

**MINUTES OF THE CITY OF PEORIA  
LIQUOR COMMISSION  
November 1, 2010**

A meeting of the City of Peoria Liquor Commission was held in Room 404, City Hall, Peoria, Illinois, on November 1, 2010, Chairman Frank McCabe presiding.

**ROLL CALL:**

Present: Chairman Frank McCabe; Commissioners Ted Arndt, Drew Cassidy, Don Jackson,  
Virginia White – 5  
Absent: 0

Others present: Deputy Liquor Commissioner Eric Turner; Assistant Corporation Counsel Sonni Williams; Liquor Investigator Scott Jordan; Fire Inspector Dan McGann; Building Inspector Jim Stevens; Debbie Pinkney, City Clerk's office, and concerned citizens and media.

**I. CALL TO ORDER**

Chairman McCabe called the meeting to order at 3:30 p.m.

**II. APPROVAL OF MINUTES**

Commissioner Jackson moved to approve the Minutes of the October 4, 2010 Liquor Commission Meeting; seconded by Commissioner Arndt.

Approved by roll call vote:

Yeas: Arndt, Cassidy, Jackson, McCabe, White – 5;

Nays: 0

**III. LIQUOR SITE APPLICATIONS**

**10-31      The 3 Devils, Inc.**  
**d/b/a La Copacabana**  
**1801 SW Adams Street**  
**Has applied: Class A (tavern)**  
**Requesting: Subclass 2 (live entertainment)**

Lisa Avila, one of the applicants, presented an application for a Subclass 2 (live entertainment) Liquor License to be added to their application for the Class A (tavern) Liquor License at 1801 SW Adams, Street. The previous licensee turned in their liquor license in February of this year, so this new applicant did not have to go through the site application process for their Class A application.

In response to Chairman McCabe regarding what kind of entertainment, Ms. Avila stated they planned to have a DJ with a dance floor on Friday and Saturday nights. In further discussion she indicated they planned to have the music from about 7:00 p.m. until they close at 1:00 a.m. both nights.

Tom Wiegand, from U.F.S. at 1800 SW Adams which is right across the street, stated they were concerned about the parking issues at this establishment and where their patrons were going to park, especially if they have music and draw more people. He presented pictures of the area to the Commission members.

Ms. Avila stated that in the back of the building there is a lot that holds about 30 cars, with additional parking across the alleyway in an area that is also owned by her landlord. She indicated the parking area did not have marked parking spaces.

Deputy Liquor Commissioner Turner stated that the pictures showed the area was not paved and the City requires that parking lots are paved.

Pierre Serafin, also from U.F.S., stated that most of the parking historically occurs on the streets.

In discussion with Commissioner Jackson regarding if the parking area had been used as a parking lot and the establishment was always a bar, Deputy Liquor Commissioner Turner stated it had always been a bar and the area had always been empty and not used as a parking lot.

Mr. Wiegand agreed that the parking area had never been used a parking lot, that the parking occurred on the street or in the U.F.S. parking lot. He stated there is no parking around the building at 1801 SW Adams.

In discussion with Ms. Avila regarding paving the parking lot, Mr. Serafin stated it depended upon the City's ordinance and they would have a problem getting 30 parking spaces in that lot.

Mr. Serafin also stated that they had complaints about the patrons parking in the U.F.S. parking lot. He indicated he had been in their building 41 years and the history of the building across the street was that a business has only lasted about two years. He indicated he had no problem with them opening the business but, just like U.F.S. was mandated by the City to have proper parking, he hoped this new business would be treated the same.

In further discussion with Commissioner Jackson, Mr. Serafin stated that when the U.F.S. parking lot is full, they have an overflow parking lot on Washington Street, where they own the whole block.

Ms. Avila stated the owner of the building she was renting had stated that the area behind the building was a parking lot, whether it had been used or not, and she would have no problem getting it paved and marked. She added that there is also parking on the street.

Mr. Serafin stated there were only six parking spaces on Adams Street because the rest of the area had "No Parking" signs that had been placed by the City.

Attorney Williams stated that the applicant would need to go through the Zoning Department to make sure the lot in question was actually a legal parking area. She added that it would also have to be paved, striped according to Code, and have the required handicap spaces.

Commissioner Arndt suggested the applicant go to the One Stop Shop held on Mondays in the City's Planning Department where all the issues could be addressed.

In discussion with Commissioner Jackson regarding why Planning had not given the applicant this information, Attorney Williams stated that parking issues are usually triggered by complaints from neighbors.

Commissioner Arndt also indicated that the applicants may want to get a letter to present from the landlord stating that the additional lot across the alley can be used by their customers.

In response to Commissioner Cassidy questioning if, in the ordinary course of an application, Planning & Growth Management checks on adequate parking, Attorney Williams stated she could not tell from the Planning & Growth Management memo whether the parking situation had been checked.

