

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

or traffic hazards in the public streets, or otherwise impair the public health, safety, comfort, and general welfare.

EXHIBIT 7: Standards for Granting a Sign Variance.

Buck's Inc. requests a variance to maximum sign area restriction from 45 s.f. per sign to 46.7 s.f. per sign. (6-16-5: 2.2.2)

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

The increase in surface area of the signs from 45 s.f. to 46.7 s.f. is in harmony with the general purpose and intent of this Title and the comprehensive plan and the Ogden Avenue Corridor Enhancement Initiative which specifically contemplate automobile service stations as a special use in the B3 area. In addition, the Petitioner is willing to grant the City an easement for the erection and maintenance of a gateway monument sign at the corner of Ogden Avenue and Naper Boulevard.

2. 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.

The variance is *de minimus* and results from manufacturing constraints. To reduce to 45 s.f. would result in a greater reduction in the size of the price numerals than 3.8%. The sale of motor fuel is an impulse decision, and maximizing reaction times for motorists to read the motor fuel price allows for safe and efficient traffic flow.

3. 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 will not alter the essential character of the neighborhood and will not be a detriment to adjacent property.

EXHIBIT 7: Standards for granting a Carwash Bypass Lane Variance.

Buck's Inc. requests a variance to the requirement that a 10' wide bypass lane to be provided the entire length of the stacking lane for a car wash. (6-9-6:2)

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

The variance to eliminate the bypass lane is consistent with the intent of this title and the adopted comprehensive plan. Granting the bypass lane variance will allow for the efficient utilization of the Subject Property and provide for the redevelopment of the Subject Property consistent with the City's comprehensive plan.

2. 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

Strict enforcement of this title would result in the need for a parallel pavement section which would serve little, if any, purpose. The additional paved area would create unnecessary pavement to maintain, additional impervious area, less landscaped area and would have a negative effect on the parking and site layout.

3. 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 to eliminate the bypass lane will have no negative effect on the essential character of the neighborhood and will not be a substantial detriment to the adjacent property. Vehicles using the car wash will approach it from the open access drive at the side of the landscape area to the west of the building with an opportunity to exit at any point in the queue including through a permeable paver escape lane just before the transaction station. This design mimics that of recently approved car washes in the community.

EXHIBIT 7: Standards for granting a Carwash Stacking Variance.

Buck's Inc. requests a variance of one (1) space to the requirement that ten (10) stacking spaces be provided before entering the carwash. (6-9-3:5)

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

The variance to eliminate one (1) of ten (10) required stacking spaces is consistent with the intent of this title and the adopted comprehensive plan. This carwash building is 30' longer than the Circle K and 40' longer than Pride car washes recently approved in Naperville. It is designed to hold one car inside the building while washing three other cars. Our request is designed to recognize this internal holding capacity.

2. 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

Strict enforcement of this title would result in the need for 18 feet of additional pavement on site. Providing an stacking space inside a building is an amenity not envisioned when the ordinance was written as the industry continues to evolve.

3. 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 to eliminate the need for one more external stacking space will have no negative effect on the essential character of the neighborhood and will not be a substantial detriment to the adjacent property.

Exhibit A

LOTS 2 AND 3 OF ARTHUR T. MCINTOSH AND COMPANY'S BRUMMEL FARMS, BEING A SUBDIVISION OF PARTS OF SECTIONS 5 AND 8, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 28, 1941 AS DOCUMENT NUMBER 427943, IN DUPAGE COUNTY, ILLINOIS, SAID PREMISES BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE NORTH 400 FEET ALONG THE EAST LINE OF LOT 3 TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE SOUTH 89 DEGREES 55 MINUTES 00 SECONDS WEST 595.69 FEET ALONG THE NORTH LINE OF LOT 3 TO THE NORTHWESTERLY CORNER OF SAID LOT 3, BEING ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF WHEATON ROAD; THENCE SOUTH 25 DEGREES 15 MINUTES 40 SECONDS WEST 122.25 FEET ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF WHEATON ROAD AND THE MOST NORTHWESTERLY LINE OF LOT 3, TO THE MOST WESTERLY CORNER OF LOT 3; THENCE SOUTH 64 DEGREES 41 MINUTES 13 SECONDS EAST 175.84 FEET ALONG THE MOST SOUTHWESTERLY LINE OF LOT 3 TO A POINT ON THE WEST LINE OF LOT 2; THENCE SOUTH 1 DEGREE 15 MINUTES 47 SECONDS WEST 214.16 FEET ALONG THE WEST LINE OF LOT 2 TO THE SOUTHWEST CORNER OF LOT 2, A POINT ON THE NORTH RIGHT-OF-WAY LINE OF OGDEN AVENUE; THENCE NORTH 89 DEGREES 55 MINUTES 00 SECONDS EAST 493.61 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF OGDEN AVENUE, THE SOUTH LINES OF LOTS 2 AND 3, TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS;

EXCEPTING FROM THE AFOREDESCRIBED PREMISES THE FOLLOWING DESCRIBED PORTION THEREOF CONVEYED BY DEED RECORDED MARCH 28, 1985 AS DOCUMENT NUMBER R85-20781 FROM FORD LEASING DEVELOPMENT COMPANY, A DELAWARE CORPORATION, TO THE COUNTY OF DUPAGE, A BODY POLITIC AND CORPORATE OF THE STATE OF ILLINOIS:

THAT PART OF LOT 3 IN ARTHUR T. MCINTOSH AND COMPANY'S BRUMMEL FARMS, BEING A SUBDIVISION OF PARTS OF SECTIONS 5 AND 8, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 28, 1941 AS DOCUMENT NUMBER 427943, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE WEST ALONG THE SOUTH LINE OF LOT 3, WHICH IS THE NORTH RIGHT-OF-WAY LINE OF OGDEN AVENUE A DISTANCE OF 88.55 FEET TO A POINT; THENCE NORTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 121 DEGREES, 15 MINUTES, 07 SECONDS TO THE RIGHT OF THE PROLONGATION OF THE LAST DESCRIBED COURSE A DISTANCE OF 62.14 FEET TO A POINT; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 33 DEGREES, 07 MINUTES, 07 SECONDS TO THE LEFT OF THE PROLONGATION OF THE LAST DESCRIBED COURSE A DISTANCE OF 202.62 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 768.51 FEET, BEING CONCAVE SOUTHWESTERLY AND TANGENT TO THE LAST DESCRIBED COURSE A DISTANCE OF 146.11 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 3; THENCE EAST ALONG THE NORTH LINE OF LOT 3, WHICH FORMS AN ANGLE OF 104 DEGREES, 46 MINUTES, 43 SECONDS TO THE RIGHT OF THE PROLONGATION OF THE TANGENT TO THE LAST DESCRIBED CURVE A DISTANCE OF 84.49 FEET TO THE NORTHEAST CORNER OF LOT 3; THENCE SOUTH ALONG THE EAST LINE OF LOT 3 A DISTANCE OF 400.0 FEET TO THE POINT OF BEGINNING.

PIN NO.: 08-08-101-010

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