

PIN:

PROPERTY ADDRESS:
4067 SOUTH ROUTE 59
NAPERVILLE, IL 60564

**WHEN RECORDED
RETURN TO:**

CITY CLERK
CITY OF NAPERVILLE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

ORDINANCE NO. 19_____

**AN ORDINANCE GRANTING A VARIANCE TO STAR 7 CORPORATION D/B/A
STAR 7 LIQUOR AND TOBACCO PURSUANT TO SECTION 3-3-6 OF CHAPTER
THREE (LIQUOR AND TOBACCO CONTROL) OF THE NAPERVILLE MUNICIPAL
CODE FOR THE PREMISES AT 4067 SOUTH ROUTE 59**

WHEREAS, Star 7 Corporation (“Petitioner”), has petitioned the City of Naperville for approval of a variance from Section 3-3-11:2 (Off-premises consumption liquor licenses) to permit the issuance of a Class D – Package Store for a premise with less than 60,000 square feet; and

WHEREAS, the City of Naperville entered in an Annexation Agreement that was recorded on December 15, 2006; and

WHEREAS, the Annexation Agreement allowed Star 7 Corporation’s lease at 4067 South Route 59 to continue until April 30, 2019, and provided that the lease could not continue unless the City’s Municipal Code is amended to allow the issuance of a liquor license for a commercial center the size of the subject property; 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WHEREAS, Chapter 3 (Liquor and Tobacco Control) of the Naperville Municipal Code was repealed and replaced on September 6, 2016, and the amended Chapter 3 (Liquor and Tobacco Control) created a procedure for processing variances to liquor license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, on January 3, 2019, the Liquor Commission recommended approval of Petitioner’s request; 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 permit the issuance of a Class D – Package Store liquor license for a premise less than 60,000 square feet to Star 7 Corporation at 4067 South Route 59, 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 Will County Recorder.

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

PASSED this _____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2019.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk