

STATE OF ILLINOIS)
)
COUNTY OF DUPAGE)
)
CITY OF NAPERVILLE)

**PETITION TO THE NAPERVILLE CITY COUNCIL AND PLAN COMMISSION FOR
DEVELOPMENT APPROVAL**

THE UNDERSIGNED Petitioner (hereinafter “the Petitioner”) respectfully petitions the City of Naperville (the “City”) to (i) grant a variance to eliminate a bypass lane at the property located at 1200 E. Ogden Avenue, Naperville, IL 60563 (“Subject Property”), (ii) grant a sign variance, and (iii) grant such other variances, departures or deviations as may be necessary to develop the Subject Property legally described on **Exhibit A** as depicted on the plans submitted herewith pursuant to the appropriate provisions of the Naperville Municipal Code, as amended (hereinafter the “Code”).

BACKGROUND INFORMATION

1. The Petitioner, Who Brew IL I, LLC, a Delaware limited liability company, with a registered office located at 100 Powell Place, #1230, Nashville, TN 37204, is the lessee of the Subject Property.
2. The Subject Property is owned by Naperville Ogden, LLC, an Illinois limited liability company, with a registered office located at 445 Jackson Avenue, Naperville, IL 60540.
3. The Subject Property consists of one (1) lot totaling approximately .58 acres located at the southeast corner of Ogden Avenue and Iroquois Avenue in Naperville, IL.
4. The Subject Property is situated near a busy intersection with easy access from Iroquois Avenue off of Ogden Avenue.
5. The Subject Property was previously occupied by a one-story bank building which has

been vacant for some time now.

6. The Petitioner wishes to demolish the existing bank building and redevelop the Subject Property with a 7 Brew drive-thru coffee shop.

7. The existing land uses surrounding the Subject Property are as follows:

- a. North: “B-2” & “B-3” (Shopping Centers – Panera, CVS, Citibank, Costco, H-Mart, Dollar Tree, Planet Fitness, DuPage Medical Group)
- b. East: “B-3” (Gerald Collision Center)
- c. South: “B-3” (Office Park)
- d. West: “B-3” (Office Park)

SUMMARY OF DEVELOPMENT

The Subject Property consists of .58 acres currently zoned “B-3” (General Commercial District) formerly occupied by Bank Financial. The location of the Subject Property and adjacent uses make it ideal for redevelopment as a neighborhood convenience use. The Subject Property is located at the intersection of Ogden Avenue and Iroquois Avenue, adjacent to shopping centers whereby thousands of motorists travel each day. Overall, the surrounding uses include a vibrant mix of retail, office, service retail, restaurants, and fast food, as well as two grocery stores.

Who Brew IL I, LLC, intends to redevelop the Subject Property as a 7 Brew drive-thru coffee shop. There are currently 156 7 Brew coffee shops operating in 25 states, with 5 of those locations in downstate Illinois. 7 Brew’s focus on a variety of premium hand-crafted beverages and providing exemplary service in a high energy atmosphere sets it apart from other shops and allows an efficient experience for the customer. Redevelopment of the Bank Financial site to a 7 Brew, consistent with the City planning objectives, will transform the vacant building into an in-

demand sales tax generating convenience use, in turn providing a source of tax revenue for the City while enhancing the appearance of a busy intersection consistent with the City's objectives for the East Ogden Corridor.

The proposed architecture features a modern design as well as innovative site design which will not only provide for an enhanced visual impression but will also improve upon the overall property values in the neighborhood and recent investments in the East Ogden Corridor. The building has been designed with architectural detail as well as quality materials including masonry facades along with metal accents and a decorative canopy. These features have been carried through on all four sides of the building and are utilized in ways that fit within the context of the development. Consistent with the City's design guidelines, landscape enhancements will include a consistent theme of parkway trees, ornamental plantings, and shrubs throughout the entire development. To avoid unsightly dumpsters, the trash enclosure will be hidden from sight, fully enclosed with complementary materials. Additionally, at staff's request, the Petitioner will be removing the existing unsightly pole sign and replacing it with an attractive monument sign in conformance with the City's standards. The end result is a development allowing the Subject Property to be utilized in a manner that is compatible with the surrounding environment and to its highest and best use while enhancing the City's real estate and sales tax base, providing convenience to the surrounding area, and once again improving the aesthetics of the Ogden Avenue corridor.

With regard to site access and circulation, primary access to the site will be from Iroquois Avenue, just off of Ogden Avenue, which is a major arterial. There is an existing stoplight at the Ogden Avenue and Iroquois Avenue intersection which provides for efficient traffic circulation. No access is planned or requested directly from Ogden Avenue. Internal site circulation will

follow the same general pattern as the prior bank use, including the general location of the drive-thru and circulation lanes. 7 Brew is known for its highly efficient drive-thru process which includes the use of two drive-thru lanes and order takers personally interacting with their customers and entering the orders early on in the process so that by the time the customers arrive at the pickup window their drinks are ready.

