

January 8, 2024

To: City Council Members, Mayor, and City of Naperville officials

Re: Request for Class C Liquor License variance

My name is Sandra Rocush. I and my partners, Rodney Perterson and Matthew Rocush, have been the owners of Pepe's Mexican Restaurant and La Cantina "The Can" for almost 9 years. We feel we have an outstanding reputation in Naperville, are known for our community service and involvement, and we have a perfect record at both the city and state levels related to our liquor license.

Due to the strip mall where we are located (1270 E Chicago Avenue) being purchased we are being forced to close or move because they plan to demolish the entire strip mall and have no other occupants except their grocery store.

The last 8 months spent looking for an affordable option to relocate our restaurant and bar in Naperville have been fruitless. Miss Kitty's Tavern (634 E Ogden Avenue) is an affordable option for us to move our bar La Cantina "The Can." Since there is no kitchen it would not be a restaurant at this time, just the Tavern. We plan to continue business as we have at our current location ie, same hours, etc.

This request is being made through the procedure outlined in Section 3-3-6 of the Naperville Municipal Code. We are committed to following all the prescribed protocols and meeting all the requirements throughout the process.

At the Naperville Liquor Commission meeting on January 4, the commission voted unanimously to approve our request for the Class-C Liquor License.

We truly want to stay in Naperville.

Thank you very much for considering this request. Should you require any additional information or have any questions please do not hesitate to contact me at 630-476-1082.

With warm regards,



Sandra L Rocush

Owner, Pepe's Mexican Restaurant and La Cantina "The Can"

President, ZSRM Inc.

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

PETITION TO THE NAPERVILLE CITY COUNCIL FOR VARIANCE APPROVAL

THE UNDERSIGNED Petitioner, ZSRM, Inc (“**Petitioner**”), respectfully petitions the City of Naperville to approve a variance to Section 3-3-11 of the City’s Municipal Code to operate a Class C – Tavern liquor license on the property located at 634 E. Ogden Avenue (the “**Subject Property**”) pursuant to the appropriate provisions of the Naperville Municipal Code, as amended (the “**Municipal Code**”).

BACKGROUND INFORMATION

1. Petitioner, will be the tenant of the Subject Property.
2. The owner of the Subject Property is KG Properties (the “Owner”).
3. The Subject Property consists of approximately 3,000 square feet located at 634 E Ogden Avenue, Naperville at the address commonly known as Miss Kitty’s Saloon.
4. The Subject Property has been occupied by a Tavern since 1974.
5. Petitioner desires to continue to operate a tavern on the Subject Property consistent with past uses.

**VARIANCE TO PERMIT A CLASS C TAVERN LICENSE IN A SHOPPING CENTER
THAT IS LESS THAN 60,000 SQUARE FEET**

The requested variance meets the requirements under Naperville Municipal Code and is appropriate based upon the following factors:

1. *The variance is in harmony with the general purpose and intent of the Liquor Control Ordinance and the variance is not precedent setting; and*

The variance is in harmony with the intent of the Liquor Control Ordinance and is not precedent setting. A tavern has existed on the Subject Property for almost 50 years. The variance request is to continue the use which has long existed on the Subject Property and the use predates the current requirement of a shopping center that exceeds 60,000. Accordingly, the variance request is not precedent setting and may be considered legally non-conforming.

2. *Strict enforcement of the Liquor Control Ordinances would result in practical difficulties due to special and/or unusual circumstances surrounding the property and circumstances substantially outside the petitioner's control; and.*

Strict enforcement of the code section requiring a center with over 60,000 square feet would result in the Subject Property no longer being used as a tavern which has existed for almost 50 years. The special circumstances in that the liquor control requirement of 60,000 square feet was codified long after the tavern existed on the Subject Property. This requirement is out of both the building Owner and tenant's control.

3. *The variance, if granted, will not alter the essential character of the liquor establishment or underlying liquor license requirements and will not be a substantial detriment to adjacent property.*


The variance will not alter the essential character of the liquor establishment or be a substantial detriment to the adjacent property. The tavern has existed on the Subject Property for almost 50 years and is a continuation of a use that existed before the 60,000 square foot code requirement was even put into effect. Additionally, the surrounding area is predominantly commercial in nature and will not be negatively impacted by the continuation of the existing use.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the City Council approve a variance to permit the Petitioner to operate a Class C – Tavern liquor license

on the Subject Property pursuant to the appropriate provisions of the Naperville Municipal Code,
as amended (the "Municipal Code").

RESPECTFULLY SUBMITTED this 8th day of January, 2024.

