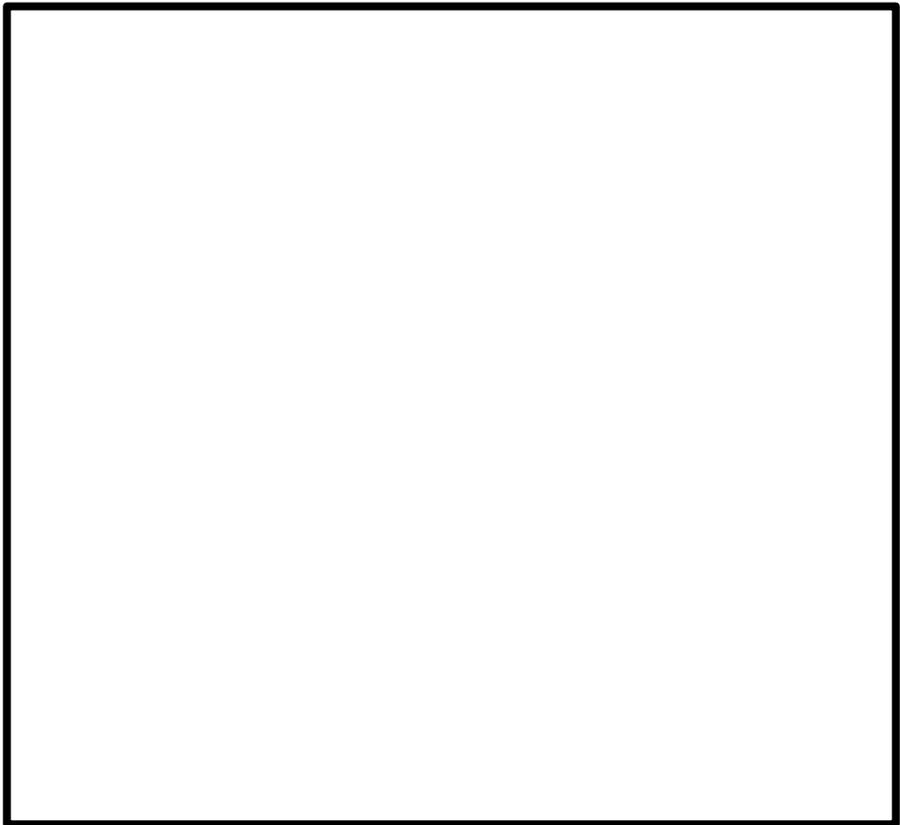


PIN:
08-30-105-013

PROPERTY ADDRESS:
88 W. GARTNER ROAD
SUITE 104
NAPERVILLE, IL 60540

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
400 S. EAGLE STREET
NAPERVILLE, IL 60540
630-420-4170

**WHEN RECORDED
RETURN TO:**
CITY CLERK
CITY OF NAPERVILLE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540



ORDINANCE NO. 24 _____

AN ORDINANCE GRANTING A VARIANCE TO GARFIELD'S BEVERAGE WAREHOUSE NV LLC D/B/A GARFIELD'S BEVERAGE PURSUANT TO SECTION 3-3-6 OF CHAPTER THREE (LIQUOR AND TOBACCO CONTROL) OF THE NAPERVILLE MUNICIPAL CODE FOR THE PREMISES AT 88 W. GARTNER ROAD, SUITE 104

WHEREAS, Garfield's Beverage Warehouse NV LLC ("Petitioner"), has petitioned the City of Naperville for approval of a variance from Section 3-3-11:2 (Off-premises consumption liquor licenses) to allow for an additional Class D – Package Store liquor license in the shopping center located at 88 W. Gartner Avenue; and

WHEREAS, the suite in which the Petitioner seeks to locate was previously occupied by a Class D – Package Store liquor license; and

WHEREAS, the Petitioner operates several other locations and is focused on customer service, selection, and has instituted practices to prevent the sale of alcoholic liquor to individuals under the age of 21; and

WHEREAS, Chapter 3 (Liquor and Tobacco Control) of the Naperville Municipal Code was repealed and replaced on September 6, 2016, and the amended

Chapter 3 (Liquor and Tobacco Control) created a procedure for processing variances to liquor license requirements; and

WHEREAS, the variance requested is in harmony with the general purpose and intent of Chapter 3 (Liquor and Tobacco Control) of the Naperville Municipal Code;

WHEREAS, strict enforcement of Section 3-3-11:2 (Off-premises consumption liquor licenses) Class D – Package Store would result in practical difficulties due to the special circumstances; and

WHEREAS, the variance would not alter the essential character of the liquor establishment or underlying liquor license requirements and will not be a substantial detriment to adjacent property; and

WHEREAS, the City Council of the City of Naperville has determined that the variance should be granted to the extent set forth in this Ordinance.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule authority as follows:

SECTION 1: The Recitals above are incorporated herein and made part hereof as fully set forth in this Section 1.

SECTION 2: A variance to Section 3-3-11:2 (Off-premises consumption liquor licenses) to allow for the issuance of an additional Class D – Package Store liquor license for the shopping center located at 88 W. Gartner Road, Suite 104 to Garfield’s Beverage Warehouse NV LLC at, is hereby granted.

SECTION 3: The variance shall be subject to revocation for failure to comply with all other applicable provisions set forth in the Naperville Municipal Code, as amended from time to time, and all other applicable laws.

SECTION 4: The variance shall be subject to the transferability restrictions in Section 3-3-5 which states that any sale, transfer or assignment of more than fifty percent (50%) of the shares of a corporation shall terminate said liquor license for the purpose

of payment of a fee for a first and initial liquor license; said variance shall become null and void upon suspension, revocation, or non-renewal of the liquor license.

SECTION 5: The City Clerk is directed to record this Ordinance with the DuPage County Recorder.

SECTION 6: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2024.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2024.

Scott A. Wehrli
Mayor

ATTEST:

Dawn Portner
City Clerk