

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

**PETITION TO THE CITY OF NAPERVILLE**  
**FOR DEVELOPMENT APPROVAL**

The undersigned Petitioner (“Petitioner”) respectfully petitions the City of Naperville (the “City”) to (i) approve a “Major Change” to the Planned Unit Development for the Brach/Brodie Property – Lot 8 with associated deviations and a use exception; (ii) approval of a Preliminary Planned Unit Development Plat of Lot 8 of the Brach/Brodie Property – Unit 1; (iii) approve a Preliminary Plat of Subdivision; and (iv) approve such other relief from the City of Naperville Municipal Code (“Code”) as may be deemed necessary and appropriate to develop the property legally described on Exhibit A (the “Property”) consistent with the plans submitted herewith.

In support of the request relief, Petitioner hereby represents to the City as follows:

1. The Property is identified as a portion of Lot 8 (“Lot 8”) on the Final Plat of Subdivision of the Brach Brodie Property Unit 1 recorded as Document No. R2002-252767 in DuPage County, Illinois as part of the (“Brach/Brodie Subdivision”).
2. The Property was annexed to the City of Naperville alongside those other properties identified on the Brach/Brodie Subdivision and which were all subject to a certain annexation agreement approved by the City in 2002 pursuant to Ordinance No. 02-158. (“Brach/Brodie AA”).
3. The Brach/Brodie AA identified the zoning of the Property as B2 with a conditional use for a PUD.
4. The City passed ordinance No. 02-191 approving the Final Planned Development Plat, Final Plat of Subdivision, and the Development Plans for the Property known as the Brach

Brodie Farm (“Brach/Brodie PUD”).

5. The Brach/Brodie PUD generally governed the development of Costco Wholesale on Lot 1 of the Brach/Brodie Subdivision.

6. The Brach/Brodie AA set forth a requirement that as each lot identified in the Brach/Brodie Subdivision is developed, the owners of said lot are required to obtain site plan approval for each proposed development.

7. The City then passed Ordinance No. 03-79 approving the Final Planned Unit Development Plat and the Development Plans for the Brach/Brodie Property – Lot 8 which governed the development of Lowe’s (“Lowe’s PUD”).

8. The Lowe’s development too place on Lot 8 of the Brach/Brodie Subdivision (“Lot 8”).

9. Since approval of the Lowe’s PUD, Lot 8 has been improved with a Lowe’s home improvement store and a surface parking lot with 619 parking spaces.

10. The parking requirement for Lowe’s is 538 spaces.

11. Petitioner is the contract purchaser of approximately 1.08 acres of Lot 8 generally located at the southeast corner of IL Route 59 and Beebe Drive in Naperville, Illinois.

12. Petitioner seeks to utilize a portion of the surface parking lot on Lot 8 to develop the Property as a Tommy’s Express Carwash facility (“Proposed Use”) as further detailed herein.

13. As duly authorized by the Property owner, Petitioner requests the following land use entitlements to facilitate the development of the Property consistent with the plans submitted herewith.

### **SUMMARY OF DEVELOPMENT**

The Subject Property is located on the southeast corner of IL Route 59 and Beebe Drive

in the Brach Brodie Subdivision. The Petitioner is seeking to resubdivide Lot 8 and will be locating its carwash facility on Lot 2 of the resubdivision. The subject Property is bounded on the north, and south by commercial uses and the east by forest preserve as follows:

- North: B2 PUD Costco Wholesale
- South: B2 PUD Staples and Ashley Furniture Home Store
- East: Forest Preserve District
- West: Unincorporated DuPage County - Vacant land

The proposed carwash facility is neither a permitted nor a conditional use in the B2 zoning district. However, the use will complement the retail uses that surround the subject Property by providing consumers and customers for those commercial and retail uses and will provide for a multiple-stop destination in this area. The Proposed Use will allow the Owner to reposition Lot 8 by way of utilizing the area currently occupied by an unused parking in a way that will ensure Lot 8 is developed in accordance with its highest and best use, which, in turn, will support the adjacent commercial development and enhance the City's retail and property tax base.

