

EXHIBIT 1: Section 6-3-8:2 Standards for Granting or Amending a Conditional Use

Buck's Inc. requests a Conditional Use for the construction and operation of an automobile service station with an attached ancillary tunnel conveyor carwash.

1. The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety and general welfare.

The construction and operation of an automobile service station with ancillary conveyor car wash will not be detrimental to, nor endanger the public health, safety and general welfare. The project is designed to safely and intuitively interface with the adjoining roadways, accommodate possible future road widenings, and reduces and realigns Ogden Avenue driveway access points while optimizing internal circulation. The conditional uses will not be hazardous or disturbing to existing or future neighborhood uses because they shall not impair an adequate supply of light and air to the adjacent property. They shall comply with all Naperville light level requirements and with all US EPA and Illinois EPA regulations concerning air and water quality. They will not increase the hazard from fire or other dangers to neighboring property as the redevelopment plan shall comply with all State, County, and local Fire Prevention Codes and State Fire Marshall regulations including the implementation of the latest technologies requiring double wall underground tanks and lines, electronic monitoring and reporting, and operational procedures.

2. The conditional uses will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantial diminish and impair property values within the neighborhood.

The proposed development is consistent and compatible with surrounding land uses and B3 zoning. The development will actually increase the property values in the area as it is replacing an obsolete, largely abandoned automobile dealership.

3. The establishment of the conditional uses will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district.

The establishment of the conditional uses for an automobile service station and a car wash as part of the redevelopment will not impede the development of adjoining properties. By providing potential cross access

to the neighboring property to the north it will facilitate the redevelopment of the adjoining underutilized B3 tract currently on the market.

4. The establishment of the conditional uses are not in conflict with the adopted comprehensive master plan.

The proposed development plan complies with the objectives of the Ogden Avenue Corridor Enhancement Initiative, the official plan for the City of Naperville to use in enhancing and redeveloping property and infrastructure along Ogden Avenue east of Washington Street. “The Corridor is the only B3 commercial corridor in the City. This zoning designation is the most permissive business district in the City allowing uses such as gas stations and car washes where other business zoning classifications do not.” (Section 3, Framework Plan & Policies).

EXHIBIT 5: Standards for Granting a Landscape Variance.

Buck's Inc. requests a variance for foundation plantings around the building (5-10-3:4.2.1) for the c-store and carwash only.

1. Strict enforcement of this chapter would result in practical difficulties or impose exceptional hardships;

The nature of the convenience store business differs from most other retail in that it is high pedestrian traffic around the building itself. Creating foundation plantings invites trip and falls claims. Petitioner asks to substitute planters instead.

2. The principal reason for the variance is other than an increased income or revenue from the property;

The principal reason for the variances is for safety rather than any increase in income or revenue from the property.

3. The variance, if granted, will not alter the essential character of the neighborhood, will not be a substantial detriment to adjacent property, and will not increase congestion or traffic hazards in the public streets, or otherwise impair the public health, safety, comfort, and general welfare.

The variance will not alter the essential character of the neighborhood and will not be any detriment to adjacent property and not increase congestion