In response to Commissioner Jackson regarding parking requirements at the time the initial liquor license was granted, Attorney Williams stated that it may have met the requirements at that time, but now any time there is a new site application with any changes, that is supposed to be the mechanism to trigger all departments to check and ensure all current Code requirements are met.

Commissioner Cassidy stated that under the Ordinance, one of the things the Commission is supposed to consider is parking and if there is inadequate parking, it is presumed the Zoning Department addresses it. He added that because they did not address it in their memo, generally speaking, it would be assumed that parking was ok. He indicated that every time a problem comes up, he does not want to assume it was addressed by a lack of any comment when it was not.

Commissioner Arndt stated that if the square footage of the business had not changed, the parking would not have changed because it is based on the square footage of the business.

In discussion with Mr. Serafin regarding expanding the square footage of the business, Ms. Avila stated the bar and entertainment area would be inside the building at 1801 and 1803 would house the kitchen, storage, and a pool table and video games. Ms. Avila stated that 1803 had always been a part of 1801, it was all one building.

Fire Captain McGann stated that the only information they had received was on the building at 1801 SW Adams, that nothing had been received on 1803 SW Adams. He stated that if 1803 was part of the business, the Code requirements for capacity, fire safety requirements and parking would change.

Ms. Avila stated the owner had this building and it had been a bar since 1976. She said it is one big building with two doors, one says 1801 and the other says 1803. She said the inside has no divider inside. She said the bar was in 1801 and the restrooms are in 1803.

Mr. Wiegand stated that his concern and objection was about parking and that her customers not use the U.F.S. parking lot. He also stated that the property had not been kept up over the years, referring to the pictures.

Commissioner Cassidy stated that the Zoning Department made no objection to this request and it is their job to check into that. He indicated he did not know if adjacent curbside parking counts towards required parking.

Mr. Wiegand stated as a neighbor they have the right to an objection and the City owed U.F.S. the responsibility to look into that objection.

In discussion with Commissioner Cassidy, Attorney Williams stated that this Subclass application does not go to Council, that it is approved or not approved by the Liquor Commission based on the Commission's recommendation.

Deputy Liquor Commission Turner stated that after the problems with Gaslight on Main, if there were concerns with this subclass he would rather not have it be approved without addressing those concerns first.

Ms. Avila stated that she had plans to open November 11.

Inspector Stevens stated that the applicant had a lot of work yet to be done to come up to Code, especially in the kitchen. He explained that if they were just microwaving, they needed nothing new, but if they were frying or grilling, anything that produced grease vapors, they needed a lot of things to come up to Code.

Capt. McGann stated that if there is deep frying, they would also need a fire suppression unit.

In discussion with Commissioner Cassidy regarding the Inspections report which listed 5 things that needed to be taken care of, Ms. Avila stated that she had not seen this list. He stated that he was inclined to defer this application for a month to make sure that each City department had done their job in giving a proper report.

Ms. Avila stated she was not aware of the problems and that the inspectors had not talked with them to let them know what needed to be done before they could open.

Inspector Stevens stated that he had talked with a gentleman when he had come to the establishment. He indicated that the problems listed with the kitchen depended upon if they were just going to microwave pizzas or if they were going to be frying food. If they were going to be using fryers, they would need to install a new hood to bring the kitchen up to Code.

Commissioner Cassidy said that as inconvenient as it may be, at most they would be open for three weeks before another Liquor Commission Meeting was held so rather than approving something that cannot be pulled later, he would like to defer this application and ask the Zoning Department to report back before the next meeting. He added that if he does not get a new Zoning Department report, he will assume that the parking situation is fine.

Commissioner Cassidy made a motion to defer this application for a Subclass 2 (live entertainment) Liquor License until the December 6, 2010 Liquor Commission Meeting with a request for a supplemental Zoning Department report clarifying the parking issue; seconded by Commissioner Arndt.

In discussion with Commissioner Jackson regarding putting up barriers for this business, Deputy Liquor Commissioner Turner stated he was in favor of the deferral to make sure the i's are dotted and all the t's are crossed and nothing that could become a problem is overlooked.

Chairman McCabe explained that they can open with a Class A (tavern) Liquor License, but it would just be the Subclass 2 (live entertainment) License that would be deferred.

Yeas: Arndt, Cassidy, Jackson, McCabe, White – 5;  
Nays: 0.

Chairman McCabe stated this would be heard at the next Liquor Commission Meeting.

#### **IV. UNFINISHED BUSINESS**

There was no unfinished business presented at this meeting.

**V. NEW BUSINESS**

There was no new business presented at this meeting.

**VI. NEXT SCHEDULED MEETING**

The next scheduled regular meeting of the Liquor Commission is Monday, December 6, 2010.

**VII. ADJOURNMENT**

Commissioner Arndt moved to adjourn the meeting; seconded by Commissioner White.

Approved by *viva voce* vote.

The Liquor Commission Meeting adjourned at 4:21 p.m.

---

*Kristin Cannaday-Stash, Secretary*