Tommy's Express is one of the largest and fastest growing carwash franchises in the country. Petitioner's business model includes individual washes as well as a monthly TommyClub membership that gives customers unlimited washes, access to the TommyClub express lane, and allows customers to conveniently update their membership on the Tommy's Express Mobile App. Petitioner's car wash is also environmentally friendly. Petitioner's facilities utilize a water reclamation system that reuses 30% of the water used per wash, keeps 100% of the used water out of the storm sewer systems. Tommy's locations also use advanced lighting controls and all LED lights to ensure every location can monitor and manage their

everyday power usage. Lastly, Petitioner will incorporate a clear acrylic roof system, which allows for daylight harvesting. Petitioner will utilize the existing access drive from Beebe Drive to Lot 8. No access will be provided from IL Route 59. Access will be provided via two internal access drives located on the west side of the Lowe's primary north-south circulation road and will be replacing two existing parking aisles serving the parking area that is to be removed. Vehicles will enter from the Lowe's primary north-south circulation road and will proceed along the north side of the site to enter the two individually gated stacking lanes to select their carwash option at the available automatic pay stations. Once the gate lifts, the customer will perform a u-turn to proceed towards the entrance to the single-lane carwash tunnel. Customers will remain in their car during the wash and are then welcome to park in one of the 15 vacuum stalls to use the available vacuums. Hours of operation are 7:00 A.M – 9:00 P.M. Monday-Sunday.

Petitioner currently operates successful Tommy's Express Carwash facilities in Lombard and Orland Park. Petitioner seeks to open its newest facility at this important location in Naperville, generally surrounded by other commercial uses. The existing retail uses have a variety of architectural styles, and the proposed architectural elevations will complement the architecture of the existing buildings in the center. Additionally, the property will be professionally landscaped to meet the City requirements. Significant landscaping will be installed and maintained in accordance with Code requirements, and the 5,243 square foot facility will meet all required setbacks.

The proposed major change and associated deviations to the Lowe's PUD as depicted on the PUD Plan submitted herewith are necessary and appropriate for the contemplated redevelopment of the Property and meet the applicable general standards for a major change to a planned unit development as follows:

1. *The design of the planned unit development presents an innovative and creative approach to the development of land and living environments.*

The original 2002 Brach/Brodie PUD was resubdivided in 2006 pursuant to The Bradford PUD by way of subdividing the original Lot 2 under the Brach/Brodie PUD. The Bradford PUD was further resubdivided in 2021. Since its original approval, the evolution of the Brach/Brodie PUD has resulted in additional lots yielding more commercial opportunities that have been proven successful in this location. Some of these commercial users include, Xsport Fitness, KLA Schools, PNC Bank and Starbucks, which may not have been possible under the original configuration. The PUD has a zoning designation of B2, Community Shopping Center District. Petitioner's request to resubdivide Lot 8 to facilitate the development and operations of a 5,243 square foot carwash facility on the Property is in line with the historic approvals and evolution of the Brach/Brodie PUD. The requested major change will allow for the expansion of overall commercial users in the Brach/Brodie PUD. Petitioner's request is in line with the recent resubdivisions of Lot 2 of the Brach/Brodie PUD, which have proven to have a positive impact on the success of the overall PUD. Specifically, the Proposed Use will not compete with the existing businesses of the PUD and is expected to further enhance this area as a "multiple-stop" destination thereby supporting the adjacent commercial users and enhance the City's retail and property tax base.

2. *The planned unit development meets the requirements and standards of the planned unit development regulations.*

The Brach/Brodie PUD was approved in 2002. The Bradford Commons PUD was approved in 2006 and the Bradford Commons Resubdivision of Lots 5 & 6 was approved in 2021, all in compliance with the City's PUD regulations. Petitioner's request to resubdivide Lot 8 and approve a major change to the PUD will not have any effect on the requirements or standards of the existing PUD and will meet the PUD standards just as the previous resubdivisions have in the

past. Granting a use exception for a carwash facility will meet the standards for a use deviation under the planned unit development regulations in the Code.

3. *The physical design of the planned unit development efficiently utilizes the land and adequately provides for transportation and public facilities while preserving the natural features of the site.*

The existing Brach/Brodie PUD and its subsequent resubdivisions were designed in conformance with planned unit development regulations. Re-subdividing Lot 8 is an efficient use of the Property and overall PUD. Lot 8 is 13.9 acres and is improved with a Lowe's home improvement store and a surface parking lot with 619 spaces. When a portion of Lot 8 is used by Lowe's for outdoor sales and shipping containers during the summer months, approximately 400 spaces are available. Pursuant to the Parking Study conducted by KLOA, Inc., Lowe's experienced only 38% (or 152 spaces) of the 400 available parking spaces being used while at maximum occupancy. By way of subdividing Lot 8 and developing a carwash on the Property, the total parking for Lowe's (out of 619 spaces) will be reduced by 112 spaces, or 18%. Given the maximum parking occupancy of 152 spaces, Petitioner does not anticipate the further reduction of 112 spaces, for a total of 288 available spaces, will negatively impact the Lowe's operations. This configuration will provide 136 more parking spaces than what is currently utilized under maximum capacity. When the temporary reduction of 219 spaces is calculated back into the total parking count during the winter months, Lowe's will be functioning with 507 spaces which well exceeds what is necessary for its operations pursuant to the Parking Study.

