



**LIQUOR & TOBACCO ADVISORY BOARD**  
**Tuesday, August 16, 2016**  
**6:00 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Minutes on Website:** <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/liquor-and-tobacco-advisory-board.aspx>

**Present:**

**ZBA Members:** Alicia DiBenedetto-Neubauer  
Tom Fabiano  
Kimberly Wheeler-Johnsen  
Dan Roszkowski  
Scott Sanders  
Craig Sockwell

**Absent:** Melissa Luciani-Beckford

**Staff:** Scott Capovilla – Zoning and Land Use Administrator  
Marcy Leach - Public Works  
Angela Hammer - Assistant City Attorney  
Lafakeria Vaughn - Assistant City Attorney  
Tim Morris - Fire Department

**Others:** Alderman Teena Newburg  
Kathy Berg - Court Stenographer  
Applicants and Interested Parties

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Scott Capovilla 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 will 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 to the Zoning Board of Appeals 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, August 22, 2016, at 5:30 PM in City Council Chambers 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 the Zoning Office for any further information and the 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 6:10 PM. A **MOTION** was made by Alicia DiBenedetto-Neubauer to **APPROVE** of the minutes from the July 19, 2016 meeting. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 5-0 with one abstention by Kimberly Wheeler-Johnsen.

A **MOTION** was made by Alicia DiBenedetto-Neubauer to **APPROVE** of the minutes from the June 29, 2016 meeting. The Motion was **SECONDED** by Kimberly Wheeler-Johnsen and **CARRIED** by a vote of 5-0 with one abstention by Scott Sanders.

**016-LTAB-010**

Applicant  
Ward 10

**280 North Phelps Avenue, Unit C**

Maria Luisa Vital & Richard Vital d/b/a Rich's Slots Inc.

**Sale of beer and wine by the drink** in conjunction with bar, food, and entertainment and a video gaming facility in a C-3 General Commercial Zoning District.

The Applicants, Maria Luisa Vital & Richard Vital presented the application for 016-LTAB-010. Mr. Vital stated that they would like to open a restaurant where they serve a variety of food and drink. There were food menus and diagrams provided for the board members as a visual aid. Mr. Vital explained the layout of the restaurant where there would be a full kitchen with an office and bathrooms for men and women. Mr. Vital stated that they are working with an architect named Scott Long to lay out the blueprints of the restaurant where they would have to install a water heater unit, grease trap, kitchen sinks, and bathrooms. Mr. Vital stated that they are willing to comply with all building codes. The Rock River Water Reclamation District approved the man hole that is in the back of the property.

Kimberly Wheeler-Johnson asked if the bathrooms were in the rear of the restaurant, and Mr. Vital confirmed that there would be a women's bathroom with four stalls and a men's bathroom with two stalls and two urinals. Scott Sanders asked what the applicant's experience was with the restaurant business. Mr. and Mrs. Vital responded that they have some minor experience from helping friends. Mrs. Vital has had some experience in the food industry from Mexico, but not in the United States. The applicant added that they would manage the restaurant and hire cooks to prepare the food. Angela Hammer asked if the applicant had any updated information on the figures of food and liquor sales. Mr. Vital responded that they would have 50% sales in food, 10% sales in liquor, 10% sales merchandise and souvenirs, 30% sales in gaming. Mr. Vital added that the hours of operation for the restaurant would be 10am-12am seven days a week. Scott Sanders asked how the applicant came up with the estimate of 30% sales in gaming. Mr. Vital responded that they had asked a few local restaurants in Belvidere what their estimated sales in gaming was, and the restaurant owners responded that the average sales in gaming was 30%. Mr. and Mrs. Vital decided to also use that figure of 30%. Angela Hammer asked how the applicant determined the figure of 50% sales in food. Mr. Vital responded that the restaurant next door mostly has food sales and the rest is liquor, therefore they would like to focus on food sales, as well. Mr. Vital added that their only neighbor in the area is Oscars and all other location are a stop light or two away. There was discussion between all board members that the plan for this restaurant needs to meet the conditions and have a more flushed out plan before approval.

There was no other Objectors or Interested Parties present.

A **MOTION** was made by Alicia DiBenedetto-Neubauer to **DENY** Sale of beer and wine by the drink in conjunction with bar, food, and entertainment and a video gaming facility in a C-3 General Commercial Zoning District. The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 6-0.

**016-LTAB-014**

Applicant  
Ward 01

**6090 East State Street**

Portillo's Hot Dogs, LLC

**Sale of beer and wine** in conjunction with a restaurant in a C-2, Limited Commercial Zoning District.

The Applicant, Tim Wendt who is the General Manager of Portillo's Hot Dogs, presented the application for 016-LTAB-015. Mr. Wendt stated that having a liquor license is not a right, but a privilege. Mr. Wendt added that all staff serving liquor would be 21 and older as well as trained prior to handling the sale of liquor. The applicant also added that there are thirty-two Portillo's Hot Dogs locations in Illinois that serve liquor, seven locations are pending liquor licenses, and there is one location pending liquor license in Indiana. The applicant would not serve liquor through the drive thru, neither would they allow consumption of liquor on the outdoor patio. Mr. Wendt added that there would be signage stating where there is no liquor consumption permitted and also staff that would monitor those areas.

