

proposed parking setbacks are similar to the location of the existing pavement on the Subject property which is currently closer to the roadways and will be an improvement.

b. Strict enforcement of this Title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district; and

The requested parking setback variance is consistent with the trend of development along Naperville-Wheaton Road and Naper Boulevard whereby the existing business uses and new

business uses have parking lots that are within the setback area. Strict enforcement of this requirement would cause the Subject Property to not be developed in conformance with the Ogden Avenue Study, the existing uses along this corridor, or in conformance with the highest and best use of the land. Additionally, compliance with the parking setback requirement would have a detrimental effect on the parking lot circulation, layout and function.

c. The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

The variance, if granted, will help pave the way for a significant investment in the Ogden Avenue corridor which is in conformance with the City's Ogden Avenue Study and the highest and best use of the property, so there will be no detriment to the adjacent properties. Additionally, the areas adjacent to the parking areas will include landscape enhancements further improving upon the appearance of the area. By constructing the proposed improvements, the

Petitioner will enhance the overall essential character with a compatible sales tax producing retail use and enhance the area and larger community.

CONDITIONAL USE TO ALLOW A GASOLINE SERVICE STATION IN THE B-3 ZONING DISTRICT

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

The proposed conditional use will not be detrimental to or endanger public health, safety

or the general welfare. The proposed conditional use will provide for the development of underperforming land to be utilized for its highest and best use, which will in turn support the adjacent commercial development, enhance the City's workforce, and also enhance retail and property tax bases. The proposed amendment is in conformance with the City's comprehensive plan and underlying B-3 zoning district. Additionally, the proposed Circle K is located in a commercial area adjacent to other retail uses, and there are no residential areas adjacent to the Subject Property which would be impacted by the conditional use. Thousands of motorists travel along Naperville-Wheaton Road, Naper Boulevard, and Ogden Avenue each day making this location ideal for the proposed use. Moreover, the Subject Property's close proximity to interstate I-88 makes this conditional use extremely valuable and convenient to motorists entering and leaving the highway.

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

The Subject Property is zoned B-3 "General Commercial Business District" and is surrounded by other B-3 zoned properties. There are no residential properties in the immediate vicinity. Literally, tens of thousands of motorists pass the Subject Property on a daily basis. Prior to 2017, a conditional use was not even required for a service station in the B-3 district as it was permitted by right. The proposed conditional use will provide for the improvement of the Subject Property consistent with the City's comprehensive plan and B-3 zoning district. As a result, the property values in the area will increase, and the sales tax base of the city will be enhanced. Additionally, the proposed conditional use will bring more economic activity to the immediate area which will in turn support the adjacent commercial uses. Lastly, the Circle K will provide a convenience for the motorists that pass by this property on a daily basis.

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

The proposed conditional use is consistent with the City's Comprehensive Plan, Ogden Avenue Study, and the existing B-3 zoning which will then help insure the normal, orderly and desirable development of the Subject Property and adjacent areas. The proposed development will create the highest and best use of the Subject Property, allow for the Subject Property to generate retail sales tax, and eliminate the existing credit union use. Additionally, redevelopment of the Subject Property will facilitate future development in this quadrant of the City consistent with the City's land use objectives.

d. The establishment of the conditional use is not in conflict with the adopted comprehensive master plan.

The proposed development is right on target with the City's comprehensive plan and Ogden Avenue Study as evidenced herein, which is the comprehensive master plan for this area.

VARIANCE TO PERMIT AN OFF-SITE MONUMENT SIGN FOR CULVERS ON LOT #3 OF THE TARTAN SUBDIVISION.

a. The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan; and

The off-site sign variance request is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan. A stated purpose of the 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 off-site monument sign variance arises only due to a technical platting matter. The Petitioner intends to create an open space lot at the southeast corner of the property where the detention area will be located (lot #3) which is adjacent to the Culver's. Lot #3 is being created for the purposes of conveying it to a business