District

Michael Neels, Marketing Manager with Circle K was present. The Board asked Mr. Neels if he wished to add anything to this application and responded he did not.

Legal asked if the applicant was agreeable to beer and wine only. Mr. Neels stated he could not respond and would need to defer to the corporation. He stated they are agreeable to Staff Conditions.

Mr. Capovilla explained this property was a part of a Planned Mixed Use Development approved in 1992. The zoning at that time was R-5, an old classification under the 1973 ordinance. The development is now zoned C-1, with limited retail uses. Liquor sales were originally denied at this location. The applicant at that time took this decision to court and was awarded a Declaratory Judgment in 1995 which granted liquor sales at this location.

Staff Recommendation is for Approval with (10) conditions.

Alderman Newburg's objection comments from the previous item are also applicable to this item.

Alicia Neubauer stated she would be inclined to support beer and wine only. Mr. Sockwell stated if he lived in the area of the Applicant's business he would like to have the opportunity to purchase liquor from this convenience store. He feels the decision should be either no liquor at all, or full liquor. Mr. Sanders stated he did not like to see gas stations with convenience stores become liquor stores. Mr. Sockwell felt sales should be limited to a 6 pack or more rather than have a neighbor walk across the street for a single bottle.

A **MOTION** was made by Scott Sanders to **DENY** packaged liquor and **APPROVE** the sale of beer and wine in the name of Mac's Convenience Stores LLC d/b/a Circle K 1437. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-2 with Kim Wheeler-Johnson and Craig Sockwell voting Nay.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. Window display signage is limited to 35% of window area.

4. The sale of packaged liquor shall be limited to the submitted plan Exhibit E.
5. There shall be no single serving sales of beer or wine in volumes of 12 oz. or less.
6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
7. That the windows shall not be covered with bars or other devices that block the windows.
8. That the freestanding sign shall be a landmark style sign in accordance with the Sign Ordinance replacing the existing freestanding sign.
9. Must obtain sign permit for new landmark-style free-standing sign.
10. All conditions must be met prior to establishment of use.

**014-LTAB-046**

Applicant  
Ward 14

**3299 South Alpine Road**

Robbin Madhok d/b/a Magnum Oil 1 Inc

**Sale of tobacco products** in conjunction with a gas station in a C-3, General Commercial Zoning District

The subject property is located on the northwest corner of Mayflower and North Alpine Road. Attorney Russell Anderson, Daniel Huntley, and Robbin Madhok were present.. Attorney Anderson reviewed the applicant's request, stating this application is in conjunction with the following one on the agenda. The Applicant is in agreement with Staff conditions for both items. At the Codes & Regulations meeting, information was provided by Alderman Chiarelli from Objectors that did not come forward at the August meeting of the the Liquor and Tobacco Advisory Board. The purpose of having these items heard this evening is to have this information on record. In regards to information in Staff report of police calls since 2012, Attorney Anderson stated there only about 8 or 9 out of 33 that involve disorderly conduct. Attorney Anderson stated the prior owner of this facility was evicted by the landlord. Mr. Madhok is not related to the previous owner and the police calls do not refer to his operation of the business. Attorney Anderson presented copies of licenses from the Village of Alsip and the Village of Oswego stated Mr. Maddin has a license in good standing and shows no violations.

Mr. Madhok stated new pumps have been added. He stated all items of concern have been addressed with the exception of some minor items that are in process.

Staff Recommendation was for Approval with 8 conditions. Objectors were present.

Karla Surface, 4338 Red Coat Road stated she is still concerned with packaged liquor sales. She agrees Mr. Madhok has made a lot of improvements but people are still cutting through their neighborhood.

Chris Scharre, 3312 Colony Bay stated he agrees with Ms. Surface's concerns. The area has been a lot cleaner since liquor sales at this location have been discontinued. He stated people have climbed over their fences to get to the applicant's location.

Greg Lawson, 3411 New England Drive. Stated he has had to clean sidewalks from broken bottles. He stated people are walking through the area drinking out of a brown paper bag. The last 3-4 months when liquor sales were discontinued at this location has made a big improvement in these problem areas.

Jerry Peterson, 4308 Mayflower Avenue was also in agreement with previous objectors, complaining about liter from beer cans, wine bottles, liquor broken glasses.

Joseph Chiarelli Alderman came forward and stated it became clear to him that this neighborhood did not want liquor at this location. He felt the residents of this neighborhood did not get an opportunity to speak at the previous meeting so he requested Codes & Regulations refer this application back to LTAB. When Mr.Madhok first took on this business, he was selling liquor without a license and was shut down by Police. Attorney Hammer verified this. Since liquor sales has stopped, crime has gone down, liter of

liquor bottles and cans have greatly improved, and foot traffic on properties have also decreased. He does not see this property as a nuisance property, but is it detrimental to the neighborhood.

Rebecca Bruch, 4329 Red Coat Road came forward with Alderman Chiarelli but did not speak.

In response, Mr. Madhok apologized for selling liquor and stated when he took over this site he was not given time to go through the application process for liquor sales. If he had time to do come before the Board before he took over, he would not have been selling liquor without a license.

