

**MINUTES OF THE CITY OF PEORIA**  
**LIQUOR COMMISSION**  
**January 3, 2011**

A meeting of the City of Peoria Liquor Commission was held in Room 404, City Hall, Peoria, Illinois, on January 3, 2011, 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; Fire Inspector Dan McGann; Building Inspector Jim Stevens; Gene Lear, Senior Urban Planner; Kristin Cannaday-Stash, Commission Secretary, 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 Arndt moved to approve the Minutes of the December 6, 2010 Liquor Commission Meeting; seconded by Commissioner Cassidy.

Approved by roll call vote:

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

Nays: 0

**III. LIQUOR SITE APPLICATIONS**

Because the first applicant was late, Chairman McCabe called the applicants for 11-3 – The 3 Devils, Inc. d/b/a La Copacabana to the Floor.

**11-3 (10-31) The 3 Devils, Inc.**

**d/b/a La Copacabana**

**1801 SW Adams Street**

**Has: Class A (tavern)**

**Requesting: Subclass 2 (live entertainment)**

Lisa Avila, owner, presented the application for the Subclass 2 (live entertainment) license to be added to her Class A (tavern) Liquor License.

Chairman McCabe stated that since the clarification from the Zoning Department, the additional parking was no longer an issue even though the owners of UFS had expressed concern.

In further discussion, Ms. Avila stated they were open now as a tavern and were seeing new business each week and they had encountered no problems with the parking.

Commissioner Jackson stated that the burden was being put on the wrong party and this applicant has the rights to have this license without the parking. He added that this applicant

should tell their customers not to park in the UFS parking lots and then it is up to customers and UFS to enforce.

In discussion with Tom Wiegand from UFS, Chairman McCabe explained that this applicant does not need the additional parking as was previously stated in a report from the Planning Department.

Gene Lear, Sr. Urban Planner from the Planning Department, stated he was the author of that report and had inadvertently left out the word “not” in his report regarding the Land Development Code. He indicated the report should have read that, “The Land Development Code does **not** consider going from a tavern to a tavern with live entertainment as a change of use.” He apologized for the confusion and went on to explain that if there is not a change of use, it would not require providing more parking because this site would be “grandfathered in.”

He stated that this site had originally been a grocery store in the ‘30s and had been a tavern since the ‘40s. Because it had been passed on as a tavern to a tavern, it had been established as an existing legal non-conforming use of this site (grandfathered). As long as the building is not expanded with an addition or the use changes, it is not required to have additional parking.

In discussion with Mr. Wiegand, Mr. Lear stated that if it changes to a restaurant then the parking issue would come into play.

Attorney Williams reiterated from the last Commission Meeting that if this was a change of Class from an A (tavern) to a B (restaurant), then the establishment would have to come into conformity with the current Codes, whether or not it is grandfathered in. She also stated that even though there is no such language for the Subclass license to come into conformity, this Commission is not barred from considering the lack of parking or any other difficulty as a factor for a denial.

Hearing no more questions, Chairman McCabe called for the vote.

A motion was made by Commissioner White to approve the addition of the Subclass 2 (live entertainment) to the Class A (tavern) Liquor License at 1801 SW Adams Street; seconded by Commissioner Jackson.

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

Nays: 0

Commissioner Jackson stated that, from the previous record, the applicant had said that getting the back lot paved and striped was not a real issue, so he would suggest they get that done in order to avoid future hassles.

**11-1      Laudco Inc.**  
**d/b/a to be named**  
**801-803 SW Adams Street**  
**Requesting:    Class A (tavern)**  
**Subclass 1 (4:00 a.m. closing)**  
**Subclass 2 (live entertainment)**

Attorney Sam Zabek and Danny Laud, owner, presented the site application for a Class A (tavern) Liquor License with a Subclass 1 (4:00 a.m. closing) license and a Subclass 2 (live entertainment) license.

In discussion with Chairman McCabe, Mr. Laud stated that the person putting this plan together wanted to name the business "Wheels" with a car theme inside.

In further discussion, Mr. Laud stated this would also be a different corporation, but for site approval they were using Laudco Inc.

