

LIQUOR ADVISORY BOARD
Tuesday, December 21, 2010
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
Scott Sanders
Craig Sockwell

Absent: Julio Salgado

Staff: Kerry Partridge – City Attorney
Todd Cagnoni, Deputy Director - Construction Services Division
Jon Hollander, City Engineer - Public Works
Marcy Leach – Public Works
Mark Marinaro–Fire Prevention
Jessica Roberts – Planner II

Others: Kathy Berg, Stenographer
Applicants and Interested Parties

Todd Cagnoni 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, January 3rd, 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 Jessica Roberts in the Zoning Office for any further information and that her 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 minutes of the November 16th meeting as submitted. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

A **MOTION** to **LAY** over **10-LAB-023 & LAB-015** by Craig Sockwell, **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

10-LAB-022

Applicant
Ward 1

6957 Olde Creek Road, Suite 100

Abigail L. Shepp d/b/a Perry Rock

Sale of liquor by the drink in conjunction with a restaurant and outdoor patio in a C-1, Limited Office Zoning District

The subject property is located south of the southwest corner of Olde Creek and Perryville Roads and is currently the vacant tenant space of the former Table 13 restaurant.

The applicant Abigail Shepp and legal representative, Gregory Cox were in attendance. The attorney stated that the applicant is interested in opening a restaurant involving sale of alcohol by drink with patio outdoor. They added that they would like to clarify that the food service hours are from 11:00 a.m. to 11:00 p.m. but they are requesting that the establishment be open until 2:00 Monday – Saturday and to 11:00 p.m. on Sunday. Scott Sanders asked that applicant if she understood that the percentage of food was indicated as 60% food and 40% alcohol. Ms. Shepp stated yes. Mr. Sanders added that because there is a patio proposed the limit is 50/50. Mr. Cox stated that it is anticipated as a restaurant. Dan Roszkowski asked whether the previous special use provisions applied. Mr. Cagnoni stated that generally we have been in support of restaurant use at this location and whatever conditions the board wishes to place should be added to this application specifically. Ms. Shepp added that the outdoor portion would be where it is currently located. Scott Sanders asked what the signage would be. Ms. Shepp stated that it will be the same size and location as the existing signage. Mr. Roszkowski stated that he is comfortable with the signage as long as there is no additional signage. Todd stated that he discussion with the applicant and the applicant wanted to clarify condition 8 stating it would be a restaurant with no dance floor, no DJ's, and no live entertainment. He added the applicant is agreeable to no cover charge but would like a smaller dance floor. Mr. Cox stated that they would like a dance floor under 150 square feet for the occasional live entertainment indoor and occasional DJ. Scott Sanders asked how that is addressed with the license. Todd stated that he believes it is address as establishing a nightclub would be a special use but he clarified that the applicant is distinguishing between the two with no cover charge and smaller dance floor with occasional live entertainment and DJ. He added that the board could place added conditions on the application if they feel necessary.

Objectors and Interested Parties:

David Nelsen 2865 Hedge Cliff Drive was present. Mr. Nelsen stated that he was president of the condo association bordering Perryville Place. He added that they would like to express concerns about new restaurant. He stated that he is in favor of restaurant but with provisions. He stated that he is concern about the noise, especially in the summer the noise does carry. He asked that any music live or electronic be in the restaurant not outside. He added that 15 of the 16 condos has signed along with the people in some of the single-family homes in have signed the petition. Mr. Nelsen asked that the applicant take the noise level into consideration.

Deborah Beard 2899 Hedge Cliff Drive. Ms. Beard stated that she lives in the adjacent condos. She stated that the previous owners had the 10 p.m. restriction for outdoor music. She stated that it went on past 10 p.m. and that she will not hesitate to call the police on that restriction. When it is midnight and the place is still going that is the concern.

Jim Wikstrom 2881 Hedge Cliff Drive. Mr. Wikstrom stated that he is a resident of the condo association and that he has the same concerns as the others. He wished the applicant good luck in the restaurant but

is not in favor of the night music and I hoping the judgment of the applicant takes these concerns into consideration.

Mr. Cox stated that he would like to indicate they do not intend have anything on the west side and entertainment is in the interior of restaurant. Scott Sanders asked whether there were speakers on the patio. Abigail Shepp stated that the speakers are out there and they would be at a low level. Scott Sanders asked staff about the outdoor music. Mr. Cagnoni stated that he did not recall live entertainment addressed with the previous application. He added that we have done modifications to outdoor liquor ordinance since that owner and this application has to adhere to the distance requirements and noise ordinance. Scott Sanders asked what the hours of operation would be again. Ms. Shepp stated 11:00 a.m. to 2:00 a.m. Monday – Saturday and Sunday 11:00 a.m. to Midnight. Todd Cagnoni stated condition five would need to be modified. Staff Recommendation was for Approval with 11 conditions. Scott Sanders stated that he is not comfortable with DJ or live entertainment outdoor at all. He added that they would modify the report to reference the east patio not west and add a condition that the applicant follows noise ordinance.

A **MOTION** was made by Scott Sanders to **APPROVE** with condition 5 modified to hours of operation and adding a condition that the restaurant shall not have dance floor in excess of 150 square feet, and 9 and 10 shall not have DJ or live entertainment outside the building. Condition 11 modify west to east side patio. Adding condition 12 to read that the operation will follow local noise ordinance and 13, no additional signage and signage shall replace existing for the sale of liquor by the drink in conjunction with a restaurant and outdoor patio in the name of Abigail L. Shepp d/b/a Perry Rock in a C-1, Limited Office Zoning District at 6957 Olde Creek Road, Suite 100. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

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.
4. The hours of operation will be limited to 11:00 A.M. to 2:00 A.M. Monday through Saturday.
5. The hours of operation will be limited to 11:00 A.M. to 12:00 A.M. on Sunday.
6. The restaurant shall be limited to 40% liquor sales as indicated in Business Plan Exhibit G.
7. The restaurant shall not have a cover charge.
8. The restaurant shall not have a dance floor greater than 150 square feet.
9. The restaurant shall not have any DJ outdoors.
10. The restaurant shall not have any live entertainment outdoors.
11. The sale of liquor is limited to Suite 100 and adjacent east side patio; any future expansion will require a modification of the liquor license.
12. The operation of the business will follow the local noise ordinance.
13. No additional signage shall be placed on the property; new signage shall replace the existing only.

A **MOTION** was made by Scott Sanders to adjourn. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

With no further business to report, the meeting was adjourned at 6:30 p.m.

Respectfully submitted,
Jessica Roberts, AICP, Planner II
Construction Services Division