Attorney Anderson stated the problems with this neighborhood and specifically the subject property were not brought on by his client. He stated there are trails in the area and ATV riders have gone through the neighborhood. He stated once customers leave a facility the owner of that facility does not have control over them. Mr. Anderson stated he felt the board took the correct action of approval the first time this application came through, and asked that they repeat this action at this meeting.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the sale of tobacco products with a gas station in the name of Robbin Madhord for Magnum Oil 1 Inc. d/b/a Alpine Marathon. in an R-4, Multi-family Residential Zoning District and C-3, Commercial General Zoning District for the property at 3299 South Alpine Road. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Compliance with all City of Rockford Tobacco Codes.
3. That the window signage shall not exceed 35% of window area and all temporary outdoor signs shall be removed.
4. Maintenance of the landscaping area and the adjacent green area next to the residential uses must be free of debris/garbage.
5. Installation of landscaping units that have been removed along Mayflower and South Alpine Road.
6. 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.
7. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
8. That the windows shall not be covered with bars or other devices that block the windows.

**014-LTAB-033**

Applicant  
Ward 14

**3299 South Alpine Road**

Robbin Madhord for Magnum Oil 1 Inc. d/b/a Alpine Marathon  
**Sale of package liquor** with a gas station in a C-3, General Commercial Zoning District and R-4, Multi-family Residential Zoning District  
**Referred back to LTAB by City Council**

The subject property is located is located on the northwest corner of Mayflower and North Alpine Road.

See previous comments and Objector testimony from 014-LTAB-046.

Ms. Neubauer stated she was frustrated that in 2011, 2012 and 2013 then again in August of 2014 this item was before the board when the sale of packaged liquor was approved no neighbors came forward to express their concerns. Mr. Capovilla stated he was not aware of the specifics as to why no one came forward and deferred to Alderman Chiarelli.

Alderman Chiarelli stated after this application was applied for in August, the residents believed that there would be no liquor sales because they were shut down at the time. After the meeting, when they became aware that liquor was approved the neighbors expressed their objections to Alderman Chiarelli.

Kim Wheeler-Johnsen wondered about the possibility of people purchasing a six pack of bottles and still opening one while walking through the neighborhood even if limitations were placed on the purchase of a single 12 ounce bottle.

A **MOTION** was made by Kim Wheeler-Johnsen to **APPROVE** the sale of package liquor with a gas station in the name of Robbin Madhord for Magnum Oil 1 Inc. d/b/a Alpine Marathon in a C-3, General Commercial Zoning District and R-4, Multi-family Residential Zoning District at 3299 South Alpine Road. The Motion was **SECONDED** by Craig Sockwell and **FAILED TO CARRY** by a vote of 3-4, with Scott Sanders, Alicia Neubauer, Tom Fabiano and Dan Roszkowski voting Nay and will move forward with a recommendation of **DENIAL**.

**014-LTAB-047**

Applicant  
Ward 08

**3840 Broadway**

Neel Patel d/b/a Rock Liquor & Wine

**Modification of existing liquor license** to extend business hours to Monday to Thursday, 10:00 A.M. to Midnight; Friday and Saturday 10:00 A.M. to 2:00 A.M.; and Sunday 11:00 A.M.

The subject property is located on the north side of Broadway, south of Charles Street, and east of Parkside Drive within the East Gate Shopping Center.

Neel Patel and Chirag Patel were present. Neel Patel explained their application to increase the hours of liquor sales. He felt Staff recommendation was based on the number of police calls and stated most of these were not for their property. He also stated when they realized there was an issue of overcrowding in the parking lot – which Mr. Patel feels was not from their business, but from others – they hired more security. Most of the businesses in the shopping center are open to Midnight, and there is a bar and a restaurant open until 2:00 AM. He further stated the Sports Page bar has more people inside their bar than they have seen in the parking lot. There are gas stations that are open past the applicant's allowed hours of liquor sales who are able to sell liquor. Mr's Patel feel this is unfair to their business and apologized for the 6 months they have been open past 10:00 PM.

Angela asked the applicants to verify that the condition of closing at 10:00 PM were in their conditions of approval at the time they received their liquor license in 2012 and they replied yes. Neel Patel stated they have not made a single call to the police station for calls for service. Three weeks prior to the City notifying them of their being open passed approved hours, Neel Patel stated they noticed additional security was needed.

Attorney Hammer asked if there was a shooting in their parking lot to which the response was yes.

Mr. Roszkowski asked if they could close earlier than 2:00 AM and they both replied that this is a disadvantage to their business because other locations are open later. Ms. Neubauer stated she lives in this neighborhood and does not feel safe at that store or in the parking lot. She believes this is a condition that is preexisting and not necessarily brought on by the Applicant's business. She stated it may be more than a parking lot issue than their store.

Mr. Capovilla mentioned that previously at this meeting the Board did limit the Circle K to a 10:00 PM closing time which is in the area of this location. Neel Patel responded that most of his clients do not have a 9-5 job and work different shifts.

Staff Recommendation is for Denial.

A **MOTION** was made by Scott Sanders to **APPROVE** the Modification of the existing liquor license to extend business hours on Monday to Thursday 10:00 AM to Midnight, Friday and Saturday 10:00 AM to 2:00 AM and Sunday 11:00 AM to Midnight in the name of Neel Patel d/b/a Rock Liquor & Wine in a C-2, Limited Commercial Zoning District at 3840 Broadway with (1) condition. The Motion was **SECONDED** by Kim Wheeler-Johnsen and **CARRIED** by a vote of 5-2 with Alicia Neubauer and Dan Roszkowski voting Nay.

Approval is subject to the following conditions:

1. That security be provided between the hours of 12:00 Midnight and 2:00 AM on Friday and Saturday.

With no further business to come before the Board, the meeting was adjourned at 8:50 PM.

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