

LIQUOR ADVISORY BOARD
Tuesday, November 16, 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
Julio Salgado
Scott Sanders
Craig Sockwell

Absent:

Staff: Jennifer Cacciapaglia – City Attorney
Todd Cagnoni, Deputy Director - Construction Services Division
Sandra Hawthorne, Admin. Assistant – Construction Services
Jon Hollander, City Engineer - Public Works
Matt Knott – Chief of Fire Prevention Division
Jessica Roberts – Planner II

Others: Alderman Nancy Johnson (arrived 6:15 PM)
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 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, November 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 Sandra Hawthorne 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 October 19, 2010 meeting as submitted. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0 with Julio Salgado abstaining as he was not present at the October meeting.

10-LAB-015 **810 South Main Street**
Applicant Esther Cervantes
Ward 05 **Special Use Permit** for a night club in an I-1, Light Industrial Zoning District

Prior to the meeting a written request was received by the Applicant's attorney asking that this item be Laid Over to the December 21st meeting.

A **MOTION** was made by Scott Sanders to **LAY OVER** the Special Use Permit for a night club in an I-1, Light Industrial Zoning District at 810 South Main Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

10-LAB-019 **1201 Broadway**
Applicant Vansy Xayvandy / d/b/a Aqua Vite, LLC
Ward 11 **Sale of liquor by the drink** in conjunction with a restaurant, bar and banquet hall (venue) in a C-4, Urban Mixed-Use Zoning District

The subject property is located on the southeast corner of 8th Street and Broadway. Roger Kellerman, , representing Ms. Xayvandy, reviewed the request. This is a two story building consisting of two banquet halls, a restaurant, and a bar. The restaurant, called Taste of Thai, is on the first floor along with an adjacent bar. He stated there are 11 tables and booths in the restaurant and 16 bar stools in the bar. The smaller banquet hall on the first floor will hold approximately 200 people, having 19 tables and 13 booths, a bar and dance floor. The second floor banquet room has a capacity for approximately 500 people with 52 tables. Hours will vary according to the day as listed in the business plan. The banquet rooms will be open by reservation only. Mr. Kellerman stated the Applicant is agreeable to a ratio of 1 security person per 40 patrons as requested by Staff.

Attorney Cacciapaglia stated she does not agree with Staff recommendation of Approval and explained that Staff did not have additional information until only recently. She further stated she had questions for the Applicant and requested that she step forward from the public seating area and be sworn in.

Attorney Cacciapaglia asked the Applicant, Vansy Xayvandy, how she was related to Mr. Lee Form. Ms. Xayvandy responded that he was her brother. Attorney Cacciapaglia asked what his role would be in the business. Ms. Xayvandy stated she (Applicant) will be there for the day to day operations. Attorney Cacciapaglia asked if she was at this location on Oct. 30 when there was a large altercation to which the Applicant responded she was. Attorney Cacciapaglia asked if alcohol was served and the response was that it was not. It was clarified by the Applicant that this was a teen function. In response to Attorney Cacciapaglia's question if shots were fired, the applicant stated they were, but she was not certain what occurred. Attorney Cacciapaglia then asked Ms. Xayvandy if she was the person dealing with Zoning Staff on this application or was it Lee Form. Ms. Xayvandy stated Mr. Form helped her with understanding the building / zoning process. Attorney Cacciapaglia clarified to the Board that the Applicant is asking to be licensed as a night club / dance hall so the percentage of food to alcohol was not pertinent.

Mr. Sanders asked why there were questions about Lee Forman. Attorney Cacciapaglia stated he has continuously spoke of himself as being the owner of this business but he has not put this in writing. Mr. Olson asked if Ms. Xayvandy had answered the questions satisfactory and Attorney Cacciapaglia responded she had not.. Mr. Sanders asked what security firm was being employed. Mr. Kellerman thought it was Business Protection Incorporated. Mr. Sanders asked what the City's history was on this firm. Attorney Cacciapaglia stated she is not comfortable with responding specifically on this security firm as she is not certain if they were the security personnel involved in the shots fired incident two weeks ago. Mr. Roszkowski asked if parking was an issue. Mr. Cagnoni responded that the use itself is a permitted use and parking is not an issue with this application as it is for liquor sales.