In light of this information, both Lowe's, as owner of the Property, and Petitioner believe the Proposed Use will be an efficient use of the overall 13.9-acre Lot 8 property. Lot 8 will be subdivided by way of creating the subject Property comprised of approximately 1.5-acres and

Lowe's will retain the remaining 12.4-acres. The Proposed Use will utilize the existing access to Lot 8 from Beebe Drive and provides for efficient circulation through the facility. There are a number of easements and drive aisles on the Brach/Brodie PUD providing for the efficient circulation and flow of traffic, including right-in/right-out ingress and egress to the development off of 75<sup>th</sup> Street and IL-Route 59, as well as lighted intersections on Beebe Drive at 75<sup>th</sup> Street and Route 59 for easy ingress and egress to the PUD and the subject Property. Utilities are on site, and the stormwater facility is a large, naturalized area, adjacent to the DuPage County Forest Preserve, providing for a natural feature in the urban center.

4. *Open space, outdoor common area, and recreational facilities are provided.*

The naturalized detention area is a large open space area, adjacent to the forest preserve to the east of the Property. The Proposed Use will not negatively impact underlying commercial PUD.

5. *The modifications in design standards from the subdivision control regulations and the waivers in bulk regulations from the zoning regulations fulfill the intent of those regulations.*

The proposed carwash facility is not seeking and modifications to the City's subdivision control regulations or waivers from the City's bulk regulations. Petitioner is only seeking deviations from parking and landscaping/screening requirements. The standards for those deviations are as follows and pursuant to Section 6-4-3:12.1 of the Code:

PARKING DEVIATION (LOWE'S)

SECTION 6-9-3

1. *Whether the requested deviation would undermine the intent and purpose of the*

*underlying zoning district; and*

The purpose and intent of the B2 Community Shopping Center District is to “accommodate the needs of a much larger consumer population than is served by the neighborhood convenience shopping district. A wider range of uses and structure sizes is permitted for both daily and occasional shopping. These facilities shall be in the form of a shopping center.” Approval of the deviation will not undermine the intent of the B2 District. In fact, the nature of the Brach/Brodie PUD will remain unchanged and the core users such as Lowe’s, Costco, and Walmart, will continue to thrive in line with the purpose and intent of the district.

Parking requirements are put in place to ensure there is adequate parking to serve the land use for which it is designated. The City requires 4 parking spaces per 1,000 square feet of general retail area. Lowe’s consists of a 134,574 square foot building and thus requires 538 parking spaces per Code. In its existing condition, Lowe’s has 619 spaces. During the spring/summer months, Lowe’s utilizes approximately 219 spaces for outdoor sales and storage, leaving 400 spaces available during that time. Of the 400 available spaces, only about 38% (152 spaces) are used when Lowe’s is at its peak hours of business. Though technically required to provide 538 spaces per Code for “general retail”, Lowe’s has proven the need for this much parking is neither practical nor necessary based upon today’s market trends and demands.

The Lowe’s PUD was approved in 2003 when dial-up internet was starting to become a luxury in every household. This certainly predated the surge of e-commerce and at that time, 619 surface parking spaces may have been appropriate to meet the needs and demands of in-person shopping. Nearly 20 years later, e-commerce



represented 18% of total global retail sales for 2020 and at that time, was forecasted to increase 1% annually thereby expecting to achieve 22% by 2024<sup>1</sup> for all retail sales and continues to grow. With this trend comes underutilized parking originally planned for a 20-year-old shopping center such as the Lowe's PUD. Due to this shift in parking demands, Lowe's seeks to reposition Lot 8 consistent with the practical needs based upon the actual data presented with respect to usage of parking in this location and for this store. By way of granting the deviation, the carwash facility will reduce the Lowe's parking count by 112 spaces for a total of 507 spaces. As mentioned, Lowe's typically functions with 400 available spaces on a regular basis, and only utilizes approximately 152 of those spaces when it is most busy. The requested deviation is consistent with Lowe's parking demands and will allow the Petitioner and Lowe's to reposition Lot 8 and develop the significantly underutilized parking area in accordance with its highest and best use. In turn, the special use will complement the overall Brach/Brodie PUD by way of supporting the wide range of uses within this shopping center in accordance with the purpose and intent of the B2 District.

