

**LIQUOR ADVISORY BOARD**  
**Wednesday, February 17, 2010**  
**6:00 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Present:**

**LAB Members:** Alicia Neubauer  
Dan Roszkowski  
Scott Sanders  
Craig Sockwell

**Absent:** Julio Salgado  
Aaron Magdziarz

**Staff:** Todd Cagnoni, Deputy Director - Construction Services Division  
Sandra Hawthorne, Administrative Assistant  
Jon Hollander, City Engineer -Public Works  
Chief Frank Schmitt – Fire Prevention Division

**Others:** Reid Montgomery  
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, March 1, 2010 at 4:30 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 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 started at 6:05 P.M. A **MOTION** was made by Scott Sanders to **APPROVE** the minutes of the January 20<sup>th</sup> meeting as submitted. The **MOTION** was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 3-0 with Alicia Neubauer abstaining as she was not in attendance at the January meeting and Julio Salgado and Aaron Magdziarz absent.

**10-LAB-001**

Applicant  
Ward 10

**320 North Mulford Road**

Mohammad Akhtar Bhatti d/b/a B.P. at Mulford

**Sale of package liquor** in conjunction with a gas station and convenience store in a C-3, General Commercial Zoning District

The subject property is located on the west side of North Mulford Road at the Executive Parkway intersection. Akhtar Bhatti and Leonard Suchobrus were present. Mr. Bhatti stated they have been operating at this location for the past 5 years. Mr. Suchobrus explained when Mr. Bhatti first operated this business he was not anticipating that much of an influence in the sale of liquor. Since then, other gas stations in that area have liquor sales and Mr. Bhatti is losing business to those customers. He also feels that consumers are wanting to make their purchases at one location and will prefer to go to another convenience store within a block or two in each direction that do have liquor sales.

Staff had no questions. Mr. Sanders requested the Applicant clarify whether this application was for beer and wine only or full liquor, to which Mr. Suchobrus responded they are applying for a full liquor license. Mr. Suchobrus explained there is a separate area for sales of hard liquor that the consumer will need to purchase through an employee. Beer and wine will be available in the cooler for consumer access. Ms. Neubauer asked if there were limitations on the size of bottles being sold. Mr. Cagnoni explained on some applications there have been limitations on the size of bottles, single sale cans of beer etc. and these conditions were imposed due to proximity to residential. This Application address also has residential to the north.

Mr. Sanders asked the Applicant if they would be willing to bring the site into compliance with landscaping for access. Mr. Suchobrus explained the question to Mr. Bhatti and Mr. Bhatti stated they would make changes if needed.

Mr. Sockwell asked what adjustments were being made within the existing convenience store to make room for liquor sales. Mr. Bhatti stated they do have space that is not being used, and also there are some food items that do not sell well and they will be discontinued.

In closing the presentation, Mr. Suchobrus stated they are agreeable to conditions of limitation to bottle size the Board wished to impose. He further stated they would prefer a full liquor license but if only beer and wine is allowed they would accept that.

Staff Recommendation was for Denial.

The Board asked for input from Staff regarding their recommendation for Denial. Mr. Cagnoni stated when the original application came before the Board in 2006, the Board asked the Applicant at that time if liquor would be sold in the future. The Applicant had stated it would not and the Board commented at that time that they would not be in favor of approval if liquor was sold. Mr. Roszkowski stated he was on the Board at the original request for a convenience store. He explained that at that time there were several applications where gas stations came in piecemeal, with the gas station first, then convenience store, then extra signs, then the sale of alcohol. In 2006 when these applications were occurring, the Board felt they wanted all of the plans for the use up front, which was the reason they asked the applicant what his plans were for liquor sales. Mr. Roszkowski stated the ordinance has since changed to allow liquor sales to be appropriated through a license that is attached with the owner and not with a Special Use Permit on the property itself. It was felt by the Board that this makes a big difference on whether a liquor permit would be allowed. He feels the control over the sale of liquor has now changed to the benefit of both the Applicant and the City by limiting it to a person and not the property. With this knowledge, Mr.

Roszkowski stated he felt he would feel comfortable with allowing liquor sales at this location with conditions of approval similar to those imposed on other applications.

Mr. Sockwell stated he did have a concern with liquor sales in close proximity to residential. Mr. Sanders stated he also had the same concern and would be more comfortable with a limitation of beer and wine rather than full liquor sales.

Mr. Cagnoni stated if the Board wished to approve this application, Staff would feel comfortable with moving forward.

The Board felt limiting liquor sales to beer and wine was more in line with other convenience stores. Mr. Cagnoni suggested conditions of approval be added. Signage would be limited to 30% of window space. The Board wished to add a condition limiting rose tubes and other wordage as in past approvals and felt Staff could compose the conditions of approval in a way that were consistent with other similar applications. Staff was agreeable to do this, as was the Applicant.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of package liquor of beer and wine only in conjunction with a gas station and convenience store in the name of Mohammad Akhtar Bhatti d/b/a B.P. at Mulford in a C-3, General Commercial Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0.

Approval is subject to the following conditions:

1. Liquor sales is limited to packaged beer and wine only
2. Window display signage be limited to no more than 30% of the widow area. No more than 1/3 of the window signs (10% of the window area) shall be used to advertise the sale of alcohol products.
3. That the sale of alcohol shall be limited to the hours of 5:30 AM to 11:00 PM Monday thru Friday, and 6:00 AM to 11:00 PM Saturday and from Noon to 11:00 PM on Sunday.
4. The sale of rose tubes, airplane-sized bottles and any other product which can be easily converted into a "crack pipe" is prohibited.
5. Package beer shall not be sold on an individual basis but sold as a six (6), twelve (12), twenty-four (24) pack or greater.
6. Wine shall not be sold in containers less than 750 ml.
7. The sale of packaged beer and wine shall be limited to the area shown on the floor plan labeled Exhibit E

**09-LAB-015**

Applicant  
Ward 11

**1019 Broadway**

Frank Amato d/b/a Body Shop on Broadway  
Sale of liquor by the drink in conjunction with a night club, live music venue and karaoke bar in a C-4, Urban Mixed-Use District  
**Laid Over from November, December & January**

This Applicant also has a request for a Special Use Permit for a night club before the Zoning Board of Appeals. This item was Laid Over at the November meeting and the Board and Staff requested the Applicant provide further information to Staff prior to the December 15<sup>th</sup> meeting. No information had been received by the Applicant prior to that meeting and neither Applicant nor Representative were present at the December meeting. This item was laid over to January with a written request sent to the Applicant that further information is required in order for this application to proceed. No information had been received from the Applicant prior to the January meeting and neither Applicant nor Representative were present at that meeting. At the January meeting, the Board was in agreement that this item would be Laid Over to the February meeting, but no further Lay Overs would be granted.

No information has been received from the Applicant prior to this February meeting. Neither Applicant nor Representative was present.

A **MOTION** was made by Alicia Neubauer to **DISMISS** the sale of liquor by the drink in conjunction with a night club, live music venue and karaoke bar in the name of Frank Amato d/b/a Body Shop on Broadway in a C-4, Urban Mixed-Use District. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 4-0.

With no further business to come before the Board, the meeting was adjourned at 6:34 PM.

Respectfully submitted,

Sandra A. Hawthorne  
Administrative Assistant  
Liquor Advisory Board