

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

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

THE UNDERSIGNED Petitioner, Garfield’s Beverage Warehouse NV LLC, an Illinois limited liability company (“**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 88 W. Gartner Road, Suite 104 (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 Columbia II Naperville Plaza, LLC (the “Owner”).
3. The Subject Property consists of approximately 3,836 square feet located at 88 W. Gartner Road, Naperville within the Naperville Plaza Shopping Center.
4. Until recently, the Subject Property was formerly occupied by Peterson’s Spirits and Fine Wines since approximately 2009. The Subject Property is currently vacant.
5. The Naperville Plaza Shopping Center includes a variety of uses, including Casey’s Foods, Trader Joe’s, Firestone Auto Care, Sherwin-Williams, fitness uses, and fast food and dine-in restaurants.
6. Overall, the Naperville Plaza Shopping Center consists of approximately 115,380 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. The Trader’s Joes grocery store, despite having a limited selection of alcoholic beverages, holds a Class D – Package Store license instead of the more customary Class G1 – Grocery Store license usually applicable to grocery store uses.

9. For the Petitioner to continue operating the Subject Property with a liquor store use, a variance is required to permit a second Class D – Package Store license within the Naperville Plaza Shopping Center.

10. Petitioner desires to operate a liquor store on the Subject Property consistent with the Subject Property’s use over the past 10+ years.

11. The Petitioner is an award-winning, family-owned company that has 10 locations in the Chicagoland area and is focused on customer service, selection, and competitive pricing.

**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 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 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 Trader Joe’s grocery store in the Naperville Plaza Shopping Center that offers a limited selection of alcoholic beverage and operates on a Class D – Package Store license instead of the more typical Class G1

– Grocery Store license. As a result, Petitioner requires a variance to permit a second Class D – Package Store license within the Naperville Plaza Shopping Center. The variance will permit an upscale, award winning, family-owned store to continue the past use of the Subject Property through the sale of a variety of liquor and spirits not otherwise available in the Naperville Plaza Shopping Center. The proposed use will enhance shopper convenience and provide an additional opportunity for shoppers while simultaneously enhancing the City’s sales tax base. The variance will permit an upscale liquor store with Bassett Certified employees to continue to serve shoppers at this location.

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 Municipal Code would prohibit the Petitioner from operating a liquor store at the Subject Property consistent with its past use. Additionally, prohibiting a quality liquor store at this location would have a detrimental effect on shoppers who would have to travel to other parts of town for enhanced selection of their desired beverages.

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 adjacent properties. Until recently, a liquor store previously operated at the Subject Property for over a decade, and Petitioner is essentially proposing a continuation of that use. Additionally, the surrounding area is predominantly commercial in nature and will not be negatively impacted by that use’s continuation. Instead, the use will enhance customer

shopping experiences within the Naperville Plaza Shopping Center. Lastly, at approximately 115,380 square feet the Naperville Plaza shopping 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 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 2nd day of February, 2024.

PETITIONER:

Garfield's Beverage Warehouse NV LLC,
an Illinois limited liability company

By: _____

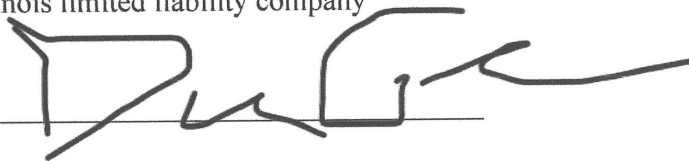


EXHIBIT A

LEGAL DESCRIPTION OF SHOPPING CENTER

PARCEL 1:

LOT 1 (EXCEPT THAT PART FALLING IN CATALPA-GARTNER RESUBDIVISION RECORDED AS DOCUMENT R89-31992) AND (EXCEPT THAT PART FALLING IN NAPERVILLE PLAZA SUBDIVISION RECORDED AS DOCUMENT R75-45865) IN BLOCK 1 IN MOSER HIGHLANDS UNIT NO.12, A SUBDIVISION OF PART OF SECTIONS 19 AND 30, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 19, 1960 AS DOCUMENT 980172, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

LOT 1 (EXCEPT THAT PART FALLING IN CATALPA-GARTNER RESUBDIVISION RECORDED AS DOCUMENT R89-31992) IN NAPERVILLE PLAZA SUBDIVISION OF PART OF LOT 1 IN BLOCK 1 IN MOSER HIGHLANDS UNIT NO. 12, A SUBDIVISION OF PART OF SECTIONS 19 AND 30, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID NAPERVILLE PLAZA SUBDIVISION RECORDED AUGUST 29, 1975 AS DOCUMENT R75-45865, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 3:

LOT 1 IN CATALPA-GARTNER RESUBDIVISION, BEING A RESUBDIVISION OF PART OF LOT 1 IN NAPERVILLE PLAZA SUBDIVISION AND PART OF LOT 1 IN BLOCK 1 IN MOSER HIGHLANDS UNIT NO. 12, BEING SUBDIVISIONS OF PARTS OF SECTIONS 19 AND 30, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID CATALPA-GARTNER RESUBDIVISION RECORDED MARCH 23, 1989 AS DOCUMENT R89-031992, IN DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 8-192 W. Gartner Rd., Naperville, Illinois 60540