2. *Whether the requested deviation would be a detriment to the provision of municipal services and infrastructure; and*

The municipal services and infrastructure to be incorporated into the proposed carwash facility are depicted on the engineering plans submitted herewith. All necessary improvements will be designed and installed in accordance with the City's design standards and the requested parking deviation for Lot 1 of the Resubdivision as retained by Lowe's will have no impact on municipal services and infrastructure.

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<sup>1</sup> <https://www.trade.gov/ecommerce-sales-size-forecast>

3. *Whether the requested deviation would contribute a planned unit development which offers a superior level of design, amenity enhancement, or environmental benefit; or would enhance community vitality through the inclusion of attainable or barrier free housing.*

The requested deviation will permit the subdivision of Lot 8 and development of the carwash facility consistent with the highest and best use of Lot 8. The Lowe's PUD was approved in 2003 with 619 spaces. Since that time, the nature of retail has significantly shifted and Lowe's is left with a vast surplus of unused parking area to serve its store. In its current condition, the unused parking area provides no tangible benefit and is a blight on the shopping center. Lowe's seeks to reposition a portion of the 14-acre Lot 8 property for development of the carwash facility, which will ultimately remove the underperforming land and enhance the overall shopping center and PUD.

**PARKING DEVIATION (PROPOSED CARWASH)**

**SECTION 6-9-3**

1. *Whether the requested deviation would undermine the intent and purpose of the underlying zoning district; and*

The purpose and intent of the B2 Community Shopping Center District is to "accommodate the needs of a much larger consumer population than is served by the neighborhood convenience shopping district. A wider range of uses and structure sizes is permitted for both daily and occasional shopping. These facilities shall be in the form of a shopping center." Approval of the deviation will not undermine the intent of the B2 District. In fact, the nature of the Brach/Brodie PUD will remain unchanged and the core users such as Lowe's, Costco, and Walmart, will continue to thrive in line with

the purpose and intent of the district.

Parking requirements are put in place to ensure there is adequate parking to serve the land use for which it is designated. The City requires 4.5 parking spaces per 1,000 square feet of gross floor area of an automobile service station and repair facility. There is no requirement specifically attributed for a carwash facility. The proposed use is not one that encourages patrons to park and enter the facility. In fact, the only reason a customer would park their car and physically enter the facility is to use the public restrooms. No merchandise will be offered and there is no motive for entering the facility. The purpose of the proposed use is to ensure the customer remains in their vehicle for the duration of the carwash. This business model is effective for convenience and efficiency on both the customer's and the Petitioner's end. Twenty-one (21) parking spaces will be available for employees and customers who wish to access one of the available fifteen (15) vacuums. Carwash facilities experience a quick level of turnover as these spaces are not intended to be occupied for long period of time. The need for 24 parking spaces to serve a vehicle-occupied carwash facility is neither practical nor necessary based upon the general operations of the proposed use.

The requested deviation is consistent with the parking demands of the proposed use and will allow the Petitioner and Lowe's to reposition Lot 8 and develop the Property in accordance with its highest and best use. In turn, the special use will complement the overall Brach/Brodie PUD by way of supporting the wide range of uses within this shopping center in accordance with the purpose and intent of the B2 District.

*2. Whether the requested deviation would be a detriment to the provision of municipal services and infrastructure; and*

The municipal services and infrastructure to be incorporated into the proposed carwash facility are depicted on the engineering plans submitted herewith. All necessary improvements will be designed and installed in accordance with the City's design standards and the requested parking for the proposed use will have no impact on municipal services and infrastructure.

*3. Whether the requested deviation would contribute a planned unit development which offers a superior level of design, amenity enhancement, or environmental benefit; or would enhance community vitality through the inclusion of attainable or barrier free housing.*

The requested deviation will permit the subdivision of Lot 8 and development of the carwash facility consistent with the highest and best use of Lot 8. Lowe's and the Petitioner seek to reposition a portion of the 14-acre Lot 8 property for development of the carwash facility, which will ultimately remove the underperforming land and enhance the overall shopping center and PUD.