PETITIONER:



Sandra L Rocush

EXHIBIT A
Legal Description

Exhibit A

the "Real Property") located in DUPAGE County, State of Illinois:

PARCEL 1:

THE WEST 36 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTHERLY ON SAID SECTION LINE 499.62 FEET; THENCE SOUTH 88 DEGREES, 15 MINUTES EAST 1380.5 FEET; THENCE SOUTH 88 DEGREES EAST 825.33 FEET ALONG THE SOUTH LINE OF OGDEN AVENUE; THENCE SOUTH 7 DEGREES 30 MINUTES WEST 153 FEET; THENCE SOUTH 88 DEGREES EAST 413.25 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 88 DEGREES EAST 174.20 FEET TO THE WEST LINE OF WHEATON ROAD; THENCE SOUTH ALONG SAID WEST LINE 150 FEET; THENCE NORTH 88 DEGREES 08 MINUTES WEST 174.47 FEET; THENCE NORTH 7 DEGREES 30 MINUTES EAST 150 FEET TO THE POINT OF BEGINNING IN DUPAGE COUNTY, ILLINOIS.

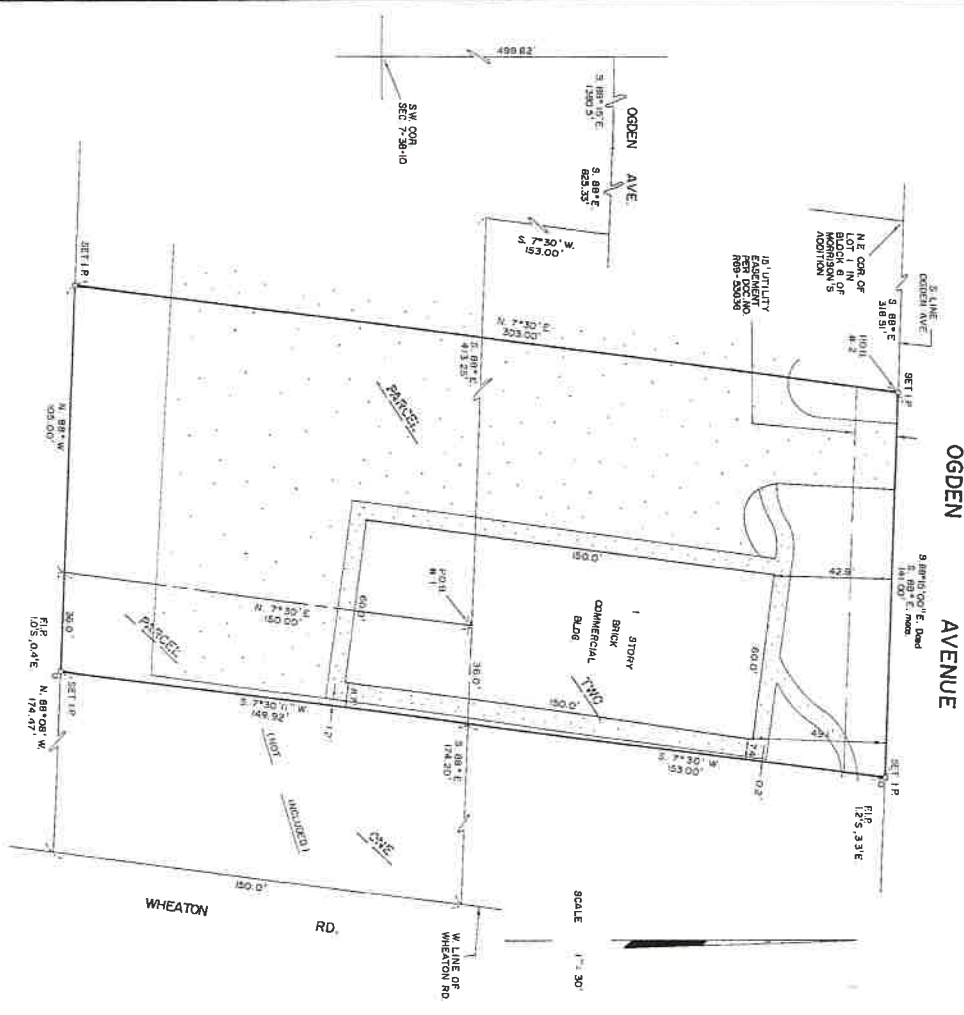
PARCEL 2:

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1 IN BLOCK 6 OF MORRISON'S ADDITION TO NAPERVILLE AS SHOWN BY PLAT RECORDED NOVEMBER 12, 1924 AS DOCUMENT 184806 IN DUPAGE COUNTY, ILLINOIS; THENCE SOUTH 88 DEGREES EAST ALONG THE SOUTH LINE OF OGDEN AVENUE 316.51 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 15 MINUTES EAST ALONG SAID SOUTH LINE 141 FEET; THENCE SOUTH 7 DEGREES 30 MINUTES WEST 153 FEET; THENCE WEST PARALLEL WITH SAID SOUTH LINE OF OGDEN AVENUE 36 FEET; THENCE SOUTH 7 DEGREES 30 MINUTES WEST 150 FEET; THENCE NORTH 88 DEGREES WEST 105 FEET; THENCE NORTH 7 DEGREES 30 MINUTES EAST 303 FEET TO THE POINT OF BEGINNING IN DUPAGE COUNTY, ILLINOIS.