Angela Hammer asked the applicant if he had a chance to review the staff recommendations for the liquor license. Mr. Wendt confirmed that the recommendations had been reviewed and they are willing to comply with all staff recommendations. Scott Sanders asked if there would be any video gaming taking place in the business. Mr. Wendt replied that there would be no gaming. Alicia DiBenedetto-Neubauer asked why they did not present this to the board when the establishment was built. Mr. Wendt replied that they wanted to create revenue through food sales before starting the sale of liquor. Mr. Wendt added that establishment this will add to the atmosphere of the restaurant.

There was no other Objectors or Interested Parties present.

A **MOTION** was made by Craig Sockwell to **APPROVE** Sale of beer and wine in conjunction with a restaurant in a C-2, Limited Commercial Zoning District. The Motion was **SECONDED** by Scott Sanders 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. Submittal of a revised interior floor plan to include tables and seating for Staff review and approval.
4. The sale of beer and wine shall be limited to the revised interior floor plan approved by Staff.
5. The hours of operation will be limited to 10:30 am to 10:30 pm Monday through Thursday.
6. The hours of operation will be limited to 10:30 am to 11:00 pm Friday through Saturday.
7. The hours of operation will be limited to 10:30 am to 10:00 pm Sunday.
8. Window display signage is limited to 20% of window area.
9. The restaurant shall not have a cover charge.
10. The restaurant shall not have a dance floor.
11. The restaurant shall not have any DJ's.
12. The restaurant shall not operate as a nightclub.
13. As proposed within the applicant's proposal, the proposed use and restaurant is prohibited from having any video gaming machines.

**016-LTAB-015**

Applicant  
Ward 12

**3402 and 3412 North Main Street and 1111 Halsted Road**

Jeffery Rehberger / Lacey's Place LLC Series Rockford d/b/a/ Lucky Penny's  
**Sale of beer and wine by the drink** in conjunction with specialty food and a video gaming facility in a C-2, Limited Commercial Zoning District.

The Applicants, Brian Sterbenz and Jeffery Rehberger of Lucky Penny's presented the application for 016-LTAB-015. Mr. Sterbenz proposed a fresh deli restaurant with craft beer and handpicked wine. Mr. Sterbenz added that they are not looking to be a liquor store, but rather serve packaged food along with the beer and wine. Mr. Sterbenz also added that there have been building plans submitted to Community and Economic Development Planning and Zoning divisions for the build out of the restaurant. The applicant stated that the plans are contingent on the liquor license for the business. Mr. Sterbenz also touched on the staff recommendations for the landscaping and lay out of the establishment, and they plan to demolish the awning to create more space. They are willing to comply with staff recommendations, building codes, and requirements. The hours of operation for the establishment will from Monday through Saturday from 6am-2am and Sundays 9am to 2am dependent on the liquor license.

Angela Hammer asked for the breakdown of sales of the business. Mr. Sterbenz replied that the information was on the cover letter of the application; there will be 50% in food sales, 10% in liquor sales, and 40% in gaming sales. Angela Hammer asked when the food service hours would be. Mr. Sterbenz replied that the food service hours would be from when they open to when they close. He added that their food would be a healthier alternative to a fast food option. Scott Sanders asked if the interior photographs provided were from Lucky Bernie's, another restaurant in Spring Grove, IL. Mr. Sterbenz confirmed that the photographs and diagrams provided were based off their other location in Spring Grove, Illinois.

There was no other Objectors or Interested Parties present.

A **MOTION** was made by Scott Sanders to **APPROVE** Sale of beer and wine by the drink in conjunction with specialty food and a video gaming facility in a C-2, Limited Commercial Zoning District. The Motion was **SECONDED** by Kimberly Wheeler-Johnsen and **CARRIED** by a vote of 5-1 with Alicia DiBenedetto-Neubauer voting NAY.

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. Submittal of a revised site and landscaping plan for Staff review and approval.
4. The sale of alcohol shall be limited to the area shown on the interior site plan.
5. Hours of operation are Monday through Saturday 6:00 am to 2:00 am and Sunday from 9:00 am to 2:00 am.
6. Window display signage is limited to 20% of window area.
7. The restaurant shall not have a cover charge.
8. The restaurant shall not have a dance floor.
9. The restaurant shall not have any DJ's.
10. The restaurant shall not operate as a nightclub.

With no further business to report, the meeting was adjourned at 7:04pm.

Respectfully Submitted,  
Rachel A. Benson, Senior Office Assistant  
City of Rockford Department of Community & Economic Development