Mr. Laud indicated there was about 2,350 s.f. inside the business, they planned to take out a stairway, and they would be using both booths and tables for their patrons. He stated it would be a bar with a very limited menu, such as microwave stuff and no kitchen. He added they would probably be open 6 days a week from 11:00 a.m. until 4:00 a.m., but they had not decided any of that yet and the hours would probably coincide with events at the ballpark which is right across the street.

In further discussion regarding parking issues with Commissioner Jackson, Mr. Lear stated this site is in the Warehouse District which has different zoning regulations. He said there are no parking requirements if the site is less than 12,000 s.f.. If it is over 12,000 s.f., the parking requirements are one space for every 1,000 s.f.

In further discussion with Commissioner Jackson regarding this regulation, Mr. Lear stated the City Council was trying to open up an area which previously had a lot of problems with development by lowering the requirements. He added that the Council had done the same thing with the downtown area, which has no parking requirements.

Commissioner Jackson expressed concern that the site application was devoid of real facts and stated he did not want another situation like at Banana's where they did not do what they had promised when they had applied.

In discussion with Commissioner Jackson about any recourse the City would have if the applicant does not do what they promise at site application, Attorney Williams explained there is no restriction on a Class A (tavern) stating they had to sell any food or any non-alcoholic beverages or that they are required to have a working kitchen. She stated that Banana's was a Class B-1 (restaurant, 25% food) and the applicant had stated they were going to sell food during regular business hours and she only served lunches and did not have an operating kitchen.

Attorney Williams stated that if this applicant decides to serve food, such as fried food that required a hood, and they do not have the required hood, that is a violation of the building code and the City will be able to charge the licensee and hold a hearing with a suspension, fine or revocation of their license.

Commissioner Jackson clarified that this is currently a book store so there would not be any of that kind of equipment in there now.

Mr. Lear stated that this particular use would also constitute a change of use and, as such, this applicant will have to go through the entire Site Plan Review process before they can operate.

Attorney Zabek and Mr. Laud stated they understood they would have to get all the necessary permits.

Hearing no more questions, Chairman McCabe called for the vote.

A motion was made by Commissioner Cassidy to recommend approval of the site application for a Class A (tavern) with a Subclass 1 (4:00 a.m. closing) and Subclass 2 (live entertainment) Liquor License for 801-803 SW Adams Street; seconded by Commissioner Arndt.

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

Chairman McCabe stated that this site application would be heard at the regular City Council Meeting scheduled for Tuesday, January 25, 2011.

**11-2                      Asia Grill**  
**d/b/a Asia Grill**  
**5832 N. Knoxville, #J**  
**Requesting:    Class G (restaurant, beer & wine only)**

Ms. Qi Huang Chen, owner, presented a site application for a Class G (restaurant, beer & wine only) Liquor License for 5832 N. Knoxville, #J, located in Junction City.

In discussion with Chairman McCabe, Ms. Chen stated her restaurant was located next to 309 in Junction City. She indicated they had about 1,700 s.f. with 13 tables for their patrons and their hours were Monday through Saturday from 10:30 a.m. to 10:00 p.m. and on Sunday from 11:00 a.m. until 9:00 p.m.

Commissioner Arndt stated this was an excellent restaurant.

Hearing no more questions, Chairman McCabe called for the vote.

A motion was made by Commissioner Arndt to recommend approval of the site application for a Class G (restaurant, beer & wine only) Liquor License for 5832 N. Knoxville, #J; seconded by Commissioner Jackson.

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

Chairman McCabe stated that this site application would be heard at the regular City Council Meeting scheduled for Tuesday, January 25, 2011.

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

The application under Unfinished – The 3 Devils d/b/a La Copacabana - was heard earlier in this meeting.

#### **V.            NEW BUSINESS**

No new business was presented at this meeting.

#### **VI.            NEXT SCHEDULED MEETING**

The next scheduled regular meeting of the Liquor Commission is Monday, February 7, 2011.

**VII. ADJOURNMENT**

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

Approved by *viva voce* vote.

The Liquor Commission Meeting adjourned at 3:57 p.m.

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*Kristin Cannaday-Stash, Secretary*