Staff Recommendation was for Approval subject to 12 conditions. Objectors or Interested Parties were present.

Police Officer Cynthia Smith was present. Attorney Cacciapaglia asked the Board if she could examine this witness rather than have her give statements, to which the Board was agreeable. Ms. Smith has been a Police officer for 9 ½ years and stated she is familiar with this property. Attorney Cacciapaglia asked if she had discussions with someone identifying themselves as the owner of the business. Officer Cynthia Smith stated she had, as well as two other Police Officers. The person they spoke to and who identified himself as the business owner was Lee Form. Regarding the incident of shooting at the property, Officer Smith explained they were called to the property at 11:55 PM on October 30th due to shots fired. Upon their arrival they witnessed chaos in the parking lot, 14 shell casing, two vehicles struck by gun fire, and a neighboring residence struck by gunfire. 10 officers reported to the scene. No alcohol was being served that they were aware of. An Officer was told by a security person that this was a Halloween party for high school age persons. A person at the party stated the physical altercation started inside and spilled outside. No one other than Mr. Form has stated they were the owner of the business to the police. There has never been any contact with Ms. Xayvandy and Mr. Form was always referred to as the owner when speaking with employees.

Mr. Kellerman stated it was his understanding that security was provided. He stated Ms. Xayvandy is willing to provide more security if required and will do what she can to cooperate.

Ms. Neubauer asked Attorney Cacciapaglia if they would feel more comfortable if Lee Form was added to the application. Attorney Cacciapaglia stated the discomfort from Legal comes because Mr. Form has a felony record and would not be granted a liquor license. She feels there is a great deal of misinformation provided and is not comfortable with such a strong indication of misrepresentation and possible fraud. The condemnation on this property was lifted a couple of weeks ago and shortly afterward is when the shooting incident occurred.

Mr. Sanders felt there was enough evidence introduced tonight that there is an indication that something does not fit right with misrepresentation of ownership and he is not comfortable with moving forward on this application. Mr. Sockwell stated with the size of this facility it should be done by someone who has the capability to handle. Mr. Roszkowski also felt there were too many unanswered questions on this application.

A **MOTION** was made by Scott Sanders to **DENY** the Sale of liquor by the drink in conjunction with a restaurant, bar and banquet hall (venue) in the name of Vansy Xayvandy d/b/a Aqua Vite, LLC in a C-4, Urban Mixed Use Zoning District at 1201 Broadway. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 7-0.

10-LAB-020Applicant
Ward 8**3929 Broadway**

Ramon Reynoso d/b/a Hacienda El Patron

Sale of liquor by the drink in conjunction with a restaurant and outdoor beer garden/seating area in a C-2, Limited Commercial District and R-1, Single-Family Residential Zoning District

The subject property is located 4 lots west of the southwest corner of Alpine and Broadway, within Tiffany Square and is currently a restaurant. Ramon Reynoso reviewed his request. He explained his employer will be downsizing and moving the business to the southern regions and Mr. Reynoso and his wife wish to remain in Rockford. They wish to open this restaurant and feel it is a great opportunity for them. Percentage of sales is estimated at 30% liquor and 70% food. Mr. Olson asked the Applicant if he had any experience in the restaurant business. Mr. Reynoso responded he did not, but that he is currently in a supervisory position and has experience in management. Attorney Cacciapaglia asked if there would be a cover charge for special events to which Mr. Reynoso stated there would not. She asked if he would be willing to make a "no cover charge" as part of the conditions and Mr. Reynoso responded he would be fine with that. Mr. Sanders asked if the interior would be intact. Mr. Reynoso explained that part of the lease agreement was to keep this as a Mexican Restaurant with the same furniture and atmosphere and they are pleased to do this.