The Real Property or its address is commonly known as **626-640 E. OGDEN AVE., NAPERVILLE, IL 60540.**

PLAT OF SURVEY



PARCEL ONE: 0.0 FEET OF THE FOLLOWING DESCRIBED PROPERTY: COMMENCING AT THE WEST 30.0 FEET OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE THIRD PRINCIPAL MERIDIAN, THENCE NORTHEASTLY ON SAID SECTION LINE 499.62 FEET; THENCE SOUTH 08° 15' EAST 1300.50 FEET; THENCE SOUTH 08° 15' EAST 929.33 FEET ALONG THE SOUTH LINE OF OGDEN AVENUE; THENCE SOUTH 7° 30' EAST 174.47 FEET; THENCE SOUTH 88° 00' WEST 174.47 FEET TO THE WEST LINE OF WHEATON ROAD; THENCE SOUTH 88° 00' WEST 174.47 FEET; THENCE NORTH 08° 00' WEST 174.47 FEET; THENCE NORTH 7° 30' EAST 150.00 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PARCEL TWO: THAT PART OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 28 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 7, THENCE SOUTH 7° 30' EAST 150.00 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

STATE OF ILLINOIS)
 COUNTY OF KANE)
 I, MICHAEL C. ENSALACO, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2760, DO HEREBY CERTIFY THAT THIS PLAT SHOWS A CORRECT REHEARSMENT OF THE SURVEY DESCRIBED HEREIN AND WAS MADE ON 10/10/19, 1996, DATED AT AURORA, ILLINOIS ON 10/10/19.

Michael C. Ensalaco



TODD SURVEYING
 EDM & ASSOCIATES, INC.
 425 W. GALENA BOULEVARD
 AURORA, IL 60504-1308

FILE: 4000008-422-T REV: 1

**CITY OF NAPERVILLE - COMMUNITY SERVICES DEPARTMENT
LIQUOR/TOBACCO**

Paid By: Pepe's Mexican Restaurant Date: 1/8/24
 Business Name: _____

Amount	Account	Code
\$	B.A.S.S.E.T. Training 421105	CSD005
\$	Cigarette/Tobacco 421104	CSD009
\$	Tobacco/Liquor Fine 452103	CSD006
\$ 400 -	Liquor License/Outdoor Seating 421103	CSD007
\$	Fingerprints/State 228299	CSD020
\$	Police Fingerprints 440106	PL004
\$ 400 -	TOTAL	

Cash Check Credit Card

B.A.S.S.E.T. TRAINING

Your Scheduled BASSET class date is:

Wednesday _____ / _____ / 20____

Sign-in begins at 10:30 am (Class begins at 11:00 am)

Sign-in begins at 5:00 pm (Class begins at 5:30 pm)

Classes are held at the Municipal Center, 400 S Eagle Street in Council Chambers (corner of Eagle St. and Aurora Ave.)

If you are unable to attend your scheduled class, please call the Community Services Department at (630) 305-5300 No later than 2 business days before class

Limited Parking is available at the Municipal Center for daytime classes

Unlimited Parking is available at the Water Street Parking Garage behind Hotel Indigo on levels 3 - 6.

Online BASSET Class

FINGERPRINTING

Please call the NPD Records Dept. (630) 420-6157 to make your Fingerprinting Appointment.

Fingerprinting is done Monday - Friday ONLY and by appointment ONLY.

You will need to present this receipt to the Naperville Police Department located at 1350 Aurora Ave. (corner of Aurora Ave and River Road)

Notes or Name(s) of those being fingerprinted:

ONLINE BASSET INFORMATION: Please allow 2 business days for the Naperville Online B.A.S.S.E.T. course to be sent to you through a program named PowerDMS. This link will be active for 1 week. You will receive an e-mail from ALERTSERVICES asking you to create a username and password. Depending on your email settings, this may be sent to your junk or clutter folders. Once you have created your username and password, you will be prompted to begin the B.A.S.S.E.T. course. You have one week to complete the course.

DISCLAIMER: Acceptance by the City of Naperville of the liquor license renewal application fee does not guarantee the applicant a liquor license. Applicants are required to meet all criteria to be eligible for the renewal of its liquor license.