



LIQUOR & TOBACCO ADVISORY BOARD
Tuesday, November 18, 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
Mike Rotolo – Rockford Fire Department

Others: Alderman Joseph Chiarelli
Alderman Thomas McNamara
Alderman Franklin 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 & 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, December 1st 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 6:45 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the October meeting as written. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 7-0.

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 November 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."*

Alicia Neubauer asked if Legal had any indication on when the requested Laid Over items would be released to be heard. Attorney Hammer explained she is still working with C & R on a draft policy and hoping to have one completed soon. Ms. Neubauer expressed her frustration that these items have been laid over for so long.

A **MOTION** was made by Alicia Neubauer to **LAY OVER** the following items to the December 16, 2014 Liquor and Tobacco Advisory Board. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

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, September, October meetings

014-LTAB-017

Applicant
Ward 10

5410 and 5456 East State Street

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

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, September & October 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 & October meetings

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 & October meetings

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 & October meetings

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 & October meetings

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 & October meetings

End of Laid Over Items

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 & October meetings

The subject property is located approximately 130' north of East State Street, on the east side of North Alpine Road and is currently a vacant tenant space towards the north side of the building.

Attorney Thomas Green and Moe Alkaramla represent his father who is the Applicant, were present. The Board questioned whether this item could be heard without the attendance of the Applicant. Because this is a tobacco item and not a request for the sale of liquor, it was agreed that the Application could move forward with the representatives present.

Attorney Green agreed that there are issues with this site. He explained this building is about 7500 square feet with adequate parking space. Two thirds of the building is occupied by a massage therapist with appointments required. Attorney Green felt the Applicant's requested use is not a high volume retail use. He explained his client has run a similar operation in Skokie, IL with a clean record and positive history. There is a concern with staff condition that does not allow Hookah or Huka pipes. At this time, his client is a wholesaler, but would also like to go to retail sales. Part of his sales includes Hookah/huka pipes and he wishes to continue selling these products. Attorney Green stated he is not certain what problem the city is intending to solve by not allowing the sale of these types of pipes. He stated he has visited a tobacco store near his office location and they do sell hookah/huka pipes and other types of smoking devices and wonders why his client is not allowed to do the same. He stated if conditions be put on this request that would allow a vote of approval, they are open to that. Attorney Hammer asked what percentage of sales resulted from hookah/huka pipes. Attorney Green said this is a large amount of what they sell.

To provide further explanation, Mr. Capovilla stated there has been a push to prevent the sales of hookah/huka pipes because law enforcement felt they have the ability to be, and are being, used for substances other than tobacco. Staff recommended this condition as well because they want to be consistent with other requirements placed on previous tobacco sale applications. Attorney Green stated this is not retail use, but is for wholesale and they sell to other tobacco shops. Mr. Sockwell asked what the percentage of cigarettes to other tobacco products would be, stating he is very concerned with tobacco shops "on every corner".

Mr. Sanders pointed out that according to the application presented by Mr. Alkaramla, over half of business will be for the sale of vapor products with only 25% sales of actual tobacco and asked for clarification on this. In response, Attorney Green stated this is an economic model that works for people and doesn't present a danger or a threat. Attorney Green did state his clients are looking to sell hookah/huka pipes on a retail basis as well as wholesale.

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

During discussion, Ms. Neubauer stated there are a lot of tobacco shops along the Miracle Mile and is in agreement with Mr. Sockwell's concerns about the tobacco shop "on every corner" aspect.. She stated there are at least two within the same strip mall not too far from this location. Mr. Sanders stated if we do approve a request for the sale of tobacco in a tobacco shop, he is not certain why we would prohibit the sale of hookah/huka pipes if that is what their use is for. Kim Johnsen asked if the sale of hookah/huka pipes were illegal. The response from Attorney Hammer was that they were not. Mr. Capovilla further explained that there are tobacco shops that pre-date the creation of the Liquor & Tobacco Advisory Board that do sell hookah/huka pipes. Ms. Johnsen clarified that this Applicant is already selling hookah/huka pipes on a wholesale basis and felt if the sale of hookah/huka pipes is legal, she would support this. Mr. Fabiano stated other businesses are selling these and this is the same as what this applicant wishes to do. However, he is not in favor of several tobacco shops in the same vicinity. Attorney Hammer stated at this time she does not believe there are any regulations for vapor sales. Mr. Sockwell stated his concern is similar to that of gaming in that they don't want gaming facilities on every corner. He feels they "look gaudy" between the cash stores and the tobacco stores. Mr. Capovilla stated that is one of the reasons why the Liquor and Tobacco Board was established, to create awareness of the sale of liquor and tobacco within the city and their locations in relationship to surrounding areas.