CITY OF NAPERVILLE COMPREHENSIVE PLAN

The City's Comprehensive Plan ("Comprehensive Plan") relative to this specific area of the community known as the East Sector Update encourages both redevelopment compatible with surrounding uses and commercial development.

REQUIRED DEVELOPMENT ENTITLEMENTS – B3 ZONING DISTRICT

1. The Petitioner seeks a variance to eliminate a bypass lane.
2. The Petitioner seeks a sign variance.

VARIANCE TO ELIMINATE A BYPASS LANE

- a. The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan; and*

The variance to eliminate the bypass lane is consistent with the intent of this title and the adopted comprehensive plan. Granting the bypass lane variance will allow for the efficient utilization of the Subject Property and provide for the redevelopment of the Subject Property consistent with the Comprehensive Plan which anticipates future retail uses along the East Ogden Corridor as well as additional investment in this area of town as a priority. As stated above, the Petitioner is proposing to repurpose the property with a drive-thru configuration that is very similar to the prior configuration and circulation route.

- b. Strict enforcement of this Title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district; and*

The property is limited in size and functionality at only .58 acres. Accordingly, the proposed 7 Brew drive-thru shop is one of the few uses that could be accommodated on the Subject Property while also enhancing the surrounding area. Other than the requested bypass lane variance and sign variance below, the Petitioner is meeting all City Code requirements, including setback and parking requirements. Additionally, the Petitioner is using the same parking lot, circulation and drive-thru configuration that has existed for decades in order to successfully repurpose the Subject Property with a vibrant use. Lastly, the Petitioner is proposing a dual lane drive-thru configuration and highly efficient ordering procedure which minimizes the need for a bypass lane. Accordingly, strict enforcement of this title would result in the need for a parallel pavement section adjacent to the dual drive-thru lane system which would serve little, if any, purpose while also severely hindering the Petitioner's ability to move forward with the proposed redevelopment of the Subject Property.

c. The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

The variance to eliminate the bypass lane will have no negative effect on the essential character of the neighborhood and will not be a substantial detriment to the adjacent property. Vehicles wishing to access the building will access the drive-thru from the internal north/south circulation drive that exists today. 7 Brew's efficient ordering and fulfillment system ensures that traffic moves quickly through the two drive-thru lanes. The option of moving over to an open lane, combined with quick order fulfillment, results in customers who change their minds not waiting long to get past the pickup window and back to the entrance. This condition is similar to other drive-thrus in town such as Portillo's and Starbucks, which function very well.

Additionally, the variance, if granted, will provide for continued improvement and investment in the East Ogden Avenue corridor with appealing uses.

SIGN VARIANCE FROM CODE SECTION 6-16-5 TO ALLOW FOR ADDITIONAL 5 SQUARE FEET OF DIRECTIONAL SIGNAGE ON THE BUILDING’S WEST FAÇADE

- a. *The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan; and*

The requested variance is for a directional sign located on the west façade stating “Drive Thru Coffee” with arrows and measuring 5 square feet. The sign variance is in harmony with the intent of this title and the adopted comprehensive plan. The variance will allow the Petitioner to redevelop the Subject Property with a design consistent with its other locations for brand identity and complementary to the surrounding area. 7 Brew’s model is based on moving cars through the drive-thru lanes efficiently, and signage expressing the direction of traffic is important to keep cars circulating. The variance is consistent with the comprehensive plan which anticipates future retail uses along the East Ogden Corridor as well as additional investment in this area of town as a priority. The variance also enhances way finding and circulation through the property.

- b. *Strict enforcement of this Title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district; and*

Due to the minimal frontage on the west elevation, the allowed signage per Code is significantly less than a typical retail location. Providing signage that is Code-confirming would shrink the signage to be smaller than typical retail signage and not serve the purpose of making customers aware that the building is a 7 Brew coffee location and providing efficient circulation signage. Of note is that if the canopy was included in the building calculation, or if the directional signage was free standing, a variance would not be required.

- c. *The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.*

The variance will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property. The allowed signage by Code is minimal compared to other retail properties, and the amount of signage that is being proposed is in line with typical retail uses. The overall redevelopment of the site will complement the surrounding area and is consistent with the City's comprehensive plan.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission take the necessary steps to: (i) grant a variance to eliminate a bypass lane at the property located at 1200 E. Ogden Avenue, Naperville, IL 60563, (ii) grant a sign variance, and (iii) grant such other variances, departures or deviations as may be necessary to develop the Subject Property.

RESPECTFULLY SUBMITTED this 18th day of January, 2024.

PETITIONER:

Vincent M. Rosanova
Rosanova & Whitaker, Ltd.
Attorneys for the Petitioner

EXHIBIT A
LEGAL DESCRIPTION

LOT 1 IN EGIZIO-OGDEN AVENUE SUBDIVISION UNIT 4, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 13, 1984 AS DOCUMENT R84-100040, IN DUPAGE COUNTY, ILLINOIS.

PIN: 08-08-112-004

ADDRESS: 1200 E. OGDEN AVENUE, NAPERVILLE, IL 60563