#### LANDSCAPE, SCREENING AND TREE PRESERVATION

##### SECTION 5-10-3-5.2.1

*a) Whether the requested deviation would undermine the intent and purpose of the underlying zoning district; and*

The purpose and intent of the B2 Community Shopping Center District is to "accommodate the needs of a much larger consumer population than is served by the neighborhood convenience shopping district. A wider range of uses and structure sizes is permitted for both daily and occasional shopping. These facilities shall be in the form of a shopping center." Approval of the deviation will not undermine the intent of

the B2 District. In fact, the nature of the Brach/Brodie PUD will remain unchanged and the core users such as Lowe's, Costco, and Walmart, will continue to thrive in line with the purpose and intent of the district. Approval of the deviation will not undermine the intent of the B2 District.

The Petitioner seeks a deviation from the requirement to maintain a minimum five-foot wide landscape area around the perimeter of the parking lot for the proposed carwash along the southern property line of Lot 2 under the resubdivision plat submitted herewith. The intent of this requirement is to ensure a parking area comprised of 10 or more spaces does not unreasonably inhibit the adjacent parcel. In this instance, Petitioner is proposing 21 parking spaces, 15 of which will be for the purpose of accessing the available vacuums. The use of these spaces is expected to be turned over quickly as they are not intended to serve as parking for an extended period of time. This leaves a remainder of 6 stalls for employee and customer use. Given the nature of the use as a carwash facility, the provided parking will not unreasonably inhibit the adjacent property, which is comprised of the remainder of Lot 8 upon resubdivision. This adjacent property will remain as excess parking to serve Lowe's and is not expected to be negatively impacted as a result of granting the deviation requested herein. Petitioner's plans illustrate a reduced 26' drive aisle interior to the site as well as a reduced 24' drive aisle serving Lowe's just south of the Property. With this design, Petitioner will incorporate a 3' landscape buffer consisting of small shrubs and bushes along the south property line in accordance with the intent of this provision and as delineated on the landscape plans submitted herewith. A portion of area behind the vacuums along the south property line must be reserved to maintain and service the

vacuums. Accordingly, Petitioner cannot include additional landscaping beyond the 3' of landscaping proposed due to site and operational constraints. In addition, extending the landscaping in this area would further reduce drive aisle serving the Lowe's property to be below the Code minimum. Accordingly, the deviation is in line with the intent of the B2 District by way of ensuring the normal operations of the adjacent users within the District will not be adversely impacted by not incorporating 5 feet of landscaping between the parking areas of Lot 1 and Lot 2 of the resubdivision. Petitioner's plans reflect 3' of landscaping along the south property line, which ultimately meets the intent of Code.

*b) Whether the requested deviation would be a detriment to the provision of municipal services and infrastructure; and*

The requested landscape deviation will have no impact on municipal services and/or infrastructure.

*c) Whether the requested deviation would contribute a planned unit development which offers a superior level of design, amenity enhancement, or environmental benefit; or would enhance community vitality through the inclusion of attainable or barrier free housing.*

The requested deviation will permit the subdivision of Lot 8 and development of the carwash facility consistent with the highest and best use of Lot 8. In its current condition, the unused parking area provides no tangible benefit to the City and the shopping center. Lowe's seeks to reposition a portion of the 14-acre Lot 8 property for development of the carwash facility. This provision of the Code is intended to address larger parking areas where vehicles may be parked for extended periods of time, which does not conform

to the design and nature of Proposed Use. The proposed parking area will be provided primarily for access to the available vacuums and will be located adjacent to the excess parking area serving Lowe's. This parking area is extremely temporary and the turnover of car occupancy to use the available vacuums is expected to be quick. Given the nature of the use and operations of this parking area serving the carwash facility, traditional screening to adjacent properties is not applicable. In addition, Petitioner is proposing 3' of landscaping along the south property line, which is the maximum amount of landscaping that can be incorporated into the site plan given site and operational constraints. The provided landscaping will achieve the purpose set forth for this requirement and granting the deviation in accordance with Petitioner's plans will not undermine that intent. Granting the deviation will ultimately reposition the underperforming land and enhance the overall shopping center and contribute to the current and future success of the Brach/Brodie PUD.

