

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

**PETITION TO THE NAPERVILLE LIQUOR COMMISSION AND CITY COUNCIL
FOR VARIANCE APPROVAL**

THE UNDERSIGNED Petitioner, Buttermilk Naperville, Inc., an Illinois corporation (“**Petitioner**”), respectfully petitions the City of Naperville to approve a variance to Section 3-3-11 of the City’s Municipal Code to permit Petitioner to operate a Class D – Package Store license on the property located at 1715 Freedom Dr., Suite 117 (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 Owl Nest Investments, LLC (the “Owner”).
3. The Subject Property consists of approximately 5200 square feet located at 1715 Freedom Drive, Suite 117 Naperville within the Freedom Commons shopping and eating center.
4. The Petitioner has occupied the Subject Property since 2018 continuously.
5. The Freedom Commons includes a variety of uses, including Cooper’s Hawk Winery & Restaurant, Fidelity Investments, Old Town Pour House, Morton’s The Steakhouse, White Crane Retro Thai & Sushi, fitness uses, professional suites, medical suites, and other dine-in restaurants.
6. Overall, the Freedom Commons consists of approximately 160,000 square feet.
7. City Code permits one Class D – Package Store license in a shopping center containing not less than 60,000 square feet.

8. Cooper's Hawk Winery & Restaurant holds a Class D and focuses on wine sales for their in house brands.
9. Petitioner desires to sell co-branded spirit bottles, the same spirits that are being used to already making cocktails for on premise consumption.
10. Petitioner is a family owned company with three locations in the Chicagoland area, with a fourth location opening soon, and is focused on serving good food at competitive prices while providing excellent customer service.

**VARIANCE TO PERMIT A SECOND CLASS D – PACKAGE STORE LICENSE IN A
SHOPPING CENTER THAT IS MORE THAN 60,000 SQUARE FEET**

The requested variance meets the requirements under Naperville Municipal Code and is appropriate based on 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 purpose of the 60,000 square foot requirement is to avoid a multitude of package liquor stores in the same shopping center. In this instance, there is currently a Cooper's Hawk Winery & Restaurant in the Freedom Commons center that sells wine from their private label brand. Petitioner intends to offer co-branded spirits that are already being used in mixing cocktails for on premise consumption. This will enhance the customer experience and provide an additional opportunity for shoppers while also enhancing the City's sales tax base. The variance will permit a experience-driven customer service approach for Bassett Certified employees.

2. *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 the adjacent property.*

The variance will not alter the essential character of the liquor establishment or be a substantial detriment to the adjacent property. Petitioner does not intend to expand on premise sale beyond a limited footprint within the Subject Property and intends to continue as a full service restaurant. The variance will allow for expanded sales opportunities while focusing on providing exceptional service to their customers. Additionally, the surrounding area is predominantly commercial in nature and will not be negatively impacted by expanded the on premise sale opportunity. Lastly, at approximately 160,000 square feet the Freedom Drive center far exceeds the City's 60,000 square foot shopping center requirement for a Class D – Package Store License.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests that the City Council approve a variance to permit Petitioner to operate a Class D – Package Store license on the Subject Property pursuant to the appropriate provisions of the Naperville Municipal Code.

RESPECTFULLY SUBMITTED this 6th day of March, 2025,

PETITIONER:

Buttermilk Naperville, Inc
an Illinois corporation

By: Kate Kouvelis