Staff Recommendation is for Approval with 2 conditions. Objectors and Interested Parties were present.

Alderman Nancy Johnson was present as Alderman of this ward. She stated she is very pleased that the Applicant is reopening a restaurant that has been vacant too long. The restaurant suffered some extensive damage during flooding on two occasions and she is willing to work with the Applicant through this process and to make certain it is compatible with the area.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the sale of liquor by the drink in conjunction with a restaurant and outdoor beer garden/seating area in the name of Ramon Reynoso d/b/a Hacienda El Patron in a C-2, Limited Commercial District and R-1, Single-Family Residential Zoning District at 3929 Broadway with the addition of condition 3. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Compliance with the Liquor Ordinance
2. Hours of operation are limited as provided on the submitted Business Plan Exhibit E
3. There shall be no cover charge

10-LAB-021Applicant
Ward 12**2204, 2212 North Main Street**

Linda L. Dunn d/b/a Mulligan's of Rockford Inc.

Sale of liquor by the drink in conjunction with a tavern/bar and outdoor beer garden in a C-2, Limited Commercial Zoning District

The subject property is located on the northwest corner of Brown Avenue and North Main Street and is currently a tavern/bar. Attorney Paul Cicero reviewed the request of the Applicant. He stated the Applicants would be suitable for this venture. The applicant is willing to add a condition of no cover charge as a condition of approval.

Dan Roszkowski stated he would like to see the Applicants rather than the Attorney since they are the ones applying for the liquor permit. The Commission stated they agree with this request. Mr. Salgado stated he would also like to see a representative from the security company hired by further Applicants so that they may question them if necessary. Attorney Cacciapaglia stated she could make this a part of the

request to future Applicants. She further stated she has met the Applicants and is very comfortable with them.

Staff Recommendation is for Approval with 2 conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of liquor by the drink in conjunction with a tavern/bar and outdoor beer garden in the name of Linda L. Dunn d/b/a Mulligan's of Rockford, Inc. in a C-2, Limited Commercial Zoning District at 2204, 2212 North Main Street, with added Condition 3. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 7-0

Approval is subject to the following conditions:

1. Compliance with the Liquor Ordinance
2. Compliance with all applicable building and fire codes
3. There shall be no cover charge

10-LAB-017

Applicant:
Ward 1

510 South Perryville Road

Vikica Bilich d/b/a Murphy's Pub & Grill

Sale of liquor by the drink in conjunction with a restaurant and outdoor seating in a C-2, Limited Commercial Zoning District
Laid Over from October meeting

The subject property is located within a strip mall on the southeast corner of Walton Street and South Perryville Road and is the former Cousin's Bar & Grill. Attorney Gino Galluzzo and Vikica Bilich were present. Attorney Galluzzo reviewed the request. The Applicant also has an application on the Zoning Board of Appeals agenda this date for a Special Use Permit for a nite club. Mr. Cagnoni explained the information for the nite club was provided as Exhibit H under the Special Use Permit.

Attorney Cacciapaglia nor the Board had any questions of the Applicant. Staff Recommendation is for Approval with 6 conditions. At the direction of Mr. Cagnoni, condition 7 was added to include the addition of the Security Plan Exhibit H, as provided in report number ZBA 037-10.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of liquor by the drink in conjunction with a restaurant and outdoor seating in the name of Vikica Bilich d/b/a Murphy's Pub & Grill in a C-2, Limited Commercial Zoning District at 510 South Perryville Road, with added Condition 7. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 7-0.

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. A detailed site plan from a licensed design professional (Engineer) licensed in the State of Illinois indicating that the new drainage patterns will not violate any storm water runoff requirements
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 Midnight on Sunday.
6. The sale of alcohol shall be limited to the interior of the restaurant and outdoor seating area that were submitted.
7. There shall be no cover charge

With no further business to come before the Board, the meeting was adjourned at 6:56 PM

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