## SIGNS ON COMMERCIAL AND INSTITUTIONAL PROPERTY

### SECTION 6-15-5:2.2.1

*a) Whether the requested deviation would undermine the intent and purpose of the underlying zoning district; and*

The purpose and intent of the B2 Community Shopping Center District is to "accommodate the needs of a much larger consumer population than is served by the neighborhood convenience shopping district. A wider range of uses and structure sizes is permitted for both daily and occasional shopping. These facilities shall be in the form of a shopping center." Approval of the deviations from the City's sign code will not undermine the intent of the B2 District. In fact, the nature of the Brach/Brodie PUD will remain unchanged and the core users such as Lowe's, Costco, and Walmart, will

continue to thrive in line with the purpose and intent of the district. Approval of the deviation from the sign code (“Sign Code”) will not undermine the intent of the B2 District.

The Petitioner seeks a deviation from section 6-15-5:2.2.1 of the Sign Code to allow two monument signs with a separation less than 200 feet and where the property’s frontage is less than 500 feet. The Property is approximately 200 feet in length and therefore, is only permitted one (1) monument sign to be installed on the Property. Under current conditions, a monument sign identifying the Lowe’s hardware store is installed on the subject Property. After subdivision, the Lowe’s sign is not considered off-premise signage and is permitted to remain on the Property due to the overall nature of the Brach/Brodie PUD. However, the existence of the sign prevents the Petitioner from installing its own monument signage on the Property to properly identify the proposed carwash. The purpose and intent of the City’s Sign Code is to “advance the economy of the City by recognizing the need for adequate site identification through promoting the reasonable and objective display of signage, and to encourage effective communication between signs and the public.” The existing conditions deprive the Petitioner of its rights to install proper signage along the frontage of the Property in accordance with this section of the Sign Code. Accordingly, granting the deviation from the sign code will allow the Petitioner to install one monument sign along the frontage of the Property to properly communicate the use to the public in accordance with the purpose and intent of this specific provision of the Sign Code.

*b) Whether the requested deviation would be a detriment to the provision of municipal services and infrastructure; and*



The requested deviation from the City's Sign Code will have no impact on municipal services and/or infrastructure.

*c) Whether the requested deviation would contribute a planned unit development which offers a superior level of design, amenity enhancement, or environmental benefit; or would enhance community vitality through the inclusion of attainable or barrier free housing.*

The requested deviation will permit the subdivision of Lot 8 and development of the carwash facility consistent with the highest and best use of Lot 8. In its current condition, the unused parking area provides no tangible benefit to the City and the shopping center. Lowe's seeks to reposition a portion of the 14-acre Lot 8 property for development of the carwash facility. The provision of the Sign Code to which Petitioner requests a deviation from is intended to limit the number of signs per use depending on the size of the property frontage for that use.

The current conditions are unique in that there is an existing monument sign identifying Lowe's that will remain on the Property after subdivision. Under the sign code, no two signs may be located within 200 feet of one another. Though the frontage of the Property is approximately 200 feet, Petitioner proposes to install a monument sign near the southern end of the Property to allow ample distance between the two signs. Under traditional circumstances as applied to other businesses and properties in the City, the Lowe's sign would be considered off-premise signage and Lowe's would need to seek a variance to maintain that signage on the Property. However, given the nature of the Brach/Brodie PUD, the Lowe's signage is permitted to remain on the Property with no additional relief from the Code required. Petitioner does not object to the Lowe's signage

remaining, however, the presence of the existing Lowe's signage deprives the Petitioner the ability to install its otherwise allowable one (1) monument sign on the Property to identify the proposed carwash. These circumstances were not created by the Petitioner and present the Petitioner with an exceptional hardship ultimately denying the Petitioner's existing rights as set forth in the Sign Code. Granting the deviation will contribute to a planned development of superior design in that its uses are properly identified in accordance with the purpose and intent of the Sign Code.

6. *The planned unit development is compatible with the adjacent properties and nearby land uses.*

The proposed carwash facility is compatible with the adjacent properties, which are commercial and recreational in nature. The carwash facility will have a positive impact on the commercial center by providing for consumers who may utilize the existing retail, recreational, restaurant, and other commercial uses in the development and those commercial centers to the north and west before or after their carwash service is completed.

7. *The planned unit development fulfills the objectives of the comprehensive plan and planning policies of the City.*

As stated above, the re-subdivision of Lot 8 and the use deviation to permit a carwash are in conformance with the objectives of the existing Comprehensive Plan. The Subject Property is identified as Urban Center which emphasizes commercial development/ retail or services as primary land uses for this area. The provision for a carwash facility certainly fulfills various needs in the community, including service uses. Commercial uses and services with direct vehicular access from the corridor into the site are common along major roadways and key intersections, such as Route 59 and 75<sup>th</sup> Street, to serve the southwest area, the City of Naperville and beyond.