A **MOTION** was made by Craig Sockwell to **DENY** 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 Alicia Neubauer and **CARRIED** by a vote of 4-3 with Sanders, Roszkowski and Johnsen voting Nay.

014-LTAB-043 **519 Marchesano Drive**
Applicant Pedro Silva d/b/a Guanajuato Rockford Corp.
Ward 05 **Sale of packaged liquor** in conjunction with a grocery store in a C-3, General
Commercial Zoning District
Laid Over from October meeting

Prior to the meeting the Applicant requested this item be Laid Over to the December meeting.

A **MOTION** was made by Alicia Neubauer 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 Craig Sockwell and **CARRIED** by a vote of 7-0.

014-LTAB-048 **913 Kilburn Avenue**
Applicant Rashid Mehmood d/b/a Aaliya Corporation
Ward 07 **Sale of tobacco products** in conjunction with a gas station in a C-3,
Commercial General Zoning District

The subject property is located on the northeast corner of the Whitman Street and Kilburn Avenue intersection and is currently a gas station. The property is surrounded by commercial and residential uses with industrial uses to the west. Rashid Mehmood, Applicant, reviewed his request for tobacco sales. This is a Shell Gas Station. He confirmed hours of operation are 5:00 AM to 3:00 AM. daily. Mr. Mehmood stated he has experience in operating this type of business from his previous employment at the Circle K and other Citgo stations.

Attorney Hammer asked if he would hire security if requested and was agreeable to Staff conditions. The applicant agreed to comply to both requests.

Mr. Capovilla stated this property was before the Board a couple of months ago with a different Applicant and it was approved with the 11 conditions in September. Mr. Capovilla explained that application is the same layout and landscaping as what is presented by this applicant and included in the Zoning report.

Staff Recommendation is for Approval subject to (11) conditions. No Objectors or Interested Parties were present.

Alicia Neubauer stated there is a lot of activity on this corner, citing 7 pages of calls for service.

A **MOTION** was made by Kim Johnsen to **APPROVE** the sale of tobacco products in conjunction with a gas station in the name of Rashid Mehmood d/b/a Aaliya Corporation in a C-3, Commercial General Zoning District at 913 Kilburn Avenue. The Motion was **SECONDED** by Scott Sanders 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 as Exhibit F.

4. Submittal of a civil plan to include improvements to the parking lot and (8) parking spaces.
5. Submittal of a revised landscape plan to include perimeter landscaping along Kilburn Avenue and Whitman Street, interior islands, open green space, removal of the raised timber planter that is replaced with a new concrete curbed island around the existing perimeter landscaping at the southwest corner of the property, and plant species for Staff review and approval.
6. Submittal of a dumpster detail, rendering, and dumpster enclosure permit for Staff's review and approval.
7. The hours of operation and days will be 5:00 A.M. to 3:00 A.M. Monday through Sunday.
8. 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.
9. That the windows shall not be covered with bars or other devices that block the window.
10. The sale of water pipes and "hookah/huka" or "hookah" pipes are prohibited.
11. Window display signage is limited to 35% of window area.

014-LTAB-049

Applicant
Ward 01

7801 East State Street

Chintana Sengchannavong d/b/a Sister's Thai Cafe
Sale of liquor by the drink in conjunction with a restaurant in a C-3, General Commercial Zoning District

Neither applicant nor representative was present.

A **MOTION** was made by Scott Sanders to **LAY OVER** the sale of liquor by the drink in conjunction with a restaurant in the name of Chintana Sengchannavong d/b/a Sister's Thai Cafe in a C-3, General Commercial Zoning District at 7801 East State Street. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 7-0.

With no further business to come before the Board, the meeting was adjourned at 7:25 PM

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