

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 S1 – Specialty Food and Liquor Shop 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. Petitioner desires to sell co-branded spirit bottles, the same spirits that are being used to make cocktails for on premise consumption.
6. Petitioner intends to use less than 100 square feet of Subject Property to sell co-branded spirits in a closed display unit as required in the Code
7. Petitioner is a family-owned company with three locations in the Chicagoland area, with a fourth location opining soon, and is focused on serving good food at competitive prices while providing excellent customer service.

VARIANCE TO PERMIT A SECOND CLASS S1 – SPECIALITY FOOD AND LIQUOR

SHOP PACKAGE STORE LICENSE

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 40% requirement is likely to ensure that a diverse selection of products in a Subject Property. While Petitioner understands this requirement, Petitioner is a full service restaurant location with seating throughout. Selling co-branded spirits is not intended to replace the essential nature of the Subject Property's business as a full service restaurant. It is intended to compliment the subject property business. 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 an experience-driven customer service approach for Bassett Certified employees.

While Petitioner understands that the issuance of a Class S1 – Specialty Food and Liquor Shop Permit is capped at one per Code, this creates an undue and unrealistic requirement on the City of Naperville area. As area businesses expand and evolve, it is natural that they seek out other potential business opportunities and expand their offerings should they be in a customer service and direct-to-consumer sales model. While Downtown Area businesses are exempt from this requirement, it seems overly cumbersome and restrictive to cap the remaining geographic

area of Naperville at one issuance of this permit. The singular issuance of such permit limits consumer choice and potential sales tax revenue for the City of Naperville. It is in the best interest of both consumer choice and potential sales tax revenue to

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 as previously mentioned 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 expanding the on premise sale opportunity.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests that the City Council approve a variance to permit Petitioner to operate a Class S1 – Specialty Food and Liquor Shop 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: Katie Houvelis