It is important to note Route 59 and 75<sup>th</sup> Street are major commuter hubs, providing access to I-355, I-55, I-88 and the Route 59 train station. The Proposed Use will allow commuters to obtain an efficient and eco-friendly carwash on the way to and from work with simple ingress and egress provided off of Beebe Drive. The Property is a perfect location to provide a carwash facility given the commercial nature of adjacent uses and its IL-Route 59 frontage.

The Comprehensive Plan also mentions “Urban Centers feature a mix of uses and building styles that are generally oriented to automobile traffic” (p. 54). The Proposed Use will not compete with the existing uses in the immediate vicinity thereby ensuring there is a mix of uses in this Urban Center-designated area in accordance with the Comprehensive Plan. Lastly, a key consideration noted in the Comprehensive Plan is to “encourage outlot development as well as creative ideas to repurpose underutilized parking...” (p. 55). With the authorization of Lowe’s, Petitioner seeks to repurpose a portion of the Lowe’s property, which is underutilized surface parking located in the far northwest corner of Lot 8. In lieu of allowing the Property to remain stagnant and providing no tangible benefit to either Lowe’s or the City of Naperville, the Petitioner believes repurposing approximately 1.5-acres of Lot 8 for a carwash facility meets the needs and intent for this Property and overall PUD under the Urban Center designation in the Comprehensive Plan.

**GRANTING A USE DEVIATION TO ALLOW A CARWASH IN THE PLANNED  
UNIT DEVELOPMENT FOR THE BRACH/BRODIE PROPERTY – LOT 8**

Petitioner seeks a use deviation for the underlying PUD to allow for the operation of a carwash facility on the Property. The use deviation is appropriate and meets the standards as set forth in Section 6-4-3:12.2 as follows:

- a. *Unique and unusual circumstances are present; and*

When the Brach/Brodie PUD was approved in 2002, large-box commercial uses

dominated the commercial market. Since that time, the commercial marketplace has seen a dramatic shift due to the growth of e-commerce and online shopping. At the time the Lowe's PUD was approved in 2003, 619 parking spaces were deemed appropriate to serve a Lowe's home improvement store. Today, Lowe's reduced that parking by 219 spaces for outdoor sales and storage and still only sees approximately 38% of parking occupancy at its highest peak period throughout the day. Accordingly, Lowe's and Petitioner seek to reposition Lot 8 for a carwash facility to ensure the underutilized parking area is redeveloped and functioning at its highest and best use.

*b. The requested use deviation will not have an adverse impact on current uses in the PUD; and*

The Proposed Use will not have an adverse impact on current uses in the PUD. In fact, the Proposed Use is expected to naturally provide more customers to those commercial and service users within the PUD by way of further ensuring this area as a multiple-stop destination for daily errands within this commercial development.

*c. The requested use deviation will be incidental to the principal use of the PUD as principal use is defined in Section 6-1-6 of this Title; and*

The principal use of the PUD is a commercial shopping center. The Proposed Use of a carwash facility is incidental to the principal use by way of providing consistent support and customers to those adjacent uses to help support the future success of commercial businesses.

*d. The requested use deviation will not have an adverse impact on adjacent properties that would be significantly different than the permitted or conditional uses allowed in the underlying zoning district; and*

The underlying zoning district is B2 – community shopping center district, which includes 58 permitted uses and the 28 uses permitted in the B1 neighborhood convenience shopping district. Several of the permitted uses could directly compete with the existing

commercial users in the underlying PUD by right. The Proposed Use will not be in direct competition with any current users located within the PUD and accordingly, will have less adverse impact on the adjacent properties than several uses permitted in the B2 district.

*e. One or more of the following criteria are present:*

- 1. The requested use deviation would achieve a land use goal identified adopted pursuant to Title 1 (Administrative), Chapter 2 (Comprehensive Plan) of this Code.*

The Subject Property is identified as Urban Center which emphasizes commercial development/retail or services as primary land uses for this area. The provision for a carwash facility certainly fulfills various needs in the community, including service uses. Commercial uses and services with direct vehicular access from the corridor into the site are common along major roadways and key intersections, such as Route 59 and 75<sup>th</sup> Street, to serve the southwest area, the City of Naperville and beyond. It is important to note Route 59 and 75<sup>th</sup> Street are major commuter hubs, providing access to I-355, I-55, I-88 and the Route 59 train station. The Proposed Use will allow commuters to obtain an efficient and eco-friendly carwash on the way to and from work with simple ingress and egress provided off of Beebe Drive. The Property is a perfect location to provide a carwash facility given the commercial nature of adjacent uses and its IL-Route 59 frontage.

The Comprehensive Plan also mentions “Urban Centers feature a mix of uses and building styles that are generally oriented to automobile traffic” (p. 54). The Proposed Use will not compete with the existing uses in the immediate vicinity thereby ensuring there is a mix of uses in this Urban Center-designated area in accordance with the Comprehensive Plan. Lastly, a key consideration noted in the Comprehensive Plan is to “encourage outlot development as well as creative ideas to

repurpose underutilized parking...” (p. 55). With the authorization of Lowe’s, Petitioner seeks to repurpose a portion of the Lowe’s property, which is underutilized surface parking located in the far northwest corner of Lot 8. In lieu of allowing the Property to remain stagnant and providing no tangible benefit to either Lowe’s or the City of Naperville, the Petitioner believes repurposing approximately 1.5-acres of Lot 8 for a carwash facility meets the needs and intent for this Property and overall PUD under the Urban Center designation in the Comprehensive Plan.

- 2. The requested use deviation is likely to benefit existing uses in which the PUD is located.*

Petitioner’s request is in line with the recent resubdivisions of Lot 2 of the underlying PUD, which have proven to have a positive impact on the overall PUD. Specifically, the Proposed Use will not compete with the existing businesses of the PUD and is expected to further enhance this area as a “multiple-stop” destination thereby supporting the adjacent commercial users and enhance the City’s retail and property tax base.

- 3. The requested use deviation is appropriate due to other circumstances or conditions specific to the PUD, including but not limited to, extended and/or high rate of vacancies or changing market conditions.*

The Brach/Brodie PUD has undergone several resubdivisions since its original approval and configuration in 2002. The purpose of the resubdivisions has been driven by changing market conditions in an effort to provide more commercial and service opportunities in the PUD that complement the other commercial users in line with the original intent of the Brach-Brodie Farm. Petitioner seeks a use deviation for a carwash, which in turn will repurpose the underutilized parking in the northwest corner of Lot 8 in accordance with market conditions as detailed in

the parking survey provided herewith.

**WHEREFORE**, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission take the necessary steps to (i) approve a “Major Change” to the Lowe’s PUD with associated deviations and a use exception; (ii) approval of a Preliminary Planned Unit Development Plat of Lot 8 of the Brach/Brodie Property – Unit 1; (iii) approve a Preliminary Plat of Subdivision; and (iv) approve such other relief from the Code as may be deemed necessary and appropriate to develop the Property consistent with the plans submitted herewith.

RESPECTFULLY SUBMITTED this 28<sup>th</sup> day of September, 2023

PETITIONER:

Wash Holdings 23, LLC, a North Dakota  
limited liability company

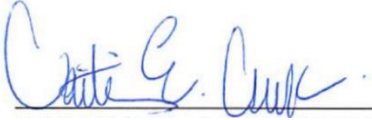
By:   
Rosanova & Whitaker, Ltd.,  
Its Attorney



EXHIBIT A

Property Legal Description

THAT PART OF LOT 8 IN THE BRACH BRODIE PROPERTY UNIT I, BEING A SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 30, 2002 AS DOCUMENT R2002-252767 AND RE-RECORDED DECEMBER 2, 2002 AS DOCUMENT R2002-329838, IN DU PAGE COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 8; THENCE SOUTH 89 DEGREES 47 MINUTES 38 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 8, A DISTANCE OF 366.75 FEET; THENCE SOUTH 00 DEGREES 12 MINUTES 22 SECONDS WEST, 70.00 FEET; THENCE SOUTH 49 DEGREES 14 MINUTES 39 SECONDS WEST, 198.31 FEET; THENCE NORTH 89 DEGREES 47 MINUTES 38 SECONDS WEST, 217.00 FEET TO THE WEST LINE OF SAID LOT 8; THENCE NORTH 00 DEGREES 12 MINUTES 22 SECONDS EAST, 200.00 FEET TO THE POINT OF BEGINNING.

PIN: Part of 07-27-300-016